

# Senate Journal

## Second Regular Session of the Fifty-second Legislature

### of the State of Oklahoma

#### Forty-ninth Legislative Day, Wednesday, April 28, 2010

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 Aldridge 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 MEASURE

**SB 1329** was correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

#### PENDING CONSIDERATION OF HAS

**HAs to SB 1819** were concurred in upon motion of Senator Crain.

**SB 1819**, 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, Barrington, Bingman, Branan, Brogdon, Brown, Coates, Coffee, Crain, Ellis, Ford, Johnson (C), Jolley, Justice, Lamb, Leftwich, Marlatt, Mazzei, Myers, Newberry, Nichols, Reynolds, Russell, Schulz, Stanislawski and Sykes.--27.

Excused: Adelson, Ballenger, Bass, Burrage, Corn, Crutchfield, Easley, Eason McIntyre, Garrison, Gumm, Halligan, Ivester, Johnson (M), Laster, Lerblance, Paddack, Rice, Sparks, Sweeden, Wilson and Wyrick.--21.

The bill passed.

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

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

**HAs to SB 2211** were concurred in upon motion of Senator Jolley.

**SB 2211**, 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, Barrington, Bingman, Branan, Brogdon, Brown, Coates, Crain, Ellis, Ford, Halligan, Johnson (C), Jolley, Justice, Lamb, Marlatt, Mazzei, Myers, Newberry, Nichols, Reynolds, Russell, Schulz, Stanislawski and Sykes.--26.

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

The bill passed.

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

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

**HAs to SB 2073** were concurred in upon motion of Senator Stanislawski.

**SB 2073**, 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, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Corn, Crain, Crutchfield, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Jolley, Justice, Lamb, Laster, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sykes and Wyrick.--40.

Excused: Coffee, Easley, Johnson (C), Johnson (M), Leftwich, Paddack, Sweeden and Wilson.--8.

The bill passed.

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

**SCs NAMED**

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

- SB 1070** – GCCA
- SB 1373** – GCCA
- SB 1599** – GCCA
- SB 1600** – GCCA
- SB 1816** – GCCA
- SB 1818** – GCCA
- SB 1836** – GCCA
- SB 1858** – GCCA
- SB 1901** – GCCA
- SB 2127** – GCCA

**PENDING CONSIDERATION OF HAs**

**HAs** to **SB 1817** were concurred in upon motion of Senator Crain.

**SB 1817**, 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, 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, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sykes and Wyrick.--43.

Excused: Coffee, Johnson (M), Leftwich, Sweeden and Wilson.--5.

The bill passed.

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

**PENDING CONSIDERATION OF HAS**

**HAs to SB 1985** were concurred in upon motion of Senator Crain.

**SB 1985**, 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, 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), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--47.

Excused: Johnson (M).--1.

The bill passed.

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

**PENDING CONSIDERATION OF HAS**

**HAs to SBs 1762, 1908, 1973, 1989, 2046 and 2301** 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 conference on the following bills was ordered granted and Senate conferees appointed as follows:

**HB 1043** – GCCA

**HB 1613** – Aldridge, Brown, Stanislawski, Russell, Jolley, Ballenger

**HB 1658** – Barrington, Coffee, Anderson, Jolley, Laster

**HB 2004** – GCCA

**HB 2274** – GCCA

**HB 2310** – GCCA

**HB 2320** – Coates, Brogdon, Aldridge, Reynolds, Russell

**HB 2331** – GCCA

**HB 2567** – GCCA

**HB 2629** – GCCA

**HB 2641** – GCCA

**HB 2650** – Sykes, Coffee, Lamb, Coates  
**HB 2686** – GCCA  
**HB 2698** – GCCA  
**HB 2703** – GCCA  
**HB 2710** – GCCA  
**HB 2720** – GCCA  
**HB 2777** – GCCA  
**HB 2844** – Branan, Marlatt, Bingman, Myers, Burrage  
**HB 2850** – Barrington, Schulz, Justice, Marlatt, Ellis  
**HB 2927** – GCCA  
**HB 2935** – GCCA  
**HB 2971** – GCCA  
**HB 2983** – GCCA  
**HB 2998** – GCCA  
**HB 3052** – GCCA  
**HB 3061** – GCCA  
**HB 3078** – GCCA  
**HB 3123** – GCCA  
**HB 3258** – GCCA  
**HB 3291** – GCCA  
**HB 3338** – GCCA  
**HB 3379** – GCCA  
**HB 3380** – GCCA  
**HB 3381** – GCCA  
**HB 3382** – GCCA  
**HB 3385** – GCCA  
**HB 3393** – GCCA  
**HB 3397** – GCCA  
**HB 3422** – GCCA  
**HJR 1084** – GCCA

**PENDING CONSIDERATION OF HAS**

**HAs** to **SB 2154** were concurred in upon motion of Senator Crain.

**SB 2154**, 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, 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), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--47.

Excused: Johnson (M).--1.

The bill passed.

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

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

**HAs to SB 2270** were concurred in upon motion of Senator Crain.

**SB 2270**, 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, 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, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--46.

Excused: Coffee and Johnson (M).--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 441** were concurred in upon motion of Senator Bingman.

**SB 441**, 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, 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, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--46.

Excused: Coffee and Johnson (M).--2.

The bill and emergency passed.

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

**UNANIMOUS CONSENT REQUEST  
DIRECT TO CALENDAR**

Senator Marlatt asked unanimous consent to refer **SCR 55** direct to the Calendar for consideration, which was the order.

**GENERAL ORDER**

**SCR 55** by Marlatt of the Senate was called up for consideration.

Representative Sanders asked to be named principal House author on **SCR 55**, which was the order.

**SCR 55** was adopted upon motion of Senator Marlatt and referred for engrossment.

**UNANIMOUS CONSENT REQUEST**

Pursuant to Senate Rule 12-21E, Senator Lamb asked unanimous consent, which was granted, to rescind the rejection of the HAs, conference requested and conferees to be named later motion on **SBs 573** and **1012**.

**PENDING CONSIDERATION OF HAs**

**HAs** to **SB 1927** were concurred in upon motion of Senator Newberry.

**SB 1927**, 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, 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, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Wilson and Wyrick.--45.

Excused: Coffee, Johnson (M) and Sykes.--3.

The bill passed.

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

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

**HAs to SBs 1756, 1761, 1862, 1916, 2033, 2052, 2083, 2088, 2180, 2203, 2213, 2259, 2318** and **SJR**s **61** and **66** were rejected upon motion of Senator Lamb, conference requested, and Senate conferees to be named later.

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

**HAs to SB 1631** were concurred in upon motion of Senator Mazzei.

**SB 1631**, 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, 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, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--46.

Nay: Brogdon.--1.

Excused: Coffee.--1.

The bill and emergency passed.

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

Senator Lamb moved that the Senate recess until 1:00 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 SB 1941** were concurred in upon motion of Senator Marlatt.

**SB 1941**, 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, Anderson, Barrington, Bass, Branan, Brogdon, Brown, Burrage, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--41.

Excused: Ballenger, Bingman, Coates, Coffee, Johnson (C), Johnson (M) and Mazzei.-7.

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 2212** were concurred in upon motion of Senator Ford.

**SB 2212**, 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, Anderson, Barrington, Bingman, Branan, Brogdon, Brown, Coates, Crain, Ford, Halligan, Johnson (M), Jolley, Justice, Lamb, Leftwich, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Stanislawski and Sykes.--29.

Nay: Bass, Burrage, Corn, Crutchfield, Easley, Ellis, Garrison, Gumm, Ivester, Laster, Lerblance, Sparks, Sweeden, Wilson and Wyrick.--15.

Excused: Ballenger, Coffee, Eason McIntyre and Johnson (C).--4.

The bill passed.

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

#### **PENDING CONSIDERATION OF HAs**

**HAs to SBs 1337, 1379, 1838, 1840, 2018, 2041, 2199 and 2303** were rejected upon motion of Senator Lamb, conference requested, and Senate conferees to be named later.

**HAs to SBs 1405 through 1441, 1443, 1444, 1447 through 1584 and 1586 through 1588** were rejected upon motion of Senator Lamb, conference requested, and Senate conferees appointed as follows: GCCA.

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

Advising fourth reading of and transmitting for signature Enrolled **HB 2556**.

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

Advising conference granted and naming House conferees on Engrossed:

**SB 1321** - Terrill, Miller, Hickman, Christian, Dorman, and Brannon

**SB 1396** - Hickman, Pruett, Denney, McDaniel (Randy), and Brannon

**SB 1397** - Hickman, McPeak, Watson, Dank, and Brannon

**SB 1914** - Hickman, Brannon, Watson, Sears, Russ, and Pruett

**SB 2007** - Nelson, Tibbs, Christian, Roan, and Smithson

**SB 2130** - Armes, Jones, Blackwell, Joyner, Billy, Morgan, Proctor, Rousselot, and Miller

**SB 2253** - Armes, Jones, Terrill, Shelton, and Roan

**SB 2258** - Terrill, Duncan, McCullough, Christian, Proctor, and Hamilton

Advising the naming of same House conferees on Engrossed:

**SB 828** - Blackwell, Thompson, Watson, Morgan, Walker, Johnson, Brannon, and Kirby

Advising the naming of House conferees to Engrossed:

**HB 2171** - McCullough, Duncan, Sullivan, Sherrer, and Rousselot

**HB 2596** - Morrissette, Trebilcock, Derby, Nelson, Ownbey, Tibbs, Joyner, Billy, Wright (Harold), Inman, Hamilton, Scott, Pittman, Cannaday, and McDaniel (Jeannie)

**HB 2777** - Steele, Morrissette, Morgan, Cox, and Sears

**HB 2888** - Moore, Martin (Scott), Murphey, Osborn, Pittman, Scott, and Shannon

**HB 3061** - DeWitt, Walker, Roan, Shoemake, Fields, Ortega, and Schwartz

**HB 3422** - Miller, Murphey, McDaniel (Randy), Carey, and Dorman

**HJR 1084** - Miller, Liebmann, Watson, Scott, and Morgan

Advising fourth reading of and returning Enrolled **SB 1329**.

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

Advising concurrence in **SAs** to and passage of Engrossed **HB 2541**.

## **EXECUTIVE NOMINATIONS**

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

Lee, James Parks, DVM, Oklahoma City, as a member of the State Board of Veterinary Medical Examiners - Agriculture and Rural Development

Mann, Patsy Sue, Checotah, as a member of the State Textbook Committee - Education

McNutt, Crail Denton, Stuart, as a member of the Board of Regents of Eastern Oklahoma State College - Education

Pettit, Alex Z., Oklahoma City, as Cabinet Secretary of Information Technology and Telecommunications – Finance

Upham, Steadman, Tulsa, as a member of the Oklahoma Science and Technology Research and Development Board - Energy and Environment

Senator Lamb moved that when the clerk's desk is clear, the Senate stand adjourned to convene Thursday, April 29, 2010, at 9:30 a.m., which motion prevailed.

Pursuant to the Lamb motion, the Senate adjourned at 1:45 p.m. to meet Thursday, April 29, 2010, at 9:30 a.m.