

# Senate Journal

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

**Fifty-sixth Legislative Day, Thursday, May 7, 2009**

The Senate was called to order by Senator Sykes.

Roll Call:

Present: 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, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.—46.

Excused: Adelson and Paddack.—2.

Senator Sykes declared a quorum present.

The prayer was offered by Father Stephen Hamilton, Saints Peter and Paul Catholic Church, Kingfisher, the guest of Senator Mike Johnson.

### REPORT OF ENGROSSED AND ENROLLED MEASURES

**SCRs 21 and 22** were each correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

**SBs 267, 268, 406, 517, 586, 659 and 672 and SCR 23** were each correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

**SRs 49 and 51** were each correctly enrolled, properly signed and ordered transmitted 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 1330** - coauthored by Derby, Wright (John) and Ortega

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

**MOTION TO RECONSIDER VOTE**

Senator Newberry moved to reconsider the vote whereby **SB 1013** passed, which motion was declared adopted upon roll call as follows:

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

Excused: Adelson, Aldridge, Brogdon, Coates, Coffee, Justice and Paddack.--7.

**FOURTH READING**

Senator Newberry moved to reconsider the vote whereby the House amendment on **SB 1013** were adopted, which motion was declared adopted.

**PENDING CONSIDERATION OF HAS**

**HAs** to **SB 1013** were rejected upon motion of Senator Newberry, conference requested, and Senate conferees to be named later.

**UNANIMOUS CONSENT REQUEST  
DIRECT TO CALENDAR**

Senator Gumm asked unanimous consent to refer **SCR 28** direct to the Calendar for consideration, which was the order.

**GENERAL ORDER**

**SCR 28** by Gumm of the Senate and Buck of the House was called up for consideration.

All other members of the Senate asked to coauthor **SCR 28**, which was the order.

**SCR 28** was adopted upon motion of Senator Gumm and referred for engrossment.

**PENDING CONSIDERATION OF HAS**

**HAs** to **SB 257** were concurred in upon motion of Senator Corn.

**SB 257**, 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, Bass, Bingman, Branan, Brown, Burrage, Coates, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--42.

Excused: Adelson, Brogdon, Coffee, Leftwich, Paddack and Reynolds.--6.

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 256** were concurred in upon motion of Senator Eason McIntyre.

**SB 256**, 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, 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, Marlatt, Mazzei, Myers, Newberry, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--43.

Excused: Adelson, Coates, Coffee, Nichols and Paddack.--5.

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 277 and 1033** were rejected upon motion of Senator Lamb, conference requested, and Senate conferees to be named later.

#### **PENDING CONSIDERATION OF HAS**

**HAs to SB 932** were concurred in upon motion of Senator Newberry.

**SB 932**, 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, Bass, Bingman, Branan, Brown, Burrage, Coates, 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, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--44.

Excused: Adelson, Brogdon, Coffee and Paddack.--4.

The bill and emergency passed.

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

#### **MESSAGES FROM THE HOUSE**

Advising fourth reading of and transmitting for signature Enrolled **HBs 1048, 1059** and **1165** and **HJR 1042**.

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

Advising the signing of and transmitting for signature Enrolled **HCR 1005**.

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

## **INTRODUCTIONS**

Senator Stanislawski introduced former Senator James Williamson, and Senator Mazzei introduced former Senator Charles Ford to the Senate.

## **UNANIMOUS CONSENT REQUEST DIRECT TO CALENDAR**

Senator Wyrick asked unanimous consent to refer **SR 36** direct to the Calendar for consideration, which was the order.

## **GENERAL ORDER**

**SR 36** by Wyrick was called up for consideration.

All other members of the Senate, except Senator Russell, asked to coauthor **SR 36**, which was the order.

Senator Wyrick moved to amend **SR 36**, Page 1, Line 18 by deleting the language “2002 American” and inserting in lieu thereof the language “2005 Oklahoma” and Page 1, Line 20, by deleting the language “Hurricane Michelle” and inserting in lieu thereof the language “severe hurricane damage”, which amendment was declared adopted.

**SR 36** was adopted upon motion of Senator Wyrick and referred for enrollment.

## **UNANIMOUS CONSENT REQUEST DIRECT TO CALENDAR**

Senator Garrison asked unanimous consent to refer **SCR 20** direct to the Calendar for consideration, which was the order.

## **GENERAL ORDER**

**SCR 20** by Garrison et al of the Senate and McPeak et al of the House was called up for consideration.

All other members of the Senate asked to coauthor **SCR 20**, which was the order.

**SCR 20** was adopted upon motion of Senator Garrison and referred for engrossment.

#### **MESSAGES FROM THE HOUSE**

Advising passage of and returning the following Engrossed measure:

**SCR 24** - coauthored by all other House Members

The above-numbered measure was referred for enrollment.

Advising naming House conferees on Engrossed:

**HB 1489** - DeWitt, Denney, Hickman, Dorman and Pruett

**HJR 1014** - Osborn, Jackson, Blackwell, McDaniel (Randy), Thompson, Jones, Dorman and Kouplen

Advising passage of and transmitting for consideration Engrossed **HCRs 1026 and 1029**.

**HCR 1026** – By Jones, Rousselot, Derby and Faught of the House and Coffee and Brogdon of the Senate.

A Concurrent Resolution expressing opposition to the proposed lockage fee which will disproportionately impact certain shippers; and directing distribution.

**HCR 1029** – By Jones, Rousselot, Derby and Faught of the House and Coffee and Brogdon of the Senate.

A Concurrent Resolution requesting that Congress allocate sufficient funding for critical maintenance needs on the McClellan-Kerr Arkansas Navigation System; and directing distribution.

The above-numbered measures were read the first time.

#### **UNANIMOUS CONSENT REQUEST DIRECT TO CALENDAR**

Senator Newberry asked unanimous consent to refer **SCR 25** direct to the Calendar for consideration, which was the order.

## **GENERAL ORDER**

**SCR 25** by Newberry of the Senate and Peterson of the House was called up for consideration.

All other members of the Senate asked to coauthor **SCR 25**, which was the order.

**SCR 25** was adopted upon motion of Senator Newberry and referred for engrossment.

## **MESSAGES FROM THE HOUSE**

Advising the signing of and returning Enrolled **SCR 23**.

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

Advising fourth reading of and returning Enrolled **SBs 267, 268, 406, 517, 586, 659** and **672**.

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

Advising naming House conferees on Engrossed:

**HB 1458** - Sullivan, McDaniel (Randy), Moore, McAffrey and Roan

**HB 1468** - Jackson, Miller, Kirby, Shannon, Armes, Sanders, Dorman, Proctor and Buck

**HB 1481** - Kern, Trebilcock, Derby, Ritze, Cox, Shumate, McAffrey and Scott

**HB 1509** - Blackwell, Duncan, Jordan, Inman and Morrisette

**HB 1575** - Banz, Sears, Coody, Brannon and Nations

**HB 1592** - Coody, Blackwell, Shumate, Brannon, Dorman, Denney and Kern

**HB 1597** - Sullivan, Duncan, Jordan, Morrisette and Lamons

**HB 1603** - Sullivan, Benge, Duncan, Lamons, McCullough and McMullen

**HB 1616** - Sullivan, Peters, Duncan, Kiesel and Trebilcock

**HB 1647** - Rousselot, Shoemake, Luttrell, Glenn, Steele, Coody, Jones, Peterson and Armes

**HB 1837** - Hamilton, Brannon, Sears, Denney and Thomsen

**HB 1897** - Cox, Derby, Nations, Ritze, Shelton, Denney, Richardson, Trebilcock, Holland, Glenn and Harrison

**HB 1919** - Kouplén, Bailey, Buck, Armes, Enns, DeWitt and Fields

**HB 1935** - Watson, Miller, Martin (Scott), Jackson, Jones, Nations and Brannon

**HB 2028** - Steele, McCullough, Peterson, Sherrer, Morrisette and Rousselot

**HB 2029** - Steele, McCullough, Peters, Kiesel, Inman, Peterson and Rousselot

**HB 2047** - Morgan, Tibbs, Martin (Steve), Peters and Pittman

**HB 2062** - Thompson, Miller, Jackson, Denney, Morgan, Buck, Kouplén and Watson

**HB 2078** - Wesselhoft, Watson, McDaniel (Randy), McPeak, Morgan and Miller

**HB 2080** - Wesselhoft, Duncan, Terrill, Morrissette and Inman

**HB 2149** - Armes, DeWitt, Shoemake, Rousselot, Fields, Glenn, McPeak, McNiel and Richardson

### **CHANGE IN CONFEREES**

Advising change in Senate conferees as follows:

**SB 452** - add Sweeden

**SB 810** – remove Jolley, Lamb, Sykes, Mazzei and name Bingman, Coates, Burrage, Sparks

**HB 1736** – add Johnson (Constance) and Lamb

### **SCs NAMED**

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

**SB 277** – Schulz, Lamb, Marlatt, Sparks

**SB 281** – GCCA

**SB 342** – Crain, Anderson, Lamb, Sykes, Paddack

**SB 353** – Rice, Jolley, Mazzei, Lamb

**SB 390** – GCCA

**SB 487** – Paddack, Anderson, Sykes, Stanislawski, Lamb

**SB 615** – Crain, Anderson, Jolley, Sykes, Lamb

**SB 643** – GCCA

**SB 646** – GCCA

**SB 702** – GCCA

**SB 749** – GCCA

**SB 815** – Burrage, Anderson, Lamb, Crain, Sykes, Stanislawski

**SB 987** – GCCA

**SB 994** – Sparks, Anderson, Sykes, Lamb, Jolley, Crain

**SB 1033** – GCCA

**SB 1035** – Sparks, Justice, Schulz, Johnson (Mike), Marlatt, Ellis

**SB 1076** – Sparks, Anderson, Sykes, Crain, Lamb

**SB 1170** – GCCA

### **PENDING SENATE ACTION**

#### **HOUSE REQUEST FOR CONFERENCE**

Upon motion of Senator Lamb, the request of the Honorable House for conference on the following bills was ordered granted and Senate conferees appointed as follows:

**HB 1004** – Coates, Newberry, Brogdon, Myers, Leftwich  
**HB 1021** – Newberry, Anderson, Jolley, Sykes, Lamb, Paddack  
**HB 1035** – Newberry, Anderson, Sykes, Jolley, Lamb, Paddack  
**HB 1055** – Brown, Aldridge, Mazzei, Stanislawski, Russell, Sparks  
**HB 1057** – GCCA  
**HB 1061** – Burrage, Aldridge, Anderson, Lamb  
**HB 1063** – Burrage, Anderson, Crain, Jolley, Lamb  
**HB 1069** – Paddack, Jolley, Crain, Halligan, Newberry, Lamb  
**HB 1077** – GCCA  
**HB 1081** – Gumm, Lamb, Bingman, Mazzei  
**HB 1084** – GCCA  
**HB 1295** – GCCA  
**HB 1297** – GCCA  
**HB 1307** – Bass, Anderson, Jolley, Crain, Lamb, Coffee  
**HB 1322** – Sykes, Nichols, Lamb, Jolley, Bingman, Garrison  
**HB 1360** – GCCA  
**HB 1449** – Ellis, Anderson, Sykes, Stanislawski, Marlatt, Lamb  
**HB 1468** – GCCA  
**HB 1481** – Paddack, Jolley, Newberry, Lamb, Halligan, Marlatt  
**HB 1487** – Bingman, Branman, Myers, Brogdon, Gumm  
**HB 1509** – Bass, Anderson, Jolley, Crain, Stanislawski, Lamb  
**HB 1647** – Garrison, Ford, Jolley, Brown, Lamb  
**HB 1661** – GCCA  
**HB 1678** – Paddack, Anderson, Stanislawski, Jolley, Lamb, Sykes  
**HB 1717** – GCCA  
**HB 1736** – Ford, Jolley, Crain, Leftwich  
**HB 1739** – Anderson, Sykes, Jolley, Lamb, Paddack  
**HB 1741** – GCCA  
**HB 1775** – Corn, Lamb, Coffee, Sykes, Jolley  
**HB 1802** – GCCA  
**HB 1834** – GCCA  
**HB 1837** – GCCA  
**HB 1888** – GCCA  
**HB 1897** – Ford, Jolley, Crain, Burrage  
**HB 1919** – GCCA  
**HB 2010** – Paddack, Ford, Jolley, Branman, Halligan, Reynolds  
**HB 2028** – Coates, Anderson, Crain, Newberry, Paddack  
**HB 2029** – Coates, Anderson, Crain, Newberry, Paddack  
**HB 2047** – GCCA  
**HJR 1005** – GCCA  
**HJR 1014** – GCCA  
**HJR 1016** – GCCA  
**HJR 1026** – GCCA

**MESSAGES FROM THE HOUSE**

Advising conference granted on Engrossed **SBs** and naming House conferees as follows:

- SB 277** - Armes, McDaniel (Randy), McNeil, Trebilcock, Buck and Smithson
- SB 646** - Benge, Miller, Martin (Scott), Steele, Morgan and Dorman
- SB 723** - Sears, DeWitt, Sanders, Wright (Harold), Ownbey, Cannaday and Hickman
- SB 749** - Cooksey, Banz, Coody, Kern, Denney, Morrissette, Hamilton and Hilliard
- SB 1013** - Sullivan, McDaniel (Randy), Liebmann, Carey and Lamons
- SB 1152** - Terrill, McCullough, Christian, Miller, Roan, Smithson, Martin (Scott) and Carey
- SB 1166** - Terrill, Joyner, Hickman, Liebmann, Martin (Scott), Martin (Steve) and Roan

Advising naming House conferees on Engrossed:

- HB 1030** - Wright (John), Duncan, Jordan, Nelson, Inman and Lamons

**EXECUTIVE NOMINATIONS**

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

- Barrick, Lona A., Ada, as a member of the Oklahoma Arts Council - Education
- Jones, Will K., Edmond, as a member of the Oklahoma Arts Council - Education
- Ward, Tammy, Elmore City, as a member of the State Board of Veterinary Medical Examiners - Agriculture and Rural Development

Senator Lamb moved that when the clerk's desk is clear, the Senate stand adjourned to convene Monday, May 11, 2009, at 10:00 a.m., which motion prevailed.

**FIRST READING**

The following were introduced and read the first time:

- SCR 29** – By Justice of the Senate and DeWitt and Armes of the House.  
A Concurrent Resolution requesting the Oklahoma Department of Agriculture, Food, and Forestry to name their complex the "Clem Rogers McSpadden Agricultural Complex"; and directing distribution.

**SR 52** – By Gumm.

A Resolution congratulating Southeastern Oklahoma State University upon their Centennial; encouraging second century of building futures; and directing distribution.

**SR 53** – By Johnson (Constance), Easley, Eason McIntyre, Leftwich and Paddack.

A Resolution proclaiming the month of May as Lupus Awareness Month in the State of Oklahoma; urging citizens to join in supporting programs of research, education and community service; and directing distribution.

### **CONFERENCE COMMITTEE REPORTS SUBMITTED**

Conference committee reports were read on the following bills:

**SB 300** – conferees unable to agree

**SB 394**

**SB 432**

**SB 546**

**SB 1115**

**SB 1168**

**SB 300** will revert to the status occupied before being sent to conference and will remain on the calendar under "House Amendments to Senate Bills".

Pursuant to the Lamb motion, the Senate adjourned at 11:00 a.m. to meet Monday, May 11, 2009, at 10:00 a.m.