

Senate Journal

Second Regular Session of the Fifty-second Legislature of the State of Oklahoma

Fifty-sixth Legislative Day, Tuesday, May 11, 2010

The Senate was called to order by Senator Aldridge.

Roll Call:

Present: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.—48.

Senator Aldridge declared a quorum present.

The prayer was offered by Reverend Bobbie Jean Merck, A Great Love, Inc., Toccoa, GA, the guest of Senator Coffee.

REPORT OF ENGROSSED AND ENROLLED MEASURES

SBs 1326, 1332, 1662, 1700, 1919, 1998, 2128 and 2210 were each correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

SRs 115, 118 and 121 were each correctly enrolled, properly signed and ordered transmitted to the Secretary of State.

MESSAGES FROM THE HOUSE

Advising further conference granted and naming same House conferees on Engrossed:

HB 1964 - Steele, Peterson, Rousselot, McDaniel (Jeannie), and Peters

SB 2253 - Armes, Jones, Terrill, Shelton, and Roan

Advising fourth reading of and transmitting for signature Enrolled **HB 3354** and **HJR 1054**.

The above-numbered enrolled measures were, after fourth reading, properly signed and ordered returned to the Honorable House.

Returning the following bill, together with the conference committee report thereon, advising adoption of the conference committee report and passage of the measure as amended:

SB 300 (2nd CCR)

The above-numbered measure, as amended in conference, was referred for enrollment.

Advising concurrence in **SAs** to and passage of Engrossed **HB 2994**.

Advising passage of and transmitting for consideration Engrossed **HCR 1064**.

HCR 1064 – By Tibbs, Armes, Auffet, Bailey, Banz, Bengé, Billy, Blackwell, Brannon, Brown, Buck, Cannaday, Carey, Christian, Collins, Coody, Cooksey, Cox, Dank, DeWitt, Denney, Derby, Dorman, Duncan, Enns, Faught, Fields, Glenn, Hamilton, Harrison, Hickman, Hilliard, Holland, Hoskin, Inman, Jackson, Jett, Johnson, Jones, Jordan, Joyner, Kern, Key, Kiesel, Kirby, Kouplen, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCullough, McDaniel (Jeannie), McDaniel (Randy), McMullen, McNiel, McPeak, Miller, Moore, Morgan, Morrisette, Murphey, Nations, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Renegar, Reynolds, Richardson, Ritze, Roan, Rousselot, Russ, Sanders, Schwartz, Scott, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Trebilcock, Walker, Watson, Wesselhoft, Williams, Wright (Harold) and Wright (John) of the House and Marlatt of the Senate.

A Concurrent Resolution designating November 2010 as Pancreatic Cancer Awareness Month; and directing distribution.

The above-numbered measure was read the first time.

**MESSAGE FROM THE HOUSE
CONFERENCE COMMITTEE REPORTS**

Transmitting the following bills, together with the conference committee reports thereon, advising adoption of the conference committee reports and passage of the measures as amended:

**HB 1281 (2nd CCR)
HB 3236**

Conference committee reports were read on the above-numbered bills.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 1321** was called up for consideration.

Senator Corn asked to coauthor **SB 1321**, which was the order.

Senator Gumm asked that **SB 1321** be laid over temporarily, which was the order.

SB 1321 remains on pending consideration of CCR.

PENDING CONSIDERATION OF HAS

HAs to **SBs 1633** and **2231** were rejected upon motion of Senator Lamb, conference requested, and Senate conferees to be named later.

FIRST READING

The following was introduced and read the first time:

SCR 63 – By Coffee of the Senate and Benge of the House.

A Concurrent Resolution recognizing the contributions of T. Boone Pickens; thanking him for his generosity; welcoming him to the state capitol and designating May 12, 2010, “T. Boone Pickens Appreciation Day” in the State of Oklahoma; and directing distribution.

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

Senator Halligan asked unanimous consent to refer **SCR 63** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SCR 63 by Coffee of the Senate and Benge of the House was called up for consideration.

All other members of the Senate asked to coauthor **SCR 63**, which was the order.

SCR 63 was adopted upon motion of Senator Halligan and referred for engrossment.

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

Senator Marlatt asked unanimous consent to refer **SR 122** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SR 122 by Marlatt was called up for consideration.

SR 122 was adopted upon motion of Senator Marlatt and referred for enrollment.

PENDING CONSIDERATION OF HAS

HAs to **SB 1955** were concurred in upon motion of Senator Marlatt.

SB 1955, as amended by the Honorable House, was read at length.

On the question of passage of the bill and emergency, the vote resulted as follows:

Aye: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Corn, Crain, Crutchfield, Easley, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--44.

Excused: Coates, Coffee, Eason McIntyre and Leftwich.--4.

The bill and emergency passed.

House amendments were properly signed and the above-numbered bill was referred for enrollment.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 2007** was adopted upon motion of Senator Barrington.

SB 2007, as amended in conference, was read at length.

On the question of passage of the bill, the vote resulted as follows:

Aye: Adelson, Anderson, Ballenger, Barrington, Bingman, Brown, Burrage, Corn, Crain, Crutchfield, Easley, Ellis, Ford, Garrison, Halligan, Ivester, Johnson (C), Johnson (M), Justice, Laster, Leftwich, Lerblance, Marlatt, Mazzei, Myers, Paddack, Rice, Russell, Schulz, Sparks, Sweeden, Wilson and Wyrick.--33.

Nay: Aldridge, Bass, Branan, Brogdon, Jolley, Lamb, Newberry, Nichols, Reynolds and Sykes.--10.

Excused: Coates, Coffee, Eason McIntyre, Gumm and Stanislawski.--5.

The bill passed.

Pursuant to Rule 12-21, Senator Nichols served notice that the vote be reconsidered whereby **SB 2007** passed.

PENDING CONSIDERATION OF HAs

HAs to **SB 2169** were concurred in upon motion of Senator Branan.

SB 2169, as amended by the Honorable House, was read at length.

On the question of passage of the bill and emergency, the vote resulted as follows:

Aye: Aldridge, Anderson, Ballenger, Barrington, Bingman, Branan, Brown, Burrage, Coffee, Corn, Crain, Crutchfield, Easley, Ellis, Ford, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Mazzei, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--40.

Nay: Adelson, Bass, Brogdon, Garrison, Halligan and Myers.--6.

Excused: Coates and Eason McIntyre.--2.

The bill and emergency passed.

Pursuant to Rule 12-21, Senator Reynolds served notice that the vote be reconsidered whereby **SB 2169** passed.

PENDING CONSIDERATION OF HAs

HAs to **SB 2183** were concurred in upon motion of Senator Branan.

SB 2183, as amended by the Honorable House, was read at length.

On the question of passage of the bill and emergency, the vote resulted as follows:

Aye: Aldridge, Anderson, Ballenger, Barrington, Bingman, Branan, Brogdon, Brown, Burrage, Coffee, Corn, Crain, Crutchfield, Easley, Ellis, Ford, Gumm, Halligan, Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--41.

Nay: Adelson, Bass, Garrison, Ivester and Johnson (C).--5.

Excused: Coates and Eason McIntyre.--2.

The bill and emergency passed.

House amendments were properly signed and the above-numbered bill was referred for enrollment.

INTRODUCTION

Senator Easley introduced her daughter-in-law, Michelle Easley, and her granddaughters, Madison and Miklynne Easley, to the Senate.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 1321** was adopted upon motion of Senator Gumm.

SB 1321, as amended in conference, was read at length.

On the question of passage of the bill and emergency, the vote resulted as follows:

Aye: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coffee, Corn, Crain, Crutchfield, Easley, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--45.

Excused: Coates, Eason McIntyre and Johnson (M).--3.

The bill and emergency passed.

SB 1321, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

SCs NAMED

Upon motion of Senator Lamb, Senate conferees were appointed as follows:

SB 481 – Coffee, Lamb, Aldridge, Jolley, Burrage

SB 1398 - GCCA

CHANGE IN CONFEREES

Advising change in Senate conferees as follows:

HB 2935 – remove GCCA and add Bingman, Mazzei, Stanislawski, Lamb, Schulz, Burrage.

PENDING CONSIDERATION OF HAS

HAs to **SB 2229** were concurred in upon motion of Senator Ellis.

Senator Johnson (Constance) asked to coauthor **SB 2229**, which was the order.

SB 2229, as amended by the Honorable House, was read at length.

On the question of passage of the bill, the vote resulted as follows:

Aye: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coffee, Corn, Crain, Crutchfield, Easley, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--46.

Excused: Coates and Eason McIntyre.--2.

The bill passed.

House amendments were properly signed and the above-numbered bill was referred for enrollment.

REPORT OF ENGROSSED AND ENROLLED MEASURE

SCR 63 was correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 3284** was adopted upon motion of Senator Jolley.

HB 3284, as amended in conference, was read at length.

On the question of passage of the bill, the vote resulted as follows:

Aye: Aldridge, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coffee, Corn, Crain, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (M), Jolley, Justice, Lamb, Marlatt, Mazzei, Myers, Newberry, Nichols, Reynolds, Russell, Schulz, Stanislawski, Sykes and Wyrick.--32.

Nay: Adelson, Ballenger, Crutchfield, Johnson (C), Leftwich, Lerblance, Paddack, Rice, Sparks, Sweeden and Wilson.--11.

Excused: Anderson, Coates, Easley, Eason McIntyre and Laster.--5.

The bill passed.

Pursuant to Rule 12-21, Senator Jolley served notice that the vote be reconsidered whereby **HB 3284** passed.

**UNANIMOUS CONSENT REQUEST
WITHDRAWN FROM CALENDAR**

Senator Lamb asked unanimous consent, which was granted, that **SCR 58** be stricken from the Calendar.

**PENDING SENATE ACTION
HOUSE REQUEST FOR CONFERENCE**

Upon motion of Senator Lamb, the request of the Honorable House for conference on **HB 2509** was ordered granted and Senate conferees appointed as follows: Bingman, Newberry, Lamb, Ford, Burrage.

MESSAGES FROM THE HOUSE

Advising rejection of CCR's, requesting further conference and naming same House conferees to Engrossed:

HB 2628 - Jones, DeWitt, Armes, Thomsen, Scott, and Dorman

HB 3028 - Benge, Thompson, Watson, Jackson, Scott, Brown, and Steele

HB 3383 - Terrill, Duncan, Christian, Liebmann, McAffrey, Inman, and Peters
HB 3387 - Terrill, Blackwell, Jackson, Morrissette, Nations, Christian, Sanders, Sullivan, and Morgan

Advising the naming of House conferees to Engrossed:

HB 2844 - Joyner, Schwartz, Pruett, and Smithson
HB 2983 - Duncan, Thompson, Reynolds, Tibbs, Proctor, and Pruett

Advising conference granted and naming House conferees on Engrossed:

SB 1379 - McCullough, Murphey, Blackwell, Jordan, Trebilcock, Hilliard, Carey, and Cox

Senator Lamb moved that the Senate recess until 1:15 p.m., which motion was declared adopted.

*

The Senate reconvened with Senator Aldridge presiding.

Senator Aldridge questioned the presence of a quorum and ordered the roll called, following which a quorum was declared present.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 2129** was adopted upon motion of Senator Stanislawski.

SB 2129, as amended in conference, was read at length.

On the question of passage of the bill, the vote resulted as follows:

Aye: Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coffee, Corn, Crain, Crutchfield, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Jolley, Justice, Lamb, Leftwich, Lerblance, Marlatt, Myers, Newberry, Paddack, Reynolds, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--38.

Excused: Adelson, Coates, Easley, Eason McIntyre, Johnson (C), Johnson (M), Laster, Mazzei, Nichols and Rice.--10.

The bill passed.

SB 2129, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

UNANIMOUS CONSENT REQUEST DIRECT TO CALENDAR

Senator Halligan asked unanimous consent to refer **SCR 60** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SCR 60 by Halligan of the Senate and Denney and Williams of the House was called up for consideration.

All other members of the Senate asked to coauthor **SCR 60**, which was the order.

SCR 60 was adopted upon motion of Senator Halligan and referred for engrossment.

PENDING CONSIDERATION OF HAs

HAs to **SB 1936** were rejected upon motion of Senator Lamb, conference requested, and Senate conferees to be named later.

SCs NAMED

Upon motion of Senator Lamb, Senate conferees were appointed as follows:

SB 1633 – GCCA

SB 2092 – Sparks, Aldridge, Johnson (Mike), Bingman, Crain, Nichols, Ballenger

SB 2231 – Branan, Barrington, Sykes, Jolley, Gumm, Leftwich

MESSAGES FROM THE HOUSE

Advising the naming of House conferees to Engrossed:

HB 2004 - Wright (Harold), Cannaday, McDaniel (Jeannie), Ortega, Nelson, Hickman, and Denney

Advising adding House conferee to Engrossed:

SB 2052 – add Ortega

HB 1704 - add Ortega

Advising fourth reading of and returning Enrolled **SBs 1326, 1332, 1662, 1700, 1919, 1998, 2128 and 2210.**

The above-numbered enrolled measures were referred to the Governor.

Advising conference granted and naming House conferees on Engrossed:

SB 673 - Sullivan, Liebmann, Trebilcock, and Scott

SB 1398 - Hickman, Brannon, McDaniel (Randy), Ownbey, and Cox

SB 1857 - Sullivan, Armes, DeWitt, Liebmann, and Pruett

SB 2092 - Richardson, Billy, Johnson, Martin (Scott), Shoemake, and McDaniel (Jeannie)

EXECUTIVE NOMINATIONS

The following executive nominations were read and referred to committee as indicated:

Feaver, Maily, Chickasha, as a member of the Oklahoma Water Resources Board - Energy and Environment

Knight, Thomas Jay, Edmond, as a member of the Oklahoma Mining Commission - Energy and Environment

Winters, Jed, Altus, as a member of the Oklahoma Mining Commission - Energy and Environment

Wright, Gerald Wayne, Broken Arrow, as a member of the State Board of Corrections - Public Safety & Homeland Security

Senator Lamb moved that when the clerk's desk is clear, the Senate stand adjourned to convene Wednesday, May 12, 2010, at 10:00 a.m., which motion prevailed.

FIRST READING

The following was introduced and read the first time:

SR 124 – By Newberry.

A Resolution commending Reverend Hassan Mansaray for rescuing children; congratulating him for his life's work; and directing distribution.

SECOND READING

The following was read for the second time and referred as indicated:

HJR 1087 – Direct To Calendar

MESSAGE FROM THE GOVERNOR

Advising his approval May 10, 2010, of Enrolled **SBs 461, 509, 820, 1250, 1311, 1313, 1347, 1697, 1799, 1882, 1940, 1966, 2126, 2173, 2204 and 2296.**

Pursuant to the Lamb motion, the Senate adjourned at 2:00 p.m. to meet Wednesday, May 12, 2010, at 10:00 a.m.