

# Senate Journal

## Second Regular Session of the Fiftieth Legislature of the State of Oklahoma Sixth Legislative Day, Tuesday, February 14, 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 David Player, First United Methodist Church, Altus, the guest of Senator Fisher.

### REPORT OF ENGROSSED AND ENROLLED MEASURE

**SB 1020** was correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

### UNANIMOUS CONSENT REQUEST DIRECT TO CALENDAR

Senator Myers asked unanimous consent to suspend Rule 5-4 and refer **SCR 39** direct to the Calendar for consideration, which was the order.

**GENERAL ORDER**

**SCR 39** by Myers et al of the Senate and Newport of the House was called up for consideration.

**SCR 39** was adopted upon motion of Senator Myers and referred for engrossment.

**GENERAL ORDER**

**SB 1047** by Lawler of the Senate and Hilliard of the House was called up for consideration.

Senator Lawler moved that **SB 1047** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 1047** 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, Barrington, Bass, Branam, 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, Rabon, Reynolds, Riley, Shurden, Taylor, Wilcoxson, Williamson, Wilson and Wyrick.--46.

Excused: Pruitt.--1.

Vacancy: District 38.--1.

The bill passed.

**SB 1047** was referred for engrossment.

**GENERAL ORDER**

**SB 1431** by Branam of the Senate and Calvey of the House was called up for consideration.

Senator Branam moved that **SB 1431** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 1431** 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, 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, Rabon, Reynolds, Riley, Shurden, Taylor, Wilcoxson, Williamson, Wilson and Wyrick.--46.

Excused: Pruitt.--1.

Vacancy: District 38.--1.

The bill passed.

**SB 1431** was referred for engrossment.

**GENERAL ORDER**

**SB 1509** by Coffee of the Senate and Adkins of the House was called up for consideration.

Senator Coffee moved that **SB 1509** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 1509** 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, 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, Rabon, Reynolds, Riley, Shurden, Taylor, Wilcoxson, Williamson, Wilson and Wyrick.--46.

Excused: Pruitt.--1.

Vacancy: District 38.--1.

The bill passed.

**SB 1509** was referred for engrossment.

### **GENERAL ORDER**

**SB 1716** by Nichols of the Senate and Morgan (Fred) of the House was called up for consideration.

Senator Nichols moved that **SB 1716** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 1716** 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, 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, Rabon, Reynolds, Riley, Shurden, Taylor, Wilcoxson, Williamson, Wilson and Wyrick.--46.

Excused: Pruitt.--1.

Vacancy: District 38.--1.

The bill and emergency passed.

**SB 1716** was referred for engrossment.

**Senator Taylor presiding.**

### **MESSAGE FROM THE HOUSE**

Advising naming of House conferees on **HB 1967**: Perry, Thompson, Jett, Pruett, Covey, Liotta.

### **GENERAL ORDER**

**SB 1460** by Wyrick of the Senate and DeWitt of the House was called up for consideration.

Senator Wyrick moved that **SB 1460** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 1460** 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, Barrington, 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, Taylor, Wilcoxson, Williamson, Wilson and Wyrick.--46.

Excused: Coffee.--1.

Vacancy: District 38.--1.

The bill and emergency passed.

**SB 1460** was referred for engrossment.

### **GENERAL ORDER**

**SB 1706** by Shurden of the Senate and Miller (Ray) of the House was called up for consideration.

Representative Turner asked to coauthor **SB 1706**, which was the order.

Senator Shurden moved that **SB 1706** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 1706** 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, Barrington, 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, Taylor, Wilcoxson, Williamson, Wilson and Wyrick.--46.

Excused: Coffee.--1.

Vacancy: District 38.--1.

The bill and emergency passed.

**SB 1706** was referred for engrossment.

### **PENDING CONSIDERATION OF CCR**

The **CCR** on **HB 1619** was adopted upon motion of Senator Leftwich.

Senator Lawler asked to coauthor **HB 1619**, which was the order.

**HB 1619**, as amended in conference, was read at length.

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

Aye: Adelson, Aldridge, Anderson, Barrington, Bass, Branan, 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, Rabon, Riley, Shurden, Taylor, Wilcoxson, Wilson and Wyrick.--42.

Nay: Brogdon, Pruitt, Reynolds and Williamson.--4.

Excused: Coffee.--1.

Vacancy: District 38.--1.

The bill passed.

**HB 1619**, together with the conference committee report thereon, was ordered returned to the Honorable House.

### **GENERAL ORDER**

**SB 1293** by Crutchfield of the Senate and DeWitt of the House was called up for consideration.

Senator Crutchfield moved that **SB 1293** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 1293** 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, Barrington, 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, Taylor, Wilcoxson, Williamson, Wilson and Wyrick.--46.

Excused: Coffee.--1.

Vacancy: District 38.--1.

The bill and emergency passed.

**SB 1293** was referred for engrossment.

### **INTRODUCTION**

Senator Barrington introduced his wife, Jennifer, to the Senate.

### **GENERAL ORDER**

**SB 1065** by Gumm of the Senate and Perry of the House was called up for consideration.

Senator Gumm moved that **SB 1065** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 1065** 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, Barrington, 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, Taylor, Wilcoxson, Williamson, Wilson and Wyrick.--46.

Excused: Coffee.--1.

Vacancy: District 38.--1.

The bill passed.

**SB 1065** was referred for engrossment.

### **GENERAL ORDER**

**SB 1456** by Bass of the Senate and Covey of the House was called up for consideration.

Senator Bass moved that **SB 1456** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 1456** 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, Barrington, 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, Taylor, Wilcoxson, Williamson, Wilson and Wyrick.--46.

Excused: Coffee.--1.

Vacancy: District 38.--1.

The bill passed.

**SB 1456** was referred for engrossment.

### **GENERAL ORDER**

**SB 1086** by Gumm of the Senate and Carey of the House was called up for consideration.

Senator Gumm moved that **SB 1086** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 1086** 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, 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.

The bill passed.

**SB 1086** was referred for engrossment.

**GENERAL ORDER**

**SB 1671** by Branan of the Senate and Calvey of the House was called up for consideration.

Senator Branan moved that **SB 1671** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 1671** 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, 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.

The bill passed.

**SB 1671** was referred for engrossment.

**GENERAL ORDER**

**SB 1470** by Cain of the Senate and Dank of the House was called up for consideration.

Senator Cain moved that **SB 1470** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 1470** 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, 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.

The bill passed.

**SB 1470** was referred for engrossment.

**GENERAL ORDER**

**SB 1306** by Gumm of the Senate and Carey of the House was called up for consideration.

Senator Gumm moved that **SB 1306** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 1306** was read for the third time at length.

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

Aye: 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.--46.

Excused: Adelson.--1.

Vacancy: District 38.--1.

The bill passed.

**SB 1306** was referred for engrossment.

### **CHANGE IN COMMITTEE ASSIGNMENTS**

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

**SB 825** – withdrawn from Rules Committee and referred to Appropriations.

**SB 1759** – withdrawn from Rules Committee and referred to Appropriations.

### **EXECUTIVE NOMINATIONS**

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

Averill, David, Tulsa, as a member of the Oklahoma Music Hall of Fame Board - Tourism and Wildlife

Baldwin, Alfred, Jr., Enid, as a member of the State Board of Health - Health and Human Resources

Barnes, Sherrie L., Sand Springs, as a member of the Board of Trustees of the Teachers' Retirement System of Oklahoma - Retirement

Bouton, Joe, Ardmore, as a member of the Oklahoma Science and Technology Research and Development Board - Aerospace, Communications and Technology

Cullison, Johnny B., Shawnee, as a member of the Committee of Home Inspector Examiners - Business and Labor

Dow, Jerrold A., Tulsa, as a member of the Oklahoma Tourism and Recreation Commission - Tourism and Wildlife

Gault, Jeannie K., Elgin, as a member of the Oklahoma State Board of Examiners for Nursing Home Administrators - Health and Human Resources

Hernandez, Elvia, Guymon, as a member of the Oklahoma Human Rights Commission - Health and Human Resources

Huddleston, Kevin, Lexington, as a member of the Oklahoma Liquefied Petroleum Gas Board - Energy and Environment

Jackson, Charles F., Tulsa, as a member of the Board of Juvenile Affairs - Health and Human Resources

Jones, Dan C., Kaw City, as a member of the Oklahoma Indian Affairs Commission - Health and Human Resources

Jordan, Emma June, Alva, as a member of the Oklahoma State Board of Examiners for Nursing Home Administrators - Health and Human Resources

Karns, Mary Ann, Edmond, as a member of the Oklahoma State Board of Examiners for Nursing Home Administrators - Health and Human Resources

O'Conner, J.T., Jr., M.D., Marietta, as a member of the Oklahoma State Board of Examiners for Nursing Home Administrators - Health and Human Resources

Payne, Maurice W., D.O., Checotah, as a member of the Oklahoma State Board of Examiners for Nursing Home Administrators - Health and Human Resources

Pfeifer, Nancy J., Tulsa, as a member of the Oklahoma State Board of Examiners for Nursing Home Administrators - Health and Human Resources

Schluneger, M. Rita, Tulsa, as a member of the Oklahoma State Board of Examiners for Nursing Home Administrators - Health and Human Resources

Sirmons, Karl Linton, Enid, as a member of the Highway Construction Materials Technician Certification Board - Transportation

Stratton, Michael, D.O., Muskogee, as a member of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control Commission - Judiciary

Turner, Deacon, Tulsa, as a member of the Will Rogers Memorial Commission - Tourism and Wildlife

Warren, John-Kelly, Tulsa, as a member of the Oklahoma Science and Technology Research and Development Board - Aerospace, Communications and Technology

Weaver, Billy R., Oklahoma City, as a member of the Oklahoma State Board of Examiners for Nursing Home Administrators - Health and Human Resources

Senator Fisher moved that when the clerk's desk is clear, the Senate stand adjourned to convene Wednesday, February 15, 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 1088** – Veterans and Military Affairs, coauthored by Easley, Gumm, Leftwich of the Senate, and coauthored by Coody (principal House author)

**SB 1095** – Business and Labor, coauthored by Leftwich of the Senate, and coauthored by Liebmann (principal House author)

**SB 1333** – Veterans and Military Affairs, coauthored by Leftwich of the Senate, and coauthored by Kern (principal House author)

**SB 1335** – Public Safety and Homeland Security, coauthored by Nance (principal House author)

**SB 1361** – Veterans and Military Affairs, coauthored by Easley, Gumm of the Senate, and coauthored by Terrill (principal House author)

**SB 1476** – Judiciary, coauthored by Banz (principal House author)

**SB 1503** – Judiciary, coauthored by Morgan (Fred) (principal House author)

**SB 1640** – Health and Human Resources, coauthored by Balkman (principal House author)

**SB 1929** – Public Safety and Homeland Security, coauthored by Newport (principal House author)

DO PASS, As Amended:

**CS for SB 1297** – Business and Labor

**CS for SB 1422** – Public Safety and Homeland Security, coauthored by Glenn (principal House author)

**CS for SB 1505** – Veterans and Military Affairs, coauthored by Easley, Gumm of the Senate, and coauthored by Wesselhoft (principal House author)

**SB 1521** – Public Safety and Homeland Security, coauthored by Nance (principal House author)

**SB 1542** – Public Safety and Homeland Security, coauthored by Nance (principal House author)

**SB 1552** – Business and Labor, coauthored by Armes (principal House author)

**SB 1701** – Business and Labor, coauthored by Case (principal House author)

**SB 1731** – Health and Human Resources, coauthored by Balkman (principal House author)

**SB 1869** – Business and Labor, coauthored by Leftwich of the Senate, and coauthored by Morgan (Danny) (principal House author), and coauthored by Cooksey of the House

Pursuant to the Fisher motion, the Senate adjourned at 2:15 p.m. to meet Wednesday, February 15, 2006, at 1:30 p.m.