

Senate Journal

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

Thirty-third Legislative Day, Wednesday, April 5, 2006

The Senate was called to order by Senator Rabon.

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, Wilcoxson, Williamson, Wilson and Wyrick.—46.

Excused: Taylor.—1.

Vacancy: District 38.—1.

Senator Rabon declared a quorum present.

The prayer was offered by Reverend Michael Shipma, Heritage Presbyterian Church, Edmond, the guest of Senator Lamb.

REPORT OF ENGROSSED AND ENROLLED MEASURES

SCR 47 was correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

SBs 1308, 1970 and 1972 were each correctly enrolled and after fourth reading, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

GENERAL ORDER

HB 2966 by Sullivan et al of the House and Bass of the Senate was called up for consideration.

Senator Bass moved that **HB 2966** be advanced, which motion was declared adopted.

THIRD READING

HB 2966 was read for the third time at length.

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

Aye: Adelson, Aldridge, Anderson, Bass, Brogdon, Cain, Capps, Coates, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson (M), Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Wilcoxson, Wilson and Wyrick.--40.

Nay: Johnson (C).--1.

Excused: Barrington, Branan, Coffee, Jolley, Taylor and Williamson.--6.

Vacancy: District 38.--1.

The bill passed.

HB 2966 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 1646 by Winchester et al of the House and Justice of the Senate was called up for consideration.

Senator Justice asked that **HB 1646** be laid over temporarily, which was the order.

HB 1646 remains on General Order.

GENERAL ORDER

HB 2792 by Miller (Doug) et al of the House and Bass of the Senate was called up for consideration.

Senator Bass moved to amend **HB 2792**, Page 1, by restoring the title, which amendment was declared adopted.

The above amendment restores **HB 2792** to the engrossed version of the bill.

Senator Bass moved that **HB 2792** be advanced, which motion was declared adopted.

THIRD READING

HB 2792 was read for the third time at length.

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

Aye: Adelson, Aldridge, Anderson, Bass, Branan, Cain, Capps, Coates, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson (C), Johnson (M), Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Wilcoxson, Wilson and Wyrick.--41.

Nay: Brogdon.--1.

Excused: Barrington, Coffee, Jolley, Taylor and Williamson.--5.

Vacancy: District 38.--1.

The bill and emergency passed.

HB 2792 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 2474 by Perry of the House and Hobson of the Senate was called up for consideration.

Senator Hobson moved that **HB 2474** be advanced, which motion was declared adopted.

THIRD READING

HB 2474 was read for the third time at length.

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

Aye: Adelson, Aldridge, Anderson, Bass, Branan, Brogdon, Cain, Capps, Coates, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson (C), Johnson (M), Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Wilcoxson, Wilson and Wyrick.--42.

Excused: Barrington, Coffee, Jolley, Taylor and Williamson.--5.

Vacancy: District 38.--1.

The bill and emergency passed.

HB 2474 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 1646 by Winchester et al of the House and Justice of the Senate was called up for further consideration.

Senator Justice moved that **HB 1646** be advanced, which motion was declared adopted.

THIRD READING

HB 1646 was read for the third time at length.

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

Aye: Adelson, Aldridge, Anderson, Bass, Branan, Brogdon, Cain, Capps, Coates, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson (C), Johnson (M), Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Wilcoxson, Wilson and Wyrick.--42.

Excused: Barrington, Coffee, Jolley, Taylor and Williamson.--5.

Vacancy: District 38.--1.

The bill and emergency passed.

HB 1646 was referred for engrossment.

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

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

SB 408 - Coauthored by Cargill of the House

SB 1097 - Coauthored by McDaniel, Cox, Steele, Carey, Morgan (Danny) and Sherrer of the House

SB 1274

SB 1293 - Coauthored by Covey, McCarter, Turner and Kiesel of the House

SB 1467 - Coauthored by Dank, Blackwell, Morgan (Danny), Miller (Ray), Shelton, Coody, Staggs, McDaniel Deutschendorf, Dorman, Brown, Glenn, Rousselot and Shoemake of the House

SB 1491

SB 1492

SB 1493

SB 1574

SB 1577

SB 1850 - Coauthored by Shelton of the House

House amendments were read on the above-numbered bills.

GENERAL ORDER

HB 2062 by Hiett et al of the House and Morgan of the Senate was called up for consideration.

Senator Gumm moved to amend **HB 2062**, Page 1, by restoring the title, which amendment was declared adopted.

Senator Gumm moved that **HB 2062** be advanced, which motion was declared adopted.

THIRD READING

HB 2062 was read for the third time at length.

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

Aye: Adelson, Aldridge, Bass, Branan, Capps, Coates, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson (M), Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Reynolds, Wilson and Wyrick.--33.

Nay: Anderson, Brogdon, Cain, Johnson (C), Rabon, Riley, Shurden and Wilcoxson.--8.

Excused: Barrington, Coffee, Jolley, Taylor and Williamson.--5.

Vacancy: District 38.--1.

*Not Voting: Pruitt.—1.

*Senator Pruitt asked to be shown not voting on **HB 2062** for reason of personal interest, as provided in Article V, Section 24, Oklahoma Constitution.

The bill and emergency passed.

HB 2062 was referred for engrossment.

GENERAL ORDER

HB 2506 by Adkins et al of the House and Lerblance of the Senate was called up for consideration.

Senator Lerblance moved that **HB 2506** be advanced, which motion was declared adopted.

THIRD READING

HB 2506 was read for the third time at length.

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

Aye: Adelson, Aldridge, Anderson, Bass, Branan, Brogdon, Cain, Capps, Coates, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson (C), Johnson (M), Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Wilcoxson, Wilson and Wyrick.--42.

Excused: Barrington, Coffee, Jolley, Taylor and Williamson.--5.

Vacancy: District 38.--1.

The bill and emergency passed.

HB 2506 was referred for engrossment.

GENERAL ORDER

HB 2073 by Smithson et al of the House and Wilson and Ford of the Senate was called up for consideration.

Senators Garrison, Shurden, Leftwich, Eason McIntyre and Easley asked to coauthor **HB 2073**, which was the order.

Senator Wilson moved to amend **HB 2073**, Page 38, Line 9, by inserting after the period the following language “Eligibility for this incentive program for reserve police officers and reserve sheriff’s deputies shall be determined by the Council of Law Enforcement Education and Training, and the eligibility for this incentive program for volunteer firefighters shall be determined by the Council on Firefighter Training.”, which amendment was declared adopted.

Senator Wilson moved that **HB 2073** be advanced, which motion was declared adopted.

THIRD READING

HB 2073 was read for the third time at length.

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

Aye: Adelson, Aldridge, Anderson, Bass, Branan, Brogdon, Cain, Capps, Coates, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson (C), Johnson (M), Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Wilcoxson, Wilson and Wyrick.--42.

Excused: Barrington, Coffee, Jolley, Taylor and Williamson.--5.

Vacancy: District 38.--1.

The bill passed.

HB 2073 was referred for engrossment.

Senator Gumm presiding.

GENERAL ORDER

HB 2507 by Adkins of the House and Lerblance of the Senate was called up for consideration.

Senator Lerblance moved that **HB 2507** be advanced, which motion was declared adopted.

THIRD READING

HB 2507 was read for the third time at length.

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

Aye: Adelson, Aldridge, Anderson, Branan, Brogdon, Cain, Capps, Coates, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson (C), Johnson (M), Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Wilcoxson, Wilson and Wyrick.--41.

Excused: Barrington, Bass, Coffee, Jolley, Taylor and Williamson.--6.

Vacancy: District 38.--1.

The bill passed.

Senator Bass desired to vote Aye on the emergency.

On the question of passage of the emergency, the vote resulted as follows: Aye: 42; Excused: 5; Vacancy: 1.

The emergency passed.

HB 2507 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 2962 by Sullivan and Duncan of the House and Lerblance of the Senate was called up for consideration.

Senator Lerblance moved that **HB 2962** be advanced, which motion was declared adopted.

THIRD READING

HB 2962 was read for the third time at length.

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

Aye: Adelson, Aldridge, Anderson, Bass, Branan, Brogdon, Cain, Capps, Coates, 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, Wilson and Wyrick.--42.

Nay: Wilcoxson.--1.

Excused: Barrington, Coffee, Taylor and Williamson.--4.

Vacancy: District 38.--1.

The bill and emergency passed.

HB 2962 was properly signed and ordered returned to the Honorable House.

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

Senator Lawler asked unanimous consent to suspend Rule 5-4 and refer **SR 79** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SR 79 by Lawler was called up for consideration.

All other members of the Senate asked to coauthor **SR 79**, which was the order.

SR 79 was adopted upon motion of Senator Lawler and referred for enrollment.

MESSAGE FROM THE HOUSE

Advising fourth reading of and returning Enrolled **SBs 1308, 1970** and **1972**.

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

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

Senator Harrison asked unanimous consent to suspend Rule 5-4 and refer **HCR 1050** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

HCR 1050 by DeWitt of the House and Harrison of the Senate was called up for consideration.

All other members of the Senate asked to coauthor **HCR 1050**, which was the order.

HCR 1050 was adopted upon motion of Senator Harrison and properly signed and ordered returned to the Honorable House.

MESSAGE FROM THE HOUSE

Advising rejection of **SAs** to **HB 2360**, requesting conference and House conferees to be named later.

Senator Fisher moved that when the clerk's desk is clear, the Senate stand adjourned to convene Thursday, April 6, 2006, at 9:00 a.m., which motion prevailed.

COMMITTEE REPORTS

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

DO PASS:

HB 2068 – Education

HB 2086 – Education

HB 2139 – Education

HB 2356 – Aerospace, Communications and Technology

HB 2361 – General Government, coauthored by Garrison of the Senate

HB 2363 – Education

HB 2375 – Judiciary, coauthored by Peterson (Ron) of the House

HB 2421 – General Government

HB 2424 – General Government

HB 2591 – General Government, coauthored by Garrison of the Senate

HB 2606 – Agriculture and Rural Development

HB 2612 – General Government
HB 2796 – General Government
HB 2807 – General Government
HB 2967 – Judiciary

DO PASS, As Amended:

HB 1580 – Judiciary
CS for HB 1672 – General Government
HB 2097 – Education, remove Wilcoxson and substitute Paddock as principal Senate author
HB 2367 – Education
CS for HB 2425 – General Government
CS for HB 2480 – Judiciary
HB 2490 – Judiciary
CS for HB 2514 – Retirement and Group Health
HB 2559 – Judiciary
CS for HB 2561 – Judiciary
HB 2565 – Retirement and Group Health, coauthored by Johnson (Constance), Jolley, Aldridge of the Senate
CS for HB 2577 – Education
CS for HB 2578 – Education
HB 2589 – Education, coauthored by Smithson of the House
CS for HB 2604 – Agriculture and Rural Development
CS for HB 2608 – Education
CS for HB 2611 – General Government
CS for HB 2646 – Agriculture and Rural Development
HB 2656 – Judiciary
HB 2680 – General Government
HB 2684 – Judiciary
HB 2708 – Judiciary
HB 2712 – Education
HB 2755 – Education
HB 2756 – Education
CS for HB 2762 – Judiciary
CS for HB 2819 – Aerospace, Communications and Technology
HB 2877 – Aerospace, Communications and Technology
CS for HB 2929 – Agriculture and Rural Development
CS for HB 2935 – Aerospace, Communications and Technology, coauthored by Blackwell of the House
HB 2983 – Education
HB 2984 – Agriculture and Rural Development
CS for HB 2986 – Retirement and Group Health
HB 3004 – Judiciary

HB 3044 – Judiciary

HB 3079 – Agriculture and Rural Development

HB 3115 – Judiciary

FIRST READING

The following were introduced and read the first time:

SR 89 – By Pruitt.

A Resolution commending Shelley Self for her artistic ability; congratulating her upon her selection as a 2005 Milken Family Foundation National Educator of the Year; and directing distribution.

SR 90 – By Lerblance.

A Resolution memorializing Congress to resist cuts in Alzheimer's disease research; and directing distribution.

Pursuant to the Fisher motion, the Senate adjourned at 2:20 p.m. to meet Thursday, April 6, 2006, at 9:00 a.m.