

Senate Journal

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

Sixtieth Legislative Day, Thursday, May 17, 2007

The Senate was called to order by Senator Jolley.

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 Jolley declared a quorum present.

The prayer was offered by Father Jake Clemmens, St. Mark's Episcopal Church of Hugo, Ardmore, the guest of Senator Rabon.

REPORT OF ENGROSSED AND ENROLLED MEASURES

SB 464 was correctly enrolled and after fourth reading, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

SCRs 29, 30, 34 and 38 were each correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

SR 43 was correctly enrolled, properly signed and ordered transmitted to the Secretary of State.

MESSAGES FROM THE HOUSE

Advising the signing of and transmitting for signature Enrolled **HCR 1036**.

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

Advising passage of and transmitting for consideration Engrossed **HCR 1034**.

HCR 1034 – By Lamons, 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, 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 Adelson of the Senate.

A Concurrent Resolution congratulating The Oklahoma State University Center for Health Sciences (OSU/CHS) College of Osteopathic Medicine; and directing distribution.

The above-numbered measure was read the first time.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 622** was adopted upon motion of Senator Anderson.

SB 622, as amended in conference, 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, Branam, 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, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--46.

Excused: Coffee and Morgan.--2.

The bill and emergency passed.

SB 622, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 658** was adopted upon motion of Senator Rice.

Senators Branan, Johnson (Constance), Ballenger and Corn asked to coauthor **SB 658**, which was the order.

SB 658, as amended in conference, 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, 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, Myers, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Williamson, Wilson and Wyrick.--43.

Nay: Brogdon, Nichols and Wilcoxson.--3.

Excused: Coffee and Morgan.--2.

The bill passed.

SB 658, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 390** was adopted upon motion of Senator Barrington upon roll call as follows:

Aye: Aldridge, Anderson, Ballenger, Barrington, Bingman, Branan, Brown, Coates, Coffee, Corn, Crain, Ford, Gumm, Johnson (M), Jolley, Justice, Lamb, Laughlin, Mazzei, Myers, Nichols, Reynolds, Riley, Schulz, Sykes, Wilcoxson and Williamson.--27.

Nay: Adelson, Bass, Brogdon, Burrage, Crutchfield, Easley, Eason McIntyre, Garrison, Ivester, Johnson (C), Laster, Leftwich, Lerblance, Morgan, Paddack, Rabon, Rice, Sparks, Sweeden, Wilson and Wyrick.--21.

SB 390, as amended in conference, 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, Ford, Garrison, Gumm, Johnson (M), Jolley,

Justice, Lamb, Laughlin, Mazzei, Myers, Nichols, Paddack, Reynolds, Riley, Schulz, Sweeden, Sykes, Wilcoxson, Williamson and Wyrick.--34.

Nay: Adelson, Crutchfield, Easley, Eason McIntyre, Ivester, Johnson (C), Laster, Leftwich, Lerblance, Morgan, Rabon, Rice, Sparks and Wilson.--14.

The bill and emergency passed.

SB 390, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING SENATE ACTION HOUSE REQUEST FOR CONFERENCE

Upon motion of Senators Laster and Laughlin, the request of the Honorable House for further conference on **HB 1391** was ordered granted and Senate conferees appointed as follows: Wyrick, Corn, Rabon, Bingman, Crain, Branana.

MOTION TO RECONSIDER VOTE

Senator Williamson moved to reconsider the vote whereby **SB 139** passed.

Senator Laughlin moved to table the Williamson motion, which tabling motion was declared adopted.

SB 139 was properly signed and the above-numbered bill was referred for enrollment.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 371** was adopted upon motion of Senator Aldridge.

SB 371, as amended in conference, 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, Branana, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Myers, Nichols, Paddack, Rabon, Reynolds, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson and Wyrick.--40.

Nay: Johnson (C), Lerblance, Rice, Riley and Wilson.--5.

Excused: Crutchfield, Mazzei and Morgan.--3.

The bill passed.

SB 371, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

MESSAGE FROM THE HOUSE

Advising fourth reading of and returning Enrolled **SB 464**.

The above-numbered enrolled measure was referred to the Governor.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 809** was adopted upon motion of Senator Leftwich.

SB 809, as amended in conference, 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, Myers, Nichols, Paddock, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.-47.

Excused: Morgan.--1.

The bill passed.

SB 809, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF HAS

HAs to **SCR 10** were concurred in upon motion of Senator Brogdon.

Senator Johnson (Constance) asked to coauthor **SCR 10**, which was the order.

SCR 10, as amended by the Honorable House, was read at length.

SCR 10 was adopted upon motion of Senator Brogdon.

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

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 517** was adopted upon motion of Senator Wilson.

SB 517, as amended in conference, 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, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.-47.

Excused: Morgan.--1.

The bill and emergency passed.

SB 517, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF HAS

HAs to **SCR 6** were concurred in upon motion of Senator Crain.

SCR 6, as amended by the Honorable House, was read at length.

SCR 6 was adopted upon motion of Senator Crain.

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

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 426** was adopted upon motion of Senator Eason McIntyre.

SB 426, as amended in conference, 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, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Sparks, Sweeden, Wilcoxson, Williamson, Wilson and Wyrick.--45.

Nay: Schulz and Sykes.--2.

Excused: Morgan.--1.

The bill passed.

SB 426, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 1816** was adopted upon motion of Senator Lamb.

Senators Coffee, Gumm, Jolley, Nichols, Brown, Justice, Crain, Bingman, Reynolds, Sykes, Coates, Mazzei and Wilcoxson asked to coauthor **HB 1816**, which was the order.

HB 1816, as amended in conference, 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, Mazzei, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--45.

Nay: Johnson (C) and Lerblance.--2.

Excused: Morgan.--1.

The bill passed.

HB 1816, together with the conference committee report thereon, was ordered returned to the Honorable House.

**MESSAGE FROM THE HOUSE
CONFERENCE COMMITTEE REPORTS**

Transmitting the following bills, together with conference committee reports thereon, advising adoption of conference committee reports and passage of measures as amended:

HB 1034 - coauthored by Hoskin of the House
HB 1327

Conference committee reports were read on the above-numbered bills.

REPORT OF ENGROSSED AND ENROLLED MEASURE

SB 139 was correctly enrolled and after fourth reading, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 610** was adopted upon motion of Senator Barrington.

SB 610, as amended in conference, was read at length.

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

Aye: Anderson, Ballenger, Barrington, Bass, Bingman, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Justice, Lamb, Laughlin, Lerblance, Mazzei, Myers, Nichols, Paddack, Reynolds, Rice, Riley, Sparks, Sweeden, Sykes, Wilson and Wyrick.--37.

Nay: Aldridge, Branan, Jolley, Laster, Leftwich, Rabon, Wilcoxson and Williamson.--8.

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

The bill and emergency passed.

SB 610, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

MESSAGES FROM THE HOUSE

Advising fourth reading of and returning Enrolled **SB 139**.

The above-numbered enrolled measure was referred to the Governor.

Advising rejection of **CCR** to the following bill, requesting further conference and naming same House conferees as follows:

HB 1455 - Johnson (Rob), Adkins, Liebmann, Renegar, Rousselot

**MESSAGE FROM THE HOUSE
CONFERENCE COMMITTEE REPORTS**

Transmitting the following bills, together with conference committee reports thereon, advising adoption of conference committee reports and passage of measures as amended:

HB 1051 – remove Cannaday as House coauthor and coauthored by Cox and McDaniel (Randy) of the House

HB 1329 - coauthored by Peterson (Pam) of the House

HB 1383

HB 1384

HB 1412

HB 1581

HB 1650 - coauthored by Kern of the House

HB 1695

HB 1714 - coauthored by Cox and Hilliard of the House

HB 1737 - coauthored by Roan of the House

HB 1764 - coauthored by Morgan, McAffrey, Kiesel and Nations of the House

HB 1772

HB 1777

HB 1819

HB 1884 – coauthored by Cox of the House

Conference committee reports were read on the above-numbered bills.

PENDING CONSIDERATION OF CCRs

The following **CCR** was rejected upon motion of Senator Laster, further conference requested, and same Senate conferees appointed as follows:

SB 790 – Leftwich, Lerblance, Eason McIntyre, Williamson, Anderson, Laughlin

Senator Laster moved that the Senate recess until 1:30 p.m., which motion was declared adopted.

*

The Senate reconvened with Senator Jolley presiding.

Senator Jolley questioned the presence of a quorum and ordered the roll called, following which a quorum was declared present.

FIRST READING

The following was introduced and read the first time:

SR 45 – By Laster.

A Resolution welcoming the 2007 Southwest Regional Support Enforcement Association Conference to Oklahoma; thanking the hosts; and directing distribution.

UNANIMOUS CONSENT REQUEST DIRECT TO CALENDAR

Senator Laster asked unanimous consent to suspend Rule 6-4 and refer **SR 45** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SR 45 by Laster was called up for consideration.

SR 45 was adopted upon motion of Senator Laster upon roll call as follows:

Aye: Adelson, Aldridge, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, 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.--44.

Excused: Anderson, Corn, Johnson (C) and Morgan.--4.

SR 45 was referred for enrollment.

MESSAGE FROM THE HOUSE

Advising rejection of **CCRs** to the following bills, requesting further conference and naming same House conferees as follows:

- HB 1872** - Cargill, Walker, Johnson (Dennis), Adkins
- HB 1928** - Steele, Cox, Hickman, Smithson, Glenn, Johnson (Rob)
- HB 1933** - Steele, Peters, Winchester, Collins, Ellis, Enns, Blackwell, Piatt
- HB 2087** - Jordan, Miller, Nations, Benge, Terrill, Duncan

INTRODUCTIONS

Senator Gumm introduced his wife, Dena, and their son, Jacob Taylor, to the Senate.

Senator Laster moved that the Senate recess to the call of the Chair, which motion was declared adopted.

*

The Senate reconvened with Senator Williamson presiding.

Senator Williamson questioned the presence of a quorum and ordered the roll called, following which a quorum was declared present.

MESSAGE FROM THE HOUSE

Advising passage of and returning the following Engrossed resolutions:

- SCR 25** - coauthored by all other House Members
- SCR 34** - coauthored by all other House Members

The above-numbered measures were referred for enrollment.

**MESSAGE FROM THE HOUSE
CONFERENCE COMMITTEE REPORT**

Transmitting the following bill, together with conference committee report thereon, advising adoption of conference committee report and passage of the measure as amended:

HB 2070

Conference committee report was read on the above-numbered bill.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 1019** was adopted upon motion of Senator Sykes.

SB 1019, as amended in conference, 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, Coates, 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 and Wyrick.--44.

Excused: Anderson, Coffee, Morgan and Wilson.--4.

The bill passed.

SB 1019, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

INTRODUCTIONS

Senator Williamson introduced his sons, Ken and Andrew, to the Senate.

PENDING CONSIDERATION OF HAS

HAs to **SB 35** were rejected upon motion of Senator Laster, conference requested, and Senate conferees appointed as follows: Crain, Barrington, Laughlin, Leftwich, Lerblance, Ballenger.

PENDING CONSIDERATION OF CCRs

The following **CCR**s were rejected upon motion of Senator Laster, further conference requested, and same Senate conferees appointed as follows:

SB 86 – Myers, Branan, Laughlin, Rabon, Burrage, Ivester

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

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 859** was adopted upon motion of Senator Barrington.

SB 859, as amended in conference, 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, 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.--44.

Excused: Anderson, Coffee, Morgan and Riley.--4.

The bill and emergency passed.

SB 859, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 560** was adopted upon motion of Senator Sparks.

SB 560, as amended in conference, 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, 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.--44.

Excused: Anderson, Coffee, Morgan and Riley.--4.

The bill and emergency passed.

SB 560, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

SCs NAMED

Upon motion of Senator Laster, Senate conferees were appointed as follows:

SB 609 – Sweeden, Easley, Laster, Bingman, Myers, Laughlin

MESSAGES FROM THE HOUSE

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

SB 593 - Sullivan, Duncan, Tibbs, McCullough, Roan, Glenn

SB 609 - Piatt, Benge, Miller, Terrill, Hyman, Hilliard, Morgan, Worthen, Adkins

SB 848 - Cargill, Worthen, Miller, Braddock

Advising further conference granted and naming same House conferees on Engrossed:

SB 86 - Peterson (Ron), Hickman, Adkins, Liebmann, Martin (Scott), Duncan, Jonson (Rob)

SB 513 - Denney, Brannon, Banz, McCarter, Jones, Thomsen, Nations

SB 790 - Steele, Lindley, Peters. Blackwell

EXECUTIVE NOMINATION

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

Bloodworth, Mike, Hugo, as a member of the Oklahoma Wildlife Conservation Commission - Tourism and Wildlife

Senator Laster moved that when the clerk's desk is clear, the Senate stand adjourned to convene Monday, May 21, 2007, at 10:00 a.m., which motion prevailed.

CONFERENCE COMMITTEE REPORTS SUBMITTED

Conference committee reports were read on the following bills:

SB 376

SB 424

SB 519

SB 553

SB 710

SB 905

SB 993 – conferees unable to agree

SB 1092 – coauthored by Sears

Pursuant to Senate Rule 13-10A, **SB 993** will revert to the status occupied before being sent to conference and will remain on the calendar under "House Amendments to Senate Bills".

SECOND READING

The following were read for the second time: **SCR 40, SR 44, HCRs 1025 and 1028.**

Pursuant to the Laster motion, the Senate adjourned at 3:05 p.m. to meet Monday, May 21, 2007, at 10:00 a.m.