

# Senate Journal

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

**Forty-eighth Legislative Day, Monday, May 2, 2005**

The Senate was called to order by President Pro Tempore Morgan.

Roll Call:

Present: Adelson, Aldridge, Anderson, Barrington, Bass, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Harrison, Hobson, Johnson, Jolley, Justice, Kerr, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Monson, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Taylor, Wilcoxson, Williamson, Wilson and Wyrick.—47.

Excused: Gumm.—1.

Recognizing a quorum was present and pursuant to Article 5, Section 28 of the Oklahoma Constitution, President Pro Tempore Morgan presided over the Senate.

### REPORT OF ENGROSSED AND ENROLLED MEASURES

**HBs 1265, 1360, 1502, 1506, 1539, 1550, 1554, 1621, 1670, 1715, 1908 and 2047** were each correctly engrossed and, together with engrossed **SAs**, properly signed and ordered returned to the Honorable House.

**SBs 245, 283, 368, 413, 522, 580 and 587** were each correctly enrolled and after fourth reading, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

**SRs 26 and 27** were each correctly enrolled, properly signed and ordered transmitted to the Secretary of State.

**MESSAGES FROM THE HOUSE**

Advising passage of and transmitting for consideration Engrossed **HCRs 1019** and **1026**.

**HCR 1019** – By Roggow of the House and Rabon of the Senate.

A Concurrent Resolution authorizing the Oklahoma Historical Society to spend certain funds to complete construction of a History Center; and directing distribution.

**HCR 1026** – By Hiatt, Askins, Adkins, Armes, Auffet, Balkman, Banz, Bengé, Billy, Bingman, Blackburn, Blackwell, Braddock, Brannon, Brown, Calvey, Carey, Cargill, Case, Coody, Cooksey, Covey, Cox, Dank, DePue, DeWitt, Denney, Deutschendorf, Dorman, Duncan, Eddins, Ellis, Gilbert, Glenn, Hamilton, Harrison, Hastings, Hickman, 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), Morrisette, 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, Winchester, Worthen, Wright and Young of the House and Jolley, Morgan, Hobson, Fisher and Coffee of the Senate.

A Concurrent Resolution celebrating the life of Jim Barker; expressing sorrow for his untimely death and extending sympathy to his family; making a permanent record; and directing distribution.

The above-numbered measures were read the first time.

Advising fourth reading of and transmitting for signature Enrolled **HBs 1238, 2028** and **2035**.

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 348** - coauthored by all other House member

**SB 371** - remove Hiatt and substitute Bingman as principal House author and coauthored by Hiatt of the House

**SB 564** - coauthored by Sherrer of the House

**SB 715** - coauthored by Nance, Roan, Trebilcock, Adkins, Askins, DePue, Duncan, Hamilton, Lamons, McDaniel, Sherrer, Shumate, Tibbs of the House

**SB 757** - coauthored by Nance of the House

**SB 890**

**SJR 4** - coauthored by Hyman, Roan of the House

The above-numbered measures were referred for enrollment.

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

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

**SB 28** - coauthored by Wesselhoft of the House

**SB 232**

**SB 315** - coauthored by Duncan, Nance, Adkins of the House

**SB 337**

**SB 342**

**SB 377** - coauthored by Lindley, Shelton of the House

**SB 410** - coauthored by Kiesel, Harrison, McMullen, Askins of the House

**SB 446**

**SB 453** - coauthored by Brown, Shoemake of the House

**SB 466**

**SB 470** - coauthored by Braddock, Sweeden, Dorman, Pruett, Sherrer, Shumate of the House

**SB 478**

**SB 509**

**SB 545** - coauthored by Lindley of the House

**SB 548**

**SB 554**

**SB 556**

**SB 631** - coauthored by Trebilcock, Braddock, Nations, Blackburn, Dank, Carey, Adkins, Balkman, Brannon, Brown, Denney, DePue, Deutschendorf, Duncan, Glenn, Hilliard, Hyman, Kiesel, Lamons, Lindley, McDaniel, McMullen, Miller (Ray), Morrisette, Nance, Roan, Rousselot, Sherrer, Shoemake, Shumate, Smithson, Walker, Wesselhoft, Winchester of the House

**SB 635**

**SB 684**

**SB 714**

**SB 740** - coauthored by Askins, Blackwell, Lamons, Nance, Blackburn, Braddock, Nations, Winchester, Adkins, Brown, Denney, DePue, Duncan, Glenn, Hyman, Kern, Martin, Roan, Shelton, Shoemake, Tibbs of the House

**SB 802** - coauthored by Nance, Roan of the House

**SB 807** - coauthored by Duncan, Balkman, Braddock, Nance, Adkins of the House and Williamson of the Senate

**SB 824** - coauthored by Nance of the House

**SB 896**

**SB 918** - coauthored by Brannon, Deutschendorf, Nations, Lindley, McMullen, Braddock, Hilliard, Sherrer, Shumate of the House

**SB 982** - remove Staggs and substitute Cargill as principal House author, and coauthored by Nations, Balkman, McDaniel, Rousselot of the House

**SJR 5** - coauthored by Dorman, Pruett, Hilliard, Sherrer, Shumate of the House

House amendments were read on the above-numbered bills.

#### **MESSAGE FROM THE HOUSE**

Advising passage of and transmitting for consideration Engrossed **HCR 1024**.

**HCR 1024** – By Dorman, Adkins, Armes, Askins, Auffet, Balkman, Banz, Benge, Billy, Bingman, Blackburn, Blackwell, Braddock, Brannon, Brown, Calvey, Carey, Cargill, Case, Coody, Cooksey, Covey, Cox, Dank, DePue, DeWitt, Denney, Deutschendorf, 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, Winchester, Worthen, Wright and Young of the House and Gumm of the Senate.

A Concurrent Resolution commending Prevent Blindness Oklahoma; encouraging attendance at Flight for Sight; declaring April 29, 2005, Blindness Prevention Day in Oklahoma; and directing distribution.

The above-numbered measure was read the first time.

Advising concurrence in **SAs** to and passage of Engrossed **HBs 1116, 1811 and 1845**.

Advising passage of and returning the following Engrossed bill:

**SCR 17** - coauthored by all other House members

The above-numbered measure was referred for enrollment.

Advising rejection of **SAs** to **HBs 1218, 1227, 1286, 1293, 1316, 1362, 1378, 1384, 1385, 1500, 1588, 1589, 1590, 1688, 1760, 1810, 1814, 1848, 1853, 1858, 1862, 1875, 1964, 1971** and **HJR 1019**, requesting conference and House conferees to be named later.

Advising rejection of **SAs** to **HBs 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053,**

1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1180, 1182, 1183, 1184, 1186, 1187, 1189, 1190, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205 and 1206, requesting conference and naming GCCA as conferees.

Advising fourth reading of and returning Enrolled SBs 245, 283, 368, 413, 522, 580 and 587.

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

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

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

**SB 7** - coauthored by Dorman, Auffet, Blackburn, Blackwell, Braddock, Brannon, Brown, Carey, Covey, Denney, DePue, Deutschendorf, DeWitt, Duncan, Ellis, Glenn, Hilliard, Hyman, Jackson, Kiesel, McCarter, McDaniel, McMullen, McPeak, Miller (Ray), Morgan (Danny), Pruett, Roan, Rousselot, Shelton, Sherrer, Shoemake, Smithson, Sweeden, Turner of the House

**SB 8**

**SB 25** - coauthored by Nance, Roan of the House

**SB 29**

**SB 53** - coauthored by Covey, Walker, Wesselhoft, McMullen of the House

**SB 309** - remove Mass and substitute Adkins as principal House author, coauthored by Bingman, Hyman, Walker, Shoemake, Askins, McMullen of the House

**SB 365** - coauthored by Auffet, Brannon, Brown, Dorman, Glenn, Hilliard, Hyman, Mass, McCarter, McMullen, McPeak, Miller (Ray), Morgan (Danny), Plunk, Pruett, Roan, Rousselot, Sherrer, Shoemake, Smithson, Sweeden, Turner, Walker of the House

**SB 419** - coauthored by Duncan of the House

**SB 430** - remove Walker and substitute Jackson as principal House author, and coauthored by Walker, Duncan of the House

**SB 473**

**SB 507** - coauthored by Kiesel, Dorman, Lindley, Braddock, Brannon, Brown, Ellis, Glenn, Hilliard, Hyman, McDaniel, Pruett, Roan, Sherrer, Shoemake, Smithson, Sweeden, Walker, Wesselhoft of the House

**SB 516** - coauthored by Wesselhoft of the House

- SB 518** - coauthored by Wesselhoft, Nance of the House
- SB 547** - remove Shelton and substitute Steele as principal House author, and coauthored by Shelton, Jackson, Sherrer, Gilbert, Sullivan, Billy, Miller (Doug), Hickman, Wesselhoft, Braddock, Sweeden of the House
- SB 618** - coauthored by Shelton, Harrison, McDaniel, Deutschendorf, Askins, Dorman, Hilliard, Sullivan, Denney of the House
- SB 627** - coauthored by Wesselhoft, Shelton of the House
- SB 636** - coauthored by Sullivan, Nance of the House
- SB 651**
- SB 691**
- SB 692**
- SB 703** - coauthored by Duncan of the House
- SB 722**
- SB 726** - coauthored by Blackwell of the House
- SB 727**
- SB 738** - coauthored by Sweeden of the House
- SB 745** - remove Ingmire and substitute Hiett as principal House author and remove Askins as coauthor and coauthored by Ingmire, Jones, Braddock of the House
- SB 758** - coauthored by Adkins of the House
- SB 789** - coauthored by Adkins, Wesselhoft, Martin, Cooksey, DePue, Duncan of the House
- SB 801** - coauthored by Dorman, Lindley, Nance, Adkins, Benge, Bingman of the House
- SB 819** - coauthored by Duncan, Adkins, Wesselhoft, Nance, Ingmire, Braddock, Sweeden of the House
- SB 846** - coauthored by Braddock, Deutschendorf of the House
- SB 852** - coauthored by Brannon, Brown, Glenn, Hilliard, Hyman, Kiesel, Miller (Ray), Morgan (Danny), Nance, Nations, Roan, Sherrer, Shoemake, Shumate, Smithson, Sweeden, Walker of the House
- SB 880** - coauthored by Sherrer, Shumate of the House
- SB 923** - coauthored by Brannon, Deutschendorf, Nations, Blackburn of the House
- SB 929** - coauthored by Kiesel, Nance of the House
- SB 958** - coauthored by Terrill, Dorman, Lindley, Brannon, Smithson, Adkins, Braddock, Hilliard, Kiesel, Lamons, McDaniel, Nance, Pruett, Rousselot, Shelton, Sherrer, Sweeden of the House
- SB 977** - coauthored by Lindley, Brown, Shelton of the House
- SB 987**

House amendments were read on the above-numbered bills.

**EXECUTIVE NOMINATIONS**

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

Ballard, Bill, Stratford, as a member of the Oklahoma Liquefied Petroleum Gas Board  
- Energy and Environment

Flanagan, Timothy O., Lawton, as a member of the Oklahoma Board of Licensed  
Alcohol and Drug Counselors - Health and Human Resources

Marr, James Frank, Tulsa, as a member of the J. M. Davis Memorial Commission -  
Tourism and Wildlife

Maxwell, Rita Jo, Midwest City, as a member of the Oklahoma Human Rights  
Commission - Health and Human Resources

Renegar, Brian, McAlester, as a member of the State Board of Veterinary Medical  
Examiners - Agriculture and Rural Development

Shoulders, Jana L., Tulsa, as a member of the Board of Regents of the Tulsa  
Community College - Education

Tolbert James R., III, Oklahoma City, as a member of the Oklahoma Arts Council -  
Tourism and Wildlife

Turner, LaWalta "Wally", Kremlin, as a member of the Oklahoma Department of  
Libraries Board - General Government

Wade, Mary Jane, Elk City, as a member of the Oklahoma Arts Council - Tourism and  
Wildlife

White, James R., Oklahoma City, as a member of the Board of Regents for Oklahoma  
City Community College - Education

Wilmes, Jeffrey E., Altus, as a member of the Board of Trustees for Quartz Mountain  
Arts and Conference Center and Nature Park - Education

Senator Fisher moved that when the clerk's desk is clear, the Senate stand adjourned to  
convene Tuesday, May 3, 2005, at 1:30 p.m., which motion prevailed.

**BILL RELEASED  
TIME EXPIRED TO RECONSIDER**

**HB 1686** was referred for engrossment.

**MESSAGES FROM THE GOVERNOR**

Advising his approval April 29, 2005, of Enrolled **SBs 451, 463** and **616**.

Advising his approval May 2, 2005, of Enrolled **SB 374**.

Pursuant to the Fisher motion, the Senate adjourned at 1:35 p.m. to meet Tuesday, May 3, 2005, at 1:30 p.m.

**JOURNAL CORRECTION**

Page 1345, Line 6<sup>th</sup> from the bottom, by deleting “Section 2” and inserting in lieu thereof “Section 20” as it pertains to **HB 1502**.