

Senate Journal

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

Fifty-fifth Legislative Day, Wednesday, May 9, 2007

The Senate was called to order by Senator Corn.

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 Corn 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 63, 145, 151, 494, 590, 889, 929 and 1016 were each correctly enrolled and after fourth reading, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

INTRODUCTION

Senator Laughlin introduced his father, Gerald Laughlin, and his brother, Roy Laughlin, to the Senate.

MESSAGES FROM THE HOUSE

Advising changing of House conferee on Engrossed:

HB 1760 – add Shannon

Advising passage of and transmitting for consideration Engrossed **HCR 1036**.

HCR 1036 – By Liebmann, Adkins, Armes, Auffet, Banz, Benge, BigHorse, Billy, Blackwell, Braddock, Brannon, Brown, Cannaday, Carey, Cargill, Collins, Coody, Cooksey, Covey, Cox, Dank, DeWitt, Denney, Derby, Dorman, 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, Lindley, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCarter, McCullough, McDaniel (Jeannie), McDaniel (Randy), McMullen, McNiel, McPeak, Miller, Morgan, Morrisette, 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 Laster of the Senate.

A Concurrent Resolution designating May 8, 2007, “Water Day” at State Capitol; acknowledging 50th birthday of Oklahoma Water Resources Board; and directing distribution.

The above-numbered measure was read the first time.

PENDING CONSIDERATION OF HAS

HAs to **SB 119** were concurred in upon motion of Senator Bingman.

SB 119, 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, 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 and Wyrick.--46.

Nay: Eason McIntyre.--1.

Excused: Wilson.--1.

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 787 were concurred in upon motion of Senator Rice.

SB 787, 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 and Wyrick.--47.

Excused: Wilson.--1.

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 485 were concurred in upon motion of Senator Lamb.

Senator Johnson (Constance) asked to coauthor **SB 485**, which was the order.

SB 485, 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 and Wyrick.--47.

Excused: Wilson.--1.

The bill passed.

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

PENDING CONSIDERATION OF HAS

HAs to SB 69 were concurred in upon motion of Senator Bass.

SB 69, 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, 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, Williamson and Wyrick.--45.

Nay: Corn and Wilcoxson.--2.

Excused: Wilson.--1.

The bill passed.

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

PENDING CONSIDERATION OF HAS

HAs to SB 796 were concurred in upon motion of Senator Jolley.

SB 796, 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 and Wyrick.--47.

Excused: Wilson.--1.

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 447 were concurred in upon motion of Senator Bingman.

SB 447, 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 and Wyrick.--47.

Excused: Wilson.--1.

The bill and emergency passed.

Pursuant to Rule 13-22, Senator Rabon served notice that the vote be reconsidered whereby **SB 447** passed.

UNANIMOUS CONSENT REQUEST DIRECT TO CALENDAR

Senator Anderson asked unanimous consent to suspend Rule 6-4 and refer **HCR 1015** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

HCR 1015 by Murphey of the House and Anderson of the Senate was called up for consideration.

HCR 1015 was adopted upon motion of Senator Anderson and properly signed and ordered returned to the Honorable House.

**PENDING SENATE ACTION -
VETO OVERRIDE OF SB 714**

Senator Williamson moved that **SB 714** become law notwithstanding the veto of the Governor, which motion failed of adoption upon roll call as follows:

Aye: Aldridge, Anderson, Barrington, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Easley, Ford, Garrison, Gumm, Ivester, Johnson (M), Jolley, Justice, Lamb, Laughlin, Mazzei, Myers, Nichols, Paddack, Reynolds, Schulz, Sykes, Wilcoxson and Williamson.--31.

Nay: Adelson, Ballenger, Bass, Crutchfield, Eason McIntyre, Johnson (C), Laster, Leftwich, Lerblance, Morgan, Rabon, Rice, Riley, Sparks, Sweeden and Wyrick.--16.

Excused: Wilson.--1.

PENDING CONSIDERATION OF HAS

HAs to **SB 47** were concurred in upon motion of Senator Crain.

SB 47, 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, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Lerblance, Mazzei, Myers, Nichols, Paddack, Rabon, Reynolds, Riley, Schulz, Sparks, Sweeden, Sykes, Williamson and Wyrick.--39.

Nay: Anderson, Coates, Ivester, Johnson (C), Leftwich, Rice and Wilcoxson.--7.

Excused: Morgan and Wilson.--2.

The bill passed.

Pursuant to Rule 13-22, Senator Nichols served notice that the vote be reconsidered whereby **SB 47** passed.

MESSAGE FROM THE HOUSE

Advising fourth reading of and returning Enrolled **SBs 63, 145, 151, 494, 590, 889, 929** and **1016**.

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

PENDING CONSIDERATION OF HAS

HAs to SB 1130 were concurred in upon motion of Senator Lamb.

SB 1130, 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 (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson and Wyrick.--46.

Nay: Johnson (C).--1.

Excused: Wilson.--1.

The bill passed.

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

Senator Leftwich presiding.

PENDING CONSIDERATION OF HAS

HAs to SB 747 were concurred in upon motion of Senator Bingman.

Senator Sykes asked to coauthor **SB 747**, which was the order.

SB 747, 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, 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, Reynolds, Rice, Riley, Schulz, Sparks, Sykes, Wilcoxson, Williamson and Wyrick.--44.

Nay: Rabon and Sweeden.--2.

Excused: Anderson and Wilson.--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 410** were concurred in upon motion of Senator Corn.

Senator Branan asked to coauthor **SB 410**, which was the order.

SB 410, 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 and Wyrick.--47.

Excused: Wilson.--1.

The bill passed.

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

PENDING CONSIDERATION OF HAS

HAs to **SBs 115, 138, 489, 560, 565, 665, 677, 710, 736, 848, 920, 943, 1021** and **1038** were rejected upon motion of Senator Laughlin, conference requested, and Senate conferees to be named later.

MESSAGES FROM THE HOUSE

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

SB 376 – Piatt, Hyman, McDaniel (Randy)

SB 517 – McNiel, DeWitt, Hickman, Hyman, Coody, Braddock, Johnson (Rob), Glenn

SB 553 – Peters, Denney, Ingmire, Winchester, Lamons, Glenn, Braddock, Blackwell

Advising the naming of House conferees on Engrossed:

HB 1027 – Smithson, Tibbs, McCullough, Roan, Glenn, Richardson, Billy, Brannon, Shumate, Hyman, Duncan, Shannon, Schwartz, Johnson (Rob), Thomsen

SCs NAMED

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

SB 98 – GCCA

SB 407 – GCCA

SB 925 – GCCA

**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 1034 – Wyrick, Gumm, Lerblance, Bingman, Williamson, Laughlin

HB 1284 – Burrage, Lerblance, Morgan, Williamson, Sykes, Laughlin

HB 1375 – Adelson, Ivester, Wilson, Crain, Schulz, Laughlin

HB 1391 – Crutchfield, Lerblance, Gumm, Bingman, Brogdon, Laughlin

HB 1490 – Easley, Wyrick, Lerblance, Williamson, Schulz, Laughlin

HB 1650 – Paddack, Corn, Ballenger, Barrington, Bingman, Laughlin

HB 1696 – Coates, Bingman, Laughlin, Gumm, Lerblance, Garrison

HB 1711 – Wilson, Eason McIntyre, Leftwich, Barrington, Jolley, Laughlin

HB 1714 – Nichols, Sykes, Laughlin, Lerblance, Johnson (Constance), Corn

HB 1737 – Crain, Brown, Laughlin, Sparks, Ballenger, Leftwich

HB 1739 – Bingman, Myers, Laughlin, Gumm, Paddack, Crutchfield

HB 1764 – Laughlin, Bingman, Myers, Gumm, Paddack, Crutchfield

- HB 1771** – Branan, Coates, Laughlin, Leftwich, Rabon, Ivester
HB 1772 – Coffee, Williamson, Laughlin, Lerblance, Burrage, Ivester
HB 1818 – Leftwich, Rice, Adelson, Lamb, Anderson, Laughlin
HB 1868 – Paddack, Ballenger, Leftwich, Barrington, Bingman, Laughlin
HB 1872 – Garrison, Bass, Morgan, Schulz, Branan, Laughlin
HB 1895 – Ballenger, Johnson (Constance), Corn, Sykes, Nichols, Laughlin
HB 1930 – Laster, Morgan, Lerblance, Williamson, Lamb, Laughlin
HB 1933 – Johnson (Constance), Riley, Burrage, Schulz, Williamson, Laughlin
HB 1941 – Ivester, Rabon, Crutchfield, Branan, Ford, Laughlin

EXECUTIVE NOMINATIONS

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

Barrett, John A., Shawnee, as a member of the Oklahoma Indian Affairs Commission - Health and Human Resources

Cable, Greg, Emond, as a member of the Oklahoma Motor Vehicle Commission - Business and Labor

Capps, Gilmer, Snyder, as a member of the Oklahoma Space Industry Development Authority - Energy and Environment

Cochran, Rhonda Y., Tahlequah, as a member of the Oklahoma Board of Licensed Alcohol and Drug Counselors - Health and Human Resources

Crane, Stephanie, Shawnee, as a member of the State Textbook Committee - Education

Edwards, Tammy, Fort Towson, as a member of the State Textbook Committee - Education

Gollahalli, Anil, Norman, as a member of the Science and Technology Council - Energy and Environment

Huddleston, Kevin, Lexington, as a member of the Oklahoma Liquefied Petroleum Gas Board - Energy and Environment

Hull, Wesley, Ardmore, as a member of the War Veterans Commission of Oklahoma - Veterans and Military Affairs

Jones, David Warren, Ardmore, as a member of the Organ Donor Education and Awareness Program Advisory Council - Health and Human Resources

Lewis, Diane, Norman, as a member of the Organ Donor Education and Awareness Program Advisory Council - Health and Human Resources

McBee, Mathew H., Poteau, as a member of the State Board of Corrections - Criminal Jurisprudence

McDaniel, Brenda, Oklahoma City, as a member of the Oklahoma Arts Council - Tourism and Wildlife

Mendez, Jesse P., Stillwater, as a member of the Board of Regents of the Northern Oklahoma College - Education

O'Donnell, Tommy, Carney, as a member of the Construction Industries Board - Business and Labor

Osborn, Bill, Miami, as a member of the Board of Pharmacy - Health and Human Resources

Payne, Maurice W., D.O., Checotah, as a member of the Oklahoma State Board of Examiners for Long-Term Care Administrators - Health and Human Resources

Reid, Karl, Stillwater, as a member of the Oklahoma Science and Technology Research and Development Board - Energy and Environment

Reilly, Connie, Okemah, as a member of the Regional University System of Oklahoma - Education

Reynolds, Terry, Durant, as a member of the Oklahoma Motor Vehicle Commission - Business and Labor

Shea, Larry, Oklahoma City, as a member of the Construction Industries Board - Business and Labor

Sims, Louis, Hobart, as a member of the Oklahoma Space Industry Development Authority - Energy and Environment

Smith, Linda, Stillwater, as a member of the State Textbook Committee - Education

Whitson, Bob, Stillwater, as a member of the Science and Technology Council - Energy and Environment

Wills, Harlene, Tahlequah, as a member of the Oklahoma Department of Libraries Board - General Government

Senator Laughlin moved that when the clerk's desk is clear, the Senate stand adjourned to convene Thursday, May 10, 2007, at 9:30 a.m., which motion prevailed.

SECOND READING

The following was read for the second time: **SR 39**

FIRST READING

The following were introduced and read the first time:

SCR 36 – By Wilcoxson of the Senate and Martin (Scott) of the House.

A Concurrent Resolution urging Congress to amend and the United States Department of Education to clarify FERPA's "emergency exception"; and directing distribution.

SR 40 – By Ivester.

A Resolution honoring Shawn Laughlin for his heroism in saving the life of a stricken driver; congratulating Trooper Shawn Laughlin for his selection as recipient of the 2006 Highway Users Federation Heroism Award; and directing distribution.

SR 41 – By Garrison.

A Resolution honoring Tom Taylor for his humanitarian effort that saved the life of an individual who was on fire; congratulating Trooper Tom Taylor for his selection as the recipient of the 2006 Oklahoma Highway Users Federation Humanitarian Award; and directing distribution.

SR 42 – By Nichols.

A Resolution welcoming all weather-related personnel and educational exhibits to the Oklahoma State Capitol; declaring Thursday, May 10, 2007, "Oklahoma Centennial Weather and Climate History Day" in the State of Oklahoma; and directing distribution.

MESSAGE FROM THE GOVERNOR

Advising his approval May 9, 2007, of Enrolled **SBs 734, 854** and **868**.

Pursuant to the Laughlin motion, the Senate adjourned at 2:35 p.m. to meet Thursday, May 10, 2007, at 9:30 a.m.