

# Senate Journal

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

Forty-sixth Legislative Day, Tuesday, May 2, 2006

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 (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 Gumm declared a quorum present.

The prayer was offered by Reverend Bob Long, St. Luke's United Methodist Church, Oklahoma City, the guest of Senator Reynolds.

### REPORT OF ENGROSSED AND ENROLLED MEASURES

**SB 1368** was correctly enrolled and after fourth reading, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

**SR 99** was correctly enrolled, properly signed and ordered transmitted to the Secretary of State.

### PENDING CONSIDERATION OF HAS

**HAs to SBs 1040, 1463, 1614 and 1799** were rejected upon motion of Senator Fisher, conference requested, and Senate conferees to be named later.

**MESSAGE FROM THE HOUSE**

Advising rejection of **SAs** to the following bills, requesting conference and House conferees to be named later:

**HB 1231**  
**HB 2068**  
**HB 2453**  
**HB 2514**  
**HB 2609**  
**HB 2935**  
**HB 2940**  
**HJR 1057**

**UNANIMOUS CONSENT REQUEST  
DIRECT TO CALENDAR**

Senator Lerblance asked unanimous consent to suspend Rule 5-4 and refer **SR 90** direct to the Calendar for consideration, which was the order.

**GENERAL ORDER**

**SR 90** by Lerblance was called up for consideration.

All other members of the Senate asked to coauthor **SR 90**, which was the order.

**SR 90** was adopted upon motion of Senator Lerblance and referred for enrollment.

**UNANIMOUS CONSENT REQUEST  
DIRECT TO CALENDAR**

Senator Branán asked unanimous consent to suspend Rule 5-4 and refer **SR 94** direct to the Calendar for consideration, which was the order.

**GENERAL ORDER**

**SR 94** by Branán and Coffee was called up for consideration.

**SR 94** was adopted upon motion of Senator Branán and referred for enrollment.

**PENDING CONSIDERATION OF HAS**

**HAs to SB 1491** were concurred in upon motion of Senator Anderson.

**SB 1491**, 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, Corn, Crain, Crutchfield, Easley, 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 and Wyrick.--44.

Excused: Eason McIntyre, Taylor and Wilson.--3.

Vacancy: District 38.--1.

The bill passed.

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

**PENDING SENATE ACTION  
HOUSE REQUEST FOR CONFERENCE**

Upon motion of Senator Fisher, the request of the Honorable House for conference on **HBs 1231, 2068, 2357, 2453, 2514, 2609, 2704, 2935 and 2940** and **HJR 1057** was ordered granted and Senate conferees to be named later.

**PENDING CONSIDERATION OF HAS**

**HAs to SBs 1056, 1597, 1737 and 1772** were rejected upon motion of Senator Fisher, conference requested, and Senate conferees to be named later.

**PENDING CONSIDERATION OF HAS**

**HAs to SB 1037** were concurred in upon motion of Senator Paddack.

Senators Garrison and Lawler asked to coauthor **SB 1037**, which was the order.

**SB 1037**, 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, 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 and Wyrick.--44.

Excused: Eason McIntyre, Taylor and Wilson.--3.

Vacancy: District 38.--1.

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 1030, 1286, 1312, 1400, 1500, 1663, 1915, 1934, 1965 and 2019** were rejected upon motion of Senator Fisher, conference requested, and Senate conferees to be named later.

#### **PENDING SENATE ACTION HOUSE REQUEST FOR CONFERENCE**

Upon motion of Senator Fisher, the request of the Honorable House for conference on **HBs 1672, 1757, 2072, 2077, 2121, 2608, 2619, 2649, 2812, 2867 and 3037** was ordered granted and Senate conferees to be named later.

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

**HAs to SB 1707** were concurred in upon motion of Senator Myers.

Senators Garrison, Leftwich and Lawler asked to coauthor **SB 1707**, which was the order.

**SB 1707**, 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, 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 and Wyrick.--44.

Excused: Eason McIntyre, Taylor and Wilson.--3.

Vacancy: District 38.--1.

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 365, 511, 558, 559 and 1701** were rejected upon motion of Senator Fisher, conference requested, and Senate conferees to be named later.

#### **PENDING SENATE ACTION HOUSE REQUEST FOR CONFERENCE**

Upon motion of Senator Fisher, the request of the Honorable House for conference on **HBs 2157, 2373, 2470, 2538, 2578, 2628, 2755, 2810, 2813, 2819, 2845, 2958, 2986, 3011, 3012, 3079 and 3084** was ordered granted and Senate conferees to be named later.

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

**HAs to SB 1296** were concurred in upon motion of Senator Shurden.

**SB 1296**, 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: Aldridge, Anderson, Barrington, Bass, Branan, Brogdon, Capps, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Fisher, Ford, Gumm, Harrison, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Wilcoxson, Williamson and Wyrick.--40.

Nay: Adelson, Cain, Garrison and Hobson.--4.

Excused: Eason McIntyre, Taylor and Wilson.--3.

Vacancy: District 38.--1.

The bill and emergency passed.

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

## **EXECUTIVE NOMINATIONS**

The following executive nominations have been approved by the committees named:

Ashton, Mark, Lawton, to the Oklahoma Human Rights Commission, to serve a three year term ending July 15, 2009, succeeding himself. (Health and Human Resources Committee) Motion to confirm made by Senator Bass.

Baldwin, Alfred, Jr., Enid, to the State Board of Health, to serve an unexpired term ending June 30, 2012, succeeding Jim Anderson. (Health and Human Resources Committee) Motion to confirm made by Senator Anderson.

Evans, Haskell, Lawton, to the State Board of Health, to serve a nine year term ending June 30, 2015, succeeding himself. (Health and Human Resources Committee) Motion to confirm made by Senator Bass.

Gunkel, Renee Walker, Altus, to the Board of Regents of Western Oklahoma State College, to serve a seven year term ending March 24, 2013, succeeding Linda Copeland. (Education Committee) Motion to confirm made by Senator Morgan.

Jackson, Charles F., Tulsa, to the Board of Juvenile Affairs, to serve a four year term ending March 15, 2009, succeeding himself. (Health and Human Resources Committee) Motion to confirm made by Senator Williamson.

James, Keith, Pond Creek, to the Board of Regents of the Northern Oklahoma College, to serve a five year term ending June 30, 2011, succeeding himself. (Education Committee) Motion to confirm made by Senator Myers.

Jordan, Emma June, Alva, to the Oklahoma State Board of Examiners for Nursing Home Administrators, to serve an initial term ending July 1, 2008, succeeding a new position. (Health and Human Resources Committee) Motion to confirm made by Senator Laughlin.

Rainbolt-Forbes, Leslie, Oklahoma City, to the Board of Regents of the University of Oklahoma, to serve a seven year term ending March 21, 2013, succeeding Christy Everest. (Education Committee) Motion to confirm made by Senator Branan.

Vanderslice, Ronna, Weatherford, to the Board of Mental Health and Substance Abuse Services, to serve a seven year term ending December 31, 2011, succeeding LaVern Phillips. (Health and Human Resources Committee) Motion to confirm made by Senator Morgan.

Weldon, Bill, Maysville, to the Board of Regents of Murray State College, to serve an unexpired term ending June 1, 2007, succeeding David Eggenberg. (Education Committee) Motion to confirm made by Senator Paddack.

Motions to confirm the above named executive nominations were declared adopted upon roll call as follows:

Aye: Adelson, Aldridge, Anderson, Barrington, Bass, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crain, Crutchfield, Easley, 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 and Wyrick.--44.

Excused: Eason McIntyre, Taylor and Wilson.--3.

Vacancy: District 38.--1.

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

**HAs to SBs 1503, 1537, 1587, 1644, 1792 and 1894** were rejected upon motion of Senator Fisher, conference requested, and Senate conferees to be named later.

#### **MESSAGES FROM THE HOUSE**

Advising rejection of **SAs** to the following bills, requesting conference and House conferees to be named later:

**HB 1493**  
**HB 1646**  
**HB 2379**  
**HB 2412**  
**HB 2577**  
**HB 2656**  
**HB 2708**  
**HB 2840**  
**HB 2842**  
**HB 2980**

Advising concurrence in **SAs** to and passage of Engrossed **HBs 2125, 2147, 2355, 2366, 2425, 2480, 2598, 2603** and **2646**.

## **EXECUTIVE NOMINATIONS**

The following executive nominations have been approved by the committees named:

Hernandez, Elvia, Guymon, to the Oklahoma Human Rights Commission, to serve an unexpired term ending July 15, 2007, succeeding Patricia Fennell. (Health and Human Resources Committee) Motion to confirm made by Senator Laughlin.

Karns, Mary Ann, Edmond, to the Oklahoma State Board of Examiners for Nursing Home Administrators, to serve an initial term ending July 1, 2007, succeeding a new position. (Health and Human Resources Committee) Motion to confirm made by Senator Jolley.

Vasquez, Sam, Sr., Shawnee, to the Oklahoma Human Rights Commission, to serve a three year term ending July 15, 2009, succeeding himself. (Health and Human Resources Committee) Motion to confirm made by Senator Laster.

Weaver, Billy R., Oklahoma City, to the Oklahoma State Board of Examiners for Nursing Home Administrators, to serve a three term ending July 1, 2009, succeeding himself. (Health and Human Resources Committee) Motion to confirm made by Senator Lamb.

Weaver, Billy R., Oklahoma City, to the Oklahoma State Board of Examiners for Nursing Home Administrators, to serve an initial term ending July 1, 2006, succeeding a new position. (Health and Human Resources Committee) Motion to confirm made by Senator Lamb.

Williams, Terry W., Oklahoma City, to the Oklahoma State Board of Examiners for Nursing Home Administrators, to serve a three year term ending July 1, 2009, succeeding himself. (Health and Human Resources Committee) Motion to confirm made by Senator Cain.

Williams, Terry W., Oklahoma City, to the Oklahoma State Board of Examiners for Nursing Home Administrators, to serve an initial term ending July 1, 2006, succeeding a new position. (Health and Human Resources Committee) Motion to confirm made by Senator Cain.

Motions to confirm the above named executive nominations were declared adopted upon roll call 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 (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Wilcoxson, Williamson and Wyrick.--44.

Excused: Corn, Taylor and Wilson.--3.

Vacancy: District 38.--1.

**PENDING SENATE ACTION  
HOUSE REQUEST FOR CONFERENCE**

Upon motion of Senator Fisher, the request of the Honorable House for conference on **HBs 1493, 1646, 2379, 2412, 2577, 2656, 2708, 2840, 2842** and **2980** was ordered granted and Senate conferees to be named later.

**PENDING CONSIDERATION OF HAS**

**HAs to SBs 365, 511, 558, 559** and **1701** were rejected upon motion of Senator Fisher, conference requested, and Senate conferees to be named later.

Senator Fisher moved that the Senate recess until 1:00 p.m., which motion was declared adopted.

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The Senate reconvened with Senator Gumm presiding.

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

**INTRODUCTION**

Senator Wyrick introduced his wife, Pam and his nieces, Johnna Davis, Emily Davis, Haley Davis and Jaycee Jones.

**Senator Corn presiding.**

**FIRST READING**

The following were introduced and read the first time:

**SR 100** – By Morgan.

A Resolution expressing gratitude to Senator Bernest Cain for his service in the Oklahoma State Senate; and directing distribution.

**SR 101** – By Hobson.

A Resolution thanking Dr. J. Donald Capra for his accomplishments as President of the Oklahoma Medical Research Foundation; wishing him well upon the occasion of his retirement; and directing distribution.

**UNANIMOUS CONSENT REQUEST  
DIRECT TO CALENDAR**

Senator Morgan asked unanimous consent to suspend Rule 5-4 and refer **SR 100** direct to the Calendar for consideration, which was the order.

**GENERAL ORDER**

**SR 100** by Morgan was called up for consideration.

All other members of the Senate, except Senator Cain, asked to coauthor **SR 100**, which was the order.

**SR 100** was adopted upon motion of Senator Morgan and referred for enrollment.

**SPECIAL RECOGNITION OF SENATOR BERNEST CAIN**

Senator Cain was honored by the Oklahoma State Senate for his 28 years of service. His portrait was displayed as a tribute in the Senate Chamber for his legislative day.

President Pro Tempore Morgan addressed the Senate commending Senator Cain for his years of service to the citizens of Senate District 46 in the Oklahoma State Senate. Senators Shurden, Capps, Leftwich, Coffee, Wilson, Hobson, Crutchfield, Adelson, Corn and Fisher also addressed the Senate.

Senator Cain addressed the Senate and introduced his wife, Dr. Joan Parkhurst to the Senate. Senator Cain also recognized his executive assistant, Peggy Leininger, for her dedication and hard work.

**MESSAGES FROM THE HOUSE**

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

**SB 1601** – GCCA

Advising naming of House conferees on Engrossed **HBs** as follows:

**HB 2165** – GCCA

**HB 2516** – Young and GCCA

**HB 2552** – DePue and GCCA

**HB 2653** – Winchester and GCCA

**HJR 1042** – Winchester and GCCA

Advising fourth reading of and returning Enrolled **SB 1368**.

The above-numbered enrolled measure was referred to the Governor.

Advising rejection of **SAs** to the following bill, requesting conference and naming House conferees later:

**HB 2083**

**SCs NAMED**

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

**SB 1286** – Crutchfield, Corn, Paddack, Nichols, Wilcoxson

**SB 1495** – Corn, Lamb, Leftwich

**SB 1793** – Justice, Corn, Leftwich, Laster, Lerblance, Cain, Taylor, Barrington, Lamb, Nichols, Reynolds

**HB 1580** – Crutchfield, Laster, Crain

**HB 2097** – Paddack, Crutchfield, Wilcoxson

**HB 2367** – Branam, Paddack, Taylor, Crutchfield, Wilcoxson

**HB 2421** – Fisher, Garrison, Laughlin

**HB 2454** – Crain, Laster, Lerblance

**HB 2485** – Laster, Cain, Shurden, Garrison, Justice, Coates

**HB 2487** – Barrington, Wyrick, Corn, Laster, Lamb

**HB 2490** – Coffee, Laster, Lerblance

**HB 2517** – Fisher, Leftwich, Coates

- HB 2529** – Lawler, Corn, Leftwich, Laster, Lerblance, Cain, Taylor, Barrington, Lamb, Nichols, Reynolds
- HB 2559** – Crain, Laster, Cain
- HB 2565** – Eason McIntyre, Lerblance, Mazzei, Aldridge, Corn, Hobson
- HB 2585** – Wyrick, Corn, Shurden, Barrington, Cain, Coates
- HB 2587** – Brogdon, Hobson, Taylor, Bass, Fisher, Riley
- HB 2588** – Myers, Corn, Eason McIntyre, Laughlin, Jolley, Gumm, Capps
- HB 2594** – Aldridge, Wyrick, Leftwich, Barrington, Gumm, Shurden
- HB 2597** – Leftwich, Coates, Wilson
- HB 2604** – Shurden, Lerblance, Cain, Fisher, Morgan, Hobson, Crain, Mazzei
- HB 2611** – Garrison, Corn, Reynolds
- HB 2612** – Branan, Garrison, Hobson, Taylor, Nichols, Crutchfield
- HB 2662** – Corn, Laster, Bass, Riley, Crain, Rabon
- HB 2691** – Lamb, Lerblance, Easley
- HB 2749** – Coffee, Gumm, Adelson
- HB 2771** – Corn, Wyrick, Barrington, Cain, Hobson, Taylor
- HB 2788** – Gumm, Lerblance, Easley, Williamson
- HB 2794** – Coffee, Leftwich, Coates, Taylor, Fisher, Morgan
- HB 2929** – Shurden, Lawler, Wilson, Ford, Hobson, Fisher
- HB 2983** – Garrison, Paddack, Taylor, Wilcoxson
- HB 3009** – Crain, Leftwich, Coates, Taylor, Fisher, Morgan

Senator Fisher moved that when the clerk's desk is clear, the Senate stand adjourned to convene, Wednesday, May 3, 2006, at 1:30 p.m., which motion prevailed.

## **SECOND READING**

The following was read for the second time and referred to committee as indicated:

**HJR 1071** – General Government

Pursuant to the Fisher motion, the Senate adjourned at 2:00 p.m. to meet Wednesday, May 3, at 1:30 p.m.