

# Senate Journal

## First Regular Session of the Fiftieth Legislature of the State of Oklahoma Fifty-sixth Legislative Day, Monday, May 16, 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, Hobson, Johnson, Jolley, Justice, 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: Kerr.—1.

Senator Gumm declared a quorum present.

The prayer was offered by Reverend Del Watkins, First United Methodist Church, Sayre, the guest of Senator Kerr.

### REPORT OF ENGROSSED AND ENROLLED MEASURES

**SBs 29, 49, 377, 539, 561, 700 and 861** were each correctly enrolled and after fourth reading, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

**SRs 32 and 35** were each correctly enrolled, properly signed and ordered transmitted to the Secretary of State.

### PENDING CONSIDERATION OF HAS

**HAs to SB 430** were concurred in upon motion of Senator Anderson.

**SB 430**, as amended by the Honorable House, was read at length.

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

Aye: Aldridge, Anderson, Barrington, Branan, Brogdon, Coates, Coffee, Crain, Easley, Ford, Johnson, Jolley, Justice, Lamb, Laughlin, Mazzei, Myers, Pruitt, Riley, Wilcoxson, Williamson and Wilson.--22.

Nay: Adelson, Bass, Crutchfield, Eason McIntyre, Fisher, Garrison, Gumm, Harrison, Hobson, Laster, Leftwich, Lerblance, Monson, Morgan, Nichols, Paddack, Rabon, Reynolds, Shurden and Wyrick.--20.

Excused: Cain, Capps, Corn, Kerr, Lawler and Taylor.--6.

The bill failed.

Pursuant to Rule 12-23, Senator Anderson served notice that the vote be reconsidered whereby **SB 430** failed.

## **INTRODUCTIONS**

Senator Wilcoxson introduced her sister, Margie Galt, and her nephew, Axel Winton, to the Senate.

## **PENDING CONSIDERATION OF HAS**

**HAs** to **SBs 446, 646, 663** and **682** were rejected upon motion of Senator Fisher, conference requested, and Senate conferees to be named later.

## **CHANGE IN CONFEREES**

Advising change in Senate conferees as follows:

**SB 722** – add Jolley

**SB 727** – add Jolley

## **MESSAGES FROM THE HOUSE**

Advising naming of House conferees as follows:

**HB 1265** – Balkman, Piatt, Denney, Blackburn, Toure, Jett, Carey

**HB 1360** – Case, Wilt, Worthen, Walker, Plunk, Cooksey, Peterson (Ron)

**HB 1498** – Bingman, Calvey, Rousselot, Piatt, Kiesel

**HB 1612** – Roggow, Calvey, Rousselot, Dorman, Jackson

**HB 1621** – Kern, Dank, Coody, Wesselhoft, Shumate, Askins

**HB 1913** – Peters, Adkins, Bingman, Morgan (Fred), Morgan (Danny), Braddock

Advising changing of House conferees as follows:

**SB 28** – Add Peterson (Pam)

**SB 509** – conferees dismissed and refer to GCCA

Advising conference granted on Engrossed **SBs** and naming House conferees as follows:

**SB 7** - Walker, Calvey, Rousselot, DeWitt, Adkins

**SB 53** - Piatt, Hastings, Shumate, Denney, Carey, Kiesel, Terrill

**SB 270** - DeWitt, Richardson, Armes, Johnson, Hyman, McPeak, Sweeden

**SB 287** - Calvey, Rousselot, Dank, Terrill, Adkins, Dorman, Banz

**SB 309** - Adkins, Bingman, Morgan (Danny), Lamons, Carey, Johnson, DePue

**SB 311** - Billy, Steele, Cox, Jackson, Shelton, Blackwell, Ellis, Bengé

**SB 342** - GCCA

**SB 349** - Adkins, Bingman, Morgan (Danny), Lamons, Carey, Johnson, Miller (Ken)

**SB 356** - Glenn, Armes, Covey, DeWitt, Piatt

**SB 400** - Johnson, Calvey, Rousselot, Dorman, Bingman, Nance

**SB 448** - Winchester, Jones, Kern, Carey, Blackburn, Wesselhoft, Dank, Nance, Walker

**SB 453** - Auffet, Calvey, Rousselot, Dank, Terrill, Nance, Morrissette

**SB 507** - Carey, Calvey, Rousselot, Banz, Liotta, Adkins

**SB 545** - Liotta, Jett, Bingman, Dorman, Liebmann, Plunk, Rousselot

**SB 574** - Walker, Armes, Covey, Coody, Perry

**SB 575** - Adkins, Bingman, Morgan (Danny), Lamons, Carey, Johnson, Miller (Ken)

**SB 610** - Calvey, Rousselot, Dank, Terrill, Dorman

**SB 621** - Askins, Peterson (Ron), Terrill, Newport, Worthen, Morgan (Danny), Dorman

**SB 640** - Nance, Steele, Cox, Balkman, Sherrer, Glenn

**SB 661** - Balkman, Tibbs, Hickman, Plunk, Smaligo, Ellis

**SB 698** - Bingman, Perry, Thompson, Hilliard, Pruett

**SB 705** - Banz, Trebilcock, Johnson, Blackwell, Askins

**SB 722** - Worthen, Wilt, Liebmann, DeWitt, Miller (Ken), Jett, Dorman, Carey

**SB 726** - Young, Reynolds, Brannon, Wright, Staggs, Auffet, Bengé

**SB 727** - Worthen, Wilt, Liebmann, DeWitt, Miller (Ken), Jett, Dorman, Carey

**SB 755** - Nance, Calvey, Rousselot, Terrill, Dorman, Adkins

**SB 759** - Blackwell, Turner, Reynolds, Brannon, Young, Staggs

**SB 777** - Coody, Carey, Banz, Armes, Dorman

**SB 802** - Armes, Trebilcock, Johnson, Blackwell, Askins, Turner

**SB 821** - Carey, Liotta, Jett, Bengé, Newport, Banz, Wesselhoft

**SB 877** - Winchester, Calvey, Rousselot, Miller (Doug), Armes, Hilliard

**SB 880** - Morgan (Danny), Balkman, Cooksey, Tibbs, Brown

**SB 896** - Peterson (Ron), Jones, Kern, Adkins, Billy, Blackwell, Shumate, McDaniel, Sherrer, Lamons

**SB 905** - Calvey, Rousselot, Terrill, Dorman, Dank

**SB 927** - Peterson (Pam), Calvey, Rousselot, Brannon, Nations, Balkman, Terrill, Miller (Ken), Ingmire

**SB 929** - Wilt, Tibbs, Hickman, Kiesel, Morgan (Fred), Morgan (Danny)

**SB 966** - Coody, Dank, Kern, Walker, Dorman, Jones

**SB 977** - Hamilton, Steele, Cox, Hickman, Balkman, Peterson (Pam), McDaniel

Advising the signing of and transmitting for signature Enrolled **HCR 1029**.

The above-numbered enrolled resolution was properly signed and ordered returned to the Honorable House.

Advising fourth reading of and transmitting for signature Enrolled **HBs 1553 and 1686**.

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

Advising fourth reading of and returning Enrolled **SBs 29, 49, 377, 539, 561, 700 and 861**.

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

Senator Fisher moved that the Senate recess until 2:00 p.m., which motion was declared adopted.

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The Senate reconvened with Senator Corn presiding.

Senator Corn questioned the presence of a quorum and ordered the roll called, following which a quorum was declared present.

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

**HAs to SBs 516 and 824** were rejected upon motion of Senator Fisher, conference requested, and Senate conferees to be named later.

**FIRST READING**

The following were introduced and read the first time:

**SCR 30** – By Wyrick of the Senate and Nance of the House.

A Concurrent Resolution recalling from the Office of the Governor Enrolled Senate Bill No. 14 passed by the 1st Session of the 50th Oklahoma Legislature.

**SR 37** – By Gumm.

A Resolution commending the Silo High School Rebels baseball team for winning the Class A state championship; congratulating Coach Billy Jack Bowen for coaching his seventh championship team; and directing distribution.

**PENDING CONSIDERATION OF HAS**

**HAs to SB 684** were concurred in upon motion of Senator Laughlin.

**SB 684**, 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, Capps, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson, Jolley, Justice, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Monson, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Taylor, Wilcoxson, Williamson, Wilson and Wyrick.--44.

Nay: Cain.--1.

Excused: Kerr, Lamb and Morgan.--3.

The bill passed.

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

**UNANIMOUS CONSENT REQUEST  
DIRECT TO CALENDAR**

Senator Gumm asked unanimous consent to suspend Rule 5-4 and refer **SR 37** direct to the Calendar for consideration, which was the order.

**GENERAL ORDER**

**SR 37** by Gumm was called up for consideration.

All other members of the Senate asked to coauthor **SR 37**, which was the order.

**SR 37** was adopted upon motion of Senator Gumm and referred for enrollment.

**UNANIMOUS CONSENT REQUEST  
DIRECT TO CALENDAR**

Senator Wyrick asked unanimous consent to suspend Rule 5-4 and refer **SCR 30** direct to the Calendar for consideration, which was the order.

**GENERAL ORDER**

**SCR 30** by Wyrick of the Senate and Nance of the House was called up for consideration.

**SCR 30** was adopted upon motion of Senator Wyrick and referred for engrossment.

Senator Fisher moved that the Senate recess to the Call of the Chair, which motion was declared adopted.

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The Senate reconvened with Senator Monson presiding.

Senator Monson questioned the presence of a quorum and ordered the roll called, following which a quorum was declared present.

**MESSAGE FROM THE HOUSE  
CONFERENCE COMMITTEE REPORT**

Transmitting the following bill, together with conference committee report thereon, advising adoption of conference committee report and passage of measure as amended:

**HB 1390**

Conference committee report was read on the above-numbered bill.

**SCs NAMED**

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

**SB 823** – Wilson, Gumm, Rabon, Nichols, Riley

**HB 1362** – Corn, Eason McIntyre, Monson, Lerblance, Brogdon, Mazzei

**HJR 1019** – GCCA

**REPORT OF ENGROSSED AND ENROLLED MEASURE**

**SCR 30** was correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

**PENDING CONSIDERATION OF HAS**

**HAs to SB 458** were concurred in upon motion of Senator Riley.

**SB 458**, 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, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson, Jolley, Justice, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Monson, Myers, Nichols, Paddack, Rabon, Reynolds, Riley, Shurden, Taylor, Wilcoxson, Williamson, Wilson and Wyrick.--43.

Excused: Corn, Kerr, Lamb, Morgan and Pruitt.--5.

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 983** were concurred in upon motion of Senator Cain.

**SB 983**, 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, Coffee, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson, Jolley, Justice, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Monson, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Taylor, Wilcoxson, Williamson, Wilson and Wyrick.--44.

Excused: Corn, Kerr, Lamb and Morgan.--4.

The bill passed.

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

**Senator Gumm presiding.**

#### **PENDING CONSIDERATION OF CCR**

The following **CCR** was rejected upon motion of Senator Fisher, further conference requested, and same Senate conferees appointed as follows:

**HB 1390** – Garrison, Monson, Paddack, Wilcoxson

#### **PENDING CONSIDERATION OF CCR**

The **CCR** on **SB 556** was adopted upon motion of Senator Shurden.

**SB 556**, as amended in conference, was read at length.

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

Aye: Adelson, Aldridge, Anderson, Bass, Cain, Capps, Coates, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson, Laster, Lawler, Leftwich, Lerblance, Monson, Paddack, Rabon, Reynolds, Riley, Shurden, Taylor, Wilson and Wyrick.--31.

Nay: Barrington, Branan, Brogdon, Coffee, Jolley, Justice, Laughlin, Mazzei, Myers, Nichols, Pruitt, Wilcoxson and Williamson.--13.

Excused: Corn, Kerr, Lamb and Morgan.--4.

The bill passed.



Senators Mazzei, Wilcoxson, Barrington, Coffee, Jolley and Branan desired to vote Aye on the emergency.

On the question of passage of the emergency, the vote resulted as follows: Aye: 37; Nay: 7; Excused: 4.

The emergency passed.

**SB 556**, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

### **PENDING CONSIDERATION OF HAS**

**HAs to SB 946** were concurred in upon motion of Senator Monson.

**SB 946**, 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, Barrington, Bass, Branan, Brogdon, Cain, Capps, Coates, Coffee, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson, Jolley, Justice, Laster, Lawler, Leftwich, Lerblance, Mazzei, Monson, Nichols, Paddack, Rabon, Reynolds, Riley, Shurden, Taylor, Wilcoxson, Wilson and Wyrick.--38.

Nay: Anderson, Crain, Laughlin, Myers, Pruitt and Williamson.--6.

Excused: Corn, Kerr, Lamb and Morgan.--4.

The bill passed.

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

### **MESSAGE FROM THE HOUSE**

Advising passage of and returning the following Engrossed measure:

#### **SCR 30**

The above-numbered measure was referred for enrollment.

**PENDING CONSIDERATION OF HAS**

**HAs to SB 962** were concurred in upon motion of Senator Monson.

**SB 962**, 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, Coffee, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson, Jolley, Justice, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Monson, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Taylor, Wilcoxson, Williamson, Wilson and Wyrick.--44.

Excused: Corn, Kerr, Lamb and Morgan.--4.

The bill passed.

Senator Morgan desired to vote Aye on the emergency.

On the question of passage of the emergency, the vote resulted as follows: Aye: 45; Excused: 3.

The emergency passed.

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

**REPORT OF ENGROSSED AND ENROLLED MEASURE**

**SCR 30** was correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

**MESSAGES FROM THE HOUSE**

Advising the signing of and returning Enrolled **SCR 30**.

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

Advising conferees unable to agree on **HB 1589**.

**SCs NAMED**

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

**SB 446** – GCCA

**SB 569** – Wilcoxson, Monson, Paddock, Garrison, Branan

**SB 618** – GCCA

**SB 643** – GCCA

**SB 646** – GCCA

**SB 648** – Laster, Cain, Williamson

**SB 663** – Nichols, Wyrick, Corn, Rabon, Coates

**SB 668** – GCCA

**SB 682** – GCCA

**SB 779** – GCCA

**SB 799** – Jolley, Wyrick, Laster, Cain, Coffee

**EXECUTIVE NOMINATIONS**

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

Adams, Kendall R., Broken Arrow, as a member of the Highway Construction Material Technician Certification Board - Transportation

Dell, Virginia Ann, Oklahoma City, as a member of the State Textbook Committee - Education

Gourley, Dorothy, Ardmore, as a member of the Board of Pharmacy - Health and Human Resources

Paliotta, Armand, Oklahoma City, as a member of the Oklahoma Securities Commission - Finance

Privrat, John A., Edmond, as a member of the Highway Construction Materials Technician Certification Board - Transportation

Senator Fisher moved that when the clerk's desk is clear, the Senate stand adjourned to convene Tuesday, May 17, 2005, at 9:00 a.m., which motion prevailed.

**COMMITTEE REPORT**

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

DO PASS:

**HCR 1015** – Health and Human Resources

**MESSAGE FROM THE GOVERNOR**

Advising his approval May 16, 2005, of Enrolled **SBs 291, 440, 473, 484, 518, 714, 725, 758, 763** and **830** and return of Enrolled **SB 14**.

Pursuant to the Fisher motion, the Senate adjourned at 3:20 p.m. to meet Tuesday, May 17, 2005, at 9:00 a.m.

**JOURNAL CORRECTION**

Page 1429, Line 9, by deleting “and **SJR 5**”

Page 1429, Line 11, by inserting the following:

“Advising fourth reading of and returning Enrolled **SJR 5**.

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