

Senate Journal

First Regular Session of the Fiftieth Legislature of the State of Oklahoma

Tenth Legislative Day, Monday, February 21, 2005

The Senate was called to order by Senator Gumm.

Roll Call:

Present: Adelson, Aldridge, Anderson, Barrington, Bass, Brogdon, Cain, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson, Jolley, Justice, Kerr, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Monson, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Taylor, Wilcoxson, Williamson, Wilson and Wyrick.—46.

Excused: Branam and Capps.—2.

Senator Gumm declared a quorum present.

The prayer was offered by Reverend Terry L. Buxton, Sr., First Baptist Church North, Tulsa, the guest of Senator Eason McIntyre.

INTRODUCTIONS

Senator Adelson introduced his daughter, Emily; Senator Anderson introduced his daughters, Lauren and Katlyn; and Senator Kerr introduced his grandchildren, Braxton and Kerrstin Wenk, Kaleb and Kennedy Kerr, his daughter Robin Wenk, his son and daughter-in-law, Roger and Tamara Kerr, and his wife Robbie to the Senate. Senator Kerr asked unanimous consent, which was granted, that his grandchildren be appointed Honorary Pages for this legislative day.

GENERAL ORDER

SB 4 by Wilcoxson and Myers of the Senate and Wesselhoft and Hickman of the House was called up for consideration.

Senator Wilcoxson moved to amend **SB 4**, Page 1, Line 15, by deleting after the word “official” and before the first word “of” the word “gem” and inserting in lieu thereof the word “crystal” and by amending the title to conform, which amendment was declared adopted.

Senator Wilcoxson moved that **SB 4** be advanced, which motion was declared adopted.

THIRD READING

SB 4 was read for the third time at length.

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

Aye: Adelson, Aldridge, Anderson, Barrington, Bass, Brogdon, Cain, Coates, Coffee, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson, Jolley, Justice, Kerr, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Taylor, Wilcoxson, Williamson, Wilson and Wyrick.--44.

Excused: Branan, Capps, Corn and Monson.--4.

The bill and emergency passed.

SB 4 was referred for engrossment.

GENERAL ORDER

SB 18 by Lawler of the Senate and Winchester of the House was called up for consideration.

Senator Lawler moved that **SB 18** be advanced, which motion was declared adopted.

THIRD READING

SB 18 was read for the third time at length.

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

Aye: Adelson, Aldridge, Anderson, Barrington, Bass, Brogdon, Cain, Coates, Coffee, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson, Jolley, Justice, Kerr, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley,

Shurden, Taylor, Wilcoxson, Williamson, Wilson and Wyrick.--44.

Excused: Branan, Capps, Corn and Monson.--4.

The bill and emergency passed.

SB 18 was referred for engrossment.

GENERAL ORDER

SB 698 by Fisher of the Senate and Hiett of the House was called up for consideration.

Senator Fisher moved to amend **SB 698**, Page 1, Lines 15 and 16, by deleting after the word “from” on Line 15 and before the word “west” on Line 16 all language and inserting in lieu thereof the language “a point one mile east of its intersection with State Highway 151, also known as the ‘Keystone Dam road’”, and by amending the title to conform, which amendment was declared adopted.

Senator Fisher moved that **SB 698** be advanced, which motion was declared adopted.

THIRD READING

SB 698 was read for the third time at length.

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

Aye: Adelson, Aldridge, Anderson, Barrington, Bass, Brogdon, Cain, Coates, Coffee, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson, Jolley, Justice, Kerr, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Taylor, Wilcoxson, Williamson, Wilson and Wyrick.--44.

Excused: Branan, Capps, Corn and Monson.--4.

The bill and emergency passed.

SB 698 was referred for engrossment.

CHANGE IN COMMITTEE ASSIGNMENT

The following bill was reassigned as follows:

SB 932 – Withdrawn from Rules committee and referred to Energy and Environment.

MESSAGE FROM THE HOUSE

Advising passage of and transmitting for consideration Engrossed **HBs 1247, 1275, 1301, 1384, 1562, 1586, 1716 and 1780.**

HB 1247 – By Nance of the House and Crain of the Senate.

An Act relating to labor; requiring certain employers to obtain criminal history records; prohibiting certain employees from making in-home visits; providing penalty; providing definitions; providing for codification; and providing an effective date.

HB 1275 – By Peters and Nance of the House and Riley of the Senate.

(revenue and taxation – amending 68 O.S., Section 1356 – exemptions from sales tax – nonprofit entity)

HB 1301 – By Banz, Case, Brown, Covey, Glenn, Lindley, Mass, McCarter, Nance, Plunk, Roan, Shoemake, Turner, Walker and Winchester of the House and Reynolds and Leftwich of the Senate.

(revenue and taxation - amending 68 O.S., Section 2358 - Oklahoma taxable income - retirement benefits - effective date)

HB 1384 – By Smaligo, Braddock, Bengé, Covey, Gilbert, Lamons and McCarter of the House and Eason McIntyre of the Senate.

(revenue and taxation – amending 68 O.S., Section 2902 – exemption – manufacturing concerns – oil refineries – effective date)

HB 1562 – By Miller (Ken), Covey, Dank, Lindley, McCarter, Miller (Ray), Nance and Turner of the House and Jolley of the Senate.

(revenue and taxation – amending 68 O.S., Section 1357 – general sales tax exemptions – collection and distribution of food – effective date)

HB 1586 – By Adkins and Morgan (Danny) of the House and Crutchfield of the Senate.

An Act relating to oil and gas; amending 52 O.S. 2001, Section 24.5, as amended by Section 2, Chapter 77, O.S.L. 2004 (52 O.S. Supp. 2004, Section 24.5), which relates to gas gathering; updating statutory reference; and declaring an emergency.

HB 1716 – By Winchester, Dorman, Armes, Nance, Sherrer and Dank of the House and Leftwich of the Senate.

An Act relating to revenue and taxation; authorizing credit against state income tax for reinvestment of certain funds in production of certain projects; limiting amount of credit; authorizing prescription of certain forms by Oklahoma Tax Commission; defining terms; providing for codification; and declaring an emergency.

HB 1780 – By Rousselot, Calvey, Hyman, Kiesel, Roan, Shoemake, Adkins, Armes, Askins, Auffet, Balkman, Banz, Benge, Billy, Bingman, Blackburn, Blackwell, Braddock, Brannon, Brown, Carey, Cargill, Case, Coody, Cooksey, Covey, Cox, Dank, DePue, DeWitt, Denney, Deutschendorf, Dorman, Duncan, Eddins, Ellis, Gilbert, Glenn, Hamilton, Harrison, Hastings, Hickman, Hiatt, Hilliard, Ingmire, Jackson, Jett, Johnson, Jones, Kern, Lamons, Liebmann, Lindley, Liotta, Martin, Mass, McCarter, McDaniel, McMullen, McPeak, Miller (Doug), Miller (Ken), Miller (Ray), Morgan (Danny), Morgan (Fred), Morrissette, Nance, Nations, Newport, Perry, Peters, Peterson (Pam), Peterson (Ron), Piatt, Plunk, Pruett, Reynolds, Richardson, Roggow, Shelton, Sherrer, Shumate, Smaligo, Smithson, Staggs, Steele, Sullivan, Sweeden, Terrill, Thompson, Tibbs, Toure, Trebilcock, Turner, Walker, Wesselhoft, Wilt, Winchester, Worthen, Wright and Young of the House and Easley of the Senate.

An Act relating to revenue and taxation; creating the Oklahoma National Guard Relief Program; stating purpose; creating review board; authorizing development of procedures for the review board; creating an income tax checkoff for the Oklahoma National Guard Relief Program; stating purpose of fund; creating certain fund; providing for apportionment of funds; providing procedures for taxpayers making donation in error; providing for codification; and providing an effective date.

The above-numbered measures were read the first time.

Senator Fisher moved that when the clerk's desk is clear, the Senate stand adjourned to convene Tuesday, February 22, 2005, at 1:30 p.m., which motion prevailed.

COMMITTEE REPORTS

The following were reported by the committees named, ordered printed and placed on the Calendar:

DO PASS:

SB 8 – Public Safety and Homeland Security, coauthored by Nance (principal House author)

SB 367 – Education, coauthored by Deutschendorf (principal House author)

SB 403 – Tourism and Wildlife, coauthored by Miller (Doug) (principal House author)

SB 581 – Education, coauthored by Kiesel (principal House author)

SB 599 – Energy and Environment, coauthored by Armes (principal House author)

DO PASS, As Amended:

SB 14 – Public Safety and Homeland Security, coauthored by Nance (principal House author)

SB 54 – Energy and Environment, coauthored by Walker (principal House author)

SB 342 – Tourism and Wildlife, coauthored by Walker (principal House author)

SB 487 – General Government, coauthored by Wright (principal House author)

SB 597 – Energy and Environment, coauthored by Roan (principal House author)

CS for SB 614 – Health and Human Resources, coauthored by Calvey (principal House author)

SB 729 – Health and Human Resources

CS for SB 745 – Appropriations, coauthored by Morgan, Bass, Gumm of the Senate, and coauthored by Ingmire (principal House author), and coauthored by Askins, Nations of the House

SB 814 – Health and Human Resources, coauthored by Miller (Ray) (principal House author)

SB 909 – Finance, coauthored by Bingman (principal House author)

SB 1009 – Health and Human Resources, coauthored by Peters (principal House author)

FIRST READING

The following was introduced and read the first time:

SR 6 – By Coffee.

A Resolution commending two Oklahoma State University students for saving a police officer's life; praising their heroism; and directing distribution.

Pursuant to the Fisher motion, the Senate adjourned at 1:55 p.m. to meet Tuesday, February 22, 2005, at 1:30 p.m.