

# Senate Journal

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

**Fifty-fifth Legislative Day, Thursday, May 12, 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, Crutchfield, Easley, Eason McIntryre, Fisher, Ford, Garrison, Gumm, Harrison, Johnson, Jolley, Justice, Kerr, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Monson, Morgan, Myers, Nichols, Paddack, Pruitt, Reynolds, Riley, Shurden, Wilcoxson, Williamson and Wilson.—43.

Excused: Crain, Hobson, Rabon, Taylor and Wyrick.—5.

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**

**SCRs 23 and 28** were each correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

**SBs 296, 314, 553, 651, 659 and 852 and SJR 5** were each correctly enrolled and after fourth reading, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

**SRs 28 and 34** were each correctly enrolled, properly signed and ordered transmitted to the Secretary of State.

**PENDING CONSIDERATION OF HAS**

**HAs** to **SBs 569** and **668** were rejected upon motion of Senator Fisher, conference requested, and Senate conferees to be named later.

**PENDING CONSIDERATION OF HAS**

**HAs** to **SB 29** were concurred in upon motion of Senator Garrison.

**SB 29**, 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, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Johnson, Jolley, Justice, Kerr, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Monson, Morgan, Myers, Nichols, Paddock, Reynolds, Riley, Shurden, Wilcoxson, Williamson and Wilson.--42.

Excused: Crain, Hobson, Pruitt, Rabon, Taylor and Wyrick.--6.

The bill and emergency passed.

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

**UNANIMOUS CONSENT REQUEST  
DIRECT TO CALENDAR**

Senator Myers asked unanimous consent to suspend Rule 5-4 and refer **SR 32** direct to the Calendar for consideration, which was the order.

**GENERAL ORDER**

**SR 32** by Myers was called up for consideration.

All other members of the Senate asked to coauthor **SR 32**, which was the order.

**SR 32** was adopted upon motion of Senator Myers and referred for enrollment.

**MESSAGE FROM THE HOUSE**

Advising fourth reading of and transmitting for signature Enrolled **HBs 1395, 1502 and 1503**.

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

Advising passage of and transmitting for consideration Engrossed **HCR 1029**.

**HCR 1029** – By Wesselhoft, Armes, Askins, Banz, Benge, Billy, Bingman, Blackwell, Braddock, Brannon, Calvey, Carey, Cargill, Coody, Cooksey, Cox, Dank, Denney, DePue, Deutschendorf, DeWitt, Dorman, Ellis, Gilbert, Glenn, Hamilton, Hilliard, Hyman, Ingmire, Jackson, Jett, Johnson, Jones, Kern, Kiesel, Lamons, Liebmann, Lindley, Martin, McCarter, McMullen, Miller (Doug), Miller (Ray), Morgan (Danny), Morgan (Fred), Perry, Peterson (Pam), Plunk, Pruett, Richardson, Roan, Rousselot, Shelton, Sherrer, Shumate, Smithson, Steele, Sullivan, Sweeden, Terrill, Thompson, Tibbs, Trebilcock, Turner, Walker, Wilt, Winchester, Worthen and Wright of the House and Adelson of the Senate.

A Concurrent Resolution supporting the Nation of Israel and congratulating them on their fifty-seventh anniversary; and directing distribution.

The above-numbered measures were read the first time.

**PENDING CONSIDERATION OF HAS**

**HAs to SB 367** were concurred in upon motion of Senator Monson.

**SB 367**, 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, Bass, Cain, Capps, Corn, Crutchfield, Easley, Eason McIntyre, Fisher, Garrison, Gumm, Harrison, Laster, Lawler, Leftwich, Lerblance, Mazzei, Monson, Morgan, Myers, Paddack, Riley, Shurden and Wilson.--24.

Nay: Aldridge, Anderson, Barrington, Branan, Brogdon, Coates, Ford, Johnson, Jolley, Justice, Lamb, Laughlin, Nichols, Reynolds, Wilcoxson and Williamson.--16.

Excused: Coffee, Crain, Hobson, Kerr, Pruitt, Rabon, Taylor and Wyrick.--8.

The bill failed.

**FIRST READING**

The following were introduced and read the first time:

**SR 35** – By Morgan.

A Resolution mourning the loss of Michael Allen Jenkins; commending his parents for advocating child safety; declaring intent of the Senate; and directing distribution.

**SR 36** – By Morgan.

A Resolution expressing gratitude to Senator Angela Monson for her service in the Oklahoma State Senate; and directing distribution.

**UNANIMOUS CONSENT REQUEST  
DIRECT TO CALENDAR**

Senator Morgan asked unanimous consent to suspend Rule 5-4 and refer **SR 35** direct to the Calendar for consideration, which was the order.

**GENERAL ORDER**

**SR 35** by Morgan was called up for consideration.

**SR 35** was adopted upon motion of Senator Morgan and referred for enrollment.

**PENDING CONSIDERATION OF HAS**

**HAs** to **SB 377** were concurred in upon motion of Senator Monson.

**SB 377**, 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, Coates, Corn, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Johnson, Jolley, Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Monson, Morgan, Myers, Nichols, Paddack, Reynolds, Riley, Shurden, Wilcoxson, Williamson and Wilson.--39.

Excused: Capps, Coffee, Crain, Hobson, Kerr, Pruitt, Rabon, Taylor and Wyrick.--9.

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 SBs 618, 643 and 799** were rejected upon motion of Senator Fisher, conference requested, and Senate conferees to be named later.

**PENDING CONSIDERATION OF HAS**

**HAs to SB 49** were concurred in upon motion of Senator Cain.

**SB 49**, 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, Aldridge, Anderson, Barrington, Bass, Branan, Brogdon, Cain, Capps, Coates, Corn, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Johnson, Jolley, Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Monson, Myers, Nichols, Paddack, Reynolds, Riley, Shurden, Wilcoxson, Williamson and Wilson.--39.

Excused: Coffee, Crain, Hobson, Kerr, Morgan, Pruitt, Rabon, Taylor and Wyrick.--9.

The bill passed.

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

**Senator Corn presiding.**

**SCs NAMED**

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

**SB 7** – GCCA

**SB 53** – Capps, Coffee, Shurden, Adelson

**SB 54** – GCCA

**SB 309** – GCCA

**SB 311** – GCCA

**SB 315** – GCCA

**SB 349** – Corn, Lerblance, Laughlin, Adelson

**SB 356** – Wyrick, Lerblance, Ford  
**SB 399** – GCCA  
**SB 507** – GCCA  
**SB 545** – GCCA  
**SB 547** – GCCA  
**SB 554** – Gumm, Laster, Morgan, Coates, Cain, Coffee, Pruitt, Corn  
**SB 574** – GCCA  
**SB 575** – Lerblance, Gumm, Laster, Crain  
**SB 621** – Riley, Leftwich, Aldridge, Corn, Fisher  
**SB 635** – Fisher, GCCA  
**SB 640** – Shurden, Lawler, Nichols  
**SB 673** – Gumm, Leftwich, Garrison, Coates, Crain  
**SB 705** – GCCA  
**SB 720** – GCCA  
**SB 722** – Bass, Leftwich, Laster, Anderson  
**SB 727** – Bass, Laster, Leftwich, Anderson  
**SB 777** – Barrington, Bass, Williamson, Fisher, Gumm  
**SB 821** – GCCA  
**SB 918** – GCCA  
**SB 922** – GCCA  
**SB 923** – GCCA  
**SB 927** – GCCA  
**SB 929** – Corn, Leftwich, Capps, Myers, Coates  
**SB 958** – GCCA  
**SB 977** – GCCA  
**SJR 13** – Rabon, Laster, Shurden, Coates, Laughlin  
**HB 1265** – GCCA  
**HB 1360** – GCCA  
**HB 1612** – GCCA  
**HB 1617** – GCCA  
**HB 1807** – Laster, Hobson, Nichols  
**HB 1908** – Crain, Laster, Cain, Williamson, Lerblance

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

**HAs** to **SB 539** were concurred in upon motion of Senator Monson.

**SB 539**, 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, Coates, Corn, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison,

Johnson, Jolley, Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Monson, Morgan, Myers, Nichols, Paddack, Reynolds, Riley, Shurden, Wilcoxson, Williamson and Wilson.--39.

Excused: Capps, Coffee, Crain, Hobson, Kerr, Pruitt, Rabon, Taylor and Wyrick.--9.

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 SBs 648, 692, 779 and 978** were rejected upon motion of Senator Fisher, conference requested, and Senate conferees to be named later.

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

**HAs to SB 700** were concurred in upon motion of Senator Monson.

**SB 700**, 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, Coates, Corn, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Johnson, Jolley, Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Monson, Morgan, Myers, Nichols, Paddack, Reynolds, Riley, Shurden, Wilcoxson, Williamson and Wilson.--39.

Excused: Capps, Coffee, Crain, Hobson, Kerr, Pruitt, Rabon, Taylor and Wyrick.--9.

The bill and emergency passed.

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

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

Senator Adelson asked unanimous consent to suspend Rule 5-4 and refer **HCR 1029** direct to the Calendar for consideration, which was the order.

**GENERAL ORDER**

**HCR 1029** by Wesselhoft 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 1029**, which was the order.

**HCR 1029** was adopted upon motion of Senator Adelson and properly signed and ordered returned to the Honorable House.

**PENDING CONSIDERATION OF HAS**

**HAs to SB 861** were concurred in upon motion of Senator Monson.

**SB 861**, 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, Aldridge, Anderson, Barrington, Bass, Branan, Brogdon, Cain, Coates, Corn, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Johnson, Jolley, Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Monson, Morgan, Myers, Nichols, Paddack, Reynolds, Riley, Wilcoxson, Williamson and Wilson.--38.

Excused: Capps, Coffee, Crain, Hobson, Kerr, Pruitt, Rabon, Shurden, Taylor and Wyrick.--10.

The bill passed.

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

**PENDING CONSIDERATION OF HAS**

**HAs to SB 561** were concurred in upon motion of Senator Cain.

**SB 561**, 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, Aldridge, Anderson, Barrington, Bass, Branan, Brogdon, Cain, Corn, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Johnson, Jolley, Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Monson, Morgan, Myers, Nichols, Paddack, Reynolds, Riley, Shurden, Wilcoxson, Williamson and



Wilson.--38.

Excused: Capps, Coates, Coffee, Crain, Hobson, Kerr, Pruitt, Rabon, Taylor and Wyrick.--10.

The bill passed.

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

### **MESSAGES FROM THE HOUSE**

Advising fourth reading of and returning Enrolled **SBs 296, 314, 553, 651, 659** and **852** and **SJR 5**.

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

Advising concurrence in **SAs** to and passage of Engrossed **HBs 1553** and **1686**.

### **SCs NAMED**

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

**SB 342** – Wilson, Shurden, Ford

**SB 660** – GCCA

**SB 661** – GCCA

**SB 698** – Fisher, Taylor, Nichols

**SB 726** – Eason McIntyre, Corn, Monson, Lerblance, Brogdon, Mazzei

**SB 759** – GCCA

**SB 880** – Morgan, GCCA

**SB 896** – GCCA

**SB 982** – Morgan, GCCA

Senator Fisher moved that when the clerk's desk is clear, the Senate stand adjourned to convene Monday, May 16, 2005, at 9:30 a.m., which motion prevailed.

**CONFERENCE COMMITTEE REPORT SUBMITTED**

Conference committee report was read on the following bill:

**SB 556**

Pursuant to the Fisher motion, the Senate adjourned at 10:45 a.m. to meet Monday, May 16, 2005, at 9:30 a.m.