

# Senate Journal

## Second Regular Session of the Fifty-first Legislature of the State of Oklahoma

**Ninth Legislative Day, Monday, February 18, 2008**

The Senate was called to order by Senator Corn.

Roll Call:

Present: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddock, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Wilson and Wyrick.—47.

Excused: Williamson.—1.

Senator Corn declared a quorum present.

The prayer was offered by Reverend Dr. Michelle Moulden, Vernon AME Church, Tulsa, the guest of Senator Eason McIntyre.

### INTRODUCTIONS

Senator Brown introduced his granddaughter, Haylee VanCuren; Senator Anderson introduced his daughters, Lauren and Katlyn; and Senator Sykes introduced his father, David Sykes, to the Senate.

**MESSAGE FROM THE HOUSE**

Advising passage of and transmitting for consideration Engrossed **HBs 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2560, 2662, 3111 and 3278.**

**HB 2360** – By Miller and Jones of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.

( Office of State Finance – appropriation – effective date – emergency )

**HB 2361** – By Miller and Jones of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.

( Office of State Finance – appropriation - effective date – emergency )

**HB 2362** – By Miller and Jones of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.

( Office of the Governor – appropriation - effective date – emergency )

**HB 2363** – By Miller and Jones of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.

( Office of the Governor – appropriation - effective date – emergency )

**HB 2364** – By Miller and Jones of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.

( Oklahoma House of Representatives – appropriation - effective date – emergency )

**HB 2365** – By Miller and Jones of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.

( Oklahoma House of Representatives – appropriation – effective date – emergency )

**HB 2366** – By Miller and Jones of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.

( Legislative Service Bureau - appropriations - effective date - emergency )

**HB 2367** – By Miller and Jones of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.

( Legislative Service Bureau – appropriations - effective date – emergency )

**HB 2368** – By Miller and Jones of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.

( Office of the Lieutenant Governor – appropriation - effective date – emergency )

**HB 2369** – By Miller and Jones of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.

( Office of the Lieutenant Governor – appropriation – effective date – emergency )

**HB 2370** – By Miller and Jones of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.

( Merit Protection Commission – appropriation - effective date – emergency )

**HB 2371** – By Miller and Jones of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.

( Merit Protection Commission – appropriation - effective date – emergency )

**HB 2372** – By Miller and Jones of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.

( Office of Personnel Management - appropriation - effective date – emergency )

**HB 2373** – By Miller and Jones of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.

( Office of Personnel Management – appropriation - effective date – emergency )

**HB 2374** – By Miller and Jones of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.

( Office of the Secretary of State - appropriation - effective date – emergency )

**HB 2375** – By Miller and Jones of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.

( Office of the Secretary of State – appropriation - effective date – emergency )

**HB 2376** – By Miller and Jones of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.

( Oklahoma State Senate - appropriation - effective date – emergency )

**HB 2377** – By Miller and Jones of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.

( Oklahoma State Senate – appropriation - effective date – emergency )

**HB 2378** – By Miller and Jones of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.

( Oklahoma Tax commission – appropriation – effective date – emergency )

**HB 2379** – By Miller and Jones of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.

( Oklahoma Tax Commission – appropriation - effective date – emergency )

**HB 2380** – By Miller and Jones of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.

( Department of Transportation - appropriation - effective date – emergency )

**HB 2381** – By Miller and Jones of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.  
( Department of Transportation - appropriation - effective date – emergency )

**HB 2382** – By Miller and Jones of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.  
( Office of the State Treasurer – appropriations – effective date – emergency )

**HB 2383** – By Miller and Jones of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.  
( Office of the State Treasurer – appropriations - effective date – emergency )

**HB 2560** – By Martin (Steve), Kern and Terrill of the House and Ford of the Senate.  
An Act relating to crimes and punishments; amending 21 O.S. 2001, Section 1738, as amended by Section 13, Chapter 460, O.S.L. 2002 (21 O.S. Supp. 2007, Section 1738), which relates to seizure and forfeiture proceedings; authorizing forfeiture of property for violation of certain laws; and providing an effective date.

**HB 2662** – By McDaniel (Randy) of the House and Leftwich of the Senate.  
An Act relating to labor; requiring Oklahoma Employment Security Commission to implement certain electronic filing procedures; providing for codification; and declaring an emergency.

**HB 3111** – By Peterson (Ron), Kern and Terrill of the House and Jolley of the Senate.  
An Act relating to health care coverage legislation; specifying time period for introduction of bills mandating certain health coverage; providing exception to time period for introduction; requiring report assessing impacts of certain health coverage; exempting Legislature from payment for report; providing requirements of report; requiring actuarial analysis for report; providing for codification; and providing an effective date.

**HB 3278** – By Duncan, Coody, Ingmire, Jackson, McCullough, Peterson (Ron), Roan and Tibbs of the House and Burrage of the Senate.  
An Act relating to contracts; defining term; limiting scope of a debt cancellation agreement; providing for codification; and providing an effective date.

The above-numbered measures were read the first time.

#### **CHANGE IN COMMITTEE ASSIGNMENT**

The following bill will be reassigned as follows:

**SB 2061** – Withdrawn from Rules and referred to Appropriations.

Senator Laughlin moved that when the clerk's desk is clear, the Senate stand adjourned to convene Tuesday, February 19, 2008, at 1:30 p.m., which motion prevailed.

## **COMMITTEE REPORTS**

The following were reported by the committees named, ordered printed and placed on the Calendar:

DO PASS:

**SB 1148** – Finance, coauthored by Jackson (principal House author)

Ayes: Aldridge, Corn, Gumm, Ivester, Johnson (Mike), Mazzei, Nichols, Paddack, Reynolds, Sparks, Wilcoxson, Wilson

**SB 1192** – Health and Human Resources, coauthored by Johnson (Constance) of the Senate, and coauthored by Sullivan (principal House author)

Ayes: Anderson, Crain, Johnson (Constance), Lamb, Leftwich, Rice, Wilcoxson, Wilson

**SB 1405** – Health and Human Resources, coauthored by Wright (principal House author)

Ayes: Anderson, Crain, Johnson (Constance), Lamb, Leftwich, Rice, Wilcoxson, Wilson

**SB 1421** – Health and Human Resources, coauthored by Peters (principal House author)

Ayes: Anderson, Crain, Johnson (Constance), Lamb, Leftwich, Rice, Wilcoxson, Wilson

**SB 1554** – Energy and Environment, coauthored by Adkins (principal House author)

Ayes: Bingman, Branan, Brogdon, Burrage, Crutchfield, Easley, Gumm, Ivester, Lerblance, Myers, Paddack, Williamson

**SB 1577** – Health and Human Resources, coauthored by Cox (principal House author)

Ayes: Anderson, Crain, Johnson (Constance), Lamb, Leftwich, Rice, Wilcoxson, Wilson

**SB 1674** – Education, coauthored by Brown (principal House author)

Ayes: Branan, Corn, Eason McIntyre, Gumm, Jolley, Lerblance, Mazzei, Nichols, Paddack, Reynolds, Riley, Sparks, Wilcoxson

**SB 1828** – Education, coauthored by Shumate (principal House author)

Ayes: Corn, Eason McIntyre, Gumm, Jolley, Lerblance, Mazzei, Nichols, Paddack, Reynolds, Riley, Wilcoxson

**SB 1829** – Health and Human Resources, coauthored by Johnson (Constance) of the Senate, and coauthored by Pittman (principal House author)

Ayes: Anderson, Crain, Johnson (Constance), Lamb, Leftwich, Rice, Wilcoxson, Wilson

**SB 2111** – Agriculture and Rural Development, coauthored by Shannon (principal House author)

Ayes: Barrington, Crutchfield, Ford, Garrison, Ivester, Justice, Rabon, Schulz, Sykes, Wyrick

Nays: Wilson

DO PASS, As Amended:

**SB 1138** – Finance, coauthored by Aldridge, Corn, Gumm, Sparks, Wilcoxson of the Senate, and coauthored by McDaniel (Randy) (principal House author)

Ayes: Aldridge, Corn, Gumm, Ivester, Johnson (Mike), Mazzei, Nichols, Paddack, Reynolds, Sparks, Wilcoxson, Wilson

**SB 1146** – Finance, coauthored by Corn of the Senate, and coauthored by Proctor (principal House author)

Ayes: Aldridge, Corn, Gumm, Ivester, Johnson (Mike), Mazzei, Nichols, Paddack, Reynolds, Sparks, Wilcoxson, Wilson

**SB 1158** – Finance, coauthored by McDaniel (Jeannie) (principal House author)

Ayes: Aldridge, Corn, Gumm, Ivester, Johnson (Mike), Mazzei, Nichols, Paddack, Reynolds, Sparks, Wilcoxson, Wilson

**SB 1171** – Finance, coauthored by Jackson (principal House author)

Ayes: Aldridge, Corn, Gumm, Ivester, Johnson (Mike), Mazzei, Nichols, Paddack, Sparks, Wilcoxson, Wilson

Nays: Reynolds

**SB 1515** – Business and Labor, coauthored by Wesselhoft (principal House author)

Ayes: Brogdon, Burrage, Coates, Johnson (Mike), Leftwich, Myers, Rice

**SB 1536** – Retirement and Insurance, coauthored by Peterson (Ron) (principal House author)

Ayes: Adelson, Aldridge, Bass, Brown, Corn, Jolley, Mazzei, Sparks, Sykes

**SB 1555** – Energy and Environment, coauthored by Liebmann (principal House author)

Ayes: Bingman, Branan, Brogdon, Burrage, Crutchfield, Easley, Gumm, Ivester, Lerblance, Myers, Paddack, Williamson

**CS for SB 1609** – Retirement and Insurance, coauthored by Brown (principal House author)

Ayes: Adelson, Aldridge, Bass, Brown, Corn, Jolley, Riley, Sparks, Sykes

Nays: Mazzei

**SB 1645** – Health and Human Resources, coauthored by Johnson (Constance) of the Senate, and coauthored by Jackson (principal House author)

Ayes: Anderson, Crain, Johnson (Constance), Lamb, Leftwich, Rice, Wilcoxson, Wilson

**SB 1685** – Finance, coauthored by Jones (principal House author)

Ayes: Aldridge, Gumm, Ivester, Johnson (Mike), Mazzei, Nichols, Paddack, Reynolds, Sparks, Wilcoxson, Wilson

**SB 1725** – Public Safety and Homeland Security, coauthored by Johnson (Constance) of the Senate, and coauthored by Tibbs (principal House author)

Ayes: Ballenger, Barrington, Bingman, Brown, Burrage, Easley, Johnson (Constance), Jolley, Rice, Schulz

**SB 1803** – Retirement and Insurance, coauthored by Luttrell (principal House author)

Ayes: Adelson, Aldridge, Bass, Brown, Corn, Jolley, Mazzei, Riley, Sparks, Sykes

**SB 1853** – Health and Human Resources, coauthored by Joyner (principal House author)

Ayes: Anderson, Crain, Johnson (Constance), Lamb, Leftwich, Rice, Wilcoxson, Wilson

**SB 1859** – Agriculture and Rural Development, coauthored by DeWitt (principal House author)

Ayes: Barrington, Crutchfield, Ford, Garrison, Ivester, Justice, Rabon, Schulz, Sykes, Wilson, Wyrick

**SB 1863** – Retirement and Insurance, coauthored by Peterson (Ron) (principal House author)

Ayes: Adelson, Aldridge, Bass, Brown, Corn, Jolley, Mazzei, Riley, Sparks, Sykes

FAILED:

**SB 1441** – Education

Ayes: Branan, Mazzei, Riley, Wilcoxson

Nays: Corn, Gumm, Eason McIntyre, Lerblance, Nichols, Reynolds, Sparks

**SB 1560** – Finance

Ayes: Gumm, Johnson (Mike), Nichols, Reynolds, Sparks, Wilson

Nays: Aldridge, Corn, Ivester, Mazzei, Paddack, Wilcoxson

**SB 1801** – Finance

Ayes: Corn, Gumm, Paddack, Sparks, Wilson

Nays: Aldridge, Ivester, Johnson (Mike), Mazzei, Nichols, Reynolds, Wilcoxson

**SECOND READING**

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

**SB 1194** – Direct To Calendar**SB 1195** – Direct To Calendar**SB 1196** – Direct To Calendar**SB 1197** – Direct To Calendar**SB 1198** – Direct To Calendar**SB 1199** – Direct To Calendar**SB 1200** – Direct To Calendar**SB 1201** – Direct To Calendar**SB 1202** – Direct To Calendar**SB 1203** – Direct To Calendar**SB 1204** – Direct To Calendar**SB 1205** – Direct To Calendar**SB 1206** – Direct To Calendar**SB 1207** – Direct To Calendar**SB 1208** – Direct To Calendar**SB 1209** – Direct To Calendar**SB 1210** – Direct To Calendar**SB 1211** – Direct To Calendar**SB 1212** – Direct To Calendar**SB 1213** – Direct To Calendar**SB 1214** – Direct To Calendar**SB 1215** – Direct To Calendar**SB 1216** – Direct To Calendar**SB 1217** – Direct To Calendar**SB 1218** – Direct To Calendar**SB 1219** – Direct To Calendar**SB 1220** – Direct To Calendar**SB 1221** – Direct To Calendar**SB 1222** – Direct To Calendar**SB 1223** – Direct To Calendar**SB 1224** – Direct To Calendar**SB 1225** – Direct To Calendar**SB 1226** – Direct To Calendar**SB 1227** – Direct To Calendar**SB 1228** – Direct To Calendar

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Pursuant to the Laughlin motion, the Senate adjourned at 1:40 p.m. to meet Tuesday, February 19, 2008, at 1:30 p.m.