

Senate Journal

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

Fifty-sixth Legislative Day, Thursday, May 10, 2007

The Senate was called to order by Senator Williamson.

Roll Call:

Present: Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntryre, 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.—47.

Excused: Adelson.—1.

Senator Williamson 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

SBs 69, 119, 410, 485, 747, 787, 796 and 1130 were each correctly enrolled and after fourth reading, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

PENDING CONSIDERATION OF HAS

HAs to SB 833 were concurred in upon motion of Senator Sparks.

SB 833, 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, Coffee, Corn, Crain, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), 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.--45.

Excused: Adelson, Crutchfield and Johnson (M).--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 Garrison asked unanimous consent to suspend Rule 6-4 and refer **SR 41** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SR 41 by Garrison was called up for consideration.

All other members of the Senate asked to coauthor **SR 41**, which was the order.

SR 41 was adopted upon motion of Senator Garrison and referred for enrollment.

UNANIMOUS CONSENT REQUEST DIRECT TO CALENDAR

Senator Ivester asked unanimous consent to suspend Rule 6-4 and refer **SR 40** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SR 40 by Ivester was called up for consideration.

All other members of the Senate asked to coauthor **SR 40**, which was the order.

SR 40 was adopted upon motion of Senator Ivester and referred for enrollment.

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

Senator Nichols asked unanimous consent to suspend Rule 6-4 and refer **SR 42** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SR 42 by Nichols was called up for consideration.

All other members of the Senate asked to coauthor **SR 42**, which was the order.

SR 42 was adopted upon motion of Senator Nichols and referred for enrollment.

INTRODUCTIONS

Senator Sweeden introduced his niece, Rachel Smith; and Senator Barrington introduced his wife, Jennifer, to the Senate.

PENDING CONSIDERATION OF HAS

HAs to **SB 678** were concurred in upon motion of Senator Corn.

SB 678, 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, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--46.

Excused: Adelson and Morgan.--2.

The bill and emergency passed.

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

MESSAGE FROM THE HOUSE

Advising the signing of and transmitting for signature Enrolled **HCR 1015**.

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

MOTION TO RECONSIDER VOTE

Senator Rabon moved to reconsider the vote whereby **SB 447** passed, which motion was declared adopted upon roll call as follows:

Aye: Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--44.

Excused: Adelson, Johnson (M), Morgan and Myers.--4.

FOURTH READING

Senator Bingman moved to reconsider the vote whereby the House Amendments to **SB 447** were adopted, which motion was declared adopted.

PENDING CONSIDERATION OF HAS

HAs to **SB 447** were rejected upon motion of Senator Bingman, conference requested, and Senate conferees to be named later.

PENDING CONSIDERATION OF HAS

HAs to **SB 35** were called up for consideration.

Senator Crain asked that **SB 35** be laid over for this legislative day, which was the order.

SB 35 remains on pending consideration of House amendments.

MOTION TO RECONSIDER VOTE

Senator Nichols moved to reconsider the vote whereby **SB 47** passed, which motion was declared adopted upon roll call as follows:

Aye: 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, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--45.

Excused: Adelson, Morgan and Myers.--3.

FOURTH READING

Senator Crain moved to reconsider the vote whereby the House Amendments to **SB 47** were adopted, which motion was declared adopted.

PENDING CONSIDERATION OF HAS

HAs to **SB 47** were rejected upon motion of Senator Crain, conference requested, and Senate conferees to be named later.

PENDING CONSIDERATION OF HAS

HAs to **SB 695** were concurred in upon motion of Senator Corn.

SB 695, 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, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--45.

Excused: Adelson, Morgan and Myers.--3.

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 1076 were concurred in upon motion of Senator Wilson.

SB 1076, 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, Burrage, Coates, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Mazzei, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Williamson, Wilson and Wyrick.--39.

Nay: Branan, Brogdon, Brown, Laughlin and Wilcoxson.--5.

Excused: Adelson, Coffee, Morgan and Myers.--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 533 were concurred in upon motion of Senator Garrison.

SB 533, 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, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--44.

Excused: Adelson, Coffee, Morgan and Myers.--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 990 were concurred in upon motion of Senator Corn.

SB 990, 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, Bass, Branan, Brogdon, Brown, Burrage, Coates, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--41.

Nay: Ballenger, Bingman and Ivester.--3.

Excused: Adelson, Coffee, Morgan and Myers.--4.

The bill passed.

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

CHANGE IN CONFEREES

Advising change in Senate conferees as follows:

HB 1490 – remove Schulz and add Ford

MESSAGES FROM THE HOUSE

Advising passage of and returning the following Engrossed resolution:

SCR 17

The above-numbered measure was referred for enrollment.

Advising the naming of House conferees to Engrossed:

HB 1094 – Piatt, Terrill, Hyman, Braddock, Lindley, Bengé, Miller

HB 1282 – Duncan, Sullivan, Ingmire, Kiesel, Harrison, Johnson (Rob)

HB 1601 – Hickman, Brannon, Cannaday, Carey, Coody, Jones, Sears, Thomsen, Nations

HB 1714 – Wesselhoft, Cannaday, Murphey, McDaniel (Randy), Duncan, Nations

HB 1816 – Dank, Watson, Faught, Smithson, Duncan, Johnson (Rob), Blackwell, Braddock

HB 1819 – Martin (Scott), Liebmann, Thompson, Key, Pruett, Braddock, Ellis, Johnson (Rob)

Advising conference granted on Engrossed **SBs** and naming House conferees as follows:

SB 136 - Hyman, Adkins, Cooksey, Nations, Ellis, Brannon, Miller, Johnson (Rob), Jackson, Watson

SB 371 - Joyner, Martin (Scott), Faught, McCullough, Luttrell, Rousselot, Duncan, Johnson (Rob)

SB 407 - Jackson, Johnson (Rob), Adkins, Ellis, Lindley

SB 486 - Schwartz, Bengé, Miller, Terrill, Shumate, Shoemake

SB 654 - Thompson, Martin (Steve), Peterson (Ron), Faught, Cooksey, Jackson, Pruett, Nations, Shoemake, Johnson (Rob), Piatt, Blackwell, Braddock, Hyman

SB 738 - Blackwell, Cox, Schwartz, Glenn, McDaniel (Jeannie)

SB 905 - Duncan, Joyner, Sullivan, Rousselot, Roan, Johnson (Rob)

SB 925 - Miller, Coody, McCarter, Nations, Bengé

SB 1032 - Adkins, Johnson (Rob), Cox, Peterson (Ron), Shumate, Gilbert, Armes

SB 1054 - Peters, Denney, Ingmire, Winchester, McDaniel (Jeannie), Nations, Blackwell

SB 1078 - Worthen, Peters, McCullough, Enns, McDaniel (Jeannie), Hilliard, Johnson (Rob), Covey, Shoemake

Advising fourth reading of and returning Enrolled **SBs 69, 119, 410, 485, 747, 787, 796** and **1130**.

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

Advising passage of and transmitting for consideration Engrossed **HCR 1027**.

HCR 1027 – By Dorman, Adkins, Armes, Auffet, Banz, Bengé, BigHorse, Billy, Blackwell, Braddock, Brannon, Brown, Cannaday, Carey, Cargill, Collins, Coody, Cooksey, Covey, Cox, Dank, DeWitt, Denney, Derby, Duncan, Ellis, Enns, Faught, Gilbert, Glenn, Hamilton, Harrison, Hickman, Hilliard, Hoskin, Hyman, Ingmire, Inman, Jackson, Jett, Johnson (Dennis), Johnson (Rob), Jones, Jordan, Joyner, Kern, Key, Kiesel, Lamons, Liebmann, Lindley, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCarter, McCullough, McDaniel (Jeannie), McDaniel (Randy), McMullen, McNiel, McPeak, Miller, Morgan, Morrissette, Murphey, Nations, Peters, Peterson (Pam), Peterson (Ron), Piatt, Pittman, Proctor, Pruett, Renegar, Reynolds, Richardson, Roan, Rousselot, Schwartz, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Smithson, Steele, Sullivan, Terrill,

Thompson, Thomsen, Tibbs, Trebilcock, Turner, Walker, Watson, Wesselhoft, Winchester, Worthen and Wright of the House and Justice of the Senate.

A Concurrent Resolution declaring May 9, 2007, to be Meningitis Awareness Day; and encouraging education concerning the disease.

The above-numbered measure was read the first time.

**PENDING SENATE ACTION
HOUSE REQUEST FOR CONFERENCE**

Upon motion of Senators 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 1384** – Johnson (Mike), Williamson, Laughlin, Morgan, Lerblance, Laster
- HB 1497** – Aldridge, Coates, Laughlin, Rabon, Leftwich, Bass
- HB 1961** – Brown, Aldridge, Laughlin, Laster, Sparks, Morgan
- HB 1963** – Brown, Jolley, Laughlin, Laster, Sparks, Morgan
- HB 2069** – Jolley, Brown, Laughlin, Morgan, Sparks, Laster
- HB 2070** – Mazzei, Brown, Laughlin, Sparks, Corn, Riley

SCs NAMED

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

- SB 45** – Coates, Brogdon, Laughlin, Rice, Leftwich, Wyrick
- SB 47** – Crain, Nichols, Laughlin, Rice, Crutchfield, Lerblance
- SB 72** – GCCA
- SB 86** – Myers, Branan, Laughlin, Rabon, Burrage, Ivester
- SB 115** – GCCA
- SB 136** – Crutchfield, Gumm, Lerblance, Bingman, Myers, Laughlin
- SB 138** – GCCA
- SB 371** – Aldridge, Sykes, Laughlin, Johnson (Constance), Corn, Lerblance
- SB 376** – GCCA
- SB 447** – GCCA
- SB 486** – Lamb, Wilcoxson, Laughlin, Rice, Gumm, Adelson
- SB 517** – Wilson, Wyrick, Ivester, Bingman, Branan, Laughlin
- SB 523** – GCCA
- SB 546** – GCCA
- SB 553** – Sparks, Lerblance, Laster, Williamson, Crain, Laughlin
- SB 610** – Barrington, Brown, Laughlin, Ballenger, Easley, Garrison
- SB 612** – Coates, Sykes, Laughlin, Johnson (Constance), Eason McIntyre, Rice

SB 654 – Branan, Coates, Laughlin, Rabon, Leftwich, Ivester
SB 658 – Rice, Ivester, Sweeden, Aldridge, Bingman, Laughlin
SB 659 – GCCA
SB 665 – Nichols, Williamson, Laughlin, Lerblance, Bass, Johnson (Constance)
SB 710 – GCCA
SB 736 – GCCA
SB 738 – Morgan, Rice, Wilson, Lamb, Crain, Laughlin
SB 790 – Leftwich, Lerblance, Eason McIntyre, Williamson, Anderson, Laughlin
SB 809 – Leftwich, Sweeden, Johnson (Constance), Coates, Myers, Laughlin
SB 905 – GCCA
SB 920 – GCCA
SB 943 – Williamson, Lamb, Laughlin, Lerblance, Laster, Burrage
SB 1021 – Bingman, Aldridge, Laughlin, Sweeden, Laster, Ballenger
SB 1032 – Easley, Leftwich, Burrage, Coates, Brogdon, Laughlin
SB 1038 – Nichols, Wilcoxson, Laughlin, Eason McIntyre, Riley, Gumm
SB 1054 – Williamson, Crain, Laughlin, Wilson, Morgan, Lerblance
SB 1069 – Gumm, Ivester, Sparks, Coates, Brogdon, Laughlin
SB 1078 – Nichols, Schulz, Laughlin, Burrage, Ivester, Sweeden

EXECUTIVE NOMINATIONS

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

Andrew, Bill, Seiling, as a member of the Oklahoma Capital Investment Board - Finance

Baltes, Dave, Oklahoma City, as a member of the Oklahoma Liquefied Petroleum Gas Board - Energy and Environment

Herrmann, Rudy, Tulsa, as a member of the Oklahoma Water Resources Board - Energy and Environment

Senator Laster moved that when the clerk's desk is clear, the Senate stand adjourned to convene Monday, May 14, 2007, at 1:30 p.m., which motion prevailed.

SECOND READING

The following were read for the second: **SCR 36** and **HCR 1036**.

FIRST READING

The following were introduced and read the first time:

SJR 32 – By Coffee and Morgan.

A Joint Resolution relating to Rules of the Ethics Commission; and directing distribution.

SCR 37 – By Coates of the Senate and Peterson (Pam) of the House.

A Concurrent Resolution creating the Construction Management Delivery Task Force; setting duties of the task force; setting membership of the task force by certain date; directing selection of chair and vice-chair of the task force; permitting certain meetings; subjecting the task force to the Oklahoma Open Meeting Act; providing for travel reimbursement; providing for staff assistance; providing expiration date; and directing distribution.

Pursuant to the Laster motion, the Senate adjourned at 10:55 a.m. to meet Monday, May 14, 2007, at 1:30 p.m.

JOURNAL CORRECTION

Page 1371, Line 5 ½, by inserting “**HB 2101**”