

Senate Journal

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

Fifty-fifth Legislative Day, Wednesday, May 17, 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, Schulz, Shurden, Wilcoxson, Williamson, Wilson and Wyrick.—47.

Excused: Taylor.—1.

Senator Corn declared a quorum present.

The prayer was offered by Reverend Todd Leatherman, Highland Park Christian Church, Tulsa, the guest of Senator Riley.

COMMUNICATION

The following Communication from the State Election Board was read:

May 17, 2006
The Honorable Mike Morgan
President Pro Tempore of the Senate
State Capitol
Oklahoma City, Oklahoma 73105

Dear Senator Morgan:

This is to certify that pursuant to the provisions of 26 O.S. 2001, § 12-109, the State Election Board on May 16, 2006, issued a Certificate of Election to Mike Schulz, the nominee of the Republican Party, for the office of State Senator, District 38.

Sincerely,

/s/Michael Clingman
State Election Board

OATH OF OFFICE

President Pro Tempore Morgan advised the Senate that the official Oath of Office, as prescribed by the Constitution, was administered to Senator Mike Schulz on Tuesday, May 16, 2006, by Chief Justice Joseph Watt of the Oklahoma Supreme Court.

CONFEREE ADDED

Advising the addition of Senator Mike Schulz to the General Conference Committee on Appropriations.

REPORT OF ENGROSSED AND ENROLLED MEASURES

SCR 55 was correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

SBs 1058, 1460 and 1858 were each correctly enrolled and after fourth reading, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

SRs 107 and 108 were each correctly enrolled, properly signed and ordered transmitted to the Secretary of State.

PENDING CONSIDERATION OF HAS

HAs to SBs 1324, 1397 and 1675 were rejected upon motion of Senator Fisher, conference requested, and Senate conferees to be named later.

PENDING CONSIDERATION OF HAS

HAs to SB 1359 were concurred in upon motion of Senator Myers.

SB 1359, 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, Bass, Branan, Brogdon, Capps, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Fisher, Ford, Garrison, Harrison, Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Myers, Nichols, Paddack, Rabon, Reynolds, Riley, Schulz, Shurden, Wilcoxson, Williamson, Wilson and Wyrick.--39.

Nay: Adelson, Cain, Eason McIntyre, Hobson, Johnson (C) and Morgan.--6.

Excused: Gumm, Pruitt and Taylor.--3.

The bill passed.

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

FIRST READING

The following were introduced and read the first time:

SCR 56 – By Coates of the Senate and Thompson of the House.

A Concurrent Resolution creating the Oklahoma Contractors Licensing Task Force; providing for purpose, composition, chair and vice-chair, meeting, report and staffing of task force.

SR 113 – By Rabon.

A Resolution honoring the heroism of Trooper Joe Standridge; commending him for receiving the 2005 Highway Users Federation Heroism Award; and directing distribution.

UNANIMOUS CONSENT REQUEST DIRECT TO CALENDAR

Senator Rabon asked unanimous consent to suspend Rule 5-4 and refer **SR 113** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SR 113 by Rabon was called up for consideration.

All other members of the Senate asked to coauthor **SR 113**, which was the order.

SR 113 was adopted upon motion of Senator Rabon and referred for enrollment.

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

Senator Shurden asked unanimous consent to suspend Rule 5-4 and refer **SR 112** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SR 112 by Shurden was called up for consideration.

All other members of the Senate asked to coauthor **SR 112**, which was the order.

SR 112 was adopted upon motion of Senator Shurden and referred for enrollment.

MESSAGES FROM THE HOUSE

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

- SB 266** - Perry, Thompson, Liotta, Nations, Plunk and Billy
- SB 1466** - Dorman, Steele, Cox, Peterson (Ron), Morgan (Danny) and Newport
- SB 1498** - Covey, Calvey, Rousselot, Liotta, DeWitt and Dank
- SB 1760** - Morgan (Danny), Blackwell, Turner, Trebilcock, Wilt and Case
- SB 1780** - Walker, Calvey, Rousselot, Nance, Adkins and Liotta
- SB 1807** - Sullivan, Blackwell, Turner, Askins, Nance and Trebilcock

Advising passage of and transmitting for consideration Engrossed **HCR 1072**.

HCR 1072 – By Hilliard, Adkins, Armes, Askins, Auffet, Balkman, Banz, Benge, Billy, Bingman, Blackburn, Blackwell, Braddock, Brannon, Brown, Calvey, Carey, Cargill, Case, Coody, Cooksey, Covey, Cox, Dank, DePue, DeWitt, Denney, Deutschendorf, Dorman, Duncan, Eddins, Ellis, Gilbert, Glenn, Hamilton, Harrison, Hastings, Hickman, Hiatt, Hilliard, Hyman, Ingmire, Jackson, Jett, Johnson, Jones, Kern, Kiesel, Lamons, Liebmann, Lindley, Liotta, Martin, Mass, McCarter, McDaniel, McMullen, McPeak, Miller (Doug), Miller (Ken), Miller (Ray), Morgan (Danny), Morgan (Fred), Morrisette, Nance, Nations, Newport, Perry, Peters, Peterson (Pam), Peterson (Ron), Piatt, Plunk, Pruett, Reynolds, Richardson, Roan, Roggow, Rousselot, Shelton, Sherrer, Shoemake, Shumate, Smaligo, Smithson, Staggs, Steele, Sullivan, Sweeden, Terrill, Thompson, Tibbs, Toure, Trebilcock, Turner, Walker, Wesselhoft, Wilt, Winchester, Worthen, Wright and Young of the House and Crutchfield of the Senate.

A Concurrent Resolution declaring June 3, 2006, as General Tommy Franks Day in Oklahoma; and directing distribution.

The above-numbered measure was read the first time.

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

Senator Johnson (Constance) asked unanimous consent to suspend Rule 5-4 and refer **SR 111** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SR 111 by Johnson (Constance) was called up for consideration.

All other members of the Senate asked to coauthor **SR 111**, which was the order.

SR 111 was adopted upon motion of Senator Johnson (Constance) and referred for enrollment.

INTRODUCTIONS

Senator Fisher introduced former Senators Don Rubottom and Carol Martin to the Senate.

PENDING CONSIDERATION OF HAS

HAs to **SB 1800** were rejected upon motion of Senator Fisher, conference requested, and Senate conferees to be named later.

PENDING CONSIDERATION OF HAS

HAs to **SB 1574** were concurred in upon motion of Senator Laughlin.

SB 1574, 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, Eason McIntyre, Fisher, Ford, Garrison, Harrison, Hobson, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Myers, Nichols, Paddock, Rabon, Reynolds, Riley, Schulz, Shurden, Wilcoxson, Williamson, Wilson and Wyrick.--43.

Excused: Easley, Gumm, Morgan, Pruitt and Taylor.--5.

The bill and emergency 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 **HB 2179** was ordered granted and the bill referred to **GCCA**.

EXECUTIVE NOMINATIONS

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

Barron, Randall, Bixby, to the Organ Donor Education and Awareness Program Advisory Council, to serve a four year term ending November 1, 2010, succeeding Shelley B. Koontz. (Health and Human Resources Committee) Motion to confirm made by Senator Riley.

Clark, Terry W., Tulsa, 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 Williamson.

Jakubovitz, James M., Owasso, 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 Brogdon.

McDonald, Bob, Norman, to the Board of Mental Health and Substance Abuse Services, to serve a seven year term ending December 31, 2012, succeeding Dorothy Logan. (Health and Human Resources Committee) Motion to confirm made by Senator Nichols.

Payne, Maurice W., D.O., Checotah, 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 Shurden.

Pfeifer, Nancy J., Tulsa, to the Oklahoma State Board of Examiners for Nursing Home Administrators, to serve a three year term ending July 1, 2009, succeeding herself. (Health and Human Resources Committee) Motion to confirm made by Senator Williamson.

Pfeifer, Nancy J., Tulsa, 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 Williamson.

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, Eason McIntyre, Fisher, Ford, Garrison, Harrison, Hobson, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Myers, Nichols, Paddack, Rabon, Reynolds, Riley, Schulz, Shurden, Wilcoxson, Williamson, Wilson and Wyrick.--44.

Excused: Gumm, Morgan, Pruitt and Taylor.--4.

UNANIMOUS CONSENT REQUEST DIRECT TO CALENDAR

Senator Leftwich asked unanimous consent to suspend Rule 5-4 and refer **HCR 1070** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

HCR 1070 by Morrissette et al of the House and Leftwich of the Senate was called up for consideration.

All other members of the Senate asked to coauthor **HCR 1070**, which was the order.

HCR 1070 was adopted upon motion of Senator Leftwich and properly signed and ordered returned to the Honorable House.

SCs NAMED

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

SB 1579 – Lamb, Garrison, Adelson

SB 1782 – Lerblance, Corn, Leftwich, Laster, Cain, Taylor, Barrington, Lamb, Nichols, Reynolds

SB 1807 – Lamb, Laster, Cain, Johnson (Constance)

HB 2984 – Shurden, Morgan, Fisher, Mazzei

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 Corn presiding.

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

MESSAGES FROM THE HOUSE

Advising changing of House conferees as follows:

HB 1539 – remove Peterson (Ron), Terrill, Newport, Tibbs, Lamons, Carey, Rousselot and add GCCA.

Advising fourth reading of and returning Enrolled **SBs 1058, 1460** and **1858**.

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

PENDING CONSIDERATION OF HAS

HAs to **SB 1479** were concurred in upon motion of Senator Wilson.

SB 1479, 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, Easley, Eason McIntyre, Fisher, Ford, Garrison, Harrison, Hobson, Johnson (C), Johnson (M), Jolley, Justice, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Schulz, Wilcoxson, Williamson, Wilson and Wyrick.--42.

Excused: Crutchfield, Gumm, Lamb, Morgan, Shurden and Taylor.--6.

The bill and emergency passed.

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

MESSAGE FROM THE HOUSE

Advising that the House has rescinded its signing and fourth reading of **HB 2796**, and requests that the Honorable Senate reconsider the vote whereby **HB 2796** passed on third reading, reconsider the vote whereby the bill was advanced and consider the bill further.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 756** was adopted upon motion of Senator Leftwich.

SB 756, as amended in conference, was read at length.

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

Aye: Adelson, Anderson, Barrington, Bass, Branan, Cain, Capps, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Harrison, Hobson, Johnson (C), Justice, Lamb, Laster, Lawler, Leftwich, Lerblance, Myers, Paddack, Rabon, Riley, Schulz, Shurden, Wilson and Wyrick.--34.

Nay: Aldridge, Brogdon, Johnson (M), Jolley, Laughlin, Mazzei, Nichols, Pruitt, Reynolds, Wilcoxson and Williamson.--11.

Excused: Gumm, Morgan and Taylor.--3.

The bill passed.

SB 756, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF HAS

HAs to **SB 1971** were concurred in upon motion of Senator Riley.

SB 1971, 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, Eason McIntyre, Fisher, Ford, Garrison, Harrison, Hobson, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin,

Lawler, Leftwich, Lerblance, Mazzei, Myers, Nichols, Paddack, Rabon, Reynolds, Riley, Schulz, Shurden, Wilcoxson, Williamson, Wilson and Wyrick.--44.

Nay: Pruitt.--1.

Excused: Gumm, Morgan and Taylor.--3.

The bill passed.

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

MOTION

Senator Fisher asked unanimous consent, which was granted, to suspend Senate Rule 16-1 as it pertains to **HB 2796**. Senator Fisher asked unanimous consent, which was granted, to rescind the signing of **HB 2796**.

FOURTH READING

Senator Fisher moved to reconsider the vote whereby **HB 2796** was advanced, which motion was declared adopted upon roll call as follows:

Aye: Adelson, Aldridge, Anderson, Barrington, Bass, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Harrison, Hobson, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Schulz, Shurden, Wilcoxson, Williamson, Wilson and Wyrick.--45.

Excused: Gumm, Morgan and Taylor.--3.

THIRD READING

Senator Fisher moved to reconsider the vote whereby **HB 2796** was advanced, which motion was declared adopted upon roll call as follows:

Aye: Adelson, Aldridge, Anderson, Barrington, Bass, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Harrison, Hobson, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Schulz, Shurden, Wilcoxson, Williamson, Wilson and Wyrick.--45.

Excused: Gumm, Morgan and Taylor.--3.

HB 2796 was placed on General Order.

PENDING CONSIDERATION OF HAS

HAs to SB 1095 were concurred in upon motion of Senator Coates.

SB 1095, 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, Eason McIntyre, Fisher, Ford, Garrison, Harrison, Hobson, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Schulz, Shurden, Wilcoxson, Williamson, Wilson and Wyrick.--45.

Excused: Gumm, Morgan and Taylor.--3.

The bill passed.

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

**MESSAGE FROM THE HOUSE
CONFERENCE COMMITTEE REPORTS**

Transmitting the following bills, together with conference committee reports thereon, advising adoption of conference committee reports and passage of measures as amended:

HB 2662

HB 2771

Conference committee reports were read on the above-numbered bills.

SCs NAMED

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

SB 926 – GCCA

SB 1498 – GCCA

SB 1752 – GCCA

SB 1760 – Riley, Corn, Leftwich, Laster, Cain, Taylor, Barrington, Lamb, Nichols, Reynolds

SB 1780 – GCCA

SB 1850 – Cain, Eason McIntyre, Lawler, Nichols

EXECUTIVE NOMINATION

The following executive nomination was read and referred to committee as indicated:

Gibson, Gwendolyn J., Oklahoma City, as a member of the State Board of Licensed Social Workers - Health and Human Resources

Senator Fisher moved that when the clerk's desk is clear, the Senate stand adjourned to convene Thursday, May 18, 2006, at 1:30 p.m., which motion prevailed.

CONFERENCE COMMITTEE REPORTS SUBMITTED

Conference committee reports were read on the following bills:

SB 1076

SB 1357

SB 1549

SB 1597

SB 1701

SB 1793

SB 1842

FIRST READING

The following was introduced and read the first time:

SR 114 – By Brogdon.

A Resolution encouraging Governor Brad Henry to refuse to enter into new tribal compacts that create a greater tax advantage or provide any rebates for tribal retailers; and directing distribution.

MESSAGE FROM THE GOVERNOR

Advising his approval May 17, 2006, of Enrolled **SBs 1091, 1219, 1624** and **1877**.

Pursuant to the Fisher motion, the Senate adjourned at 3:20 p.m. to meet Thursday, May 18, 2006, at 1:30 p.m.

JOURNAL CORRECTION

Page 1524, Lines 3 and 4 by deleting the language “**HB 1831**” and “**HB 1965**” and inserting in lieu thereof the language “**SB 1831**” and “**SB 1965**”.