

# Senate Journal

## First Regular Session of the Fiftieth Legislature of the State of Oklahoma Fortieth Legislative Day, Thursday, April 14, 2005

The Senate was called to order by Senator Corn.

Roll Call:

Present: Adelson, Aldridge, Anderson, Barrington, Bass, Branan, 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, Paddock, Pruitt, Reynolds, Riley, Shurden, Wilcoxson, Williamson, Wilson and Wyrick.—45.

Excused: Capps, Rabon and Taylor.—3.

Senator Corn declared a quorum present.

The prayer was offered by Reverend Justin Ford, Sharon Baptist Church, Chickasha, the guest of Senator Justice.

### REPORT OF ENGROSSED AND ENROLLED MEASURES

**HBs 1014, 1288, 1295, 1312, 1334, 1347, 1379, 1384, 1386, 1390, 1405, 1435, 1444, 1453, 1457, 1535, 1575, 1720, 1751, 1754, 1823, 1913 and 1993** were each correctly engrossed and, together with engrossed **SAs**, properly signed and ordered returned to the Honorable House.

**SB 363** was correctly enrolled and after fourth reading, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

### UNANIMOUS CONSENT REQUEST DIRECT TO CALENDAR

Senator Laster asked unanimous consent to suspend Rule 5-4 and refer **SR 19** direct to the Calendar for consideration, which was the order.

**GENERAL ORDER**

**SR 19** by Laster and Capps was called up for consideration.

All other members of the Senate asked to coauthor **SR 19**, which was the order.

**SR 19** was adopted upon motion of Senator Laster and referred for enrollment.

**GENERAL ORDER**

**HB 1725** by Tibbs of the House and Williamson of the Senate was called up for consideration.

Senator Williamson moved that **HB 1725** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 1725** 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, Branan, 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, Morgan, Myers, Nichols, Paddack, Reynolds, Riley, Shurden, Wilcoxson, Williamson, Wilson and Wyrick.--43.

Excused: Capps, Monson, Pruitt, Rabon and Taylor.--5.

The bill and emergency passed.

**HB 1725** was referred for engrossment.

**GENERAL ORDER**

**HB 1622** by Kern and Wesselhoft of the House and Brogdon of the Senate was called up for consideration.

Senator Brogdon moved that **HB 1622** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 1622** 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, Barrington, Bass, Branan, 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, Morgan, Myers, Nichols, Paddack, Pruitt, Reynolds, Riley, Shurden, Wilcoxson, Williamson, Wilson and Wyrick.--44.

Excused: Capps, Monson, Rabon and Taylor.--4.

The bill passed.

**HB 1622** was referred for engrossment.

**GENERAL ORDER**

**HB 1544** by Calvey et al of the House and Shurden et al of the Senate was called up for consideration.

Senator Shurden moved that **HB 1544** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 1544** 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, Barrington, Bass, Branan, 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, Morgan, Myers, Nichols, Paddack, Pruitt, Reynolds, Riley, Shurden, Wilcoxson, Williamson, Wilson and Wyrick.--44.

Excused: Capps, Monson, Rabon and Taylor.--4.

The bill passed.

**HB 1544** was referred for engrossment.

**Senator Gumm presiding.**

### **GENERAL ORDER**

**HB 1329** by Reynolds of the House and Reynolds of the Senate was called up for consideration.

Senator Reynolds moved that **HB 1329** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 1329** 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, Barrington, Bass, Branan, 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, Morgan, Myers, Nichols, Paddack, Pruitt, Reynolds, Riley, Shurden, Wilcoxson, Williamson, Wilson and Wyrick.--44.

Excused: Capps, Monson, Rabon and Taylor.--4.

The bill passed.

**HB 1329** was referred for engrossment.

### **GENERAL ORDER**

**HB 1608** by Miller (Doug) of the House and Branan of the Senate was called up for consideration.

Senator Branan moved that **HB 1608** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 1608** 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, Barrington, Bass, Branan, 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, Morgan, Myers, Nichols, Paddack, Pruitt, Reynolds, Riley, Shurden, Wilcoxson, Williamson, Wilson and Wyrick.--44.

Excused: Capps, Monson, Rabon and Taylor.--4.

The bill passed.

**HB 1608** was properly signed and ordered returned to the Honorable House.

**President Pro Tempore Morgan presiding.**

### **GENERAL ORDER**

**HB 1503** by Roan and Nance of the House and Gumm of the Senate was called up for consideration.

Senator Gumm moved that **HB 1503** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 1503** 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, Barrington, Bass, Branan, 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, Morgan, Myers, Nichols, Paddack, Pruitt, Reynolds, Riley, Shurden, Wilcoxson, Williamson, Wilson and Wyrick.--44.

Excused: Capps, Monson, Rabon and Taylor.--4.

The bill passed.

**HB 1503** was referred for engrossment.

**GENERAL ORDER**

**HB 1695** by Hamilton et al of the House and Shurden of the Senate was called up for consideration.

Senator Shurden moved that **HB 1695** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 1695** 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, Branan, 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, Morgan, Myers, Nichols, Paddack, Pruitt, Reynolds, Riley, Shurden, Wilcoxson, Williamson, Wilson and Wyrick.--44.

Excused: Capps, Monson, Rabon and Taylor.--4.

The bill and emergency passed.

**HB 1695** was properly signed and ordered returned to the Honorable House.

**UNANIMOUS CONSENT REQUEST  
DIRECT TO CALENDAR**

Senator Corn asked unanimous consent to suspend Rule 5-4 and refer **HCR 1017** direct to the Calendar for consideration, which was the order.

**GENERAL ORDER**

**HCR 1017** by Roan et al of the House and Corn of the Senate was called up for consideration.

All other members of the Senate asked to coauthor **HCR 1017**, which was the order.

**HCR 1017** was adopted upon motion of Senator Corn and properly signed and ordered returned to the Honorable House.

**GENERAL ORDER**

**HB 1507** by Roan and Nance of the House and Gumm of the Senate was called up for consideration.

Senator Gumm moved that **HB 1507** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 1507** 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, Barrington, Bass, Branan, 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, Morgan, Myers, Nichols, Paddack, Pruitt, Reynolds, Riley, Shurden, Wilcoxson, Williamson, Wilson and Wyrick.--44.

Excused: Capps, Monson, Rabon and Taylor.--4.

The bill passed.

**HB 1507** was referred for engrossment.

**GENERAL ORDER**

**HB 1668** by Cooksey and Braddock of the House and Lerblance of the Senate was called up for consideration.

Senator Lerblance moved that **HB 1668** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 1668** 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, Barrington, Bass, Branan, Brogdon, Cain, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Hobson, Johnson, Jolley, Justice, Kerr, Lamb, Laster, Laughlin, Lawler, Leftwich,

Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Pruitt, Reynolds, Riley, Shurden, Wilcoxson, Williamson, Wilson and Wyrick.--43.

Excused: Capps, Harrison, Monson, Rabon and Taylor.--5.

The bill passed.

Pursuant to Rule 12-23, Senator Lerblance served notice that the vote be reconsidered whereby **HB 1688** passed.

### **GENERAL ORDER**

**HB 1927** by Liotta et al of the House and Shurden of the Senate was called up for consideration.

Senator Shurden moved that **HB 1927** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 1927** 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, Barrington, Bass, Branan, Brogdon, Cain, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson, Jolley, Justice, Kerr, Lamb, Laster, Laughlin, Lawler, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Pruitt, Reynolds, Riley, Shurden, Wilcoxson, Williamson, Wilson and Wyrick.--43.

Excused: Capps, Leftwich, Monson, Rabon and Taylor.--5.

The bill passed.

**HB 1927** was referred for engrossment.

### **GENERAL ORDER**

**HB 1735** by Gilbert of the House and Adelson of the Senate was called up for consideration.

Senator Adelson moved that **HB 1735** be advanced, which motion was declared adopted.



**THIRD READING**

**HB 1735** 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, Branan, 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, Morgan, Myers, Nichols, Paddack, Pruitt, Reynolds, Riley, Shurden, Wilcoxson, Williamson, Wilson and Wyrick.--44.

Excused: Capps, Monson, Rabon and Taylor.--4.

The bill and emergency passed.

**HB 1735** was properly signed and ordered returned to the Honorable House.

**SENATE RULE SUSPENDED**

Senator Lerblance asked unanimous consent, which was granted, to suspend Senate Rule 12-23B as it pertains to **HB 1668** for this legislative day.

**MOTION TO RECONSIDER VOTE**

Senator Lerblance moved to reconsider the vote whereby **HB 1668** passed, which motion was declared adopted upon roll call as follows:

Aye: Aldridge, Anderson, Barrington, Bass, Branan, Brogdon, Cain, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson, Jolley, Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Pruitt, Reynolds, Riley, Shurden, Wilcoxson, Williamson, Wilson and Wyrick.--42.

Excused: Adelson, Capps, Kerr, Monson, Rabon and Taylor.--6.

**THIRD READING**

Senator Lerblance moved to reconsider the vote whereby **HB 1668** was advanced, which motion was declared adopted.

**GENERAL ORDER**

**HB 1668** by Cooksey and Braddock of the House and Lerblance of the Senate was called up for consideration.

Senator Lerblance moved to amend **HB 1688**, Page 1, by restoring the title, which amendment was declared adopted.

Senator Lerblance moved that **HB 1668** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 1668** 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, Barrington, Bass, Branan, Brogdon, Cain, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson, Jolley, Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Pruitt, Reynolds, Riley, Shurden, Wilcoxson, Williamson, Wilson and Wyrick.--43.

Excused: Capps, Kerr, Monson, Rabon and Taylor.--5.

The bill passed.

**HB 1668** was properly signed and ordered returned to the Honorable House.

**MESSAGES FROM THE HOUSE**

Advising fourth reading of and transmitting for signature Enrolled **HBs 1516, 1564 and 1600**.

The above-numbered enrolled measures were, after fourth reading, properly signed and ordered returned to the Honorable House.

Advising passage of and returning the following Engrossed bills:

**SB 390** - coauthored by McDaniel, Wesselhoft, Billy of the House

**SB 531** - coauthored by Dank, Peterson (Pam), Braddock, Banz, Blackwell, Cooksey, DePue, Dorman, Duncan, Hyman, Martin, Roan, Shoemake, Walker of the House

**SB 538**

**SB 1001**

The above-numbered measures were referred for enrollment.

Advising passage of and transmitting for consideration Engrossed **HCR 1020**.

**HCR 1020** – By Winchester, Adkins, Armes, Askins, Auffet, Balkman, Banz, Benge, Billy, Bingman, Blackburn, Blackwell, Braddock, Brannon, Brown, Calvey, Carey, Cargill, Case, Coody, Cooksey, Covey, Cox, Dank, Denney, DePue, Deutschendorf, DeWitt, Dorman, Duncan, Eddins, Ellis, Gilbert, Glenn, Hamilton, Harrison, Hastings, Hickman, Hiatt, Hilliard, Hyman, Ingmire, Jackson, Jett, Johnson, Jones, Kern, Kiesel, 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, Roan, Roggow, Rousselot, Shelton, Sherrer, Shoemake, Shumate, Smaligo, Smithson, Staggs, Steele, Sullivan, Sweeden, Terrill, Thompson, Tibbs, Toure, Trebilcock, Turner, Walker, Wesselhoft, Wilt, Worthen, Wright and Young of the House and Cain of the Senate.

A Concurrent Resolution recognizing a National Week of Hope in commemoration of the ten-year anniversary of the terrorist bombing in Oklahoma City; and directing distribution.

The above-numbered measure was read the first time.

Advising concurrence in **SAs** to and passage of Engrossed **HB 1001**.

Advising rejection of **SAs** to **HB 1606**, requesting conference and House conferees to be named later.

Advising fourth reading of and returning Enrolled **SB 363**.

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

**MESSAGE FROM THE HOUSE  
CONFERENCE COMMITTEE APPOINTMENTS – GCCA**

On April 14, 2005, the Speaker announced the following Representatives as members of the General Conference Committee on Appropriations:

**GENERAL CONFERENCE COMMITTEE ON APPROPRIATIONS**

Benge, Chair  
Newport, Vice-Chair

Balkman	McCarter
Blackburn	Nations
Braddock	Peters
Carey	Roggow
Cargill	Smaligo
Eddins	Toure
Jones	Trebilcock
Liotta	Walker

**GCCA SUBCOMMITTEES****EDUCATION**

Jones, Chair  
Kern, Vice-Chair

Brannon	McCarter
Dank	Nations
Denney	Peterson (Pam)
Deutschendorf	Shumate
Ingmire	

**GENERAL GOVERNMENT and  
TRANSPORTATION**

Liotta, Chair  
Jett, Vice-Chair

Bingman	Plunk
Dorman	Rousselot
Liebmann	

**HEALTH and SOCIAL SERVICES**

Balkman, Chair  
Cooksey, Vice-Chair

Brown	Ellis
Cox	Tibbs
Eddins	

**HUMAN SERVICES**

Peters, Chair  
Billy, Vice-Chair

Carey	Jackson
Hamilton	Steele
Hilliard	

**NATURAL RESOURCES and  
REGULATORY SERVICES**

Roggow, Chair  
Duncan, Vice-Chair

Adkins	Peterson (Ron)
Covey	Shoemaker
DeWitt	Walker
Glenn	Wilt
Morgan (Danny)	

**PUBLIC SAFETY and  
JUDICIARY**

Trebilcock, Chair  
Johnson, Vice-Chair

Askins	Nance
Blackwell	Roan
Calvey	Smithson
Lamons	Turner
Morgan (Fred)	

**SELECT AGENCIES**

Smaligo, Chair  
 Martin, Vice-Chair

Auffet	Staggs
Kiesel	Young
Piatt	

Speaker Hiatt and Speaker Pro Tempore Winchester are ex officio voting members of the General Conference Committee on Appropriations and the subcommittees.

**MESSAGE FROM THE HOUSE  
 HAS TO SENATE BILLS**

Advising passage of and returning the following engrossed bills as amended:

**SB 20** - coauthored by Lamons of the House  
**SB 238** - coauthored by Kiesel, Blackwell, McMullen of the House  
**SB 620** - coauthored by Smithson of the House  
**SB 720** - Kiesel, Lamons, Sherrer of the House  
**SB 944** - coauthored by Kiesel, Wesselhoft of the House

House amendments were read on the above-numbered bills.

**CHANGE IN COMMITTEE ASSIGNMENT**

The following resolution was reassigned as follows:

**SCR 23** – Withdrawn from Appropriations Committee and referred Direct to Calendar.

Senator Fisher moved that when the clerk's desk is clear, the Senate stand adjourned to convene Monday, April 18, 2005, at 10:00 a.m., which motion prevailed.

**SECOND READING**

The following was read for the second time and referred to committee as indicated:

**HCR 1009** – Rules

**FIRST READING**

The following were introduced and read the first time:

**SR 23** – By Adelson, Garrison, Paddack, Wyrick and Bass.

A Resolution voicing pride in the outstanding educational progress of Oklahoma students; thanking educators, teachers, librarians, counselors, and other educational support personnel throughout the State for making this improvement possible; and directing distribution.

**MESSAGE FROM THE GOVERNOR**

Advising his approval April 14, 2005, of Enrolled **SB 265**.

Pursuant to the Fisher motion, the Senate adjourned at 10:05 a.m. to meet Monday, April 18, 2005, at 10:00 a.m.