

# Senate Journal

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

**Forty-seventh Legislative Day, Wednesday, May 3, 2006**

The Senate was called to order by Senator Rabon.

Roll Call:

Present: Adelson, Aldridge, Anderson, Barrington, Bass, Branan, Brogdon, Cain, Capps, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, 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.—45.

Excused: Coates and Hobson.—2.

Vacancy: District 38.—1.

Senator Rabon 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**

**SBs 1296, 1491 and 1707** were each correctly enrolled and after fourth reading, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

**SRs 90, 94 and 100** were each correctly enrolled, properly signed and ordered transmitted to the Secretary of State.

**CONFERENCE COMMITTEE APPOINTMENTS - GCCA**

President Pro Tempore Morgan announced the appointment of the following Senators as conferees on the General Conference Committee on Appropriations and GCCA Subcommittees.

**GENERAL CONFERENCE COMMITTEE ON APPROPRIATIONS**

Crutchfield, Chair

Rabon, Vice Chair

Adelson	Jolley
Aldridge	Justice
Anderson	Lamb
Barrington	Laster
Bass	Laughlin
Branan	Lawler
Brogdon	Leftwich
Cain	Lerblance
Capps	Mazzei
Coates	Myers
Corn	Nichols
Crain	Paddack
Easley	Pruitt
Eason McIntyre	Reynolds
Ford	Riley
Garrison	Shurden
Gumm	Taylor
Harrison	Wilcoxson
Hobson	Williamson
Johnson, Connie	Wilson
Johnson, Mike	Wyrick

**GCCA SUBCOMMITTEES**

Senator Crutchfield and Senator Rabon are ex officio members of all subcommittees.

**EDUCATION**

Taylor, Chair  
Lawler, Vice Chair

Aldridge	Hobson
Bass	Jolley
Brogdon	Paddack
Easley	Wilcoxson
Garrison	Williamson

**GENERAL GOVERNMENT and TRANSPORTATION**

Shurden, Chair  
Gumm, Vice Chair

Capps	Laughlin
Coates	Pruitt

**HEALTH and  
SOCIAL SERVICES**

Adelson, Chair  
Johnson (Connie), Vice Chair

Justice	Riley
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**HUMAN SERVICES**

Cain, Chair  
Anderson, Vice Chair

Crain	Eason McIntyre
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**NATURAL RESOURCES and  
REGULATORY SERVICES**

Rabon, Chair  
Bass, Vice Chair

Branan	Mazzei
Ford	Myers
Harrison	Wilson
Johnson	Wyrick

**PUBLIC SAFETY and JUDICIARY**

Corn, Chair  
Leftwich, Vice Chair

Barrington	Lerblance
Lamb	Nichols
Laster	Reynolds

The President Pro Tempore and Majority Floor Leader are ex officio and voting members of all Senate committees.

**PENDING SENATE ACTION  
HOUSE REQUEST FOR CONFERENCE**

Upon motion of Senator Fisher, the request of the Honorable House for conference on **HBs 1268, 1539, 1558, 1967, 2165, 2516, 2552, 2554, 2589, 2655, 2844, 2882, 2906, 2955, 2960, 2999 and 3115** and **HJR 1010** was ordered granted and bills referred to GCCA.

**PENDING SENATE ACTION  
HOUSE REQUEST FOR CONFERENCE**

Upon motion of Senator Fisher, the request of the Honorable House for conference on the following bills was ordered granted and Senate conferees appointed as follows:

**HB 2653** – Fisher, GCCA  
**HJR 1042** – Fisher, GCCA

**CHANGE IN CONFEREES**

Advising change in Senate conferees as follows:

**HB 2517** – remove Coates and add Crain, Riley and Adelson.

**PENDING CONSIDERATION OF HAS**

**HAs** to **SB 1467** were concurred in upon motion of Senator Paddack.

**SB 1467**, 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, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Wilcoxson, Williamson, Wilson and Wyrick.--43.

Excused: Coates, Hobson, Morgan and Taylor.--4.

Vacancy: District 38.--1.

The bill passed.

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

**Senator Corn presiding.**

**UNANIMOUS CONSENT REQUEST  
DIRECT TO CALENDAR**

Senator Jolley asked unanimous consent to suspend Rule 5-4 and refer **SR 86** direct to the Calendar for consideration, which was the order.

**GENERAL ORDER**

**SR 86** by Jolley was called up for consideration.

All other members of the Senate asked to coauthor **SR 86**, which was the order.

**SR 86** was adopted upon motion of Senator Jolley and referred for enrollment.

### **FIRST READING**

The following was introduced and read the first time:

**SR 102** – By Garrison.

A Resolution requesting the Governor of the State of Oklahoma to support Oklahoma as a Total Energy State; and directing distribution.

### **UNANIMOUS CONSENT REQUEST DIRECT TO CALENDAR**

Senator Garrison asked unanimous consent to suspend Rule 5-4 and refer **SR 102** direct to the Calendar for consideration, which was the order.

### **GENERAL ORDER**

**SR 102** by Garrison was called up for consideration.

All other members of the Senate asked to coauthor **SR 102**, which was the order.

**SR 102** was adopted upon motion of Senator Garrison and referred for enrollment.

### **PENDING CONSIDERATION OF HAS**

**HAs** to **SB 1594** were concurred in upon motion of Senator Laster.

**SB 1594**, 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, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Wilcoxson, Williamson, Wilson and Wyrick.--43.

Excused: Coates, Hobson, Morgan and Taylor.--4.

Vacancy: District 38.--1.

The bill and emergency passed.

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

#### **MESSAGE FROM THE HOUSE**

Advising fourth reading of and transmitting for signature Enrolled **HBs 2125, 2147, 2355, 2366, 2425, 2480, 2598, 2603** and **2646**.

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

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

Upon motion of Senator Fisher, the request of the Honorable House for conference on **HB 2083** was ordered granted and Senate conferees to be named later.

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

**HAs** to **SB 806** were concurred in upon motion of Senator Shurden.

Senator Johnson (Constance) asked to coauthor **SB 806**, which was the order.

**SB 806**, 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, Cain, Capps, Crutchfield, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Johnson (C), Johnson (M), Jolley, Justice, Laster, Leftwich, Lerblance, Morgan, Paddack, Rabon, Reynolds, Riley, Shurden, Wilson and Wyrick.--29.

Nay: Branan, Brogdon, Coffee, Corn, Crain, Easley, Lamb, Laughlin, Lawler, Mazzei, Myers, Nichols, Pruitt, Wilcoxson and Williamson.--15.

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

Vacancy: District 38.--1.

The bill passed.

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

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

**HAs to SBs 1167, 1337, 1346, 1394, 1426, 1435, 1492, 1493, 1496, 1497, 1581, 1606, 1655, 1686, 1816, 1910 and 1942** were rejected upon motion of Senator Fisher, conference requested, and Senate conferees to be named later.

#### **EXECUTIVE NOMINATIONS**

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

Cochran, Rhonda Y., Tahlequah, to the Oklahoma Board of Licensed Alcohol and Drug Counselors, to serve an unexpired term ending July 1, 2007, succeeding Timothy Flanagan. (Health and Human Resources Committee) Motion to confirm made by Senator Wilson.

Gault, Jeannie K., Elgin, 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 Barrington.

Gault, Jeannie K., Elgin, 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 Barrington.

Jones, Dan C., Kaw City, to the Oklahoma Indian Affairs Commission, to serve a three year term ending August 15, 2009, succeeding himself. (Health and Human Resources Committee) Motion to confirm made by Senator Harrison.

Jones, Dan C., Kaw City, to the Oklahoma Indian Affairs Commission, to serve an unexpired term ending August 15, 2006, succeeding Bennett Arkeketa. (Health and Human Resources Committee) Motion to confirm made by Senator Harrison.

O'Conner, J.T., Jr., D.O., Marietta, 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 Crutchfield.

Wiebener, Peggy Elaine, Thomas, 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 Cain upon request of Senator Morgan.

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, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, 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, Wilson and Wyrick.--43.

Excused: Coates, Coffee, Hobson and Taylor.--4.

Vacancy: District 38.--1.

### **EXECUTIVE NOMINATION**

The following executive nomination has been approved by the committee named:

McArtor, Keith Overton, Tulsa, 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 Adelson.

Motion to confirm the above named executive nomination was declared adopted upon roll call as follows:

Aye: Adelson, Aldridge, Anderson, Barrington, Bass, Branan, Brogdon, Cain, Capps, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Pruitt, Reynolds, Riley, Shurden, Wilcoxson, Williamson, Wilson and Wyrick.--43.

Excused: Coates, Hobson, Rabon and Taylor.--4.

Vacancy: District 38.--1.

### **PENDING CONSIDERATION OF HAS**

**HAs to SB 1795** were called up for consideration.

Senator Paddack asked that **SB 1795** be laid over for this legislative day, which was the order.

**SB1795** remains on pending consideration of House amendments.

**REPORT OF ENGROSSED AND ENROLLED MEASURE**

**SB 1037** was correctly enrolled and after fourth reading, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

**MESSAGE FROM THE HOUSE**

Advising fourth reading of and returning Enrolled **SBs 1296, 1491** and **1707**.

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

**PENDING CONSIDERATION OF HAS**

**HAs** to **SB 1756** were concurred in upon motion of Senator Riley.

**SB 1756**, 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, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Reynolds, Riley, Shurden, Wilcoxson, Williamson, Wilson and Wyrick.--42.

Excused: Coates, Hobson, Pruitt, Rabon and Taylor.--5.

Vacancy: District 38.--1.

The bill and emergency passed.

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

**MESSAGES FROM THE HOUSE**

Advising fourth reading of and returning Enrolled **SB 1037**.

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

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

**HB 2699**  
**HB 2762**  
**HB 2905**  
**HB 2909**  
**HB 2982**

Advising concurrence in **SAs** to and passage of Engrossed **HBs 2411, 2513, 2561, 2592, 2621, 2660 and 2895.**

Advising passage of and returning the following Engrossed measure:

**SCR 46**

The above-numbered measure was referred for enrollment.

## **EXECUTIVE NOMINATIONS**

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

Bryant, Keith, Oklahoma City, as a member of the State Fire Marshal Commission - General Government

Cordova, Pedro "Pete", Oklahoma City, as a member of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control Commission - Judiciary

Drummond, F. Ford, Bartlesville, as a member of the Oklahoma Water Resources Board - Energy and Environment

Enyart, Charles Dwayne, Vinita, as a member of the Oklahoma Indian Affairs Commission - Health and Human Resources

Hanstein, Mark T., D.D.S, Oklahoma City, as a member of the Oklahoma Professional Boxing Commission - Business and Labor

Johnson, John E., Mustang, as a member of the Capitol-Medical Center Improvement and Zoning Commission - General Government

Jones, John Selden, Lawton, as a member of the Committee of Home Inspector Examiners - Business and Labor

Longacre, John T., IV, Kellyville, as a member of the Oklahoma Used Motor Vehicle and Parts Commission - Business and Labor

Shook, Dennis N., Coweta, as a member of the Oklahoma Indigent Defense System Board - Judiciary

Tippie, Martin Alan, M.D., Norman, as a member of the Oklahoma Professional Boxing Commission - Business and Labor

Upham, Steadman, Tulsa, as a member of the Oklahoma Science and Technology Research and Development Board - Aerospace, Communications and Technology

Senator Fisher moved that when the clerk's desk is clear, the Senate stand adjourned to convene Thursday, May 4, 2006, at 9:00 a.m., which motion prevailed.

#### **FIRST READING**

The following was introduced and read the first time:

**SR 103** – By Johnson (Mike).

A Resolution congratulating Dr. Steven Drabek upon receiving the 2006 T.J. Lowrey Humanitarian Award; praising his compassion for his patients; and directing distribution.

Pursuant to the Fisher motion, the Senate adjourned at 2:30 p.m. to meet Thursday, May 4, 2006, at 9:00 a.m.