

# Senate Journal

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

**Fiftieth Legislative Day, Wednesday, April 30, 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, 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: Ivester.—1.

Senator Corn declared a quorum present.

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

### REPORT OF ENGROSSED AND ENROLLED MEASURES

**SBs 1181, 1186, 1390, 1595, 1608, 1675, 1799, 1855 and 1873** were each correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

**SR 73** was correctly enrolled, properly signed and ordered transmitted to the Secretary of State.

### UNANIMOUS CONSENT REQUEST DIRECT TO CALENDAR

Senator Justice asked unanimous consent to suspend Rule 6-4 and refer **SCR 85** direct to the Calendar for consideration, which was the order.

**GENERAL ORDER**

**SCR 85** by Justice of the Senate and Winchester of the House was called up for consideration.

Senator Sykes and all other members of the Senate asked to coauthor **SCR 85**, which was the order.

**SCR 85** was adopted upon motion of Senator Justice and referred for engrossment.

**PENDING CONSIDERATION OF HAS**

**HAs** to **SB 1998** were concurred in upon motion of Senator Schulz.

**SB 1998**, 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, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, 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.--45.

Excused: Brogdon, Coates and Ivester.--3.

The bill passed.

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

**UNANIMOUS CONSENT REQUEST  
DIRECT TO CALENDAR**

Senator Coffee asked unanimous consent to suspend Rule 6-4 and refer **SR 78** direct to the Calendar for consideration, which was the order.

**GENERAL ORDER**

**SR 78** by Coffee and Morgan was called up for consideration.

All other members of the Senate asked to coauthor **SR 78**, which was the order.

**SR 78** was adopted upon motion of Senator Coffee and referred for enrollment.

### **SPECIAL RECOGNITION OF SENATOR OWEN LAUGHLIN**

Senator Laughlin was honored by the Oklahoma State Senate for his 12 years of service. His portrait was displayed as a tribute in the Senate Chamber for this legislative day.

Co-President Pro Tempore Coffee addressed the Senate commending Senator Laughlin for his years of service to the citizens of Senate District 27 in the Oklahoma State Senate. President Pro Tempore Morgan and Senators Wilcoxson, Williamson, Rabon, Myers, Brogdon, Laster, Lamb, Mike Johnson, Leftwich, Eason McIntyre, Constance Johnson, Jolley, Mazzei, Adelson, Lerblance, Schulz and Corn also addressed the Senate.

Senator Laughlin addressed the Senate and introduced his family to the Senate. His guests in attendance were his wife, Charlette; his daughter and son-in-law, Jana and Jon Bushman; his sons Ryan and Nathan; his granddaughter, Avery Hope Bushman; his mother, Dr. Monique Laughlin; his father, Gerald Laughlin; his brother, Roy Laughlin; and his guest, Dr. Oliver Seitz. Senator Laughlin also recognized his executive assistant, Guy Robison, for her dedication and hard work.

### **REPORT OF ENGROSSED AND ENROLLED MEASURE**

**SR 78** was correctly enrolled, properly signed and ordered transmitted to the Secretary of State.

### **MESSAGES FROM THE HOUSE**

Advising conference granted on Engrossed **SB 1553** and naming House conferees as follows: Jackson, Jett, Martin (Scott), Pruett, Turner, Murphey and Miller.

Advising conference granted on Engrossed **SBs 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1270, 1271, 1272, 1273, 1274, 1275, 1276, 1277, 1278, 1279, 1280, 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1288, 1289, 1290, 1291, 1292, 1293, 1295, 1296, 1297, 1298, 1299, 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1310, 1311, 1312, 1313, 1314, 1315, 1316, 1317, 1318, 1319, 1320, 1321, 1322, 1323, 1324, 1325, 1326, 1327, 1328, 1329, 1330, 1331, 1332, 1333, 1334, 1335, 1336, 1337, 1338, 1339, 1340, 1341,**

**1342, 1343, 1344, 1345, 1346, 1347, 1348, 1349, 1350, 1351, 1352, 1353, 1355, 1356, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, 1375, 1376, 1377 and 1378 and naming House conferees as GCCA.**

Advising the naming of House conferees as follows:

**HB 2469** - Rousselot, Johnson (Dennis), Shumate, Peters, BigHorse, Banz, Billy and Winchester

**HB 2470** - Rousselot, Liebmann, McDaniel (Jeannie), Jordan, Glenn, Armes, Piatt and Martin (Scott)

**HB 2643** - Peters, Steele, Winchester, Billy, McNiel, Rousselot, BigHorse and McAffrey

**HB 2705** - Steele, McDaniel (Jeannie), Cox, Hilliard, McDaniel (Randy) and Sullivan

**HB 2779** - DeWitt, Armes, Jackson, Jordan, Hickman, Liebmann, Luttrell, McPeak, Rousselot and Walker

**HB 2941** - Nations, Collins, Martin (Scott), Wesselhoft and Peterson (Pam)

**HB 3123** - Jones, Thomsen, Richardson, Denney, McMullen and Hilliard

**HB 3132** - Enns, Wright, McCullough, Armes, Dank, Rousselot, Luttrell, BigHorse, Liebmann, Murphey and Pruett

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

**HB 1897**

**HB 2501**

**HB 2551**

**HB 2568**

**HB 2695**

**HB 2715**

**HB 2821**

**HB 2935**

**HB 3148**

**HB 3229**

**HB 3268**

**HB 3352**

**HB 3384**

**HJR 1080**

Advising passage of and transmitting for consideration Engrossed **HCRs 1076 and 1078**.

**HCR 1076** – By Dorman, Adkins, Armes, Auffet, Banz, Benge, BigHorse, Billy, Blackwell, Braddock, Brannon, Brown, Cannaday, Carey, Cargill, Collins, Coody, Cooksey, Covey, Cox, Dank, DeWitt, Denney, Derby, Duncan, Ellis, Enns, Faught, Gilbert, Glenn, Hamilton, Harrison, Hickman, Hilliard, Hoskin, Hyman, Ingmire, Inman, Jackson, Jett, Johnson (Dennis), Johnson (Rob), Jones, Jordan, Joyner, Kern, Key, Kiesel, Lamons, Liebmann, Lindley, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCarter, McCullough, McDaniel (Jeannie), McDaniel (Randy), McMullen, McNiel, McPeak, Miller, Morgan, Morrissette, Murphey, Nations, Peters, Peterson (Pam), Peterson (Ron), Piatt, Pittman, Proctor, Pruett, Renegar, Reynolds, Richardson, Roan, Rousselot, Schwartz, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Turner, Walker, Watson, Wesselhoft, Winchester, Worthen and Wright of the House and Ivester of the Senate.

A Concurrent Resolution declaring April 29, 2008, to be Meningitis Awareness Day; and encouraging education concerning the disease.

**HCR 1078** – By Pittman, Adkins, Armes, Auffet, Banz, Benge, BigHorse, Billy, Blackwell, Braddock, Brannon, Brown, Cannaday, Carey, Cargill, Collins, Coody, Cooksey, Covey, Cox, Dank, DeWitt, Denney, Derby, Dorman, Duncan, Ellis, Enns, Faught, Gilbert, Glenn, Hamilton, Harrison, Hickman, Hilliard, Hoskin, Hyman, Ingmire, Inman, Jackson, Jett, Johnson (Dennis), Johnson (Rob), Jones, Jordan, Joyner, Kern, Key, Kiesel, Lamons, Liebmann, Lindley, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCarter, McCullough, McDaniel (Jeannie), McDaniel (Randy), McMullen, McNiel, McPeak, Miller, Morgan, Morrissette, Murphey, Nations, Peters, Peterson (Pam), Peterson (Ron), Piatt, Proctor, Pruett, Renegar, Reynolds, Richardson, Roan, Rousselot, Schwartz, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Turner, Walker, Watson, Wesselhoft, Winchester, Worthen and Wright of the House and Eason McIntyre of the Senate.

A Concurrent Resolution declaring April 29, 2008, to be Infant Mortality Awareness Day; expressing support for Central Oklahoma Healthy Start Initiative; and directing distribution.

The above-numbered measures were read the first time.

Senator Mazzei moved that the Senate recess to the call of the Chair, which motion was declared adopted.

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The Senate reconvened with Senator Corn presiding.

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

**PENDING CONSIDERATION OF HAS**

**HAs** to **SB 1558** were concurred in upon motion of Senator Gumm.

**SB 1558**, 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, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Johnson (C), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Mazzei, Morgan, Nichols, Paddack, Rice, Schulz, Sparks, Sweeden, Wilcoxson, Williamson, Wilson and Wyrick.--37.

Nay: Aldridge, Brogdon, Brown, Johnson (M), Myers, Reynolds and Sykes.--7.

Excused: Ivester, Laughlin, Rabon and Riley.--4.

The bill passed.

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

**Senator Bass presiding.****FIRST READING**

The following were introduced and read the first time:

**SCR 88** – By Anderson of the Senate and Enns of the House.

A Concurrent Resolution supporting the purposes of the Oklahoma AgrAbility Project; designating May 5, 2008, “AgrAbility Day” at the Oklahoma State Capitol; and directing distribution.

**SCR 89** – By Gumm of the Senate and Dorman of the House.

A Concurrent Resolution recalling from the Office of the Governor Enrolled Senate Bill No. 1507 passed by the 2nd Session of the 51st Legislature.

**UNANIMOUS CONSENT REQUEST  
DIRECT TO CALENDAR**

Senator Gumm asked unanimous consent to suspend Rule 6-4 and refer **SCR 89** direct to the Calendar for consideration, which was the order.

**GENERAL ORDER**

**SCR 89** by Gumm of the Senate and Dorman of the House was called up for consideration.

**SCR 89** was adopted upon motion of Senator Gumm and referred for engrossment.

**PENDING CONSIDERATION OF HAS**

**HAs** to **SB 1577** were concurred in upon motion of Senator Rice upon roll call as follows:

Aye: Adelson, Aldridge, Anderson, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Coates, Coffee, Corn, Crain, Crutchfield, Eason McIntyre, Ford, Johnson (M), Jolley, Justice, Lamb, Laughlin, Leftwich, Lerblance, Mazzei, Myers, Paddack, Rice, Sweeden, Williamson, Wilson and Wyrick.--31.

Nay: Ballenger, Burrage, Easley, Garrison, Gumm, Johnson (C), Laster, Morgan, Nichols, Reynolds, Schulz, Sparks, Sykes and Wilcoxson.--14.

Excused: Ivester, Rabon and Riley.--3.

Senator Leftwich asked to be removed and Senator Rice asked to be named principal Senate author on **SB 1577**, which was the order.

Senators Paddack, Lamb and Crain asked to coauthor **SB 1577**, which was the order.

**SB 1577**, 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, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Coates, Coffee, Corn, Crain, Crutchfield, Eason McIntyre, Ford, Johnson (M), Jolley, Justice, Lamb, Laughlin, Leftwich, Lerblance, Mazzei, Myers, Paddack, Rice, Sweeden, Williamson, Wilson and Wyrick.--31.

Nay: Ballenger, Burrage, Easley, Garrison, Gumm, Johnson (C), Laster, Morgan, Nichols, Reynolds, Schulz, Sparks, Sykes and Wilcoxson.--14.

Excused: Ivester, Rabon and Riley.--3.

The bill passed.

Pursuant to Rule 13-22, Senator Rice served notice that the vote be reconsidered whereby **SB 1577** passed.

**REPORT OF ENGROSSED AND ENROLLED MEASURE**

**SCR 89** was correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

**PENDING CONSIDERATION OF HAS**

**HAs to SB 498** were concurred in upon motion of Senator Paddack.

**SB 498**, 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, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Reynolds, Schulz, Sparks, Sweeden, Wilcoxson, Williamson, Wilson and Wyrick.--42.

Nay: Brogdon and Sykes.--2.

Excused: Ivester, Rabon, Rice and Riley.--4.

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 SBs 1366, 1769, 1807, 1880, 2074 and 2106** were rejected upon motion of Senator Mazzei, conference requested, and Senate conferees to be named later.

**EXECUTIVE NOMINATIONS**

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

Burch, Roy, Duncan, as a member of the Oklahoma Used Motor Vehicle and Parts Commission - Business and Labor

Fariss, Ted, Leedey, as a member of the Oklahoma State Bureau of Investigation Commission - Judiciary

Stradley, Kenny, Lawton, as a member of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control Commission - Judiciary

Senator Mazzei moved that when the clerk's desk is clear, the Senate stand adjourned to convene Thursday, May 1, 2008, at 9:30 a.m., which motion prevailed.

Pursuant to the Mazzei motion, the Senate adjourned at 4:35 p.m. to meet Thursday, May 1, 2008, at 9:30 a.m.