

# 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.