

Senate Journal

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

Fifty-third Legislative Day, Monday, May 7, 2007

The Senate was called to order by Senator Paddack.

Roll Call:

Present: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason, McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.—48.

Senator Paddack declared a quorum present.

The prayer was offered by Reverend Ron Hay, Inola United Methodist Church, Inola, the guest of Senator Burrage.

REPORT OF ENGROSSED AND ENROLLED MEASURES

SCR 35 was correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

SBs 102, 455 and 922 were each correctly enrolled and after fourth reading, 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.

INTRODUCTION

Senator Ballenger introduced former Senator Frank Shurden to the Senate.

PENDING CONSIDERATION OF HAS

HAs to SB 691, previously considered on Page 1370, were called up for consideration.

HAs to SB 691 were concurred in upon motion of Senator Adelson.

SB 691, 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, Coffee, Crain, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Morgan, Myers, Nichols, Paddack, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--43.

Excused: Corn, Crutchfield, Johnson (M), Mazzei and Rabon.--5.

The bill and emergency passed.

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

FIRST READING

The following were introduced and read the first time:

SR 37 – By Morgan and Coffee.

A Resolution thanking Samuel Jackson for his support of the Oklahoma State Legislature; recognizing his contributions to state government; and directing distribution.

SR 38 – By Morgan, Bass and Garrison.

A Resolution recognizing Oklahoman Bob Neighbors as the only big league baseball player to lose his life in the Korean War; honoring his memory; and directing distribution.

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

Senators Morgan and Coffee asked unanimous consent to suspend Rule 6-4 and refer **SR 37** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SR 37 by Morgan and Coffee was called up for consideration.

Senator Johnson (Constance) and all other members of the Senate asked to coauthor **SR 37**, which was the order.

SR 37 was adopted upon motion of Senator Morgan and referred for enrollment.

PENDING CONSIDERATION OF HAS

HAs to SBs 72, 371, 376, 654, 790 and 1078 were rejected upon motion of Senator Laughlin, conference requested, and Senate conferees to be named later.

PENDING CONSIDERATION OF HAS

HAs to SB 563 were concurred in upon motion of Senator Aldridge.

SB 563, 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, Coffee, Crain, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--44.

Excused: Corn, Crutchfield, Johnson (M) and Mazzei.--4.

The bill and emergency passed.

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

MESSAGE FROM THE HOUSE

Advising fourth reading of and transmitting for signature Enrolled **HB 1090**.

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

PENDING CONSIDERATION OF HAS

HAs to SB 1069 were called up for consideration upon request of Senator Gumm.

HAs to SB 1069 failed of adoption upon roll call as follows:

Aye: Ballenger, Barrington, Bass, Burrage, Coates, Crutchfield, Garrison, Gumm, Ivester, Johnson (M), Lamb, Morgan, Nichols, Paddock, Rabon, Sparks and Wyrick.--17.

Nay: Adelson, Aldridge, Anderson, Bingman, Branan, Brogdon, Brown, Corn, Crain, Easley, Eason McIntyre, Ford, Johnson (C), Jolley, Justice, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Myers, Reynolds, Rice, Riley, Schulz, Sweeden, Sykes, Wilcoxson, Williamson and Wilson.--30.

Excused: Coffee.--1.

SB 1069 remains on pending consideration of House amendments.

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

Senator Morgan asked unanimous consent to suspend Rule 6-4 and refer **SR 38** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SR 38 by Morgan, Bass and Garrison was called up for consideration.

All other members of the Senate asked to coauthor **SR 38**, which was the order.

SR 38 was adopted upon motion of Senator Morgan and referred for enrollment.

MESSAGE FROM THE HOUSE

Advising concurrence in **SAs** to and passage of Engrossed **HBs 1686** and **1960** and **HCR 1010**.

PENDING CONSIDERATION OF HAS

HAs to SB 494 were called up for consideration.

Senator Rice asked that **SB 494** be laid over for this legislative day, which was the order.

SB 494 remains on pending consideration of House amendments.

Senator Leftwich presiding.

PENDING CONSIDERATION OF HAS

HAs to **SB 814** were concurred in upon motion of Senator Williamson.

SB 814, 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, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--48.

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 103** were concurred in upon motion of Senator Paddack.

SB 103, 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, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--48.

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 945 were concurred in upon motion of Senator Williamson.

SB 945, 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, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--48.

The bill passed.

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

PENDING CONSIDERATION OF HAS

HAs to SB 930 were concurred in upon motion of Senator Paddack.

Senators Leftwich, Jolley, Branan, Crain, Johnson (Mike), Brogdon, Reynolds, Myers, Barrington, Bingman, Lamb, Ford, Brown, Mazzei, Anderson, Justice, Wilcoxson, Laughlin and Williamson asked to coauthor **SB 930**, which was the order.

SB 930, 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, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Myers, Nichols, Paddack, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--44.

Nay: Easley, Eason McIntyre, Morgan and Rabon.--4.

The bill passed.

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

PENDING CONSIDERATION OF HAs

HAs to SB 620 were concurred in upon motion of Senator Rice.

SB 620, 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, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--48.

The bill passed.

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

PENDING CONSIDERATION OF HAs

HAs to SB 861 were concurred in upon motion of Senator Mazzei upon division of the question.

Senators Jolley, Branan, Aldridge, Anderson, Brown, Justice, Wilcoxson, Ford, Lamb, Laughlin, Williamson, Coffee, Sykes, Schulz, Reynolds, Bingman, Johnson (Mike), Crain, Coates, Brogdon and Nichols asked to coauthor **SB 861**, which was the order.

Senator Rabon asked to be removed as coauthor on **SB 861**, which was the order.

SB 861, 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, Bingman, Branan, Brogdon, Brown, Coates, Coffee, Crain, Crutchfield, Ford, Gumm, Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Mazzei, Morgan, Myers, Nichols, Paddack, Reynolds, Riley, Schulz, Sweeden, Sykes, Wilcoxson, Williamson and Wyrick.--33.

Nay: Ballenger, Bass, Burrage, Corn, Easley, Eason McIntyre, Garrison, Ivester, Johnson (C), Leftwich, Lerblance, Rabon, Rice, Sparks and Wilson.--15.

The bill and emergency passed.

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

MESSAGES FROM THE HOUSE

Advising fourth reading of and returning Enrolled **SBs 102, 455 and 922.**

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

Advising passage of and returning the following Engrossed measure:

SCR 22 - coauthored by all other House Members

The above-numbered measure was referred for enrollment.

PENDING CONSIDERATION OF HAS

HAs to SBs 553 and 905 were rejected upon motion of Senator Laughlin, conference requested, and Senate conferees to be named later.

SCs NAMED

Upon motion of Senators Laster and Laughlin, Senate conferees were appointed as follows:

SB 1 – GCCA

SB 107 – GCCA

SB 368 – GCCA

SB 390 – Barrington, Williamson, Laughlin, Lerblance, Adelson, Eason McIntyre

SB 424 – GCCA

SB 481 – GCCA

SB 483 – Wilcoxson, Reynolds, Laughlin, Crutchfield, Riley, Paddack

SB 513 – Wilcoxson, Williamson, Laughlin, Lerblance, Ivester, Burrage

SB 623 – GCCA

SB 626 – GCCA

SB 674 – Nichols, Barrington, Laughlin, Burrage, Sparks, Corn

SB 685 – GCCA

SB 725 – GCCA
SB 751 – GCCA
SB 780 – GCCA
SB 806 – GCCA
SB 820 – Morgan, GCCA
SB 829 – Wilcoxson, Jolley, Laughlin, Eason McIntyre, Gumm, Riley
SB 853 – GCCA
SB 909 – Crain, Lamb, Laughlin, Rice, Johnson (Constance), Leftwich
SB 1014 – GCCA
SB 1019 – Sykes, Schulz, Laughlin, Burrage, Ballenger, Leftwich

**PENDING SENATE ACTION
HOUSE REQUEST FOR CONFERENCE**

Upon motion of Senator Laster and Laughlin, the request of the Honorable House for conference on the following bills was ordered granted and Senate conferees appointed as follows:

HB 1016 – GCCA
HB 1297 – GCCA
HB 1327 – GCCA
HB 1329 – GCCA
HB 1383 – GCCA
HB 1385 – GCCA
HB 1390 – GCCA
HB 1476 – GCCA

EXECUTIVE NOMINATIONS

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

Alvarado, Rudy, Bethany, as a member of the Science and Technology Council - Energy and Environment

Baldwin, Jack, Enid, as a member of the Science and Technology Council - Energy and Environment

Barlow, Lou, Oklahoma City, as a member of the Construction Industries Board - Business and Labor

Burton, Mike, Tulsa, as a member of the Construction Industries Board - Business and Labor

Ferriabough, Pageant, Jenks, as a member of the Oklahoma Science and Technology Research and Development Board - Energy and Environment

Haight, Jim, Broken Arrow, as a member of the Air Quality Advisory Council - Energy and Environment

Hernandez, Elvia, Guymon, as a member of the Oklahoma Human Rights Commission - Health and Human Resources

Huff, Mark R., Watonga, as a member of the State Fire Marshal Commission - General Government

Jakubovitz, James M., Owasso, as a member of the Oklahoma State Board of Examiners for Long-Term Care Administrators - Health and Human Resources

Kelsay, Ed, Bethany, as a member of the Oklahoma Liquefied Petroleum Gas Board - Energy and Environment

Lepak, Jane, Oklahoma City, as a member of the Oklahoma Board of Licensed Alcohol and Drug Counselors - Health and Human Resources

McGill, Ken, Tulsa, as a member of the Oklahoma Space Industry Development Authority - Energy and Environment

Noble, Stan B., Tulsa, as a member of the Commission on Marginally Producing Oil and Gas Wells - Energy and Environment

Rodolph, Don L., Clinton, as a member of the Oklahoma Space Industry Development Authority - Energy and Environment

Rooker, Mike, Shawnee, as a member of the Oklahoma Conservation Commission - Energy and Environment

Sheffield, Paige, Wewoka, as a member of the Organ Donor Education and Awareness Program Advisory Council - Health and Human Resources

Stickley, Sheri, Edmond, as a member of the Science and Technology Council - Energy and Environment

Stringer, Brad, Owasso, as a member of the Committee of Home Inspector Examiners - Business and Labor

Senator Laughlin moved that when the clerk's desk is clear, the Senate stand adjourned to convene Tuesday, May 8, 2007, at 1:30 p.m., which motion prevailed.

MESSAGES FROM THE GOVERNOR

Advising his approval May 4, 2007, of Enrolled **SBs 469, 499, 739** and **996**.

Advising his approval May 7, 2007, of Enrolled **SBs 357, 470** and **712**.

Pursuant to the Laughlin motion, the Senate adjourned at 3:45 p.m. to meet Tuesday, May 8, 2007, at 1:30 p.m.