

Senate Journal

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

Forty-seventh Legislative Day, Wednesday, April 22, 2009

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 Justice declared a quorum present.

The prayer was offered by Pastor Joe Thompson, Elk City Church of God, Elk City, the guest of Senator Ivester.

REPORT OF ENGROSSED AND ENROLLED MEASURES

HBs 1053, 1061, 1063, 1100, 1101, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1137, 1138, 1139, 1140, 1141, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 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, 1234, 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, 1307, 1322, 1411, 1468, 1897, 2013, 2055 and 2080

were each correctly engrossed and, together with engrossed **SAs**, properly signed and ordered returned to the Honorable House.

SBs 314, 357, 541, 668, 1031 and 1034 and **SJR 25** were each correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

SR 39 was correctly enrolled, properly signed and ordered transmitted to the Secretary of State.

GENERAL ORDER

HB 1055 by Cox et al of the House and Brown of the Senate, considered on Page 1310, was called up for further consideration.

Senator Brown pressed adoption of his previous amendment, which amendment failed of adoption upon roll call as follows:

Aye: Aldridge.--1.

Nay: Adelson, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Mazzei, Myers, Newberry, Paddack, Rice, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--41.

Excused: Coates, Coffee, Marlatt, Nichols, Reynolds and Russell.--6.

Senator Brown moved that **HB 1055** be advanced, which motion was declared adopted.

THIRD READING

HB 1055 was read for the third time 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, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Rice, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--44.

Excused: Coffee, Johnson (M), Reynolds and Russell.--4.

The bill passed.

HB 1055 was referred for engrossment.

MOTION TO RECONSIDER VOTE

Senator Bingman moved to reconsider the vote whereby **HB 1487** passed, which motion was declared adopted upon roll call as follows:

Aye: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Rice, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--43.

Excused: Coffee, Johnson (M), Mazzei, Reynolds and Russell.--5.

THIRD READING

Senator Bingman moved to reconsider the vote whereby **HB 1487** was advanced, which motion was declared adopted.

GENERAL ORDER

HB 1487 by DeWitt of the House and Bingman and Ivester of the Senate was called up for consideration.

Senator Bingman asked unanimous consent, which was granted, to amend **HB 1487**, Page 1, by striking the title and enacting clause.

Senator Bingman moved that **HB 1487** be advanced, which motion was declared adopted.

THIRD READING

HB 1487 was read for the third time 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, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Jolley, Justice, Lamb, Laster, Leftwich,

Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Rice, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--42.

Excused: Brogdon, Coffee, Johnson (M), Mazzei, Reynolds and Russell.--6.

The bill passed.

HB 1487 was referred for engrossment.

PENDING CONSIDERATION OF HAs

HAs to SBs 2, 306, 394 and 610 were rejected upon motion of Senator Lamb, conference requested, and Senate conferees to be named later.

GENERAL ORDER

HB 1332 by Denney et al of the House and Branan and Coates of the Senate was called up for consideration.

Senator Branan moved that **HB 1332** be advanced, which motion was declared adopted upon roll call as follows:

Aye: Aldridge, Anderson, Barrington, Bingman, Branan, Brogdon, Brown, Coates, Crain, Ford, Halligan, Johnson (M), Jolley, Justice, Lamb, Marlatt, Mazzei, Myers, Newberry, Nichols, Schulz, Stanislawski and Sykes.--23.

Nay: Adelson, Ballenger, Bass, Burrage, Corn, Crutchfield, Easley, Eason McIntyre, Ellis, Garrison, Gumm, Ivester, Johnson (C), Laster, Leftwich, Lerblance, Paddack, Rice, Sparks, Sweeden, Wilson and Wyrick.--22.

Excused: Coffee, Reynolds and Russell.--3.

THIRD READING

HB 1332 was read for the third time at length.

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

Aye: Adelson, Aldridge, Anderson, Barrington, Bingman, Branan, Brogdon, Burrage, Coates, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Halligan, Johnson (M), Jolley, Lamb, Laster, Leftwich, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Stanislawski and Wilson.--30.

Nay: Ballenger, Bass, Brown, Ellis, Garrison, Gumm, Ivester, Johnson (C), Justice, Lerblance, Marlatt, Schulz, Sparks, Sweeden, Sykes and Wyrick.--16.

Excused: Coffee and Russell.--2.

The bill passed.

Pursuant to Rule 12-21, Senator Branan served notice that the vote be reconsidered whereby **HB 1332** passed.

MESSAGES FROM THE HOUSE

Advising fourth reading of and transmitting for signature Enrolled **HB 1826**.

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

Advising passage of and returning the following Engrossed bill:

SB 1111 - coauthored by Derby, Sullivan, Kern and Tibbs

The above-numbered measure was referred for enrollment.

MESSAGE FROM THE HOUSE

HAs TO SENATE BILLS

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

SB 310

SB 315 - coauthored by Fields, Kern, Liebmann and Thompson

SB 342 - coauthored by Tibbs

SB 481 - coauthored by Buck, Dorman and Shumate

SB 489 - coauthored by Banz, Ownbey, Reynolds, Wright (Harold), Roan, Johnson, Sears, Smithson, Hilliard, Tibbs, Shelton, Walker, Sherrer, Martin (Scott) and Inman

SB 503

SB 588

SB 643

SB 673

SB 723 - coauthored by Sherrer, Shelton, Tibbs and Kiesel

SB 726 - coauthored by Collins

SB 812 - coauthored by Tibbs

SB 827

SB 832

SB 844 - coauthored by Derby and Duncan
SB 857
SB 885
SB 888 - coauthored by Duncan
SB 902 - coauthored by Roan
SB 916
SB 938 - coauthored by Shumate, Dank, Tibbs and Dorman
SB 1022
SB 1035 - coauthored by Osborn, Hickman and Ownbey
SB 1064
SB 1071 - coauthored by Tibbs
SB 1075 - coauthored by Tibbs
SB 1175 - coauthored by Morgan

House amendments were read on the above-numbered bills.

Senator Lamb moved that the Senate recess until 1:30 p.m., which motion was declared adopted.

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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 HAS

HAs to SBs 300, 313, 452 and 957 were rejected upon motion of Senator Lamb, conference requested, and Senate conferees to be named later.

GENERAL ORDER

HB 1458 by McAffrey of the House and Coates of the Senate, considered on Page 1451, as called up for further consideration.

Representative McAffrey asked to be removed and Representative Sullivan asked to be named principal House author on **HB 1458**, which was the order.

Representative McAffrey asked to coauthor **HB 1458**, which was the order.

Senator Coates asked to withdraw his prior amendment to restore title, which was the order.

Senator Coates moved that **HB 1458** be advanced, which motion was declared adopted.

THIRD READING

HB 1458 was read for the third time 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, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Schulz, Sparks, Stanislawski, Sweeden, Wilson and Wyrick.--42.

Excused: Brogdon, Coffee, Johnson (M), Jolley, Russell and Sykes.--6.

The bill passed.

HB 1458 was referred for engrossment.

GENERAL ORDER

HB 1368 by Smithson et al of the House and Corn of the Senate was called up for consideration.

Senator Sweeden asked to coauthor **HB 1368**, which was the order.

Senator Corn moved that **HB 1368** be advanced, which motion was declared adopted.

THIRD READING

HB 1368 was read for the third time 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, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Schulz, Sparks, Stanislawski, Sweeden, Wilson and Wyrick.--41.

Excused: Brogdon, Coffee, Johnson (M), Jolley, Mazzei, Russell and Sykes.--7.

The bill passed.

HB 1368 was properly signed and ordered returned to the Honorable House.

UNANIMOUS CONSENT REQUEST DIRECT TO CALENDAR

Senator Paddack asked unanimous consent to refer **HCR 1004** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

HCR 1004 by Coody and Shumate of the House and Paddack of the Senate was called up for consideration.

HCR 1004 was adopted upon motion of Senator Paddack and properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 1481 by Kern et al of the House and Paddack of the Senate was called up for consideration.

Senator Leftwich asked to coauthor **HB 1481**, which was the order.

Senator Paddack moved that **HB 1481** be advanced, which motion was declared adopted.

THIRD READING

HB 1481 was read for the third time 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, Corn, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Schulz, Sparks, Stanislawski, Sweeden, Wilson and Wyrick.--39.

Excused: Brogdon, Coates, Coffee, Crain, Johnson (M), Jolley, Mazzei, Russell and Sykes.--9.

The bill passed.

HB 1481 was referred for engrossment.

PENDING CONSIDERATION OF HAS

HAs to SBs 354, 653, 665, 800, 812, 826, 887, 889, 1064, 1105, 1115, 1118, 1123, 1132 and 1175 were rejected upon motion of Senator Lamb, conference requested, and Senate conferees to be named later.

GENERAL ORDER

HB 1775 by Roan of the House and Corn of the Senate was called up for consideration.

Senator Johnson (Constance) asked to coauthor **HB 1775**, which was the order.

Senator Corn moved that **HB 1775** be advanced, which motion was declared adopted.

THIRD READING

HB 1775 was read for the third time 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, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Schulz, Sparks, Stanislawski, Sweeden, Wilson and Wyrick.--41.

Excused: Brogdon, Coffee, Johnson (M), Jolley, Mazzei, Russell and Sykes.--7.

The bill passed.

HB 1775 was referred for engrossment.

MESSAGES FROM THE HOUSE

Advising fourth reading of and returning Enrolled **SBs 314, 357, 541, 668, 1031 and 1034**.

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

Advising fourth reading of and returning Enrolled **SJR 25**.

The above-numbered enrolled measure was referred to the Secretary of State.

**MESSAGE FROM THE HOUSE
CONFERENCE COMMITTEE REPORT**

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

HB 1934

Conference committee report was read on the above-numbered bill.

Senator Lamb 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 Aldridge presiding.

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

GENERAL ORDER

HJR 1035 by Enns et al of the House and Jolley of the Senate was called up for consideration.

Senator Gumm asked to coauthor **HJR 1035**, which was the order.

Senator Gumm moved to amend **HJR 1035**, Page 6, Line 13, by inserting after the word “research” and before the word “in” the following language “and funding for the Oklahoma umbilical cord blood bank” and Page 7, Line 10, by inserting after the word “research” and before the period the following language “and funding for the Oklahoma umbilical cord blood bank”, and by amending the stricken title to conform, which amendment was declared adopted.

Senator Jolley moved that **HJR 1035** be advanced, which motion was declared adopted.

THIRD READING

HJR 1035 was read for the third time at length.

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

Aye: Adelson, Aldridge, Anderson, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Easley, Eason McIntyre, Ford, Gumm, Halligan, Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Marlatt, Mazzei, Myers, Newberry, Nichols, Reynolds, Russell, Schulz, Stanislawski, Sykes and Wyrick.--36.

Nay: Ballenger, Crutchfield, Ellis, Garrison, Ivester, Johnson (C), Lerblance, Paddack, Rice, Sparks, Sweeden and Wilson.--12.

The resolution passed.

Pursuant to Rule 12-21, Senator Jolley served notice that the vote be reconsidered whereby **HJR 1035** passed.

MOTION TO RECONSIDER VOTE

Senator Jolley moved to reconsider the vote whereby **HJR 1041** passed.

Senator Lamb moved to table the Jolley motion, which tabling motion was declared adopted.

HJR 1041 was referred for engrossment.

MOTION TO RECONSIDER VOTE

Senator Justice moved to reconsider the vote whereby **SB 135** passed.

Senator Lamb moved to table the Justice motion, which tabling motion was declared adopted.

SB 135, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

GENERAL ORDER

HB 1740 by Peters and McDaniel (Jeannie) of the House and Halligan of the Senate was called up for consideration.

Senator Halligan moved that **HB 1740** be advanced, which motion was declared adopted.

THIRD READING

HB 1740 was read for the third time 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, Ellis, Ford, Garrison, 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, Wilson and Wyrick.--45.

Nay: Brogdon and Sykes.--2.

Excused: Gumm.--1.

The bill passed.

HB 1740 was referred for engrossment.

Senator Jolley presiding.

GENERAL ORDER

HJR 1014 by Osborn et al of the House and Lamb of the Senate was called up for consideration.

Senator Lamb moved to amend **HJR 1014**, Page 2, Line 2, by inserting after the word "entity." the words "The provisions of this section shall not be construed to authorize the Legislature to make appropriations in excess of the limits allowed by Section 23 of Article X or any other provision of this Constitution."; and by amending the ballot title to conform, which amendment was declared adopted.

Senator Lamb moved that **HJR 1014** be advanced, which motion was declared adopted upon roll call as follows:

Aye: Aldridge, Anderson, Barrington, Bingman, Branan, Brogdon, Brown, Coates, Coffee, Crain, Ford, Halligan, Johnson (M), Jolley, Justice, Lamb, Marlatt, Mazzei, Myers, Newberry, Nichols, Reynolds, Russell, Schulz, Stanislawski and Sykes.--26.

Nay: Adelson, Ballenger, Bass, Burrage, Corn, Crutchfield, Easley, Eason McIntyre, Ellis, Garrison, Ivester, Johnson (C), Laster, Leftwich, Lerblance, Paddack, Rice, Sparks, Sweeden, Wilson and Wyrick.--21.

Excused: Gumm.--1.

THIRD READING

HJR 1014 was read for the third time at length.

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

Aye: Aldridge, Anderson, Barrington, Bingman, Branan, Brogdon, Brown, Coates, Coffee, Crain, Ford, Halligan, Johnson (M), Jolley, Justice, Lamb, Marlatt, Mazzei, Myers, Newberry, Nichols, Reynolds, Russell, Schulz, Stanislawski and Sykes.--26.

Nay: Adelson, Ballenger, Bass, Burrage, Corn, Crutchfield, Easley, Eason McIntyre, Ellis, Garrison, Ivester, Johnson (C), Laster, Leftwich, Lerblance, Paddack, Rice, Sparks, Sweeden, Wilson and Wyrick.--21.

Excused: Gumm.--1.

The resolution passed.

Pursuant to Rule 12-21, Senator Lamb served notice that the vote be reconsidered whereby **HJR 1014** passed.

GENERAL ORDER

HB 1737 by Peters et al of the House and Burrage and Stanislawski of the Senate was called up for consideration.

Senator Burrage asked unanimous consent, which was granted, to suspend Senate Rules and to amend **HB 1737**, Page 1, by restoring the title and enacting clause.

Senator Burrage moved that **HB 1737** be advanced, which motion was declared adopted.

THIRD READING

HB 1737 was read for the third time 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, Ellis, Ford, Garrison, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Rice, Schulz, Sparks, Stanislawski, Sweeden, Wilson and Wyrick.--43.

Nay: Brogdon, Reynolds, Russell and Sykes.--4.

Excused: Gumm.--1.

The bill passed.

HB 1737 was referred for engrossment.

MOTION TO RECONSIDER VOTE

Senator Newberry moved to reconsider the vote whereby **HB 1021** failed, which motion was declared adopted upon roll call as follows:

Aye: Aldridge, Anderson, Barrington, Bingman, Branan, Brogdon, Brown, Coates, Coffee, Crain, Ford, Halligan, Johnson (M), Jolley, Justice, Lamb, Marlatt, Mazzei, Myers, Newberry, Nichols, Reynolds, Russell, Schulz, Stanislawski and Sykes.--26.

Nay: Adelson, Ballenger, Bass, Burrage, Corn, Crutchfield, Easley, Eason McIntyre, Ellis, Garrison, Ivester, Johnson (C), Laster, Leftwich, Lerblance, Paddack, Rice, Sparks, Sweeden, Wilson and Wyrick.--21.

Excused: Gumm.--1.

THIRD READING

HB 1021 was read for the third time at length.

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

Aye: Aldridge, Anderson, Barrington, Bingman, Branan, Brogdon, Brown, Coates, Coffee, Crain, Ford, Halligan, Johnson (M), Jolley, Justice, Lamb, Marlatt, Mazzei, Myers, Newberry, Nichols, Reynolds, Russell, Schulz, Stanislawski and Sykes.--26.

Nay: Adelson, Ballenger, Bass, Burrage, Corn, Crutchfield, Easley, Eason McIntyre, Ellis, Garrison, Ivester, Johnson (C), Laster, Leftwich, Lerblance, Paddack, Rice, Sparks, Sweeden, Wilson and Wyrick.--21.

Excused: Gumm.--1.

The bill passed.

HB 1021 was referred for engrossment.

GENERAL ORDER

HB 1975 by Moore et al of the House and Brown of the Senate was called up for consideration.

Senator Brown moved that **HB 1975** be advanced, which motion was declared adopted.

THIRD READING

HB 1975 was read for the third time at length.

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

Aye: Aldridge, Anderson, Barrington, Bingman, Branan, Brogdon, Brown, Coates, Coffee, Crain, Ford, Halligan, Johnson (M), Jolley, Justice, Lamb, Marlatt, Mazzei, Myers, Newberry, Reynolds, Russell, Schulz, Stanislawski and Sykes.--25.

Nay: Adelson, Ballenger, Bass, Burrage, Corn, Crutchfield, Easley, Eason McIntyre, Ellis, Garrison, Ivester, Johnson (C), Laster, Leftwich, Lerblance, Paddack, Rice, Sparks, Wilson and Wyrick.--20.

Excused: Gumm, Nichols and Sweeden.--3.

The bill passed.

Pursuant to Rule 12-21, Senator Brown served notice that the vote be reconsidered whereby **HB 1975** passed.

Senator Lamb 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 Jolley presiding.

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

GENERAL ORDER

HJR 1042 by Terrill et al of the House and Sykes of the Senate was called up for consideration.

Senators Branan, Russell, Jolley, Brogdon, Coffee, Aldridge, Myers, Halligan, Newberry, Reynolds, Brown, Johnson (Mike), Barrington, Nichols, Bingman, Crain, Justice, Ford, Marlatt, Stanislawski and Schulz asked to coauthor **HJR 1042**, which was the order.

Senator Sykes moved to amend **HJR 1042**, by striking the title, the enacting clause and the entire body of the bill and substituting the floor substitute, which amendment was declared adopted. (Copies were provided for all Senators.)

Senator Sykes asked unanimous consent, which was granted, to suspend Senate Rules and to allow the floor substitute to **HJR 1042** to have a restored title.

Senator Sykes moved that **HJR 1042** be advanced, which motion was declared adopted.

THIRD READING

HJR 1042 was read for the third time at length.

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

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

Nay: Crutchfield and Rice.--2.

Excused: Gumm and Sweeden.--2.

The resolution passed.

Pursuant to Rule 12-21, Senator Sykes served notice that the vote be reconsidered whereby **HJR 1042** passed.

HJR 1042 was printed at length as follows:

HJR 1042 By Terrill, Osborn, Faught, Christian, Reynolds, Duncan, Kern, Tibbs, Cooksey and Ritze of the House and Sykes, Branan, Russell, Jolley, Brogdon, Coffee,

Aldridge, Myers, Halligan, Newberry, Reynolds, Brown, Johnson (Mike), Barrington, Nichols, Bingman, Crain, Justice, Ford, Marlatt, Stanislawski and Schulz of the Senate

A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection a proposed amendment to the Constitution of the State of Oklahoma by creating a new Article XXX; declaring the English language to be the official language of this state; requiring official actions of this state be taken in English; prohibiting certain causes of action; providing for construction; granting certain authority to Legislature; providing ballot title; and directing filing.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE 1ST SESSION OF THE 52ND OKLAHOMA LEGISLATURE:

SECTION 1. The Secretary of State shall refer to the people for their approval or rejection, as and in the manner provided by law, the following proposed amendment to the Constitution of the State of Oklahoma by creating a new Article XXX to read as follows:

ARTICLE XXX

Section 1. As English is the common and unifying language of the State of Oklahoma, all official actions of the state shall be conducted in the English language, except as required by federal law. No person shall have a cause of action against an agency or political subdivision of this state for failure to provide any official government actions in any language other than English. Nothing in this Article shall be construed to diminish or impair the use, study, development, or encouragement of any Native American language in any context or for any purpose. The Legislature shall have the power to implement, enforce and determine the proper application of this Article by appropriate legislation.

SECTION 2. The Ballot Title for the proposed Constitutional amendment as set forth in SECTION 1 of this act shall be in the following form:

BALLOT TITLE

Legislative Referendum No. _____

State Question No. _____

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

This measure amends the Oklahoma Constitution. It would add a new Article 30. This amendment states that English is the common and unifying language of the state. All official actions of the state would be in English, except as required by federal law. No one would have a cause of action against an agency or subdivision of the state for failure to provide actions in any other language. The amendment could not be construed to diminish or impair uses of Native American languages. The Legislature would be able to enact related laws.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL — YES _____

AGAINST THE PROPOSAL — NO _____

SECTION 3. The Chief Clerk of the House of Representatives, immediately after the passage of this resolution, shall prepare and file one copy thereof, including the Ballot Title set forth in SECTION 2 hereof, with the Secretary of State and one copy with the Attorney General.

UNANIMOUS CONSENT REQUEST DIRECT TO CALENDAR

Senator Russell asked unanimous consent to refer **SR 42** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SR 42 by Russell was called up for consideration.

SR 42 was adopted upon motion of Senator Russell.

Pursuant to Rule 12-21, Senator Russell served notice that the vote be reconsidered whereby **SR 42** was adopted.

PENDING CONSIDERATION OF HAS

HAs to SBs 489, 546, 635, 828, 852, 1020, 1152, 1184 and 1185 were rejected upon motion of Senator Lamb, conference requested, and Senate conferees to be named later.

GENERAL ORDER

HB 1602 by Sullivan et al of the House and Coffee of the Senate was called up for consideration.

Senator Coffee moved that **HB 1602** be advanced, which motion was declared adopted.

THIRD READING

HB 1602 was read for the third time at length.

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

Aye: Aldridge, Anderson, Barrington, Bingman, Branan, Brogdon, Brown, Coffee, Crain, Ford, Halligan, Johnson (M), Jolley, Justice, Lamb, Marlatt, Mazzei, Myers, Newberry, Reynolds, Schulz, Stanislawski and Sykes.--23.

Nay: Adelson, Ballenger, Burrage, Coates, Corn, Crutchfield, Easley, Eason McIntyre, Ellis, Garrison, Ivester, Johnson (C), Laster, Leftwich, Lerblance, Nichols, Paddack, Rice, Russell, Sparks, Sweeden, Wilson and Wyrick.--23.

Excused: Bass and Gumm.--2.

The bill failed.

Pursuant to Rule 12-21, Senator Coffee served notice that the vote be reconsidered whereby **HB 1602** failed.

PENDING CONSIDERATION OF HAS

HAs to **SBs 980** and **1137** were rejected upon motion of Senator Lamb, conference requested, and Senate conferees to be named later.

GENERAL ORDER

HB 1603 by Sullivan et al of the House and Coffee of the Senate was called up for consideration.

Senator Coffee moved that **HB 1603** be advanced, which motion was declared adopted.

THIRD READING

HB 1603 was read for the third time at length.

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

Aye: Aldridge, Anderson, Barrington, Bingman, Branan, Brogdon, Brown, Coates, Coffee, Crain, Ford, Halligan, Johnson (M), Jolley, Justice, Lamb, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Russell, Schulz, Stanislawski and Sykes.--27.

Nay: Adelson, Ballenger, Burrage, Corn, Crutchfield, Easley, Eason McIntyre, Ellis, Garrison, Ivester, Johnson (C), Laster, Leftwich, Lerblance, Rice, Sparks, Sweeden, Wilson and Wyrick.--19.

Excused: Bass and Gumm.--2.

The bill passed.

Pursuant to Rule 12-21, Senator Coffee served notice that the vote be reconsidered whereby **HB 1603** passed.

PENDING CONSIDERATION OF HAS

HAs to SBs 48, 346, 479, 486, 608, 658 and 1073 were rejected upon motion of Senator Lamb, conference requested, and Senate conferees to be named later.

Senator Lamb moved that when the clerk's desk is clear, the Senate stand adjourned to convene Thursday, April 23, 2009, at 8:30 a.m., which motion prevailed.

MEASURES RELEASED TIME EXPIRED TO RECONSIDER

HB 2026 was referred for engrossment.

SR 42 was referred for enrollment.

FIRST READING

The following were introduced and read the first time:

SCR 20 – By Garrison, Lerblance, Myers, Halligan and Johnson (Mike) of the Senate and McPeak, Cannaday and Faught of the House.

A Concurrent Resolution endorsing the National Day of Prayer on May 7, 2009; calling upon the President to proclaim a special National Day of Prayer in June 2009 for the nation's economic condition; and directing distribution.

SCR 21 – By Garrison, Brogdon, Burrage and Justice of the Senate and Faught, Jones, Derby and Rousselot of the House.

A Concurrent Resolution supporting the McClellan-Kerr Arkansas River Navigation System; disagreeing with and opposing the proposed lockage fee; and directing distribution.

SCR 22 – By Garrison, Brogdon, Burrage and Justice of the Senate and Faught, Jones, Derby and Rousselot of the House.

A Concurrent Resolution recognizing the importance of maintaining the McClellan-Kerr Arkansas River Navigation System; supporting sufficient funding; and directing distribution.

Pursuant to the Lamb motion, the Senate adjourned at 7:35 p.m. to meet Thursday, April 23, 2009, at 8:30 a.m.