

Senate Journal

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

Forty-eighth Legislative Day, Monday, April 28, 2008

The Senate was called to order by Senator Leftwich.

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, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.—48.

Senator Leftwich declared a quorum present.

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

MESSAGE FROM THE HOUSE

Advising passage of and returning the following Engrossed measures:

SB 1761

SJR 41 – coauthored by Kiesel and Lamons

SCR 58 - coauthored by all other House Members

The above-numbered measures were referred for enrollment.

PENDING CONSIDERATION OF CCR

The 2nd CCR on **SB 811** was adopted upon motion of Senator Laster.

SB 811, 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, 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, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--48.

The bill and emergency passed.

SB 811, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

UNANIMOUS CONSENT REQUEST DIRECT TO CALENDAR

Senator Anderson asked unanimous consent to suspend Rule 6-4 and refer **SCR 84** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SCR 84 by Anderson of the Senate and Peters of the House was called up for consideration.

All other members of the Senate asked to coauthor **SCR 84**, which was the order.

SCR 84 was adopted upon motion of Senator Anderson and referred for engrossment.

PENDING CONSIDERATION OF HAS

HAs to SB 1662 were concurred in upon motion of Senator Barrington.

SB 1662, 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, 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, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--48.

The bill passed.

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

PENDING CONSIDERATION OF HAS

HAs to SB 1507 were concurred in upon motion of Senator Gumm.

Senator Jolley asked to coauthor **SB 1507**, which was the order.

SB 1507, 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, 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, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Wilcoxson, Williamson, Wilson and Wyrick.--47.

Nay: Sykes.--1.

The bill passed.

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

Senator Corn presiding.

PENDING CONSIDERATION OF HAS

HAs to SB 2186 were concurred in upon motion of Senator Ivester.

Senator Sparks asked to coauthor **SB 2186**, which was the order.

SB 2186, 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, 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, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--48.

The bill and emergency passed.

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

PENDING CONSIDERATION OF HAS

HAs to SB 1463 were concurred in upon motion of Senator Williamson.

SB 1463, 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, 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, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--48.

The bill and emergency passed.

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

PENDING CONSIDERATION OF HAS

HAs to SB 1453 were concurred in upon motion of Senator Ballenger.

SB 1453, 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, 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, Paddack, Rabon,

Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--48.

The bill and emergency passed.

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

PENDING CONSIDERATION OF HAS

HAs to SB 539 were concurred in upon motion of Senator Bass.

SB 539, 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, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Jolley, Lamb, Laster, Leftwich, Lerblance, Mazzei, Morgan, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Wilcoxson, Wilson and Wyrick.--40.

Nay: Brogdon, Johnson (M), Justice, Laughlin, Myers, Nichols, Sykes and Williamson.--8.

The bill passed.

Pursuant to Rule 13-22, Senator Bass served notice that the vote be reconsidered whereby **SB 539** passed.

PENDING CONSIDERATION OF HAS

HAs to SB 2000 were concurred in upon motion of Senator Brogdon.

SB 2000, 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, Coates, Coffee, Corn, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--47.

Nay: Crain.--1.

The bill passed.

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

PENDING CONSIDERATION OF HAS

HAs to SB 1392 were concurred in upon motion of Senator Crutchfield.

SB 1392, 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, Coates, 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, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--47.

Excused: Coffee.--1.

The bill and emergency passed.

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

PENDING CONSIDERATION OF HAS

HAs to SB 1872 were concurred in upon motion of Senator Garrison.

SB 1872, 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, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Rice, Riley, Schulz, Sparks, Sweeden, Williamson, Wilson and Wyrick.--41.

Nay: Aldridge, Brogdon, Brown, Jolley, Reynolds, Sykes and Wilcoxson.--7.

The bill and emergency passed.

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

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

Senator Leftwich asked unanimous consent to suspend Rule 6-4 and refer **SCR 82** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SCR 82 by Leftwich of the Senate and Cox of the House was called up for consideration.

All other members of the Senate asked to coauthor **SCR 82**, which was the order.

SCR 82 was adopted upon motion of Senator Leftwich and referred for engrossment.

PENDING CONSIDERATION OF HAS

HAs to **SB 1641** were concurred in upon motion of Senator Mazzei.

SB 1641, 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, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddock, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--45.

Nay: Gumm, Ivester and Johnson (C).--3.

The bill passed.

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

PENDING CONSIDERATION OF HAS

HAs to SB 1685 were concurred in upon motion of Senator Wilson.

SB 1685, 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, 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, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--48.

The bill and emergency passed.

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

PENDING CONSIDERATION OF HAS

HAs to SB 1766 were concurred in upon motion of Senator Wyrick.

SB 1766, 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, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.-47.

Excused: Morgan.--1.

The bill and emergency passed.

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

PENDING CONSIDERATION OF HAS

HAs to SB 1673 were concurred in upon motion of Senator Barrington.

SB 1673, 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, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.-47.

Excused: Morgan.--1.

The bill and emergency passed.

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

PENDING CONSIDERATION OF HAS

HAs to SB 2163 were concurred in upon motion of Senator Leftwich.

SB 2163, 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, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.-47.

Excused: Morgan.--1.

The bill and emergency passed.

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

Senator Leftwich presiding.

PENDING CONSIDERATION OF HAs

HAs to SB 1181 were called up for consideration upon motion of Senator Rabon.

SB 1181 was laid over for this legislative day, pending consideration of the **HAs**.

PENDING CONSIDERATION OF HAs

HAs to SB 1839 were concurred in upon motion of Senator Corn.
SB 1839, 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, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Justice, Lamb, Laster, Leftwich, Lerblance, Morgan, Myers, Paddack, Rabon, Reynolds, Riley, Schulz, Sparks, Sweeden, Wilcoxson, Wilson and Wyrick.--39.

Nay: Branan, Brogdon, Jolley, Laughlin, Mazzei, Nichols, Sykes and Williamson.--8.

Excused: Rice.--1.

The bill passed.

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

CONFERENCE COMMITTEE APPOINTMENTS – GCCA

President Pro Tempore Morgan and Co-President Pro Tempore Coffee announced the appointment of the following Senators as conferees on the General Conference Committee on Appropriations.

GENERAL CONFERENCE COMMITTEE ON APPROPRIATIONS

Johnson (Mike), Co- Chair

Crutchfield, Co- Chair

Adelson	Justice
Aldridge	Lamb
Anderson	Laster
Ballenger	Laughlin
Barrington	Leftwich
Bass	Lerblance
Bingman	Mazzei
Branan	Myers
Brogdon	Nichols
Brown	Paddack
Burrage	Rabon
Coates	Reynolds
Corn	Rice
Crain	Riley
Easley	Schulz
Eason McIntyre	Sparks
Ford	Sweeden
Garrison	Sykes
Gumm	Wilcoxson
Ivester	Williamson
Johnson (Constance)	Wilson
Jolley	Wyrick

MESSAGE FROM THE HOUSE

HAs TO SENATE BILLS

Advising passage of and returning the following engrossed bills as amended:

SB 74

SB 498

SB 746 - remove Adkins and substitute McNiel as principal House author and add Martin (Steve) of the House as coauthor

SB 1010

SB 1024 - remove Trebilcock and substitute Sullivan as principal House author and add Derby and Tibbs of the House as coauthors

SB 1168 - coauthored by Renegar of the House

SB 1186 - coauthored by Shumate, Shelton and Steele of the House

SB 1413 - coauthored by Key, Reynolds, Kern and Terrill of the House

SB 1420 - coauthored by Lamons and McDaniel (Jeannie) of the House

SB 1422 - remove Shelton and substitute Steele as principal House author and add as coauthors: Shelton, Hilliard, McCullough, McDaniel (Jeannie) and Pittman of the House

SB 1525 - coauthored by Pittman of the House

SB 1533

SB 1618

SB 1628

SB 1658 - coauthored by Cooksey, Johnson (Rob) and McDaniel (Randy) of the House

SB 1697 - coauthored by Cannaday of the House

SB 1709

SB 1714

SB 1725 - coauthored by Kiesel, Sherrer and Shelton of the House

SB 1769 - coauthored by Shumate of the House

SB 1807 - coauthored by Coffee of the Senate

SB 1865 - coauthored by Kern, Reynolds, Terrill and Tibbs of the House

SB 1869

SB 1880 - coauthored by Kern of the House

SB 1881

SB 1891 - coauthored by Armes and Coody of the House

SB 1900

SB 1941 - coauthored by Collins of the House

SB 1956 - coauthored by Derby of the House

SB 1964 - coauthored by Tibbs of the House

SB 1985 - coauthored by McMullen, Blackwell and Hickman of the House

SB 2001 - remove Blackwell and substitute Johnson (Dennis) as principal House author and add as coauthors: Sullivan, Blackwell, Tibbs, Kern, Peterson (Pam), Reynolds and Terrill of the House

SB 2007

SB 2016 - coauthored by Dank, Enns, Faight, Hoskin, Lamons, Martin (Scott), McDaniel (Randy), Proctor and Sherrer of the House

SB 2034

SB 2037 - coauthored by Kern and Collins of the House

SB 2041 - coauthored by Derby, Roan, Coody, Martin (Steve), Sears, Billy and Denney of the House

SB 2046 - coauthored by Brown of the House

SB 2047 - coauthored by Billy of the House

SB 2066

SB 2104

SB 2106

SB 2129 - coauthored by Crain of the Senate

SB 2143 - coauthored by Jett of the House

SB 2153

SJR 36 - remove Sears and substitute Johnson (Rob) as principal House author and show Sears of the House as coauthor, remove Ford as principal Senate author and substitute Crain as principal Senate author

House amendments were read on the above-numbered bills.

PENDING CONSIDERATION OF HAS

HAs to SBs 1194 through 1233; 1235 through 1293; 1295 through 1353; 1355 through 1364; 1367 through 1378 were rejected upon motion of Senator Laster, conference requested, and referred to **GCCA**.

HAs to SBs 1533, 1599, 1604, 1754, 1765, 1956, 2034, 2047, 2104, 2129 and 2153 were rejected upon motion of Senator Laster, conference requested, and Senate conferees to be named later.

MESSAGES FROM THE HOUSE

Advising passage of and returning the following Engrossed bill:

SCR 59 - coauthored by all other House members

The above-numbered measure was referred for enrollment.

Advising concurrence in **SAs** to and passage of Engrossed **HB 2462**.

Advising rejection of **SAs** to the following bills, requesting conference and House conferees to be named later to the following bills:

HB 1418
HB 1519
HB 1546
HB 1903
HB 2238
HB 2239
HB 2242
HB 2250
HB 2446
HB 2530
HB 2566
HB 2580
HB 2587
HB 2642
HB 2713
HB 2714
HB 2725
HB 2726
HB 2732
HB 2775

HB 2793
HB 2862
HB 2891
HB 3070
HB 3112
HB 3114
HB 3118
HB 3122
HB 3162
HB 3326
HB 3335
HB 3336
HB 3396

EXECUTIVE NOMINATIONS

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

Cassil, Larry, Jr., Oklahoma City, as a member of the State Board of Licensed Social Workers - Health and Human Resources

Davis, Charles B., Norman, as a member of the Commission on Marginally Producing Oil and Gas Wells - Energy and Environment

Hartwell, David, Bethany, as a member of the Crime Victims Compensation Board - Criminal Jurisprudence

Hudson, Patricia Murphy, Oklahoma City, as a member of the Crime Victims Compensation Board - Criminal Jurisprudence

Knight, Hope Siddons, Oklahoma City, as a member of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control Commission - Judiciary

Krishna, R. Murali, M.D., Edmond, as a member of the State Board of Health - Health and Human Resources

Moore, David K., Duncan, as a member of the Commission on Marginally Producing Oil and Gas Wells - Energy and Environment

Root, David, Canute, as a member of the Oklahoma Liquefied Petroleum Gas Board - Energy and Environment

Stanaland, Deb, Edmond, as a member of the Crime Victims Compensation Board - Criminal Jurisprudence

Senator Laughlin moved that when the clerk's desk is clear, the Senate stand adjourned to convene Tuesday, April 29, 2008, at 1:30 p.m., which motion prevailed.

MESSAGES FROM THE GOVERNOR

Advising his approval April 24, 2008, of Enrolled **SBs 1585, 1757, 1760, 1770, 1945** and **1975**.

Advising his approval April 25, 2008, of Enrolled **SB 2111**.

Advising his approval April 28, 2008, of Enrolled **SB 1405**.

Pursuant to the Laughlin motion, the Senate adjourned at 2:45 p.m. to meet Tuesday, April 29, 2008, at 1:30 p.m.