

Senate Journal

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

Forty-seventh Legislative Day, Monday, April 26, 2010

The Senate was called to order by Senator Stanislawski.

Roll Call:

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

Excused: Anderson, Easley, Mazzei and Rice.—4.

Senator Stanislawski declared a quorum present.

The prayer was offered by Reverend Connie J. Gibson, Southern Hills United Methodist Church, Oklahoma City, the guest of Senator Leftwich.

REPORT OF ENGROSSED AND ENROLLED MEASURES

HBs 1043, 1319, 1641, 2348, 2696, 2753, 2811, 2831, 2882, 2990, 3000, 3054, 3161, 3167, 3170, 3173, 3236, 3258, 3260, 3261, 3267, 3286, 3343, 3354, 3383 and 3397 were each correctly engrossed and, together with engrossed SAs, properly signed and ordered returned to the Honorable House.

MESSAGE FROM THE HOUSE HAS TO SENATE BILLS

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

SB 509 - coauthored by Rice of the Senate and Pittman and Denney of the House

SB 820

SB 859 - coauthored by Hoskin, Walker, Smithson, Tibbs, Roan, and Brannon

SB 1040

SB 1070 - remove Hilliard and substitute Peters as principal House author and coauthored by Hilliard

SB 1337 - coauthored by Cooksey and Moore

SB 1612 - coauthored by Tibbs and Billy

SB 1640 - coauthored by Denney

SB 1761 (emergency failed) - coauthored by Fields

SB 1762 - coauthored by Kern

SB 1772 - coauthored by Nations and Collins

SB 1862 - coauthored by Sullivan

SB 1941

SB 1960 - coauthored by Ivester and Corn of the Senate and Morgan, Banz, and Wright (John) of the House

SB 1973 - coauthored by McCullough and Derby

SB 2022 - Remove Leftwich and substitute Nichols as principal Senate author and coauthored by Leftwich of the Senate and McCullough of the House

SB 2041**SB 2070**

House amendments were read on the above-numbered bills.

MESSAGES FROM THE HOUSE

Advising passage of and returning the following Engrossed bills:

SB 1289 - remove Shelton and substitute Morgan as principal House author and coauthored by Pittman, Kern, and Dank

SB 1864 - coauthored by Fields

The above-numbered measures were referred for enrollment.

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

SB 1442

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

Advising rejection of **2ND CCR** to **SB 828**, requesting further conference and House conferees to be named later.

Advising rejection of **CCR** to **SB 902**, requesting further conference and House conferees to be named later.

Advising fourth reading of and transmitting for signature Enrolled **HBs 1006, 2328, 2363, 2569, 2621, 2800, 3241** and **3259**.

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 1059**.

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

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

HB 1458
HB 1611
HB 2004
HB 2295
HB 2297
HB 2310
HB 2567
HB 2573
HB 2574
HB 2584
HB 2585
HB 2595
HB 2625
HB 2650
HB 2652
HB 2659
HB 2686
HB 2701
HB 2710
HB 2720
HB 2777
HB 2844
HB 2850
HB 2886
HB 2888
HB 2920

HB 2936
HB 2939
HB 2941
HB 2958
HB 2963
HB 2983
HB 2998
HB 3021
HB 3052
HB 3061
HB 3251
HB 3292
HB 3311
HB 3338
HB 3379
HB 3380
HB 3381
HB 3382
HB 3385
HB 3387
HB 3393
HB 3422
HJR 1056

SCs NAMED

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

SB 1956 – Justice, Schulz, Anderson, Marlatt, Ellis

SB 1962 – Jolley, Aldridge, Bingman, Johnson (Mike), Ballenger

SB 2258 – GCCA

REPORT OF ENGROSSED AND ENROLLED MEASURE

SB 1442 was correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

PENDING CONSIDERATION OF HAS

HAs to SB 1713 were concurred in upon motion of Senator Gumm.

SB 1713, 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, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Corn, Crain, Crutchfield, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Russell, Schulz, Sparks, Stanislawski, Sykes, Wilson and Wyrick.--42.

Excused: Anderson, Coffee, Easley, Mazzei, Rice and Sweeden.--6.

The bill passed.

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

EXECUTIVE NOMINATIONS

The following executive nominations have been approved by the committees named:

Andoe, Bill, Tulsa, to the Oklahoma Arts Council, to serve an unexpired term ending July 1, 2012, succeeding Bill von Glahn. (Education Committee) Motion to confirm made by Senator Todd Lamb on behalf of Senator Gary Stanislawski.

Barrick, Sam, Ardmore, to the Board of Trustees for the Ardmore Higher Education Program, to serve a nine year term ending June 30, 2019, succeeding Andre Moore. (Education Committee) Motion to confirm made by Senator Johnnie Crutchfield.

Coleman, Steve, Midwest City, to the Board of Regents for Rose State College, to serve a seven year term ending July 1, 2017, succeeding Ken Bartlett. (Education Committee) Motion to confirm made by Senator Cliff Aldridge.

Dodson, Mark Steven, Altus, to the Board of Regents of Western Oklahoma State College, to serve a seven year term ending March 24, 2017, succeeding himself. (Education Committee) Motion to confirm made by Senator Mike Schulz.

Foresee, Gail, Shawnee, to the State Board of Education, to serve a six year term ending April 1, 2016, succeeding Deborah Blue. (Education Committee) Motion to confirm made by Senator Charlie Laster.

Gallahar, Paul Teel, Tulsa, to the State Fire Marshal Commission, to serve a five year term ending July 1, 2015, succeeding Jackie Carner. (General Government Committee) Motion to confirm made by Senator Todd Lamb on behalf of Senator Mike Mazzei.

Garber, Martin D., Jr., Bartlesville, to the Board of Regents of the Tulsa Community College, to serve a seven year term ending June 30, 2017, succeeding himself. (Education Committee) Motion to confirm made by Senator John Ford.

Greenhaw, Joshua, Oklahoma City, to the Capitol Medical Center Improvement and Zoning Commission, to serve a three year term ending January 31, 2013, succeeding himself. (General Government Committee) Motion to confirm made by Senator Charlie Laster on behalf of Senator Andrew Rice.

Greenlee, Warren Jeffrey, Altus, to the Board of Trustees for Quartz Mountain Arts and Conference Center and Nature Park, to serve an unexpired term ending June 30, 2013, succeeding Jenny Hendrick. (Education Committee) Motion to confirm made by Senator Mike Schulz.

Guard, Mary Beth, Oklahoma City, to the Capitol-Medical Center Improvement and Zoning Commission, to serve a three year term ending January 31, 2012, succeeding John E. Johnson. (General Government Committee) Motion to confirm made by Senator Charlie Laster on behalf of Senator Andrew Rice.

Hobson, Elaine, Norman, to the Oklahoma Educational Television Authority, to serve a seven year term ending June 30, 2017, succeeding herself. (Education Committee) Motion to confirm made by Senator John Sparks.

Huggins, Robert Carroll, Stigler, to the Board of Regents for Carl Albert State College, to serve a seven year term ending July 1, 2017, succeeding himself. (Education Committee) Motion to confirm made by Senator Richard Lerblance.

Jones, Will K., Edmond, to the Oklahoma Arts Council, to serve a three year term ending July 1, 2013, succeeding himself. (Education Committee) Motion to confirm made by Senator Mike Johnson.

Lawson, Holbrook C., Tulsa, to the Oklahoma Arts Council, to serve a three year term ending July 1, 2013, succeeding Wanda O. Westheimer. (Education Committee) Motion to confirm made by Senator Todd Lamb on behalf of Senator Gary Stanislawski.

McBee, Jennifer, Poteau, to the Board of Regents for Carl Albert State College, to serve an unexpired term ending July 1, 2014, succeeding F. L. Holton. (Education Committee) Motion to confirm made by Senator Kenneth Corn.

McDaniel, Brenda, Oklahoma City, to the Oklahoma Arts Council, to serve a three year term ending July 1, 2013, succeeding herself. (Education Committee) Motion to confirm made by Senator Charlie Laster on behalf of Senator Andrew Rice.

Mocha, Larry, Tulsa, to the Board of Trustees for Oklahoma State University/Tulsa, to serve a seven year term ending June 30, 2017, succeeding himself. (Education Committee) Motion to confirm made by Senator Brian Crain.

Risser, Paul G., Norman, to the Chair of the P-20 Data Coordination Council, to serve at the pleasure of the Governor, succeeding a new position. (Education Committee) Motion to confirm made by Senator Jonathan Nichols.

Rooney, Patrick T., Oklahoma City, to the Oklahoma Student Loan Authority, to serve a five year term ending April 6, 2015, succeeding himself. (Education Committee) Motion to confirm made by Senator Cliff Branam.

Rozell, Herb, Tahlequah, to the State Board of Education, to serve a six year term ending April 1, 2013, succeeding Barbara Staggs. (Education Committee) Motion to confirm made by Senator Charlie Laster on behalf of Senator Jim Wilson.

Scott, Stephen, Mangum, to the Board of Trustees for the Quartz Mountain Arts and Conference Center and Nature Park, to serve a seven year term ending June 30, 2017, succeeding himself. (Education Committee) Motion to confirm made by Senator Tom Ivester.

Shaull, Talia Rae, Bixby, to the Board of Regents of the Tulsa Community College, to serve an unexpired term ending June 30, 2011, succeeding Dyanne A. Jones. (Education Committee) Motion to confirm made by Senator Todd Lamb on behalf of Senator Mike Mazzei.

Sias, Jeannette F., Edmond, to the Oklahoma Arts Council, to serve a three year term ending July 1, 2013, succeeding herself. (Education Committee) Motion to confirm made by Senator Clark Jolley.

Smith, Lynn, Enid, to the Board of Regents of the Northern Oklahoma College, to serve a five year term ending June 30, 2015, succeeding himself. (Education Committee) Motion to confirm made by Senator Mike Schulz on behalf of Senator Patrick Anderson.

Wilson, Vernetta, Tulsa, to the Board of Trustees for Langston University-Oklahoma City and Langston University-Tulsa, to serve a seven year term ending June 30, 2017, succeeding herself. (Education Committee) Motion to confirm made by Senator Judy Eason McIntyre.

Motions to confirm the above named executive nominations were declared adopted upon roll call as follows:

Aye: Adelson, Aldridge, Ballenger, Barrington, Bass, Bingman, Branam, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Schulz, Sparks, Stanislawski and Wyrick.--39.

Nay: Brogdon, Russell and Sykes.--3.

Excused: Anderson, Easley, Mazzei, Rice, Sweeden and Wilson.--6.

PENDING CONSIDERATION OF HAS

HAs to **SB 1917** were concurred in upon motion of Senator Aldridge.

SB 1917, 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, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Russell, Schulz, Sparks, Stanislawski, Sykes and Wyrick.--41.

Excused: Anderson, Easley, Johnson (M), Mazzei, Rice, Sweeden and Wilson.--7.

The bill passed.

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

PENDING CONSIDERATION OF HAS

HAs to **SB 747** were concurred in upon motion of Senator Jolley.

SB 747, 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, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Russell, Schulz, Sparks, Stanislawski, Sykes and Wyrick.--42.

Excused: Anderson, Easley, Mazzei, Rice, Sweeden and Wilson.--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 1910** were concurred in upon motion of Senator Ford.

SB 1910, 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, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Corn, Crain, Crutchfield, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Russell, Schulz, Sparks, Stanislawski, Sykes and Wyrick.--41.

Excused: Anderson, Coffee, Easley, Mazzei, Rice, Sweeden and Wilson.--7.

The bill passed.

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

INTRODUCTION

Senator Constance Johnson introduced her daughter-in-law, Dionna Samuel, and her granddaughter, Savannah Weslyn Samuel, to the Senate.

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

Senator Eason McIntyre asked unanimous consent to refer **SCR 57** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SCR 57 by Eason McIntyre of the Senate and Lamons of the House was called up for consideration.

All other members of the Senate asked to coauthor **SCR 57**, which was the order.

SCR 57 was adopted upon motion of Senator Eason McIntyre and referred for engrossment.

MESSAGE FROM THE HOUSE

Advising fourth reading of and returning Enrolled **SB 1442**.

The above-numbered enrolled measure was referred to the Governor.

PENDING CONSIDERATION OF HAs

HAs to SBs 421, 573, 959, 1012, 1784, 1889, 2129 and 2218 were rejected upon motion of Senator Lamb, conference requested, and Senate conferees to be named later.

**PENDING SENATE ACTION
HOUSE REQUEST FOR CONFERENCE**

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

SB 828 – Marlatt, Bingman, Schulz, Branan, Ivester, Burrage

Upon motion of Senator Lamb, the request of the Honorable House for further conference on **SB 902** was ordered granted and same Senate conferees appointed as follows: GCCA.

MESSAGES FROM THE HOUSE

Returning herewith enrolled **HB 2656** together with the Governor's veto message thereon, and advising that under the provisions of Article V, Section 58, of the Constitution of the State of Oklahoma, the House has reconsidered and passed said bill over the Governor's veto by a 3/4 vote of all members elected to and constituting the House, said vote being as follows - Ayes: 84, Nays: 12

Returning herewith enrolled **HB 2780** together with the Governor's veto message thereon, and advising that under the provisions of Article V, Section 58, of the Constitution of the State of Oklahoma, the House has reconsidered and passed said bill over the Governor's veto by a 3/4 vote of all members elected to and constituting the House, said vote being as follows - Ayes: 81, Nays: 14

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

HB 1613
HB 1658
HB 2274
HB 2320
HB 2331
HB 2629
HB 2641
HB 2698
HB 2703
HB 2927
HB 2928
HB 2935
HB 2971
HB 3078
HB 3123
HB 3155
HB 3213
HJR 1084

MESSAGE FROM THE HOUSE
HAs TO SENATE BILLS

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

SB 461 - remove Terrill and substitute Hickman as principal House author and coauthored by Buck and Cox
SB 831 - coauthored by Reynolds
SB 1251 - coauthored by Morgan and Dorman
SB 1284 - coauthored by Hickman and Inman
SB 1384 - coauthored by Morgan
SB 1628 (emergency failed)
SB 1662 (emergency failed) - coauthored by Walker
SB 1712 (emergency failed) – remove Denney and substitute Jackson as principal House author
SB 1714
SB 1857 (emergency failed) - coauthored by Harrison
SB 1871 (emergency failed) - coauthored by Harrison
SB 1872 (emergency failed) - coauthored by Moore
SB 1876 - coauthored by Shumate
SB 1900 - coauthored by Harrison, Collins, Tibbs, Hoskin, and Kiesel
SB 1901 - coauthored by Kirby, Luttrell, Glenn, McPeak, McNiel, McAffrey, Billy, Thomsen, Brown, Shoemake, and Scott

SB 1928 (emergency failed)
SB 1964
SB 2018
SB 2033 (emergency failed)
SB 2083 (emergency failed)
SB 2088 (emergency failed) - coauthored by Fields
SB 2109 (emergency failed) - coauthored by Cannaday, Kern, and Derby
SB 2163 (emergency failed) - coauthored by Peterson
SB 2204 - Remove Dank and substitute Nelson as principal House author and coauthored by Dank, Tibbs, and Inman
SB 2213 - coauthored by Kern and Derby
SB 2319 (emergency failed) - coauthored by Kern
SB 2330 (emergency failed) - coauthored by Kern, Sullivan, and Tibbs

House amendments were read on the above-numbered bills.

PENDING CONSIDERATION OF HAS

HAs to SBs 1284, 1964, 2109, 2163 and 2319 were rejected upon motion of Senator Lamb, conference requested, and Senate conferees to be named later.

EXECUTIVE NOMINATIONS

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

Edwards, Marc, Oklahoma City, as a member of the Oklahoma State Board of Examiners for Long-Term Care Administrators - Health and Human Services

Ware, Stacie, Broken Arrow, as a member of the Oklahoma State Board of Examiners for Long-Term Care Administrators - Health and Human Services

Senator Lamb moved that when the clerk's desk is clear, the Senate stand adjourned to convene Tuesday, April 27, 2010, at 9:30 a.m., which motion prevailed.

FIRST READING

The following were introduced and read the first time:

SCR 59 – By Marlatt.

A Concurrent Resolution encouraging child care facilities to offer training on identifying and reporting incidents of child abuse and neglect to their employees; and directing distribution.

SR 116 – By Johnson (Constance).

A Resolution congratulating the Millwood High School boys basketball team for winning the Class 3A State Championship; commending Millwood High School boys basketball head coach Varryl Franklin; and directing distribution.

MESSAGES FROM THE GOVERNOR

Advising his approval April 21, 2010, of Enrolled **SBs 1351** and **2239**.

Advising his approval April 22, 2010, of Enrolled **SBs 1765, 1907, 2045** and **2074**.

Pursuant to the Lamb motion, the Senate adjourned at 2:30 p.m. to meet Tuesday, April 27, 2010, at 9:30 a.m.

JOURNAL CORRECTION

Page 1357, Line 1, by inserting:

“Senator Newberry asked to coauthor **HB 2831**, which was the order.”