

Senate Journal

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

Forty-fourth Legislative Day, Thursday, April 21, 2005

The Senate was called to order by Senator Corn.

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, Wilcoxson, Williamson, Wilson and Wyrick.—45.

Excused: Branan, Capps and Taylor.—3.

Senator Corn declared a quorum present.

The prayer was offered by Pastor Doug Passmore, First Baptist East, Lawton, the guest of Senator Barrington.

REPORT OF ENGROSSED AND ENROLLED MEASURES

HBs 1227, 1267, 1398, 1467, 1480, 1524, 1570, 1704, 1711, 1713, 1738, 1774, 1779, 1780, 1807, 1845, 1971 and 1986 and HJR 1019 were each correctly engrossed and, together with engrossed **SAs**, properly signed and ordered returned to the Honorable House.

SBs 36, 321, 460 and 733 were each correctly enrolled and after fourth reading, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

SCR 11 was correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

GENERAL ORDER

HB 1926 by Dorman and Winchester of the House and Justice of the Senate was called up for consideration.

Senator Justice moved to amend **HB 1926**, Page 1, by restoring the title, which amendment was declared adopted.

Senator Justice moved to amend **HB 1926**, Page 2, Line 1, by inserting after the word “utilize” and before the word “revenues” the words “not less than ninety percent (90%) of all”; Page 2, Lines 1 through 5, by deleting all language after the word “collected” on Line 1 through the period on Line 5; and Page 2, Line 1, by inserting after the word “collected” the words “by the district for payment of such contracts to said providers.”, and by amending the title to conform, which amendment was declared adopted.

Senator Justice moved that **HB 1926** be advanced, which motion was declared adopted.

THIRD READING

HB 1926 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, 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, Rabon, Reynolds, Riley, Shurden, Wilcoxson, Williamson, Wilson and Wyrick.--44.

Excused: Branan, Capps, Pruitt and Taylor.--4.

The bill passed.

HB 1926 was referred for engrossment.

INTRODUCTIONS

Senator Easley introduced her grandson, Kevin Easley, and Senator Justice introduced his sister, Beverly Passmore, to the Senate.

Senator Gumm presiding.

GENERAL ORDER

HB 1218 by Newport et al of the House and Myers et al of the Senate was called up for consideration.

Senators Mazzei, Lamb, Brogdon, Ford, Laughlin, Johnson and Reynolds asked to coauthor **HB 1218**, which was the order.

Senator Myers moved that **HB 1218** be advanced, which motion was declared adopted.

THIRD READING

HB 1218 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, Coates, Coffee, Crain, Crutchfield, Easley, Fisher, Ford, Garrison, Harrison, Johnson, Jolley, Justice, Kerr, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Pruitt, Reynolds, Riley, Wilcoxson, Wilson and Wyrick.--36.

Nay: Cain, Corn, Eason McIntyre, Gumm, Hobson, Monson, Rabon and Shurden.--8.

Excused: Branan, Capps, Taylor and Williamson.--4.

The bill and emergency passed.

HB 1218 was referred for engrossment.

**PENDING SENATE ACTION
HOUSE REQUEST FOR CONFERENCE**

Upon motion of Senator Fisher, the request of the Honorable House for conference on **HBs 1390, 1498, 1544, 1680, 1681** and **1753** was ordered granted and Senate conferees to be named later.

Senator Corn presiding.

GENERAL ORDER

HB 1286 by Balkman et al of the House and Jolley of the Senate was called up for consideration.

Representatives Dorman and Pruett asked to coauthor **HB 1286**, which was the order.

Senator Jolley moved to amend **HB 1286**, by striking the title, the enacting clause and the entire body of the bill and substituting the floor substitute, which amendment was declared adopted. (Copies were provided for all Senators.)

Senator Jolley moved that **HB 1286** be advanced, which motion was declared adopted.

THIRD READING

HB 1286 was read for the third time at length.

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

Aye: Adelson, Anderson, Barrington, Bass, 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, Monson, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Wilcoxson, Williamson, Wilson and Wyrick.--43.

Excused: Aldridge, Branan, Capps, Kerr and Taylor.--5.

The bill passed.

HB 1286 was referred for engrossment.

GENERAL ORDER

HB 1653 by Morgan (Danny) of the House and Leftwich of the Senate was called up for consideration.

Senator Leftwich moved to amend **HB 1653**, Page 1, by restoring the title, which amendment failed of adoption upon roll call as follows:

Aye: Anderson, Barrington, Cain, Coates, Coffee, Easley, Eason McIntyre, Ford, Harrison, Hobson, Jolley, Laster, Laughlin, Lawler, Leftwich, Mazzei, Morgan, Myers, Riley, Wilcoxson and Wilson.--21.

Nay: Adelson, Bass, Brogdon, Corn, Crain, Crutchfield, Fisher, Garrison, Gumm, Johnson, Justice, Lamb, Lerblance, Monson, Nichols, Paddack, Pruitt, Reynolds, Shurden, Williamson and Wyrick.--21.

Excused: Aldridge, Branan, Capps, Kerr, Rabon and Taylor.--6.

Senator Leftwich moved that **HB 1653** be advanced, which motion was declared adopted.

THIRD READING

HB 1653 was read for the third time at length.

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

Aye: Adelson, Anderson, Barrington, Brogdon, Cain, Coates, Coffee, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Harrison, Hobson, Johnson, Jolley, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Monson, Morgan, Myers, Nichols, Paddack, Pruitt, Reynolds, Riley, Wilcoxson, Williamson, Wilson and Wyrick.--36.

Nay: Bass, Corn, Crain, Gumm, Justice and Shurden.--6.

Excused: Aldridge, Branan, Capps, Kerr, Rabon and Taylor.--6.

The bill passed.

HB 1653 was referred for engrossment.

GENERAL ORDER

HB 1964 by Blackburn et al of the House and Gumm of the Senate was called up for consideration.

Senator Gumm moved that **HB 1964** be advanced, which motion was declared adopted.

THIRD READING

HB 1964 was read for the third time at length.

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

Aye: Adelson, Anderson, Barrington, Bass, 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, Monson, Morgan, Myers, Nichols, Paddack, Pruitt, Reynolds, Riley, Shurden, Williamson, Wilson and Wyrick.--41.

Nay: Wilcoxson.--1.

Excused: Aldridge, Branan, Capps, Kerr, Rabon and Taylor.--6.

The bill passed.

HB 1964 was referred for engrossment.

GENERAL ORDER

HB 1241 by Gilbert of the House and Eason McIntyre of the Senate was called up for consideration.

Senator Eason McIntyre moved that **HB 1241** be advanced, which motion was declared adopted.

THIRD READING

HB 1241 was read for the third time at length.

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

Aye: Adelson, Anderson, Barrington, Bass, 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, Monson, Morgan, Myers, Nichols, Paddack, Pruitt, Reynolds, Riley, Shurden, Wilcoxson, Williamson, Wilson and Wyrick.--42.

Excused: Aldridge, Branan, Capps, Kerr, Rabon and Taylor.--6.

The bill passed.

HB 1241 was properly signed and ordered returned to the Honorable House.

PENDING CONSIDERATION OF HAS

HAs to SBs 400, 409, 418, 435, 610, 835, 886 and 905 were rejected upon motion of Senator Fisher, conference requested, and Senate conferees to be named later.

GENERAL ORDER

HB 1667 by Calvey et al of the House and Barrington and Pruitt of the Senate was called up for consideration.

Senator Barrington moved that **HB 1667** be advanced, which motion was declared adopted.

THIRD READING

HB 1667 was read for the third time at length.

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

Aye: Adelson, Anderson, Barrington, Bass, Brogdon, Cain, Coffee, Corn, Crain, Crutchfield, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson, Jolley, Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Monson, Myers, Nichols, Paddack, Pruitt, Reynolds, Riley, Wilcoxson, Williamson, Wilson and Wyrick.--37.

Nay: Easley, Eason McIntyre and Shurden.--3.

Excused: Aldridge, Branan, Capps, Coates, Kerr, Morgan, Rabon and Taylor.--8.

The bill passed.

HB 1667 was referred for engrossment.

GENERAL ORDER

HB 1450 by Duncan et al of the House and Lamb of the Senate was called up for consideration.

Senators Gumm, Jolley, Leftwich, Garrison, Easley, Eason McIntyre and Corn asked to coauthor **HB 1450**, which was the order.

Senator Lamb moved that **HB 1450** be advanced, which motion was declared adopted.

THIRD READING

HB 1450 was read for the third time at length.

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

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

Williamson, Wilson and Wyrick.--40.

Excused: Aldridge, Branan, Capps, Coates, Kerr, Morgan, Rabon and Taylor.--8.

The bill passed.

HB 1450 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 1621 by Kern and Wesselhoft of the House and Wilcoxson of the Senate was called up for consideration.

Senator Riley moved to amend **HB 1621**, Page 3, Lines 15 through 19, by deleting all language after the word “competencies” on Line 15 through the word “title” on Line 19 and inserting in lieu thereof the words “after the interventions provided for in subsection B of this section, the student, subject to parent approval, shall be assessed for learning disabilities”, which amendment was declared adopted.

Senator Wilcoxson asked that **HB 1621** be laid over for this legislative day, which was the order.

HB 1621 remains on General Order.

UNANIMOUS CONSENT REQUEST DIRECT TO CALENDAR

Senator Nichols asked unanimous consent to suspend Rule 5-4 and refer **HCR 1003** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

HCR 1003 by Miller (Doug) et al of the House and Hobson and Nichols of the Senate was called up for consideration.

All other members of the Senate asked to coauthor **HCR 1003**, which was the order.

HCR 1003 was adopted upon motion of Senator Nichols and properly signed and ordered returned to the Honorable House.

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

Senator Adelson asked unanimous consent to suspend Rule 5-4 and refer **HCR 1018** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

HCR 1018 by Lamons et al of the House and Adelson of the Senate was called up for consideration.

All other members of the Senate asked to coauthor **HCR 1018**, which was the order.

HCR 1018 was adopted upon motion of Senator Adelson and properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 1760 by Denney and Nance of the House and Wilcoxson of the Senate was called up for consideration.

Senator Wilcoxson moved that **HB 1760** be advanced, which motion was declared adopted.

THIRD READING

HB 1760 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, Coffee, Corn, Crain, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson, Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Mazzei, Monson, Morgan, Myers, Nichols, Paddack, Pruitt, Riley, Wilcoxson, Williamson, Wilson and Wyrick.--37.

Nay: Shurden.--1.

Excused: Branam, Capps, Coates, Crutchfield, Kerr, Lawler, Lerblance, Rabon, Reynolds and Taylor.--10.

The bill and emergency passed.

HB 1760 was referred for engrossment.

PENDING CONSIDERATION OF HAS

HAs to SB 908 were rejected upon motion of Senator Fisher, conference requested, and Senate conferees to be named later.

MESSAGES FROM THE HOUSE

Advising fourth reading of and transmitting for signature Enrolled **HBs 1253, 1294, 1425, 1434, 1452, 1465, 1598, 1607** and **1728**.

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 451
SB 463
SB 616

The above-numbered measures were referred for enrollment.

Advising the signing of and returning Enrolled **SCR 11**.

The above-numbered enrolled measure was transmitted to the Secretary of State.

Advising fourth reading of and returning Enrolled **SBs 36, 321, 460** and **733**.

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

Advising conference granted on Engrossed **SB 41** and naming House conferees as follows: Young, Armes, Covey, Liebmann, Peters.

MESSAGE FROM THE HOUSE
HAs TO SENATE BILLS

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

SBs 55, 56, 57, 58, 59, 60, 61, 62, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101 and **102**.

House amendments were read on the above-numbered bills.

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

SB 103 - coauthored by Wesselhoft of the House

SB 291 - coauthored by Brannon, Smithson of the House

SB 329 - remove Morgan (Fred) and substitute Duncan as Principal House author

SB 614 - coauthored by Nance of the House

SB 621

SB 640

SB 950

SB 978 - coauthored by Nance of the House

House amendments were read on the above-numbered bills.

EXECUTIVE NOMINATIONS

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

Carner, Jackie D., Glenpool, as a member of the State Fire Marshal Commission -
General Government

DeBerry, Linda, Idabel, as a member of the Board of Trustees for the McCurtain
County Higher Education Program - Education

Delashaw, Kenneth L., Marietta, as a member of the Board of Regents of Murray State
College - Education

Donaho, Marceline "Marci", Seminole, as a member of the Board of Regents of
Seminole State College - Education

Evans, Sandra K., Oklahoma City, as a member of the Oklahoma Arts Council -
Tourism and Wildlife

Griesel, David K., El Reno, as a member of the Environmental Quality Board - Energy
and Environment

Hetherington, Jerry T., Sallisaw, as a member of the Board of Regents for Carl Albert
State College - Education

Hood, Anita, Oklahoma City, as a member of the Capitol-Medical Center Improvement
and Zoning Commission - General Government

Johnson, Hannibal B., Tulsa, as a member of the Oklahoma Department of Libraries Board - General Government

Jones, Jake, Oklahoma City, as a member of the Oklahoma Indigent Defense System Board - Judiciary

Kunze, Janet L., Oklahoma City, as a member of the Oklahoma Mining Commission - Energy and Environment

Purkale, Jerry D., Ponca City, as a member of the Air Quality Advisory Council - Energy and Environment

Senator Fisher moved that when the clerk's desk is clear, the Senate stand adjourned to convene Monday, April 25, 2005, at 1:30 p.m., which motion prevailed.

COMMITTEE REPORT

The following was reported by the committee named, ordered printed and placed on the Calendar:

DO PASS, As Amended:

CS for **SCR 22** – Energy and Environment

MESSAGE FROM THE GOVERNOR

Advising his approval April 21, 2005, of Enrolled **SBs 390, 531, 538** and **1001**.

Pursuant to the Fisher motion, the Senate adjourned at 11:10 a.m. to meet Monday, April 25, 2005, at 1:30 p.m.