

# Senate Journal

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

**Ninth Legislative Day, Tuesday, February 21, 2006**

The Senate was called to order by Senator Corn.

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 (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Taylor, Wilcoxson, Williamson, Wilson and Wyrick.—47.

Vacancy: District 38.—1.

Senator Corn declared a quorum present.

The prayer was offered by Reverend Charles McGregor, New Beginnings Lighthouse Ministries, Stratford, the guest of Senator Paddack.

### **REPORT OF ENGROSSED AND ENROLLED MEASURE**

**SR 62** was correctly enrolled, properly signed and ordered transmitted to the Secretary of State.

### **REQUEST TO RECESS**

Pursuant to Article 5, Section 30 of the Oklahoma Constitution, the Senate requests the Honorable House to consent to the adjournment of the Senate for more than three days beginning on February 16, 2006 and ending on February 21, 2006.

**SENATE RULE SUSPENDED**

Senator Fisher asked unanimous consent, which was granted, to suspend Senate Rule 16-1 for the purpose of extending the committee deadline from February 23, 2006 to February 27, 2006 and to allow filing of committee reports on February 28, 2006.

**FIRST READING**

The following were introduced and read the first time:

**SCR 40** – By Garrison, Lerblance, Shurden, Lawler, Wyrick, Anderson and Crutchfield of the Senate and McPeak, Shumate and Rousselot of the House.

A Concurrent Resolution honoring Oklahoma agriculture; proclaiming a two-year celebration in conjunction with the state centennial; and directing distribution.

**SR 63** – By Gumm.

A Resolution supporting TRIO Programs; memorializing Congress not to cut funding without a thorough study; and directing distribution.

**UNANIMOUS CONSENT REQUEST  
DIRECT TO CALENDAR**

Senator Gumm asked unanimous consent to suspend Rule 5-4 and refer **SR 63** direct to the Calendar for consideration, which was the order.

**GENERAL ORDER**

**SR 63** by Gumm was called up for consideration.

**SR 63** was adopted upon motion of Senator Gumm and referred for enrollment.

**UNANIMOUS CONSENT REQUEST  
DIRECT TO CALENDAR**

Senator Garrison asked unanimous consent to suspend Rule 5-4 and refer **SCR 40** direct to the Calendar for consideration, which was the order.

**GENERAL ORDER**

**SCR 40** by Garrison et al of the Senate and McPeak et al of the House was called up for consideration.

All other members of the Senate asked to coauthor **SCR 40**, which was the order.

**SCR 40** was adopted upon motion of Senator Garrison and referred for engrossment.

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

Advising pursuant to Article 5, Section 30, Oklahoma Constitution, the House of Representatives requests consent of the Honorable Senate to adjourn for more than three days beginning February 16 and ending February 21, 2006 and grants the request of the Honorable Senate to adjourn for more than three days beginning February 17 and ending February 20, 2006.

#### **MOTION TO RECESS**

Senator Fisher asked unanimous consent, which was granted, to consent to the House request for adjournment for more than three days beginning February 17 and ending February 20, 2006

#### **CHANGE IN COMMITTEE ASSIGNMENTS**

Senator Fisher asked unanimous consent, which was granted, that the following bills be reassigned as follows:

**SB 1693** – withdrawn from Rules Committee and referred to Finance.

**SB 1770** – withdrawn from Rules Committee and referred to Appropriations.

**SB 1971** – withdrawn from Rules Committee and referred to Health and Human Resources.

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

Advising passage of and transmitting for consideration Engrossed **HBs 2459, 2470, 2506, 2522, 2535, 2587, 2649** and **2922**.

**HB 2459** – By Peterson (Pam), Dank, Dorman, Brannon, Case, Cox, Denney, DeWitt, Duncan, Hamilton, Ingmire, Lindley, Liotta, Nance, Peterson (Ron), Smithson, Terrill, Thompson, Walker and Wesselhoft of the House and Anderson of the Senate.

( revenue and taxation - amending 68 O.S., Section 2358 - adjusted gross income and taxable income - elderly persons - effective date )

**HB 2470** – By Peterson (Pam) and Nance of the House and Jolley of the Senate.

An Act relating to public buildings and public works; amending 61 O.S. 2001, Section 102, as last amended by Section 1, Chapter 89, O.S.L. 2005 and 122 (61 O.S. Supp. 2005,

Section 102), which relate to the Public Competitive Bidding Act of 1974; modifying certain definition; modifying certain time limitation; providing an effective date; and declaring an emergency.

**HB 2506** – By Adkins, Tibbs and Dorman of the House and Lerblance of the Senate.  
( oil and gas - amending 17 O.S., Section 180.10 - Corporation Commission Plugging Fund - amending 68 O.S., Sections 1101, 1102 and 1103 - petroleum excise tax – effective date - emergency )

**HB 2522** – By Terrill, Nance, Brannon, Cooksey, Cox, DePue, Duncan, Kiesel, McDaniel, Richardson, Smithson and Wesselhoft of the House and Gumm of the Senate.  
( revenue and taxation - amending 68 O.S., Section 2358 - Oklahoma taxable income - deduction - living organ donation expenses - effective date )

**HB 2535** – By Adkins, Tibbs and Nance of the House and Gumm of the Senate.  
( revenue and taxation – amending 68 O.S., Sections 1352 and 1359 – sales tax exemptions – effective date – emergency )

**HB 2587** – By Duncan and Wesselhoft of the House and Brogdon of the Senate.  
An Act relating to militia; amending 44 O.S. 2001, Section 24, which relates to the Military Department; modifying qualification for eligibility for certain position; amending 44 O.S. 2001, Sections 232.3, 232.4, 232.6, as amended by Section 3, Chapter 130, O.S.L. 2005, and 232.7 (44 O.S. Supp. 2005, Section 232.6), which relate to government and control of armories and armory buildings; deleting certain procedures for appointment to armory board; deleting authorization for promulgation of rules for certain board; modifying authority for certain hiring or leasing; modifying control of certain funds; modifying submission of certain reports; modifying method of expending certain revenue; providing an effective date; and declaring an emergency.

**HB 2649** – By Steele, Dank, Balkman, Covey, Denney, McCarter, Nance, Peterson (Pam), Sullivan, Terrill, Turner and Worthen of the House and Laughlin of the Senate.  
( insurance - amending 36 O.S., Sections 6060.15, 6060.16, 6060.17 and 6060.18 - Health Savings Account Act – definitions - eligible expenditures - Oklahoma Income Tax Code – codification - emergency )

**HB 2922** – By Terrill, Nance, Dank, Worthen, Duncan, DePue, Winchester and Liotta of the House and Gumm of the Senate.  
( revenue and taxation - amending 68 O.S., Section 1205 - minimum franchise tax liabilities - Task Force - Corporate Income Tax Reform - staff assistance - report - codification - effective date – emergency )

The above-numbered measures were read the first time.

Senator Fisher moved that when the clerk's desk is clear, the Senate stand adjourned to convene Wednesday, February 22, 2006, at 1:30 p.m., which motion prevailed.

## COMMITTEE REPORTS

The following were reported by the committees named, ordered printed and placed on the Calendar:

DO PASS:

**SB 1435** – Judiciary, coauthored by Sullivan (principal House author)

**SB 1560** – Energy and Environment, coauthored by Liotta (principal House author)

**SB 1563** – Energy and Environment, coauthored by Case (principal House author)

**SJR 37** – Judiciary, coauthored by Sullivan (principal House author)

DO PASS, As Amended:

**SB 1029** – Appropriations, coauthored by Walker (principal House author)

**SB 1034** – Appropriations, coauthored by Peters (principal House author)

**SB 1045** – Appropriations, coauthored by Crutchfield, Rabon of the Senate, and coauthored by Smithson (principal House author)

**CS for SB 1056** – Appropriations, coauthored by Coffee, Paddack, Adelson, Capps, Johnson (Constance), Justice, Nichols, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Garrison, Harrison, Lawler, Leftwich, Myers, Rabon, Shurden, Wilcoxson, Bass of the Senate, and coauthored by Balkman (principal House author), and coauthored by Nations of the House

**CS for SB 1057** – Transportation

**SB 1090** – Finance, coauthored by Lamons (principal House author)

**CS for SB 1097** – Appropriations, coauthored by Lamons (principal House author)

**SB 1099** – Appropriations, coauthored by Sherrer (principal House author)

**CS for SB 1294** – Appropriations, coauthored by Corn, Lawler of the Senate, and coauthored by Steele (principal House author)

**SB 1301** – Appropriations, coauthored by Johnson (Constance) of the Senate, and coauthored by Miller (Doug) (principal House author)

**SB 1336** – Appropriations, coauthored by Wyrick of the Senate, and coauthored by Coody (principal House author)

**SB 1357** – Appropriations, coauthored by Roggow (principal House author)

**SB 1368** – Transportation, coauthored by Hilliard (principal House author)

**SB 1390** – Appropriations, coauthored by Case (principal House author)

**SB 1394** – Appropriations, coauthored by Johnson (Constance), Lawler of the Senate, and coauthored by Cox (principal House author)

**SB 1397** – Energy and Environment, coauthored by Crain, Eason McIntyre, Adelson of the Senate, and coauthored by Sullivan (principal House author)

**CS for SB 1401** – Appropriations, coauthored by Plunk (principal House author)

**SB 1420** – Appropriations, coauthored by Roan (principal House author)

**CS for SB 1453** – Tourism and Wildlife, coauthored by Brown (principal House author)

**SB 1458** – Appropriations, coauthored by Carey (principal House author)

- CS for SB 1467** – Education
- SB 1472** – Transportation, coauthored by Braddock (principal House author)
- SB 1495** – Appropriations, coauthored by Lamb, Leftwich of the Senate, and coauthored by Miller (Ken) (principal House author)
- SB 1497** – Appropriations, coauthored by Perry (principal House author)
- SB 1507** – Appropriations, coauthored by DePue (principal House author)
- SB 1508** – Appropriations, coauthored by Liotta (principal House author)
- SB 1515** – Appropriations, coauthored by Corn of the Senate, and coauthored by Winchester of the House
- SB 1536** – Appropriations, coauthored by Eddins (principal House author)
- SB 1539** – Appropriations, coauthored by Blackwell (principal House author)
- SB 1548** – Appropriations, coauthored by Rousselot (principal House author)
- CS for SB 1557** – Appropriations, coauthored by Roggow (principal House author)
- SB 1564** – Appropriations, coauthored by Perry (principal House author)
- SB 1581** – Appropriations, coauthored by Terrill (principal House author)
- SB 1586** – Appropriations, coauthored by Turner (principal House author)
- SB 1592** – Appropriations, coauthored by Rabon of the Senate, and coauthored by Smithson (principal House author)
- SB 1594** – Appropriations, coauthored by Winchester (principal House author)
- SB 1597** – Education, coauthored by Harrison (principal House author)
- SB 1606** – Appropriations, coauthored by Liotta (principal House author)
- CS for SB 1614** – Appropriations, coauthored by McMullen (principal House author)
- SB 1629** – Public Safety and Homeland Security, coauthored by McCarter (principal House author)
- CS for SB 1634** – Appropriations, coauthored by Wilt (principal House author)
- CS for SB 1644** – Education, coauthored by Gumm of the Senate, and coauthored by Jones (principal House author)
- SB 1646** – Finance, coauthored by Peterson (Pam) (principal House author)
- SB 1675** – Appropriations, coauthored by Aldridge, Lamb, Leftwich, Lerblance, Myers, Wilcoxson of the Senate, and coauthored by Armes (principal House author)
- SB 1697** – Aerospace, Communications and Technology
- SB 1703** – Energy and Environment, coauthored by DeWitt (principal House author)
- SB 1737** – Appropriations, coauthored by Coffee of the Senate, and coauthored by Balkman (principal House author)
- SB 1760** – Appropriations, coauthored by Eason McIntyre of the Senate, and coauthored by Morgan (Danny) (principal House author)
- SB 1761** – Appropriations, coauthored by Roan (principal House author)
- SB 1782** – Appropriations, coauthored by Kiesel (principal House author)
- SB 1793** – Appropriations, coauthored by Lawler, Leftwich of the Senate, and coauthored by Richardson (principal House author)
- SB 1800** – Appropriations, coauthored by Morgan (Fred) (principal House author)
- SB 1823** – Appropriations, coauthored by Terrill (principal House author)
- SB 1824** – Appropriations, coauthored by Nations (principal House author)
- SB 1825** – Appropriations, coauthored by Smithson (principal House author)

**SB 1829** – Finance, coauthored by Denney (principal House author)

**SB 1830** – Judiciary, coauthored by Nations (principal House author)

**SB 1867** – Appropriations, coauthored by Armes (principal House author)

**SB 1887** – Appropriations, coauthored by Walker (principal House author)

## **FIRST READING**

The following were introduced and read the first time:

**SCR 41** – By Jolley of the Senate and Cooksey of the House.

A Concurrent Resolution congratulating Jennifer Warren, Miss Oklahoma 2005; commending her abilities; and directing distribution.

**SR 64** – By Jolley.

A Resolution congratulating Edmond, Oklahoma, artist Shan Gray; recognizing his talent; and directing distribution.

Pursuant to the Fisher motion, the Senate adjourned at 1:50 p.m. to meet Wednesday, February 22, 2006, at 1:30 p.m.