

# Senate Journal

## First Regular Session of the Fiftieth Legislature of the State of Oklahoma Fifty-third Legislative Day, Tuesday, May 10, 2005

The Senate was called to order by Senator Gumm.

Roll Call:

Present: Adelson, Aldridge, Anderson, Barrington, Bass, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Johnson, Jolley, Justice, Kerr, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Taylor, Wilcoxson, Williamson, Wilson and Wyrick.—46.

Excused: Hobson and Monson.—2.

Senator Gumm declared a quorum present.

The prayer was offered by Reverend Jim Crain, Del City Church of Christ, Del City, the guest of Senator Aldridge.

### REPORT OF ENGROSSED AND ENROLLED MEASURES

**SBs 14, 291, 440, 473, 484, 518, 714, 725, 758, 763 and 830** were each correctly enrolled and after fourth reading, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

**SR 31** was correctly enrolled, properly signed and ordered transmitted to the Secretary of State.

### PENDING CONSIDERATION OF HAS

**HAs to SB 777** were called up for consideration.

Senator Barrington asked that **SB 777** be laid over temporarily, which was the order.

**SB 777** remains on pending consideration of **HAs**.

### **UNANIMOUS CONSENT REQUEST DIRECT TO CALENDAR**

Senator Jolley asked unanimous consent to suspend Rule 5-4 and refer **HCR 1026** direct to the Calendar for consideration, which was the order.

### **GENERAL ORDER**

**HCR 1026** by Hiatt et al of the House and Jolley et al of the Senate was called up for consideration.

Senator Gumm and all other members of the Senate asked to coauthor **HCR 1026**, which was the order.

**HCR 1026** was adopted upon motion of Senator Jolley and properly signed and ordered returned to the Honorable House and printed in full as follows:

**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, Denney, DePue, Deutschendorf, DeWitt, 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, Coffee, Gumm, Adelson, Aldridge, Anderson, Barrington, Bass, Branan, Brogdon, Cain, Capps, Coates, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Harrison, Johnson, Justice, Kerr, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Monson, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Taylor, Wilcoxson, Williamson, Wilson and Wyrick 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.

WHEREAS, the shadow of grief has been cast upon this state at the passing of a very distinguished Oklahoman, former Speaker of the Oklahoma House of Representatives, Jim Barker; and

WHEREAS, Speaker Barker was a gentle man who led the House of Representatives during one of the most turbulent times in state history, steadfastly adhering to his high principles and courageously striving for what was best for the state, no matter what the personal cost; and

WHEREAS, firm in his convictions, Jim Barker never shirked his duty and always took full responsibility for the hard decisions that had to be made to bring this state through the difficulties of an era fraught with economic crisis; and

WHEREAS, this special man had a vision for the future of Oklahoma, a vision that propelled this state into a period of prosperity, a vision that provided the framework for developing programs to benefit all Oklahomans, a vision that created a better Oklahoma for our children and grandchildren; and

WHEREAS, during his sixteen years in the House of Representatives, Jim Barker won the respect of all for his commitment to this state and his thorough knowledge of state government; and

WHEREAS, in addition to being the only person to be elected Speaker four times, Jim Barker served as Vice Chair of the House Appropriations and Budget Committee for four years, thereby utilizing his business expertise to improve the effectiveness of the state budget process; and

WHEREAS, the call to public service was for Jim Barker a call to help Oklahoma achieve greatness and for this he will always be held in high esteem by the many Oklahomans who have benefited from his legacy; and

WHEREAS, although death has taken our colleague and close friend from us, he will never pass from our thoughts and the pain of his loss is tempered by the memory of what he has meant to us.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE 1ST SESSION OF THE 50TH OKLAHOMA LEGISLATURE, THE SENATE CONCURRING THEREIN:

THAT the Oklahoma Legislature, on behalf of the people of this state, celebrates the life of a truly great Oklahoman, Jim Barker.

THAT the Oklahoma Legislature hereby expresses deepest sorrow for the untimely death of Jim Barker and extends heartfelt sympathy to the family of Jim Barker.

THAT a copy of this resolution be spread upon the pages of the Journal of the Oklahoma House of Representatives and the Journal of the Oklahoma State Senate as a permanent record of the sentiment and condolences expressed herein.

THAT duly authenticated copies of this resolution be dispatched to Jim Barker's wife, Kay Barker, his daughter, Janet Lambert and his son, Brad Barker.

#### **PENDING CONSIDERATION OF HAS**

**HAs to SB 304** were concurred in upon motion of Senator Lerblance.

**SB 304**, 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, Barrington, Bass, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Johnson, Jolley, Justice, Kerr, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Taylor, Wilcoxson, Williamson, Wilson and Wyrick.--46.

Excused: Hobson and Monson.--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 631** were concurred in upon motion of Senator Wyrick.

Senators Gumm, Corn, Jolley, Mazzei, Crain, Reynolds, Branan, Laughlin, Aldridge, Myers, Justice, Lamb, Coates, Barrington, Wilcoxson, Riley and Ford asked to coauthor **SB 631**, which was the order.

**SB 631**, 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, Barrington, Bass, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crain, Crutchfield, Eason McIntyre, Fisher, Ford, Gumm, Harrison, Johnson, Jolley, Justice, Kerr, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Taylor, Wilcoxson, Williamson, Wilson and Wyrick.--43.

Excused: Easley, Garrison, Hobson, Lawler and Monson.--5.

The bill and emergency passed.

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

**FIRST READING**

The following was introduced and read the first time:

**SR 33** – By Myers.

A Resolution commending the Perry High School Maroons wrestling team for earning their 32nd State Championship title, the 2005 Class 2A Dual State Championship, and the 2005 Academic State Championship title; and directing distribution.

**UNANIMOUS CONSENT REQUEST  
DIRECT TO CALENDAR**

Senator Myers asked unanimous consent to suspend Rule 5-4 and refer **SR 33** direct to the Calendar for consideration, which was the order.

**GENERAL ORDER**

**SR 33** by Myers was called up for consideration.

All other members of the Senate asked to coauthor **SR 33**, which was the order.

**SR 33** was adopted upon motion of Senator Myers and referred for enrollment.

**PENDING CONSIDERATION OF HAS**

**HAs** to **SBs 720** and **777** were rejected upon motion of Senator Fisher, conference requested, and Senate conferees to be named later.

**INTRODUCTIONS**

Senator Justice introduced his son, Greg, and Senator Brogdon introduced his wife, Donna, to the Senate.

**PENDING CONSIDERATION OF HAS**

**HAs** to **SB 823**, previously considered on Page 1401, were concurred in upon motion of Senator Wilson.

**SB 823**, 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, Cain, Capps, Crutchfield, Eason McIntyre, Fisher, Harrison, Kerr, Morgan, Rabon, Shurden, Taylor, Wilson and Wyrick.--14.

Nay: Aldridge, Anderson, Barrington, Bass, Branan, Brogdon, Coates, Coffee, Corn, Crain, Ford, Gumm, Johnson, Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Myers, Nichols, Paddack, Pruitt, Reynolds, Riley, Wilcoxson and Williamson.--29.

Excused: Easley, Garrison, Hobson, Lawler and Monson.--5.

The bill failed.

Pursuant to Rule 12-23, Senator Wilson served notice that the vote be reconsidered whereby **SB 823** failed.

### **MOTION RESCINDED**

Senator Fisher asked unanimous consent, which was granted, that the Senate rescind the rejection of **HAs** to **SBs 569, 573** and **642**.

### **SCs NAMED**

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

**SB 8** – Wyrick, Adelson, Corn, Barrington, Mazzei

**SB 28** – GCCA

**SB 238** – GCCA

**SB 270** – Lawler, Wyrick, Rabon, Laughlin

**SB 271** – GCCA

**SB 287** – GCCA

**SB 317** – GCCA

**SB 326** – GCCA

**SB 400** – GCCA

**SB 407** – GCCA

**SB 410** – GCCA

**SB 418** – GCCA

**SB 453** – GCCA

**SB 461** – GCCA

**SB 466** – Crain, Garrison, Wyrick, Capps, Johnson

**SB 478** – Crain, Garrison, Laster

**SB 610** – GCCA

**SB 614** – Reynolds, Cain, Adelson, Leftwich, Jolley

**SB 628** – GCCA

**SB 755** – GCCA

- SB 802** – GCCA
- SB 877** – GCCA
- SB 905** – GCCA
- SB 966** – Wilcoxson, Garrison, Monson, Paddack, Williamson
- SB 1015** – GCCA
- HB 1235** – Riley, Monson, Paddack, Garrison
- HB 1506** – GCCA
- HB 1550** – Easley, Laster, Lerblance, Williamson
- HB 1589** – Crutchfield, Lerblance, Taylor, Hobson, Mazzei
- HB 1590** – Laster, Lerblance, Capps, Laughlin, Lamb, Garrison
- HB 1621** – GCCA
- HB 1654** – Riley, Garrison, Leftwich, Monson, Lamb
- HB 1667** – GCCA
- HB 1670** – Rabon, Hobson, Cain, Garrison, Leftwich, Justice, Ford
- HB 1688** – GCCA
- HB 1715** – GCCA
- HB 1716** – GCCA
- HB 1760** – Wilcoxson, Monson, Anderson, Paddack, Garrison
- HB 1810** – GCCA
- HB 1814** – Shurden, Wilson, Rabon, Coates, Ford
- HB 1834** – Laster, Lerblance, Capps, Laughlin, Lamb, Garrison
- HB 1848** – GCCA
- HB 1853** – GCCA
- HB 1858** – Coffee, Corn, Monson, Eason McIntyre, Lerblance, Mazzei, Brogdon
- HB 1862** – GCCA
- HB 1875** – Wilcoxson, Monson, Paddack, Garrison, Jolley
- HB 1898** – GCCA
- HB 1911** – Crain, Hobson, Laster, Leftwich
- HB 1913** – Lamb, Crutchfield, Lerblance, Taylor, Mazzei, Hobson
- HB 1927** – GCCA
- HB 1964** – GCCA
- HB 1967** – GCCA
- HB 1970** – Wilcoxson, Monson, Morgan, Crutchfield, Nichols
- HB 1971** – Coffee, GCCA
- HB 1985** – Bass, Laster, Corn, Crain, Nichols
- HB 2058** – Ford, Laster, Taylor, Shurden, Rabon, Coffee

**MESSAGES FROM THE HOUSE**

Advising fourth reading of and returning Enrolled **SBs 14, 291, 440, 473, 484, 518, 714, 725, 758, 763** and **830**.

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

Advising fourth reading of and transmitting for signature Enrolled **HBs 1273, 1334 and 1656**.

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

Advising concurrence in **SAs** to and passage of Engrossed **HBs 1611, 1837 and 1926**.

### **CHANGE IN CONFEREES**

Advising change in Senate conferees as follows:

**HB 1419** – remove GCCA, add Laster, Cain, Adelson, Riley, Crain.

### **EXECUTIVE NOMINATIONS**

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

Angle, Julie, Medford, as a member of the State Textbook Committee - Education

Barber, Bruce W., Elk City, as a member of the Oklahoma Motor Vehicle Commission - Business and Labor

Belcher, Linda, Choctaw, as a member of the Organ Donor Education and Awareness Program Advisory Council - Health and Human Resources

Blanchard, Kenneth, Newalla, as a member of the Oklahoma Indian Affairs Commission - Health and Human Resources

Cable, Nevyle R., Okmulgee, as a member of the State Board of Career and Technology Education - Education

Coffey, J. Clifton, M.D., Elk City, as a member of the Physicians Manpower Training Commission - Health and Human Resources

Davis, Charles B., Norman, as a member of the Commission on Marginally Producing Oil and Gas Wells - Energy and Environment

DeBruler, Wanda, Edmond, as a member of the Commission on Consumer Credit - Business and Labor

Endicott, Phil Franklin, Grove, as a member of the Commission on Consumer Credit - Business and Labor



Ferguson, Mary Ann, Altus, as a member of the Oklahoma Educational Television Authority - Education

Flute-Cooksey, Mary, Marble City, as a member of the Oklahoma Indian Affairs Commission - Health and Human Resources

Lindley, George W., Duncan, as a member of the Board of Juvenile Affairs - Health and Human Resources

Newton, Charles E., Edmond, as a member of the Oklahoma Securities Commission - Finance

Oliver, Susan Marie, Owasso, as a member of the State Textbook Committee - Education

Parker, Craig Wendell, Norman, as a member of the Highway Construction Materials Technician Certification Board - Transportation

Pryor, Roger, Norman, as a member of the Board of Regents for Redlands Community College - Education

Raymond, George T., Norman, as a member of the Highway Construction Materials Technician Certification Board - Transportation

Robinson, Thomas "Randy", Edmond, as a member of the Highway Construction Material Technician Certification Board - Transportation

Rooney, Patrick T., Oklahoma City, as a member of the Oklahoma Student Loan Authority - Education

Taylor, Gary A., Oklahoma City, as a member of the Board of Juvenile Affairs - Health and Human Resources

Williams, Juanita, Tulsa, as a member of the Oklahoma Human Rights Commission - Health and Human Resources

Senator Fisher moved that when the clerk's desk is clear, the Senate stand adjourned to convene Wednesday, May 11, 2005, at 1:30 p.m., which motion prevailed.

**FIRST READING**

The following were introduced and read the first time:

**SCR 28** – By Paddack of the Senate and Hilliard and Billy of the House.

A Concurrent Resolution commending the life and career of state legislator Glen Ham; offering condolences; and directing distribution.

**SCR 29** – By Rabon of the Senate and Balkman of the House.

A Concurrent Resolution stating findings; creating the Joint Interim Committee on Underage Drinking; providing certain authorization; providing for membership; providing for staffing; providing for reimbursement; providing for date of appointment of members; providing for expiration of committee and requiring report.

**SR 32** – By Myers.

A Resolution commending the Frontier High School Mustangs boys and girls basketball teams for winning the Class A Championship; congratulating them for being only the fifth high school to win both the boys and girls championship in the same year; and directing distribution.

**MESSAGE FROM THE GOVERNOR**

Advising his approval May 9, 2005, of Enrolled **SBs 348, 371, 564, 715, 757, 890** and **SJR 4**.

Pursuant to the Fisher motion, the Senate adjourned at 10:50 a.m. to meet Wednesday, May 11, 2005, at 1:30 p.m.