

Senate Journal

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

Eleventh Legislative Day, Tuesday, February 20, 2007

The Senate was called to order by Senator Williamson.

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 Williamson declared a quorum present.

The prayer was offered by Pastor Eric Cox, Living Word Fellowship, Woodward, the guest of Senator Laughlin.

REPORT OF ENGROSSED AND ENROLLED MEASURES

SR 2 was correctly enrolled, properly signed and ordered transmitted to the Secretary of State.

SB 158 was correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

INTRODUCTIONS

Senator Brown introduced his son, Gary; his daughter-in-law, Cara Lee; and his grandchildren, Ben, Luke, Haley, Emily and Josh Brown, to the Senate.

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

Senator Schulz asked unanimous consent to suspend Rule 6-4 and refer **SR 7** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SR 7 by Schulz was called up for consideration.

All other members of the Senate asked to coauthor **SR 7**, which was the order.

SR 7 was adopted upon motion of Senator Schulz and referred for enrollment.

INTRODUCTION

Senator Williamson introduced Lieutenant Governor and President of the Senate, Jari Askins, to the Senate.

**UNANIMOUS CONSENT REQUEST
WITHDRAWN FROM CALENDAR**

Senator Crain asked unanimous consent, which was granted, that **SB 46** be stricken from the Calendar.

PENDING CONSIDERATION OF HAS

HAs to **SCR 8** were concurred in upon motion of Senator Ivester.

SCR 8, as amended by the Honorable House, was read at length.

SCR 8 was adopted upon motion of Senator Ivester.

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

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

Senator Morgan asked unanimous consent to suspend Rule 6-4 and refer **SCR 9** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SCR 9 by Morgan of the Senate and Ingmire of the House was called up for consideration.

SCR 9 was adopted upon motion of Senator Morgan and referred for engrossment.

MESSAGE FROM THE HOUSE

Advising passage of and transmitting for consideration Engrossed **HBs 1026, 1345, 1496** and **1559**.

HB 1026 – By Wright, Sullivan, Tibbs, Kern and Terrill of the House and Laughlin of the Senate.

An Act relating to marriage and family; amending 43 O.S. 2001, Sections 1, 5, as last amended by Section 2, Chapter 311, O.S.L. 2006, 6, as amended by Section 3, Chapter 311, O.S.L. 2006, and 101 (43 O.S. Supp. 2006, Sections 5 and 6), which relate to marriage; providing for covenant marriages; defining term; specifying conditions and process; providing for designation of covenant marriages on marriage applications; specifying contents; providing for declarations of intent to contract a covenant marriage; providing contents and attachments; requiring certain counseling; providing for construction of section; authorizing certain exemption; providing for compliance with other marriage laws not in conflict; providing for execution of a declaration of intent to designate the marriage as a covenant marriage to married parties; providing for procedures; providing for declaration and contents; specifying grounds for termination of a covenant marriage; providing for development and printing of the “Guide for Covenant Marriages” by the Administrative Director of the Courts; providing for contents; providing for codification; and providing effective dates.

HB 1345 – By Rousselot and Brannon of the House and Garrison of the Senate.

An Act relating to schools; amending 70 O.S. 2001, Sections 5-113 and 5-113.1, which relate to the school district boards of education nepotism prohibition; updating statutory language; limiting application of school board member nepotism prohibition when employee is a substitute teacher or support employee; providing an exception for substitute teachers or support employees to school employee nepotism prohibition; making an exception for situations covered by other provisions of law; providing for codification; providing an effective date; and declaring an emergency.

HB 1496 – By Sullivan, Kiesel, Hoskin and Morgan of the House and Laster of the Senate.

An Act relating to prisons and reformatories; amending 57 O.S. 2001, Section 58.3, which relates to credits for prisoner labor; modifying credit amount; providing an effective date; and declaring an emergency.

HB 1559 – By Denney, Sullivan and Billy of the House and Aldridge of the Senate.

An Act relating to marriage; prohibiting the recognition of common law marriage in Oklahoma; providing exception; providing for a public awareness campaign; requiring certain information to be placed in certain locations; providing for an affidavit as evidence of common law marriage; requiring the development of a standard form for the affidavit; providing for contents of the form; amending 43 O.S. 2001, Section 5, as last amended by Section 2, Chapter 311, O.S.L. 2006 (43 O.S. Supp. 2006, Section 5), which relates to application for marriage licenses; modifying contents of the application; providing for codification; and providing an effective date.

The above-numbered measures were read the first time.

GENERAL ORDER

SB 597 by Wyrick of the Senate and Glenn of the House was called up for consideration.

Senator Wyrick moved that **SB 597** be advanced, which motion was declared adopted.

THIRD READING

SB 597 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, 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, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--47.

Excused: Riley.--1.

The bill and emergency passed.

SB 597 was referred for engrossment.

GENERAL ORDER

SB 42 by Jolley of the Senate and Cargill and Blackwell of the House was called up for consideration.

Senator Jolley moved that **SB 42** be advanced, which motion was declared adopted.

THIRD READING

SB 42 was read for the third time 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, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--47.

Excused: Riley.--1.

The bill passed.

SB 42 was referred for engrossment.

GENERAL ORDER

SB 499 by Rice of the Senate and Steele of the House was called up for consideration.

Senators Constance Johnson and Gumm asked to coauthor **SB 499**, which was the order.

Senator Rice moved that **SB 499** be advanced, which motion was declared adopted.

THIRD READING

SB 499 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, Ballenger, Barrington, Bass, Bingman, Branan, 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, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--46.

Nay: Brogdon.--1.

Excused: Riley.--1.

The bill and emergency passed.

SB 499 was referred for engrossment.

GENERAL ORDER

SB 99 by Ivester of the Senate and McMullen of the House was called up for consideration.

Senator Ivester moved that **SB 99** be advanced, which motion was declared adopted.

THIRD READING

SB 99 was read for the third time 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, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--46.

Excused: Morgan and Riley.--2.

The bill passed.

SB 99 was referred for engrossment.

COMMITTEE REPORTS

DO PASS:

SB 140 – Transportation, coauthored by Schwartz (principal House author)

Ayes: Anderson, Branan, Brogdon, Coates, Crutchfield, Ford, Garrison, Justice, Leftwich, Myers, Rabon, Riley, Sweeden, Wyrick

SB 517 – Agriculture and Rural Development, coauthored by McNeil (principal House author)

Ayes: Barrington, Crutchfield, Ford, Garrison, Ivester, Justice, Lamb, Schulz, Sykes, Wilson, Wyrick

Nays: Rabon

SB 576 – Agriculture and Rural Development, coauthored by Dorman (principal House author)

Ayes: Barrington, Crutchfield, Ford, Garrison, Justice, Lamb, Rabon, Schulz, Sykes, Wyrick

SB 909 – Health and Human Resources, coauthored by Blackwell (principal House author), and coauthored by Roan of the House

Ayes: Crain, Johnson (Constance), Lamb, Leftwich, Rice, Wilcoxson, Wilson

SJR 14 – Transportation, coauthored by Riley of the Senate, and coauthored by Adkins (principal House author)

Ayes: Branan, Brogdon, Coates, Crutchfield, Ford, Garrison, Justice, Myers, Rabon, Riley, Sweeden, Wyrick

DO PASS, As Amended:

CS for SB 161 – Agriculture and Rural Development, coauthored by Richardson (principal House author)

Ayes: Barrington, Crutchfield, Ford, Garrison, Ivester, Justice, Lamb, Rabon, Schulz, Sykes, Wilson, Wyrick

CS for SB 378 – Transportation, coauthored by Rousselot (principal House author)

Ayes: Anderson, Branan, Brogdon, Coates, Crutchfield, Ford, Garrison, Justice, Leftwich, Myers, Rabon, Riley, Sweeden, Wyrick

SB 494 – Health and Human Resources, coauthored by Worthen (principal House author)

Ayes: Crain, Johnson (Constance), Lamb, Leftwich, Rice, Wilcoxson, Wilson

SB 577 – Retirement and Insurance, coauthored by Peterson (Ron) (principal House author)

Ayes: Aldridge, Bass, Brown, Jolley, Mazzei, Sykes

Nays: Adelson, Corn, Riley

SB 704 – Agriculture and Rural Development, coauthored by Liebmann (principal House author)

Ayes: Barrington, Crutchfield, Ford, Garrison, Ivester, Justice, Lamb, Rabon, Schulz, Sykes, Wilson, Wyrick

CS for SB 810 – Agriculture and Rural Development, coauthored by Armes (principal House author)

Ayes: Barrington, Crutchfield, Ford, Garrison, Ivester, Justice, Lamb, Rabon, Schulz, Sykes, Wilson, Wyrick

SB 859 – Retirement and Insurance, coauthored by Joyner (principal House author)

Ayes: Adelson, Aldridge, Bass, Brown, Corn, Jolley, Mazzei, Riley, Sparks, Sykes

SB 1059 – Retirement and Insurance, coauthored by Sullivan (principal House author)

Ayes: Adelson, Aldridge, Bass, Brown, Corn, Jolley, Mazzei, Riley, Sparks, Sykes

EXECUTIVE NOMINATION

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

Carlile, D.O., Tom, Oklahoma City, as a member of the Board of Regents for Oklahoma City Community College - Education

Senator Laster moved that when the clerk's desk is clear, the Senate stand adjourned to convene Wednesday, February 21, 2007, at 1:30 p.m., which motion prevailed.

SECOND READINGS

The following were read for the second time:

SCR 10

SR 8

HBs 1213 through 1240

HB 1505

HB 1556

HB 1650

HB 1802

HB 1818

HB 1931

FIRST READINGS

The following were introduced and read the first time:

SR 9 – By Lerblance.

A Resolution praising the McAlester Lady Buffs volleyball team; congratulating them upon winning the Class 5A State Volleyball Championship; and directing distribution.

SR 10 – By Jolley, Branan and Johnson (Constance).

A Resolution praising the public career of former State Senator Bryce Baggett; mourning his loss; and directing distribution.

Pursuant to the Laster motion, the Senate adjourned at 2:10 p.m. to meet Wednesday, February 21, 2007, at 1:30 p.m.