

Senate Journal

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

Fifty-seventh Legislative Day, Monday, May 11, 2009

The Senate was called to order by Senator Brogdon.

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, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes and Wilson.—46.

Excused: Adelson and Wyrick.—2.

Senator Brogdon declared a quorum present.

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

REPORT OF ENGROSSED AND ENROLLED MEASURES

SCRs 20, 25 and 28 were each correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

SBs 256, 257 and 932 and **SCR 24** were each correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

SR 36 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 refer **SCR 29** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SCR 29 by Justice of the Senate and DeWitt and Armes of the House was called up for consideration.

All other members of the Senate asked to coauthor **SCR 29**, which was the order.

SCR 29 was adopted upon motion of Senator Justice and referred for engrossment.

SCs NAMED

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

SB 48 – Anderson, Barrington, Sykes, Russell, Ballenger

SB 431 – Aldridge, Crain, Bingman, Halligan

SB 718 – Barrington, Lamb, Ford

SB 1013 – Newberry, Anderson, Crain, Sykes, Paddack

SB 1118 – 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 1030 – GCCA

HB 1780 – GCCA

HB 2055 – Bingman, Coffee, Branan, Marlatt, Lamb, Burrage

MESSAGE FROM THE HOUSE

Advising naming House conferees on Engrossed:

HB 2055 - Thompson, Sullivan, Shannon, Armes, Carey, Dorman, Rousselot and Watson

REPORT OF ENGROSSED AND ENROLLED MEASURE

SCR 29 was correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

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 Brogdon presiding.

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

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

Senator Gumm asked unanimous consent to refer **SR 52** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SR 52 by Gumm was called up for consideration.

SR 52 was adopted upon motion of Senator Gumm and referred for enrollment.

PENDING CONSIDERATION OF HAS

HAs to **SB 991** were concurred in upon motion of Senator Anderson.

SB 991, as amended by the Honorable House, was read at length.

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

Aye: 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 and Wilson.--45.

Nay: Sykes.--1.

Excused: Adelson and Wyrick.--2.

The bill passed.

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

PENDING CONSIDERATION OF HAS

HAs to SB 1066 were rejected upon motion of Senator Lamb, conference requested, and Senate conferees to be named later.

PENDING CONSIDERATION OF HAS

HAs to SB 293 were concurred in upon motion of Senator Burrage.

SB 293, as amended by the Honorable House, was read at length.

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

Aye: 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 and Wilson.--45.

Nay: Aldridge.--1.

Excused: Adelson and Wyrick.--2.

The bill passed.

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

PENDING CONSIDERATION OF CCR

The **CCR on SB 1115** was adopted upon motion of Senator Sykes.

SB 1115, as amended in conference, was read at length.

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

Aye: 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 and Wilson.--46.

Excused: Adelson and Wyrick.--2.

The bill passed.

SB 1115, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

MOTION TO RECONSIDER VOTE

Senator Justice moved to reconsider the vote whereby **SB 553** passed.

Senator Lamb moved to table the Justice motion, which tabling 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: Ballenger, Bass, Burrage, Corn, Crutchfield, Easley, Eason McIntyre, Ellis, Garrison, Gumm, Ivester, Johnson (C), Laster, Leftwich, Lerblance, Paddack, Rice, Sparks, Sweeden and Wilson.--20.

Excused: Adelson and Wyrick.--2.

House amendments on **SB 553** were properly signed and the above-numbered bill was referred for enrollment.

UNANIMOUS CONSENT REQUEST DIRECT TO CALENDAR

Senator Reynolds asked unanimous consent to refer **SCR 27** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SCR 27 by Reynolds of the Senate and Christian of the House was called up for consideration.

All other members of the Senate asked to coauthor **SCR 27**, which was the order.

SCR 27 was adopted upon motion of Senator Reynolds and referred for engrossment.

UNANIMOUS CONSENT REQUEST DIRECT TO CALENDAR

Senator Johnson (Constance) asked unanimous consent to refer **SR 53** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SR 53 by Johnson (Constance) et al was called up for consideration.

All other members of the Senate asked to coauthor **SR 53**, which was the order.

SR 53 was adopted upon motion of Senator Johnson (Constance) and referred for enrollment.

Senator Jolley presiding.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 1137** was adopted upon motion of Senator Reynolds.

SB 1137, as amended in conference, was read at length.

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

Aye: 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), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes and Wilson.--45.

Excused: Adelson, Coffee and Wyrick.--3.

The bill passed.

SB 1137, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 1330** was adopted upon motion of Senator Brogdon.

Senator Russell asked to coauthor **HB 1330**, which was the order.

HB 1330, as amended in conference, was read at length.

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

Aye: Aldridge, Anderson, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Easley, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Russell, Schulz, Stanislawski and Sykes.--38.

Nay: Ballenger, Crutchfield, Eason McIntyre, Johnson (C), Rice, Sparks, Sweeden and Wilson.--8.

Excused: Adelson and Wyrick.--2.

The bill passed.

HB 1330, together with the conference committee report thereon, was ordered returned to the Honorable House.

SCs NAMED

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

SB 1066 – Marlatt, Aldridge, Myers, Barrington

MESSAGES FROM THE HOUSE

Advising fourth reading of and transmitting for signature Enrolled **HB 2056**.

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

Advising naming House conferees on Engrossed:

HB 1322 - Reynolds, Blackwell, Faught, Ritze, Peterson, Morrisette and Lamons

Advising passage of and transmitting for consideration Engrossed **HCRs 1031 and 1040**.

HCR 1031 – By Terrill, Armes, Auffet, Bailey, Banz, Benge, Billy, Blackwell, Brannon, Brown, Buck, Cannaday, Carey, Christian, Collins, Coody, Cooksey, Cox, Dank, DeWitt, Denney, Derby, Dorman, Duncan, Enns, Faught, Fields, Glenn, Hamilton, Harrison, Hickman, Hilliard, Holland, Hoskin, Inman, Jackson, Jett, Johnson, Jones, Jordan, Joyner, Kern, Key, Kiesel, Kirby, Kouplen, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCullough, McDaniel (Jeannie), McDaniel (Randy), McMullen, McNiel, McPeak, Miller, Moore, Morgan, Morrissette, Murphey, Nations, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Renegar, Reynolds, Richardson, Ritze, Roan, Rousselot, Sanders, Schwartz, Scott, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Smithson, Steele, Sullivan, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wesselhoft, Williams, Wright (Harold) and Wright (John) of the House and Nichols of the Senate.

A Concurrent Resolution honoring the Oklahoma Court Appointed Special Advocates Program and volunteers.

HCR 1040 – By Benge of the House and Coffee of the Senate.

A Concurrent Resolution relating to legislative procedures; modifying the deadline for filing first conference committee reports.

The above-numbered measures were read the first time.

Advising the signing of and returning Enrolled **SCR 24**.

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

Advising fourth reading of and returning Enrolled **SBs 256, 257 and 932**.

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

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

SB 306

The above-numbered measure, as amended in conference, was referred for enrollment.

Advising passage of and returning the following Engrossed measure:

SCR 29 - coauthored by all other House Members

The above-numbered measure was referred for enrollment.

**MESSAGE FROM THE HOUSE
CONFERENCE COMMITTEE REPORTS**

Transmitting the following bills, together with conference committee reports thereon, advising adoption of conference committee reports and passage of measures as amended:

HB 1294

HB 1460 - coauthored by Luttrell and Reynolds

Conference committee reports were read on the above-numbered bills.

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 Brogdon presiding.

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

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

Senator Aldridge asked unanimous consent to refer **SCR 26** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SCR 26 by Aldridge of the Senate and Sullivan of the House was called up for consideration.

SCR 26 was adopted upon motion of Senator Aldridge upon roll call as follows:

Aye: Aldridge, Anderson, Barrington, Bingman, Branan, Brogdon, Brown, Coates, Crain, Ellis, Ford, Gumm, Halligan, Jolley, Justice, Lamb, Marlatt, Myers, Newberry, Nichols, Paddock, Reynolds, Russell, Schulz, Stanislawski and Sykes.--26.

Nay: Ballenger, Bass, Burrage, Corn, Crutchfield, Easley, Eason McIntyre, Garrison, Ivester, Johnson (C), Laster, Leftwich, Lerblance, Rice, Sparks, Sweeden and Wilson.--17.

Excused: Adelson, Coffee, Johnson (M), Mazzei and Wyrick.--5.

SCR 26 was referred for engrossment.

Senator Jolley presiding.

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

Senator Lamb asked unanimous consent to refer **HCR 1040** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

HCR 1040 by Bengé of the House and Coffee of the Senate was called up for consideration.

HCR 1040 was adopted upon motion of Senator Lamb and properly signed and ordered returned to the Honorable House.

CHANGE IN CONFEREES

Advising change in Senate conferees as follows:

HB 1055 – remove Brown, Aldridge, Mazzei, Stanislawski, Russell, Sparks and name GCCA

MESSAGES FROM THE HOUSE

Advising naming House conferees on Engrossed:

HB 1307 - Luttrell, Pittman, Joyner, Kirby, Cox, Jordan, Duncan and Lamons

HB 1491 - Wright (Harold), Armes, Enns, Kouplén, Buck and Christian

HB 1591 - Coody, Miller, Jackson and Jones

HB 1802 - Martin (Steve), Jones, Miller and Jackson

HB 2010 - Coody, Miller, Jackson and Jones

HJR 1026 - Schwartz, Blackwell, Jackson, Joyner, Hilliard and Morgan

HJR 1035 - Enns, Miller, Jackson and Jones

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

- SB 479** - Jackson, Miller and Jones
- SB 489** - Coody, Jones, Miller and Jackson
- SB 611** - Duncan, Denney, Jordan, Nelson and Roan
- SB 852** - Terrill, Miller, Jackson and Jones
- SB 881** - Banz, Jackson, Jones and Miller
- SB 982** - Thomsen, Jones, Miller and Jackson
- SB 1064** - Shannon, Miller, Jones and Jackson

Conferees unable to agree on following:

- HB 2108** - coauthored by Wright (Harold)

EXECUTIVE NOMINATIONS

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

Baker, Rand L., Norman, as a member of the Forensic Review Board - Public Safety and Homeland Security

Besa, Art, Lawton, as a member of the War Veterans Commission of Oklahoma - Veterans and Military Affairs

Bowers, Jim R., Oklahoma City, as a member of the Oklahoma Horse Racing Commission - Finance

Haddox, Denny, Claremore, as a member of the J.M. Davis Memorial Commission - Tourism and Wildlife

Kelly, Mark W., Oklahoma City, as a member of the Commission on Consumer Credit - Business and Labor

Norwood, Steve, Oklahoma City, as a member of the Forensic Review Board - Public Safety and Homeland Security

Pickel, James, Oklahoma City, as a member of the Oklahoma Arts Council - Education

Tippie, Martin A., M.D., Norman, as a member of the Oklahoma State Athletic Commission - Business and Labor

Todd, Melvin R., Oklahoma City, as a member of the Board of Trustees for Langston University-Oklahoma City and Langston University-Tulsa - Education

Senator Lamb moved that when the clerk's desk is clear, the Senate stand adjourned to convene Tuesday, May 12, 2009, at 2:00 p.m., which motion prevailed.

CONFERENCE COMMITTEE REPORTS SUBMITTED

Conference committee reports were read on the following bills:

SB 269
SB 275
SB 277
SB 353
SB 431
SB 458
SB 490
SB 612
SB 653
SB 695
SB 718 – conferees unable to agree
SB 757
SB 794
SB 796
SB 800
SB 827
SB 828
SB 888
SB 994
SB 1029
SB 1076
SB 1123
SB 1166
SB 1181
SB 1185
SB 1231
SJR 34

SB 718 will revert to the status occupied before being sent to conference and will remain on the calendar under "House Amendments to Senate Bills".

FIRST READING

The following was introduced and read the first time:

SCR 30 – By Crain of the Senate and Peters of the House.

A Concurrent Resolution creating a task force to study the Department of Human Services; providing for purpose, composition, appointments, staff support and report of task force.

MESSAGES FROM THE GOVERNOR

Advising his approval May 8, 2009, of Enrolled **SBs 337, 384, 478, 604, 614, 622, 645, 661, 679, 1138 and 1146.**

Advising his approval May 11, 2009, of Enrolled **SBs 11, 248, 285, 310, 339, 473, 497, 518, 527, 539, 585, 595, 698, 830, 857, 867, 901, 916, 953, 964, 1022 and 1234.**

Advising his veto May 8, 2009, of Enrolled **SB 834.**

The veto message reads as follows:

May 8, 2009

To the Honorable President Pro Tempore
and Members of the Oklahoma Senate
First Session of the Fifty Second Oklahoma Legislature

ENROLLED SB 834

This is to advise you that on this date, pursuant to the authority vested in me by Section 11 of Article VI of the Oklahoma Constitution to approve or object to legislation presented to me, I have VETOED Senate Bill 834.

While local control is an important component of a successful public education system, it is also critical to have rigorous state standards in place to produce the highest quality graduates and ensure achievement and accountability throughout the system. Recognizing the importance of such uniform standards, public and private sector leaders have advocated and implemented numerous reforms in recent years to raise the academic bar for all students and schools.

Senate Bill 834 would essentially turn back the clock on much of that important progress and weaken landmark reforms by allowing school administrators to create their own rules and ignore more rigorous state standards, including, but not limited to, the smaller class size mandates championed by former Gov. Henry Bellmon and Oklahoma voters in the historic passage of House Bill 1017 in 1990. SB 834 would also endanger such worthy programs as

full-day kindergarten and alternative education in addition to making optional such critical personnel as school librarians and counselors.

Furthermore, SB 834 does a deliberate disservice to the backbone of the public education system, the public school teacher, by weakening or eliminating educators' rights and benefits, including due process rights guaranteed under the constitution. These provisions would also undermine ongoing efforts to attract and retain the best and brightest teachers in Oklahoma, something that is critically important, particularly for a state that is routinely recognized for having some of the best educators in the nation.

At a time when we are working to send the signal that Oklahoma is serious about improving its education system and producing high-quality graduates who can compete in the 21st Century global economy, it would be a disastrous step backward to approve legislation that weakens state standards, abolishes historic reforms and reduces rights and benefits provided to teachers.

By the Governor of the State of Oklahoma
/s/Brad Henry

Pursuant to the Lamb motion, the Senate adjourned at 3:20 p.m. to meet Tuesday, May 12, 2009, at 2:00 p.m.