

# Senate Journal

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

**Fifty-second Legislative Day, Monday, May 9, 2005**

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, Johnson, Jolley, Justice, Kerr, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Wilcoxson, Williamson, Wilson and Wyrick.—45.

Excused: Hobson, Monson and Taylor.—3.

Senator Corn declared a quorum present.

The prayer was offered by Reverend Jim Crain, Del City Church of Christ, Del City, the guest of Senator Aldridge.

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

**SCR 9** was correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

### **INTRODUCTIONS**

Senator Mazzei introduced his son, Caleb, and Senator Lamb introduced his son, Griffin, to the Senate.

**PENDING CONSIDERATION OF HAs**

**HAs** to **SB 473** were called up for consideration.

Senator Capps asked that **SB 473** be laid over temporarily, which was the order.

**SB 473** remains on pending consideration of **HAs**.

**PENDING CONSIDERATION OF HAs**

**HAs** to **SBs 7, 53, 54, 309, 311, 448, 507, 574, 575, 621, 635, 722, 727, 821** and **923** 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 1265, 1360, 1612, 1617, 1807, 1908** and **2047** was ordered granted and Senate conferees to be named later.

**FIRST READING**

The following was introduced and read the first time:

**SR 31** – By Anderson.

A Resolution commending the Dover High School Lady Longhorns basketball team for winning the 2005 Class B state championship; congratulating them for winning four state championships in the last five years; and directing distribution.

**UNANIMOUS CONSENT REQUEST  
DIRECT TO CALENDAR**

Senator Anderson asked unanimous consent to suspend Rule 5-4 and refer **SR 31** direct to the Calendar for consideration, which was the order.

**GENERAL ORDER**

**SR 31** by Anderson was called up for consideration.

All other members of the Senate asked to coauthor **SR 31**, which was the order.

**SR 31** was adopted upon motion of Senator Anderson and referred for enrollment.

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

**HAs to SB 473** were concurred in upon motion of Senator Capps.

**SB 473**, 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, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Johnson, Jolley, Justice, Kerr, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddock, Pruitt, Rabon, Reynolds, Riley, Shurden, Wilcoxson, Williamson, Wilson and Wyrick.--45.

Excused: Hobson, Monson and Taylor.--3.

The bill and emergency passed.

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

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

Advising the signing of and transmitting for signature Enrolled **HCR 1019**.

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 1304, 1453, 1747 and 1961**.

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

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

**HAs to SB 291** were concurred in upon motion of Senator Aldridge.

**SB 291**, 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, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Johnson, Jolley, Justice, Kerr, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Wilcoxson, Williamson, Wilson and Wyrick.--45.

Excused: Hobson, Monson and Taylor.--3.

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 349, 356, 545, 547, 554, 573, 640, 642, 705, 918, 929, 958 and 977** were rejected upon motion of Senator Fisher, conference requested, and Senate conferees to be named later.

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

**HAs to SB 518** were concurred in upon motion of Senator Wilcoxson.

Senator Brogdon asked to coauthor **SB 518**, which was the order.

**SB 518**, 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, Gumm, Harrison, Johnson, Jolley, Justice, Kerr, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Wilcoxson, Williamson, Wilson and Wyrick.--45.

Excused: Hobson, Monson and Taylor.--3.

The bill passed.

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

## **INTRODUCTIONS**

President Pro Tempore Morgan introduced his special guests, Anne and Jerry Hughes from Buckinghamshire, England, and their daughter, Gemma, to the Senate.

## **PENDING CONSIDERATION OF HAS**

**HAs to SB 714** were concurred in upon motion of Senator Aldridge.

**SB 714**, 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, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Johnson, Jolley, Justice, Kerr, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Wilcoxson, Williamson, Wilson and Wyrick.--45.

Excused: Hobson, Monson and Taylor.--3.

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 758** were concurred in upon motion of Senator Jolley.

**SB 758**, 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, Gumm, Harrison, Johnson, Jolley, Justice, Kerr, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Wilcoxson, Williamson, Wilson and Wyrick.--45.

Excused: Hobson, Monson and Taylor.--3.

The bill passed.

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

### **SCs NAMED**

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

**SB 448** – Morgan, Gumm, Coffee

### **PENDING CONSIDERATION OF HAS**

**HAs to SB 763** were concurred in upon motion of Senator Leftwich.

**SB 763**, 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, Anderson, Barrington, Bass, Cain, Capps, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Johnson, Justice, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Morgan, Myers, Nichols, Paddock, Rabon, Reynolds, Shurden, Wilson and Wyrick.--35.

Nay: Aldridge, Branan, Brogdon, Jolley, Lamb, Mazzei, Pruitt, Riley, Wilcoxson and Williamson.--10.

Excused: Hobson, Monson and Taylor.--3.

The bill passed.

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

### **PENDING CONSIDERATION OF HAS**

**HAs to SBs 569 and 927** were rejected upon motion of Senator Fisher, conference requested, and Senate conferees to be named later.

### **PENDING CONSIDERATION OF HAS**

**HAs to SB 440** were concurred in upon motion of Senator Myers.

**SB 440**, 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, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Johnson, Jolley, Justice, Kerr, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Wilcoxson, Williamson, Wilson and Wyrick.--45.

Excused: Hobson, Monson and Taylor.--3.

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 823** were called up for consideration.

Senator Wilson asked that **HB 823** be laid over for this legislative day, which was the order.

**HB 823** remains on pending consideration of **HAs**.

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

**HAs to SB 14** were concurred in upon motion of Senator Wyrick.

**SB 14**, 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, Anderson, Barrington, Bass, Cain, Capps, Coates, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Johnson, Kerr, Laster, Lawler, Leftwich, Lerblance, Morgan, Myers, Paddack, Rabon, Reynolds, Shurden, Wilson and Wyrick.--31.

Nay: Aldridge, Branan, Brogdon, Coffee, Jolley, Justice, Lamb, Laughlin, Mazzei, Nichols, Pruitt, Riley, Wilcoxson and Williamson.--14.

Excused: Hobson, Monson and Taylor.--3.

The bill passed.

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

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

**HAs to SB 830** were concurred in upon motion of Senator Leftwich.

**SB 830**, 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, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Johnson, Jolley, Justice, Kerr, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Wilcoxson, Williamson, Wilson and Wyrick.--45.

Excused: Hobson, Monson and Taylor.--3.

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 725** were concurred in upon motion of Senator Aldridge.

Senator Rabon asked to coauthor **SB 725**, which was the order.

**SB 725**, 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, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Johnson, Jolley, Justice, Kerr, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Wilcoxson, Williamson, Wilson and Wyrick.--45.

Excused: Hobson, Monson and Taylor.--3.

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 484** were concurred in upon motion of Senator Lawler.

**SB 484**, 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, Anderson, Barrington, Bass, Brogdon, Capps, Coffee, Corn, Crutchfield, Easley, Eason McIntyre, Fisher, Garrison, Gumm, Harrison, Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Morgan, Myers, Paddack, Wilson and Wyrick.--28.

Nay: Aldridge, Branan, Cain, Coates, Crain, Ford, Johnson, Jolley, Kerr, Nichols, Pruitt, Rabon, Reynolds, Riley, Shurden, Wilcoxson and Williamson.--17.

Excused: Hobson, Monson and Taylor.--3.

The bill passed.

Senators Jolley, Johnson, Cain, Crain and Rabon desired to vote Aye on the emergency.

On the question of passage of the emergency, the vote resulted as follows: Aye: 33; Nay: 12; Excused: 3.

The emergency passed.

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

### **MESSAGES FROM THE HOUSE**

Advising the signing of and returning Enrolled **SCR 9**.

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

Advising concurrence in **SAs** to and passage of Engrossed **HBs 1273, 1334 and 1656**.

**EXECUTIVE NOMINATIONS**

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

Abbott, Rodney Lee, Broken Arrow, as a member of the Highway Construction Material Technician Certification Board - Transportation

Burton, Robert C., Oklahoma City, as a member of the Highway Construction Material Technician Certification Board - Transportation

Chace, Jeffrey Wade, Oklahoma City, as a member of the State Board of Licensed Social Workers - Health and Human Resources

Cornelison, Deborah Kay, Ada, as a member of the State Textbook Committee - Education

Dunlap, Thomas F., Ardmore, as a member of the Commission on Marginally Producing Oil and Gas Wells - Energy and Environment

Evans, Gary A., Tulsa, as a member of the Highway Construction Material Technician Certification Board - Transportation

Howe, David, Clinton, as a member of the Oklahoma Motor Vehicle Commission - Business and Labor

King, Jeanette, Oklahoma City, as a member of the Organ Donor Education and Awareness Program Advisory Council - Health and Human Resources

Knowles, Kenneth K., Arnett, as a member of the Oklahoma Water Resources Board - Energy and Environment

Lempicki, Antoinette "Toni", Tulsa, as a member of the State Board of Licensed Social Workers - Health and Human Resources

Major, Brian Lee, Oklahoma City, as a member of the Oklahoma Board of Private Vocational Schools - Education

Mercer, Catherine J., Oklahoma City, as a member of the Organ Donor Education and Awareness Program Advisory Council - Health and Human Resources

Moore, David K., Duncan, as a member of the Commission on Marginally Producing Oil and Gas Wells - Energy and Environment

Schaefer, Ronald D., Ph.D., Tahlequah, as a member of the Board of Examiners for Speech-Language Pathology and Audiology - Health and Human Resources

Seiter, J. Scott, Edmond, as a member of the Highway Construction Material Technician Certification Board - Transportation

Smith, Lynn, Enid, as a member of the Board of Regents of the Northern Oklahoma College - Education

Stewart, Jack, Yukon, as a member of the Highway Construction Material Technician Certification Board - Transportation

Stone, Wanda, Newkirk, as a member of the Oklahoma Indian Affairs Commission - Health and Human Resources

Toney, Reynolds H., Oklahoma City, as a member of the Highway Construction Material Technician Certification Board - Transportation

Senator Fisher moved that when the clerk's desk is clear, the Senate stand adjourned to convene Tuesday, May 10, 2005, at 10:00 a.m., which motion prevailed.

Pursuant to the Fisher motion, the Senate adjourned at 3:00 p.m. to meet Tuesday, May 10, 2005, at 10:00 a.m.