

Senate Journal

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

Fifty-fifth Legislative Day, Monday, May 10, 2010

The Senate was called to order by Senator Bingman.

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, Myers, Newberry, Nichols, Paddock, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.—46.

Excused: Adelson and Mazzei.—2.

Senator Bingman declared a quorum present.

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

REPORT OF ENGROSSED AND ENROLLED MEASURES

SB 1404 was correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

SCR 61 was correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

PENDING CONSIDERATION OF HAS

HAs to SB 1919 were concurred in upon motion of Senator Nichols.

Senator Sparks and Representative Collins asked to coauthor **SB 1919**, which was the order.

SB 1919, 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, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--45.

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

The bill passed.

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

UNANIMOUS CONSENT REQUEST DIRECT TO CALENDAR

Senator Russell asked unanimous consent to refer **SR 115** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SR 115 by Russell et al was called up for consideration.

All other members of the Senate asked to coauthor **SR 115**, which was the order.

SR 115 was adopted upon motion of Senator Russell and referred for enrollment.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 2253** was rejected upon motion of Senator Lamb, further conference requested, and same Senate conferees appointed as follows: Barrington, Sykes, Johnson (Mike), Russell, Easley.

The **3RD CCR** on **HB 1964** was rejected upon motion of Senator Lamb, further conference requested, and same Senate conferees appointed as follows: Crain, Johnson (Mike), Anderson, Jolley, Lamb, Schulz, Burrage.

PENDING CONSIDERATION OF HAS

HAs to **SB 1700** were concurred in upon motion of Senator Anderson.

Senator Johnson (Constance) asked to coauthor **SB 1700**, which was the order.

SB 1700, 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, Coates, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--44.

Excused: Adelson, Coffee, Mazzei and Russell.--4.

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 Sweeden asked unanimous consent to refer **SR 121** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SR 121 by Sweeden was called up for consideration.

SR 121 was adopted upon motion of Senator Sweeden and referred for enrollment.

PENDING CONSIDERATION OF HAS

HAs to **SBs 481, 673, 1398** and **2092** were rejected upon motion of Senator Lamb, conference requested, and Senate conferees to be named later.

PENDING CONSIDERATION OF HAS

HAs to SB 1662 were concurred in upon motion of Senator Schulz.

SB 1662, as amended by the Honorable House, was read at length.

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

Aye: Ballenger, Barrington, Bass, Brown, Burrage, Coates, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Nichols, Paddack, Rice, Schulz, Sparks, Sweeden, Wilson and Wyrick.--33.

Nay: Aldridge, Bingman, Branan, Brogdon, Halligan, Myers, Newberry, Reynolds, Russell, Stanislawski and Sykes.--11.

Excused: Adelson, Anderson, Coffee and Mazzei.--4.

The bill passed.

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

**MESSAGE FROM THE HOUSE
CONFERENCE COMMITTEE REPORTS**

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

HB 2290

HB 3284 - coauthored by Tibbs

The conference committee reports were read on the above-numbered bills.

MESSAGES FROM THE HOUSE

Advising fourth reading of and returning Enrolled **SB 1404**.

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

Advising fourth reading of and transmitting for signature Enrolled **HB 2330**.

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

Advising passage of and transmitting for consideration Engrossed **HCR 1065**.

HCR 1065 – By Wright (Harold), 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, Morrisette, Murphey, Nations, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Renegar, Reynolds, Richardson, Ritze, Roan, Rousselot, Russ, Sanders, Schwartz, Scott, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wesselhoft, Williams and Wright (John) of the House and Rice of the Senate.

A Concurrent Resolution recognizing May 2010 as National Melanoma and Skin Cancer Detection and Prevention Month; declaring the second week in May 2010 as Melanoma and Skin Cancer Detection and Prevention Week in Oklahoma; urging citizens to utilize certain information; and directing distribution.

The above-numbered measure was read the first time.

PENDING CONSIDERATION OF HAS

HAs to SB 1326 were concurred in upon motion of Senator Myers.

SB 1326, 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, 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, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--44.

Excused: Adelson, Anderson, Coffee and Mazzei.--4.

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 1332** were concurred in upon motion of Senator Myers.

SB 1332, 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, Ballenger, Barrington, Bass, Bingman, Branan, 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, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Schulz, Sparks, Stanislawski, Sweeden, Wilson and Wyrick.--42.

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

Excused: Adelson and Mazzei.--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 Halligan asked unanimous consent to refer **SR 118** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SR 118 by Halligan was called up for consideration.

All other members of the Senate asked to coauthor **SR 118**, which was the order.

SR 118 was adopted upon motion of Senator Halligan and referred for enrollment.

PENDING CONSIDERATION OF HAS

HAs to SB 1668 were concurred in upon motion of Senator Myers.

SB 1668, 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, Brogdon, Brown, Coates, Coffee, Crain, Easley, Eason McIntyre, Ford, Garrison, Halligan, Johnson (M), Jolley, Justice, Lamb, Myers, Newberry, Reynolds, Russell, Schulz, Stanislawski, Sweeden, Sykes and Wyrick.--27.

Nay: Ballenger, Bass, Branan, Burrage, Corn, Crutchfield, Ellis, Gumm, Ivester, Johnson (C), Laster, Leftwich, Lerblance, Marlatt, Nichols, Paddack, Rice, Sparks and Wilson.--19.

Excused: Adelson and Mazzei.--2.

The bill passed.

Pursuant to Rule 12-21, Senator Branan served notice that the vote be reconsidered whereby **SB 1668** passed.

PENDING CONSIDERATION OF HAS

HAs to SB 2128 were concurred in upon motion of Senator Myers.

SB 2128, 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, 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, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--46.

Excused: Adelson and Mazzei.--2.

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 2210 were concurred in upon motion of Senator Branan.

SB 2210, 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, 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, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--45.

Nay: Easley.--1.

Excused: Adelson and Mazzei.--2.

The bill and emergency passed.

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

MESSAGE FROM THE HOUSE

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 1998

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

**MESSAGE FROM THE HOUSE
CONFERENCE COMMITTEE REPORTS**

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

HB 1786 - coauthored by Bass of the Senate and Pittman of the House

HB 2939

HB 2944

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

PENDING CONSIDERATION OF HAs

HAs to **SB 2231** were called up for consideration.

Senator Branan asked that **SB 2231** be laid over for this legislative day, which was the order.

SB 2231 remains on pending consideration of HAs.

MESSAGES FROM THE HOUSE

Advising the naming of House conferees to Engrossed:

HB 2266 - Christian, Proctor, Terrill, Kirby, and Dorman

HB 3267 - Jackson, Terrill, Martin (Steve), Martin (Scott), Denney, Ownbey, Williams, Luttrell, and Sherrer

HB 3311 - Martin (Scott), Faught, Derby, Murphey, Dorman, and Proctor

Advising conference granted and naming House conferees on Engrossed:

SB 805 - Hickman, Jordan, Liebmann, DeWitt, Kouplen, Reynolds, Russ, Bailey, Carey, and Proctor

SB 1070 - Peters, McNiel, Denney, Lamons, and Shumate

SB 1309 - Enns, Miller, Proctor, Luttrell, Jackson, Brown, Thompson, and Russ

SB 1600 - Schwartz, Martin (Scott), Murphey, McDaniel (Jeannie), Nations, and Miller

SB 1686 - Sullivan, McDaniel (Jeannie), Liebmann, Morgan, and Jordan

SB 1816 - Ownbey, Wright (Harold), Fields, Buck, Blackwell, Hickman, and Roan

SB 1895 - Sherrer, McCullough, Nelson, Derby, Lamons, Carey, and Hickman

SB 2166 - Nelson, Duncan, Jordan, Inman, and Lamons

EXECUTIVE NOMINATION

The following executive nomination was read and referred to committee as indicated:

Haught, Judy, Elk City, as a member of the Oklahoma Department of Libraries Board - General Government

Senator Lamb moved that when the clerk's desk is clear, the Senate stand adjourned to convene Tuesday, May 11, 2010, at 10:00 a.m., which motion prevailed.

**BILL RELEASED
TIME EXPIRED TO CONSIDER**

HJR 1054, together with the conference committee report thereon, was ordered returned to the Honorable House.

CONFERENCE COMMITTEE REPORTS SUBMITTED

Conference committee reports were read on the following bills:

SB 421

SB 1071 (3rd CCR), remove Barrington and substitute Coffee as principal Senate author

SB 1762**SB 2129****SB 2259****FIRST READING**

The following were introduced and read the first time:

SCR 62 – By Crain.

A Concurrent Resolution encouraging the Medicaid Drug Utilization Review Board within the Oklahoma Health Care Authority to amend certain program; and directing distribution.

SR 122 – By Marlatt.

A Resolution commemorating 100 years of RVs; designating June 2010 “RV Centennial Celebration Month”; encouraging Oklahomans to celebrate by RVing; and directing distribution.

SR 123 – By Johnson (Constance).

A Resolution welcoming the Annual Conference of the Western Region to the State of Oklahoma and declaring May 10-12 “National Baptist Convention, USA, Inc., Days” in the State of Oklahoma; congratulating Dr. Julius Scruggs on his election as President and Dr. John A. Reed, Jr., on his appointment as 2nd Vice President; and directing distribution.

MESSAGE FROM THE GOVERNOR

Advising his approval May 6, 2010, of Enrolled **SBs 1830, 1879 and 2054**.

Advising his veto May 6, 2010, of Enrolled **SB 1354**.

The veto message reads as follows:

May 6, 2010

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

ENROLLED SB 1354

This is to advise you that on this date, pursuant to the authority vested in me by Section 11 and 12 of Article VI of the Oklahoma Constitution to approve or object to legislation presented to me, I have VETOED Senate Bill 1354 because it is duplicative of HB 2325. All of the language in this bill is contained in HB 2325, which I have signed. Therefore, signing this bill would create duplicate sections of law and cause an unnecessary and unwise waste to taxpayer dollars to later fix.

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

Pursuant to the Lamb motion, the Senate adjourned at 3:25 p.m. to meet Tuesday, May 11, 2010, at 10:00 a.m.