

# Senate Journal

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

**Forty-third Legislative Day, Thursday, April 15, 2010**

The Senate was called to order by Senator Sykes.

Roll Call:

Present: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.—45.

Excused: Crutchfield, Mazzei and Paddack.—3.

Senator Sykes declared a quorum present.

The prayer was offered by Dr. Bryan Haynes, College Heights Baptist Church, Chickasha, the guest of Senator Justice.

### REPORT OF ENGROSSED AND ENROLLED MEASURES

**HBs 2292, 2297, 2322, 2333, 2625, 2629, 2686, 2701, 2710, 2927, 2928, 2941, 2971, 2994, 3021, 3291, 3385 and 3422** were each correctly engrossed and, together with engrossed **SAs**, properly signed and ordered returned to the Honorable House.

**SBs 1325, 1754, 2044, 2051, 2064 and 2104** were each correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

**SR 110** was correctly enrolled, properly signed and ordered transmitted to the Secretary of State.

**PENDING CONSIDERATION OF HAs**

**HAs to SB 1280** were rejected upon motion of Senator Lamb, conference requested, and Senate conferees to be named later.

**MESSAGES FROM THE HOUSE**

Advising concurrence in **SAs** to and passage of Engrossed **HB 3202**.

Advising rejection of CCR, requesting further conference and naming same conferees to Engrossed:

**HB 2363** - GCCA

Advising conference granted and naming House conferees on Engrossed:

**SB 1585** - GCCA

**SB 1589** - GCCA

**SB 1590** - GCCA

**GENERAL ORDER**

**HB 3078** by Hamilton et al of the House and Crain of the Senate was called up for consideration.

Senator Crain moved that **HB 3078** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 3078** 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, Burrage, Coates, Coffee, Corn, Crain, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Jolley, Justice, Lamb, Laster, Leftwich, Myers, Newberry, Reynolds, Rice, Russell, Sparks, Stanislawski, Sykes and Wyrick.--36.

Nay: Lerblance and Wilson.--2.

Excused: Brogdon, Brown, Crutchfield, Johnson (M), Marlatt, Mazzei, Nichols, Paddack, Schulz and Sweeden.--10.

The bill passed.

**HB 3078** was referred for engrossment.

### **GENERAL ORDER**

**HB 3155** by Osborn of the House and Justice of the Senate was called up for consideration.

Senator Justice moved that **HB 3155** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 3155** 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, Coffee, Corn, Crain, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Myers, Newberry, Nichols, Reynolds, Russell, Schulz, Sparks, Stanislawski, Sykes, Wilson and Wyrick.--41.

Excused: Crutchfield, Johnson (M), Marlatt, Mazzei, Paddack, Rice and Sweeden.--7.

The bill passed.

**HB 3155** was referred for engrossment.

### **Senator Bingman presiding.**

### **MOTION TO RECONSIDER VOTE**

Senator Aldridge moved to reconsider the vote whereby **HB 1613** failed, which motion was declared adopted upon roll call as follows:

Aye: Aldridge, Anderson, Barrington, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Crain, Easley, Ford, Halligan, Ivester, Johnson (C), Johnson (M), Jolley,

Justice, Lamb, Laster, Marlatt, Myers, Newberry, Nichols, Reynolds, Russell, Schulz, Sparks, Stanislawski and Sykes.--31.

Nay: Adelson, Ballenger, Bass, Corn, Eason McIntyre, Ellis, Garrison, Gumm, Leftwich, Lerblance, Rice, Wilson and Wyrick.--13.

Excused: Crutchfield, Mazzei, Paddack and Sweeden.--4.

### **THIRD READING**

**HB 1613** was read for the third time at length.

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

Aye: Aldridge, Anderson, Ballenger, Barrington, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Crain, Easley, Ellis, Ford, Halligan, Ivester, Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Reynolds, Russell, Schulz, Sparks, Stanislawski and Sykes.--33.

Nay: Adelson, Bass, Corn, Eason McIntyre, Garrison, Gumm, Johnson (C), Rice, Wilson and Wyrick.--10.

Excused: Coffee, Crutchfield, Mazzei, Paddack and Sweeden.--5.

The bill passed.

**HB 1613** was referred for engrossment.

### **GENERAL ORDER**

**HB 2529** by Schwartz and Pittman of the House and Schulz of the Senate was called up for consideration.

Senator Schulz moved that **HB 2529** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 2529** 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, Easley, Eason McIntyre, Ellis, Ford,

Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes and Wyrick.--41.

Excused: Coffee, Crutchfield, Mazzei, Nichols, Paddack, Reynolds and Wilson.--7.

The bill passed.

**HB 2529** was properly signed and ordered returned to the Honorable House.

### **ELECTRONIC NOTIFICATION**

Senator Lamb notified the members of the Senate that, pursuant to the provisions of paragraph 2 of subsection B of Senate Rule 5-6, copies of the floor substitute for **HB 2831** have been made available electronically, via e-mail to all Senators and Executive assistants.

### **GENERAL ORDER**

**HB 2313** by Duncan et al of the House and Jolley of the Senate, considered on Page 1205, was called up for further consideration.

Senator Jolley asked that his previous amendment to restore the title on **HB 2313** be laid over temporarily, which was the order.

Senator Jolley moved to amend **HB 2313**, Page 15, Line 21 through Page 16, Line 18, by deleting subsection B and inserting a new subsection B to read as follows:

“B. No person shall commit sexual battery on any other person. “Sexual battery” shall mean the intentional touching, mauling or feeling of the body or private parts of any person sixteen (16) years of age or older, in a lewd and lascivious manner; ~~and without~~

1. Without the consent of that person; ~~or when~~
2. When committed by a state, county, municipal or political subdivision employee or a contractor or an employee of a contractor of the state, a county, a municipality or political subdivision of this state upon a person who is under the legal custody, supervision or authority of a state agency, a county, a municipality or a political subdivision of this state; or
3. When committed upon a person who is at least sixteen (16) years of age and is less than twenty (20) years of age and is a student, or in the legal custody or supervision of any public or private elementary or secondary school, or technology center school, by a person who is eighteen (18) years of age or older and is an employee of the same school system that the victim attends.

As used in this subsection, “employee of the same school system” means a teacher, principal or other duly appointed person employed by a school system or an employee of a firm contracting with a school system who exercises authority over the victim.”, which amendment was declared adopted.

Senator Jolley pressed adoption of his previous amendment to restore the title on **HB 2313**, which amendment was declared adopted.

Senator Jolley moved that **HB 2313** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 2313** 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, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Rice, Russell, Schulz, Sparks, Stanislawski, Sykes, Wilson and Wyrick.--39.

Excused: Coffee, Crain, Crutchfield, Johnson (M), Mazzei, Nichols, Paddack, Reynolds and Sweeden.--9.

The bill passed.

**HB 2313** was referred for engrossment.

### **GENERAL ORDER**

**HB 2703** by McDaniel (Randy) et al of the House and Lamb of the Senate was called up for consideration.

Senator Gumm asked to coauthor **HB 2703**, which was the order.

Senator Lamb moved that **HB 2703** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 2703** 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, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Schulz, Sparks, Stanislawski, Sweeden, Wilson and Wyrick.--38.

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

Excused: Coffee, Crutchfield, Mazzei, Nichols, Paddack and Rice.--6.

The bill passed.

**HB 2703** was referred for engrossment.

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

Senator Anderson asked unanimous consent to refer **SR 111** direct to the Calendar for consideration, which was the order.

#### **GENERAL ORDER**

**SR 111** by Anderson was called up for consideration.

All other members of the Senate asked to coauthor **SR 111**, which was the order.

**SR 111** was adopted upon motion of Senator Anderson and referred for enrollment.

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

Advising fourth reading of and returning Enrolled **SBs 1325, 1754, 2044, 2051, 2064** and **2104**.

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

Advising fourth reading of and transmitting for signature Enrolled **HBs 1479, 2277, 2445, 2571, 2579, 2626, 2678, 2697, 2946, 3202** and **3220**.

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

Advising rejection of **SAs**, requesting conference, and naming **GCCA** to the following Engrossed:

**HB's 2357 through 2362, 2364 through 2367, 2369 through 2380, 2382 through 2394, 2396 through 2400, 2402 through 2410, 2412 through 2420, 2422 through 2430, 2432, 2434, 2436 through 2444, 2446 through 2454, 2456 through 2460, 2462 through 2484, 2486 through 2490, 2492 through 2496, 2498, 2500, 2502 through 2504, 2506 through 2510, 2512 through 2528 and HJR 1055.**

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

**HB 1574  
HB 2171  
HB 2247  
HB 2300  
HB 2302  
HB 2314  
HB 2345  
HB 2395  
HB 2596  
HB 2628  
HB 2631  
HB 2648  
HB 2658  
HB 2730  
HB 2732  
HB 2778  
HB 2791  
HB 2836  
HB 2883  
HB 2929  
HB 2944  
HB 2973  
HB 2999  
HB 3126  
HB 3127  
HB 3160  
HB 3231  
HB 3339  
HB 3341  
HB 3342**

Advising passage of and returning the following Engrossed bills:

**SB 1264** - coauthored by Duncan

**SB 1275**

**SB 1351** (emergency failed) remove DeWitt and substitute Hickman as principal House author and eoauthored by Pittman and DeWitt

**SB 1394**

**SB 1785**

**SB 2239** - coauthored by Duncan, Moore, Faught, and Derby

The above-numbered measures were referred for enrollment.

**MESSAGE FROM THE HOUSE  
HAS TO SENATE BILLS**

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

**SB 1303**

**SB 1329** - coauthored by Luttrell and Walker

**SB 1600** - coauthored by Pittman

**SB 1631**

**SB 1771**

**SB 1817**

**SB 1818** - coauthored by Cannaday and Hoskin

**SB 1840** - coauthored by Sherrer

**SB 1910**

**SB 1955** - coauthored by Tibbs

**SB 1962**

**SB 2063**

**SB 2126**

**SB 2127**

**SB 2211** (emergency failed)

**SB 2296** - coauthored by Roan

House amendments were read on the above-numbered bills.

**EXECUTIVE NOMINATIONS**

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

Barnes, Charles Henry, Choctaw, as a member of the Oklahoma Real Estate Commission - Business and Labor

Barrett, John A., Shawnee, as a member of the Oklahoma Indian Affairs Commission - Health and Human Services

Grim, Michael, Oklahoma City, as a member of the Board of Examiners for Speech Pathology and Audiology - Health and Human Services

Shaffer, Peggy Jo, Milburn, as a member of the Board of Regents of Murray State College - Education

Tillett, Kenneth Erroll, Weatherford, as a member of the Oklahoma Human Rights Commission - Health and Human Services

VanMeter, Martin, Durant, as a member of the Oklahoma Real Estate Commission - Business and Labor

Williams, H. C. "Will", Owasso, as a member of the State Board of Career and Technology Education - Education

Senator Lamb moved that when the clerk's desk is clear, the Senate stand adjourned to convene Monday, April 19, 2010, at 1:30 p.m., which motion prevailed.

#### **CONFERENCE COMMITTEE REPORTS SUBMITTED**

Conference committee reports were read on the following bills:

**SB 213 (2nd CCR)**, remove Johnson (Mike) and substitute Coffee as principal Senate author, and remove Miller and substitute Sullivan as principal House author  
**SB 956**

#### **FIRST READING**

The following was introduced and read the first time:

**SR 112** – By Rice.

A Resolution commemorating the fifteenth anniversary of the bombing of the Alfred P. Murrah Federal Building; and directing distribution.

Pursuant to the Lamb motion, the Senate adjourned at 10:45 a.m. to meet Monday, April 19, 2010, at 1:30 p.m.