

Senate Journal

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

Forty-ninth Legislative Day, Monday, May 8, 2006

The Senate was called to order by Senator Gumm.

Roll Call:

Present: Adelson, Aldridge, Anderson, Barrington, Bass, Brogdon, Cain, Capps, Coates, Corn, 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.—43.

Excused: Branan, Coffee, Crain and Hobson.—4.

Vacancy: District 38.—1.

Senator Gumm declared a quorum present.

The prayer was offered by Reverend Michel Seabaugh, First Baptist Church, Ponca City, the guest of Senator Myers.

REPORT OF ENGROSSED AND ENROLLED MEASURE

SR 92 was correctly enrolled, properly signed and ordered transmitted to the Secretary of State.

MESSAGE FROM THE HOUSE CONFERENCE COMMITTEE APPOINTMENTS - GCCA

On May 8, 2006, the Speaker announced the following Representatives as members of the General Conference Committee on Appropriations and of GCCA subcommittees:

GENERAL CONFERENCE COMMITTEE ON APPROPRIATIONS

Benge, Chair
Newport, Vice-Chair

Balkman	Nations
Blackburn	Peters
Braddock	Roggow
Carey	Smaligo
Cargill	Sullivan
Eddins	Toure
Jones	Trebilcock
Liotta	Walker
McCarter	

GCCA SUBCOMMITTEES**EDUCATION**

Jones, Chair
Kern, Vice-Chair

Brannon	McCarter
Dank	Nations
Denney	Peterson (Pam)
Deutschendorf	Shumate
Ingmire	

**GENERAL GOVERNMENT and
TRANSPORTATION**

Liotta, Chair
Jett, Vice-Chair

Bingman	Plunk
Dorman	Rousselot
Liebmann	

HEALTH and SOCIAL SERVICES

Balkman, Chair
Cooksey, Vice-Chair

Brown	Ellis
Cox	Tibbs
Eddins	

HUMAN SERVICES

Peters, Chair
Billy, Vice-Chair

Carey	Jackson
Hamilton	Steele
Hilliard	

**NATURAL RESOURCES and
REGULATORY SERVICES**

Roggow, Chair
Duncan, Vice-Chair

Adkins	Peterson (Ron)
Covey	Shoemake
DeWitt	Walker
Glenn	Wilt
Morgan (Danny)	

**PUBLIC SAFETY and
JUDICIARY**

Trebilcock, Chair
Johnson, Vice-Chair

Askins	Nance
Blackwell	Roan
Calvey	Smithson
Lamons	Turner
Morgan (Fred)	

SELECT AGENCIES

Smaligo, Chair
 Martin, Vice-Chair

Auffet	Staggs
Kiesel	Young
Piatt	

Speaker Hiatt and Speaker Pro Tempore Winchester are ex officio voting members of the General Conference Committee on Appropriations and the subcommittees.

PENDING CONSIDERATION OF HAS

HAs to SBs 1073, 1401, 1613, 1676, 1709, 1717, 1748, 1827, 1909, 1917, 1938, 1951 and 1964 and SJR 43 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 1313, 2618, 2690, 2766, 2809 and 3024 and HJR 1035** was ordered granted and Senate conferees to be named later.

PENDING CONSIDERATION OF HAS

HAs to SB 1074 were concurred in upon motion of Senator Corn.

Representative Kiesel asked to coauthor **SB 1074**, which was the order.

SB 1074, 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, Brogdon, Cain, Capps, Corn, Crutchfield, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Morgan, Myers, Paddack, Rabon, Reynolds, Riley, Shurden, Taylor, Wilcoxson, Wilson and Wyrick.--38.

Excused: Branan, Coates, Coffee, Crain, Easley, Hobson, Nichols, Pruitt and Williamson.--9.

Vacancy: District 38.--1.

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 1539 were concurred in upon motion of Senator Leftwich.

SB 1539, 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, Brogdon, Cain, Capps, Corn, Crutchfield, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Morgan, Myers, Paddack, Rabon, Reynolds, Riley, Shurden, Taylor, Wilcoxson, Wilson and Wyrick.--38.

Excused: Branan, Coates, Coffee, Crain, Easley, Hobson, Nichols, Pruitt and Williamson.--9.

Vacancy: District 38.--1.

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 1293 were concurred in upon motion of Senator Crutchfield.

SB 1293, 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, Brogdon, Cain, Capps, Coates, Corn, Crutchfield, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Johnson (C),

Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Morgan, Myers, Paddack, Rabon, Reynolds, Riley, Shurden, Taylor, Wilcoxson, Wilson and Wyrick.--39.

Excused: Branan, Coffee, Crain, Easley, Hobson, Nichols, Pruitt and Williamson.--8.

Vacancy: District 38.--1.

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 1361 were concurred in upon motion of Senator Leftwich.

Senators Garrison and Eason McIntyre asked to coauthor **SB 1361**, which was the order.

SB 1361, 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, Brogdon, Cain, Capps, Coates, Corn, Crutchfield, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Morgan, Myers, Paddack, Rabon, Reynolds, Riley, Shurden, Taylor, Wilcoxson, Wilson and Wyrick.--39.

Excused: Branan, Coffee, Crain, Easley, Hobson, Nichols, Pruitt and Williamson.--8.

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 SB 1333 were concurred in upon motion of Senator Reynolds.

SB 1333, 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, Brogdon, Cain, Capps, Coates, Corn, Crutchfield, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Morgan, Myers, Paddack, Rabon, Reynolds, Riley, Shurden, Taylor, Wilcoxson, Wilson and Wyrick.--39.

Excused: Branan, Coffee, Crain, Easley, Hobson, Nichols, Pruitt and Williamson.--8.

Vacancy: District 38.--1.

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 1390 were concurred in upon motion of Senator Leftwich.

Senator Garrison asked to coauthor **SB 1390**, which was the order.

SB 1390, 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, Brogdon, Cain, Capps, Coates, Corn, Crutchfield, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Morgan, Myers, Paddack, Rabon, Reynolds, Riley, Shurden, Taylor, Wilcoxson, Wilson and Wyrick.--39.

Excused: Branan, Coffee, Crain, Easley, Hobson, Nichols, Pruitt and Williamson.--8.

Vacancy: District 38.--1.

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 1089 were concurred in upon motion of Senator Wilcoxson.

SB 1089, 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, Brogdon, Cain, Capps, Coates, Corn, Crutchfield, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Morgan, Myers, Paddack, Rabon, Reynolds, Riley, Shurden, Taylor, Wilcoxson, Wilson and Wyrick.--38.

Nay: Bass.--1.

Excused: Branan, Coffee, Crain, Easley, Hobson, Nichols, Pruitt and Williamson.--8.

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: 39; Excused: 8; Vacancy: 1.

The emergency passed.

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

PENDING CONSIDERATION OF HAS

HAs to SB 1867 were concurred in upon motion of Senator Corn.

SB 1867, 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, Brogdon, Cain, Capps, Coates, Corn, Crutchfield, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Morgan, Myers, Paddack, Rabon, Reynolds, Riley, Shurden, Taylor, Wilcoxson,

Williamson, Wilson and Wyrick.--40.

Excused: Branan, Coffee, Crain, Easley, Hobson, Nichols and Pruitt.--7.

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 1101, 1103, 1105, 1107, 1109, 1111, 1113, 1115, 1117, 1119, 1121, 1123, 1125, 1127, 1129, 1133, 1135, 1137, 1139, 1141, 1143, 1145, 1147, 1149, 1151, 1153, 1155, 1157, 1159, 1161, 1163, 1165, 1169, 1171, 1173, 1175, 1177, 1179, 1181, 1183, 1185, 1187, 1189, 1191, 1195, 1197, 1199, 1201, 1203, 1205, 1207, 1209, 1211, 1213, 1215, 1217, 1221, 1223, 1225, 1229, 1231, 1233, 1235, 1237, 1239, 1241, 1243, 1245, 1247, 1249, 1251, 1253, 1257, 1259, 1260, 1272, 1274, 1275, 1276, 1277, 1278, 1279, 1280, 1281, 1282, 1283, 1284, 1285, 1287 and 1302 were rejected upon motion of Senator Fisher, conference requested, and Senate conferees appointed as follows: **GCCA**.

PENDING CONSIDERATION OF HAS

HAs to SB 1319 were rejected upon motion of Senator Fisher, conference requested, and Senate conferees to be named later.

Senator Fisher moved that the Senate recess to the call of the Chair, which motion was declared adopted.

*

The Senate reconvened with Senator Gumm presiding.

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

PENDING CONSIDERATION OF HAS

HAs to SB 1991 were concurred in upon motion of Senator Morgan.

SB 1991, 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, Anderson, Bass, Cain, Capps, Coates, Corn, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Johnson (C), Jolley, Justice, Lamb, Laster, Lawler, Leftwich, Lerblance, Morgan, Myers, Paddack, Rabon, Riley, Shurden, Taylor, Wilson and Wyrick.--32.

Nay: Aldridge, Brogdon, Johnson (M), Laughlin, Mazzei, Nichols, Reynolds, Wilcoxson and Williamson.--9.

Excused: Barrington, Branan, Coffee, Crain, Hobson and Pruitt.--6.

Vacancy: District 38.--1.

The bill and emergency passed.

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

Senator Fisher moved that the Senate recess until 1:30 p.m., which motion was declared adopted.

*

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.

PENDING CONSIDERATION OF HAS

HAs to SBs 752, 1076, 1577, 1771 and 1878 were rejected upon motion of Senator Fisher, conference requested, and Senate conferees to be named later.

PENDING CONSIDERATION OF HAS

HAs to SB 1795, previously considered on Page 1437, were concurred in upon motion of Senator Paddack.

Senators Garrison and Eason McIntyre asked to coauthor **SB 1795**, which was the order.

SB 1795, 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, Bass, Brogdon, Cain, Capps, Corn, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Morgan, Myers, Paddack, Rabon, Reynolds, Riley, Shurden, Wilcoxson, Williamson, Wilson and Wyrick.--37.

Excused: Barrington, Branan, Coates, Coffee, Crain, Hobson, Mazzei, Nichols, Pruitt and Taylor.--10.

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 SB 1521 were concurred in upon motion of Senator Leftwich.

SB 1521, 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, Bass, Brogdon, Cain, Capps, Coates, Corn, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Morgan, Nichols, Paddack, Rabon, Reynolds, Riley, Shurden, Wilcoxson, Williamson, Wilson and Wyrick.--38.

Excused: Barrington, Branan, Coffee, Crain, Hobson, Mazzei, Myers, Pruitt and Taylor.--9.

Vacancy: District 38.--1.

The bill and emergency passed.

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

EXECUTIVE NOMINATIONS

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

Burton, Robert F., Sr., Tulsa, to the Board of Regents of the Tulsa Community College, to serve a seven year term ending June 30, 2013, succeeding himself. (Education Committee) Motion to confirm made by Senator Eason McIntyre.

Clawson, Ramona L., Idabel, to the Board of Trustees for the McCurtain County Higher Education Program, to serve a nine year term ending June 30, 2015, succeeding herself. (Education Committee) Motion to confirm made by Senator Rabon.

Cunningham, Mark, Ardmore, to the Board of Trustees for the Ardmore Higher Education Program, to serve a nine year term ending June 30, 2015, succeeding himself. (Education Committee) Motion to confirm made by Senator Crutchfield.

Jackson, Harold, Chickasha, to the Board of Regents of Oklahoma Colleges, to serve an unexpired term ending June 10, 2011, succeeding Steve Poag. (Education Committee) Motion to confirm made by Senator Justice.

Johnson, Michael P., Tulsa, to the Board of Trustees for Oklahoma State University/Tulsa, to serve a seven year term ending June 30, 2013, succeeding himself. (Education Committee) Motion to confirm made by Senator Williamson.

Lair, Suzanne R., Tulsa, to the Oklahoma Educational Television Authority, to serve a seven year term ending June 30, 2013, succeeding herself. (Education Committee) Motion to confirm made by Senator Williamson.

Langmacher, Linda, Carnegie, to the Board of Regents for Redlands Community College, to serve a seven year term ending April 22, 2013, succeeding Dona Moesel. (Education Committee) Motion to confirm made by Senator Capps.

Reed, Deanna, Poteau, to the Board of Regents for Carl Albert State College, to serve a seven year term ending July 1, 2013, succeeding herself. (Education Committee) Motion to confirm made by Senator Corn.

Motions to confirm the above named executive nominations were declared adopted upon roll call as follows:

Aye: Adelson, Aldridge, Anderson, Bass, Brogdon, Cain, Capps, Coates, Corn, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Riley, Shurden, Wilcoxson, Williamson, Wilson and Wyrick.--39.

Excused: Barrington, Branam, Coffee, Crain, Hobson, Mazzei, Pruitt and Taylor.--8.

Vacancy: District 38.--1.

PENDING CONSIDERATION OF HAS

HAs to **SB 1956** were concurred in upon motion of Senator Crutchfield.

SB 1956, 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, Bass, Brogdon, Cain, Capps, Coates, Corn, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Riley, Shurden, Taylor, Wilcoxson, Williamson, Wilson and Wyrick.--40.

Excused: Barrington, Branan, Coffee, Crain, Hobson, Mazzei and Pruitt.--7.

Vacancy: District 38.--1.

The bill and emergency passed.

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

CHANGE IN CONFEREES

Advising change in Senate conferees as follows:

HB 2749 – add Wilson

EXECUTIVE NOMINATIONS

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

Brown, Ben, Oklahoma City, to the Board of Regents for Oklahoma City Community College, to serve a seven year term ending April 22, 2013, succeeding Helen Camey. (Education Committee) Motion to confirm made by Senator Cain.

Carson, Julie, Claremore, to the Oklahoma State Regents for Higher Education, to serve a nine year term ending May 16, 2015, succeeding Marlin Glass, Jr.. (Education Committee) Motion to confirm made by Senator Taylor.

Motions to confirm the above named executive nominations were declared adopted upon roll call as follows:

Aye: Adelson, Aldridge, Anderson, Bass, Brogdon, Cain, Capps, Coates, Corn, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Riley, Shurden, Taylor, Wilcoxson, Williamson, Wilson and Wyrick.--40.

Excused: Barrington, Branan, Coffee, Crain, Hobson, Mazzei and Reynolds.--7.

Vacancy: District 38.--1.

PENDING CONSIDERATION OF HAS

HAs to SB 1716 were rejected upon motion of Senator Fisher, conference requested, and Senate conferees to be named later.

MESSAGES FROM THE HOUSE

Advising fourth reading of and transmitting for signature Enrolled **HBs 2615, 2712, 2903, 3015, 3016 and 3019**.

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

Advising concurrence in **SAs** to and passage of Engrossed **HB 2626**.

CHANGE IN CONFEREES

Advising change in Senate conferees as follows:

HJR 1057 – remove Morgan and add Harrison

SCs NAMED

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

SB 1076 – Easley, Fisher, Morgan, Mazzei

SB 1337 – Leftwich, Garrison, Reynolds

SB 1772 – Laster, Taylor, Crain, Harrison

HB 2982 – GCCA

Senator Fisher moved that when the clerk's desk is clear, the Senate stand adjourned to convene Tuesday, May 9, 2006, at 10:30 a.m., which motion prevailed.

FIRST READING

The following were introduced and read the first time:

SCR 50 – By Paddock of the Senate and Peters of the House.

A Concurrent Resolution declaring May 9, 2006, "Meningitis Awareness Day" in the State of Oklahoma; encouraging citizens to be aware of this disease; and directing distribution.

SCR 51 – By Eason McIntyre of the Senate and Gilbert and Shumate of the House.

A Concurrent Resolution commending the University of Tulsa Golden Hurricane women's basketball team for their record of achievement; congratulating them for their winning season, conference championship, and selection to play in the NCAA women's basketball tournament; and directing distribution.

SCR 52 – By Eason McIntyre of the Senate and Shumate and Gilbert of the House.

A Concurrent Resolution congratulating the University of Tulsa Golden Hurricane football team for its Liberty Bowl victory; praising its winning record; and directing distribution.

Pursuant to the Fisher motion, the Senate adjourned at 2:00 p.m. to meet Tuesday, May 9, 2006, at 10:30 a.m.

JOURNAL CORRECTION

Page 1201, Line 1 by inserting:

“FIRST READING

The following was introduced and read the first time:

SR 92 – By Branan and Coffee.

A Resolution congratulating the Putnam City High School Pirates Boys Basketball team upon winning the 2006 Class 6A Boys Basketball State Championship; and directing distribution.”