

# Senate Journal

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

**Fifty-first Legislative Day, Wednesday, May 10, 2006**

The Senate was called to order by Senator Gumm.

Roll Call:

Present: Adelson, Aldridge, Anderson, Barrington, Bass, Branan, Brogdon, Capps, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntryre, Fisher, Ford, Garrison, Gumm, Harrison, 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.—44.

Excused: Cain, Hobson and Pruitt.—3.

Vacancy: District 38.—1.

Senator Gumm declared a quorum present.

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

### **REPORT OF ENGROSSED AND ENROLLED MEASURES**

**SBs 876, 1291 and 1697** were each correctly enrolled and after fourth reading, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

**SCR 50** was correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

**SR 104** was correctly enrolled, properly signed and ordered transmitted to the Secretary of State.

**MESSAGES FROM THE HOUSE**

Advising conference granted on Engrossed **SBs** and naming House conferees as follows:

- SB 511** - Liotta, Jett, Bingman, Dorman, Liebmann, Plunk, Rousselot and Newport  
**SB 558** - Liotta, Jett, Bingman, Dorman, Liebmann, Plunk, Rousselot and Newport  
**SB 559** - Liotta, Jett, Bingman, Dorman, Liebmann, Plunk, Rousselot and Newport  
**SB 752** - Wright, Reynolds, Brannon, Auffet, Benge, Staggs, Smaligo and Young  
**SB 1076** - Wright, Wesselhoft, Eddins, Harrison, Smaligo, Miller (Doug), Reynolds and Sweeden  
**SB 1337** - Thompson, Case, Liebmann, Armes, Walker, Glenn and Liotta  
**SB 1357** - Roggow, DeWitt, Richardson, Armes, Glenn and Roan  
**SB 1406** - Adkins, Bingman, Lamons, Morgan (Danny), Peterson (Ron) and Roggow  
**SB 1463** - Glenn, Roggow, Duncan, Adkins, Covey, DeWitt, Morgan (Danny), Shoemake, Thompson, Walker, Wilt and Newport  
**SB 1481** - Roggow, DeWitt, Richardson, Armes, Glenn and Roan  
**SB 1492** - Dank, Coody, Jones, McDaniel and Harrison  
**SB 1493** - Dank, Coody, Jones, McDaniel and Shumate  
**SB 1500** - Liotta, Jett, Bingman, Dorman, Liebmann, Plunk, Rousselot and Newport  
**SB 1529** - Newport, Calvey, Rousselot, Steele, Liotta and Pruett  
**SB 1597** - Harrison, Dank, Coody, DeWitt, Jones and Shelton  
**SB 1598** - Morgan (Fred), Piatt, Denney, Nance, Miller (Doug), Smaligo, Pruett, Walker and McCarter  
**SB 1613** - Liebmann, Tibbs, Hickman, Bingman, Smaligo, Mass and Plunk  
**SB 1628** - Shumate, Liotta, Jett, Bingman, Dorman, Liebmann, Plunk, Rousselot and Newport  
**SB 1663** - Liotta, Jett, Bingman, Dorman, Liebmann, Plunk, Rousselot and Newport  
**SB 1686** - Liotta, Jett, Bingman, Dorman, Liebmann, Plunk, Rousselot and Newport  
**SB 1701** - Case, Wilt, Worthen, Nance, Blackwell, Turner, Dorman and Newport  
**SB 1709** - Smithson, Nance, Lamons, Sullivan and Trebilcock  
**SB 1716** - Morgan (Fred), Johnson, Harrison, Askins, Braddock, Trebilcock, Miller (Doug) and Cargill  
**SB 1748** - Ingmire, Piatt, Denney, Carey, Kiesel and Smaligo  
**SB 1816** - Johnson, Morgan (Fred), Trebilcock, Miller (Doug), Sherrer and Askins  
**SB 1831** - Peters, Billy, Carey, Hamilton, Hilliard, Jackson, Steele and Newport  
**SB 1894** - Benge, Reynolds, Brannon, Auffet, Staggs, Wright, Young and Smaligo  
**SB 1917** - McCarter, Calvey, Rousselot, Wesselhoft, Plunk and Liotta  
**SB 1919** - Shumate, Miller (Doug), Brown, Denney, Roggow and Cooksey  
**SB 1951** - Brannon, Blackwell, Turner, Ingmire, Case and Trebilcock  
**SB 1964** - Blackwell, Turner, Duncan, Kiesel, Trebilcock and Perry

Advising naming House conferees on Engrossed:

- HB 1313** - Johnson, Peterson (Ron), Terrill, Newport, Hilliard and Dorman

**HB 1493** - Morgan (Fred), Johnson, Sullivan, Trebilcock, Askins, Miller (Doug), Braddock, Wilt and Sherrer

**HB 1646** - Winchester, Dank, Coody, Hilliard, Staggs and Jones

**HB 1672** - Nations, DeWitt, Richardson, Lamons, Carey, Denney, Roggow and Cooksey

**HB 1757** - Miller (Doug), Brown, Roggow, DeWitt, Roan and Wilt

**HB 2367** - Kern, Dank, Coody, Jones and Staggs

**HB 2514** - Young, Reynolds, Brannon, Wright, Staggs, Johnson, Liotta and Smaligo

**HB 2577** - Jones, Kern, Brannon, Dank, Denney, Deutschendorf, Ingmire, McCarter, Nations, Peterson (Pam), Shumate and Newport

**HB 2609** - Case, Blackwell, Turner, Ingmire, Banz, Glenn, Askins and Trebilcock

**HB 2612** - Case, Liebmann, Ingmire, Nance, Carey, Lamons and Liotta

**HB 2655** - Winchester, Steele, Cox, Dank, Coody, Brannon, Pruett, Newport and Glenn

**HB 2766** - Roggow, Duncan, Adkins, Covey, DeWitt, Glenn, Morgan (Danny), Shoemake, Thompson, Walker, Wilt and Newport

**HB 2935** - Liotta, Jett, Bingman, Dorman, Liebmann, Plunk, Rousselot and Newport

**HB 2960** - GCCA

**HB 2982** - Jett, Miller (Doug), Brown, Roggow, Shoemake and Bingman

**HB 3024** - Roggow, Duncan, Adkins, Covey, DeWitt, Glenn, Morgan (Danny), Shoemake, Thompson, Walker, Wilt and Newport

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

**HAs to SB 1219** were concurred in upon motion of Senator Rabon.

**SB 1219**, 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, Capps, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Myers, Nichols, Paddack, Rabon, Reynolds, Riley, Shurden, Wilcoxson, Williamson, Wilson and Wyrick.--41.

Excused: Cain, Hobson, Mazzei, Morgan, Pruitt and Taylor.--6.

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 SBs 1412, 1455, 1549 and 1579** were rejected upon motion of Senator Fisher, conference requested, and Senate conferees to be named later.

**PENDING CONSIDERATION OF HAS**

**HAs to SB 1091** were concurred in upon motion of Senator Adelson.

**SB 1091**, 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, Capps, Coates, 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, Rabon, Reynolds, Riley, Shurden, Taylor, Wilcoxson, Williamson and Wyrick.--42.

Excused: Cain, Hobson, Morgan, Pruitt and Wilson.--5.

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 1877** were concurred in upon motion of Senator Rabon.

**SB 1877**, 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, Capps, Coates, 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, Rabon, Reynolds, Riley, Shurden, Wilcoxson, Williamson, Wilson and Wyrick.--42.

Excused: Cain, Hobson, Morgan, Pruitt and Taylor.--5.

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 1624** were concurred in upon motion of Senator Lamb.

**SB 1624**, 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, Capps, Coates, 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, Rabon, Reynolds, Riley, Shurden, Taylor, Wilcoxson, Williamson, Wilson and Wyrick.--43.

Excused: Cain, Hobson, Morgan and Pruitt.--4.

Vacancy: District 38.--1.

The bill and emergency passed.

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

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

Senator Shurden asked unanimous consent to suspend Rule 5-4 and refer **SR 105** direct to the Calendar for consideration, which was the order.

#### **GENERAL ORDER**

**SR 105** by Shurden was called up for consideration.

All other members of the Senate asked to coauthor **SR 105**, which was the order.

**SR 105** was adopted upon motion of Senator Shurden and referred for enrollment.

**FIRST READING**

The following were introduced and read the first time:

**SCR 53** – By Shurden of the Senate and Shoemake and Turner of the House.

A Concurrent Resolution praising Troy Aikman’s football career; congratulating him upon his forthcoming induction into the Professional Football Hall of Fame; and directing distribution.

**SR 106** – By Jolley.

A Resolution mourning the passing of Dr. Warren M. Angell; offering condolences; and directing distribution.

**UNANIMOUS CONSENT REQUEST  
DIRECT TO CALENDAR**

Senator Jolley asked unanimous consent to suspend Rule 5-4 and refer **SR 106** direct to the Calendar for consideration, which was the order.

**GENERAL ORDER**

**SR 106** by Jolley was called up for consideration.

All other members of the Senate asked to coauthor **SR 106**, which was the order.

**SR 106** was adopted upon motion of Senator Jolley and referred for enrollment.

**MESSAGES FROM THE HOUSE**

Advising the signing of and returning Enrolled **SCR 50**.

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

Advising fourth reading of and returning Enrolled **SBs 876, 1291 and 1697**.

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

Advising fourth reading of and transmitting for signature Enrolled **HBs 2910 and 2911**.

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

Advising conference granted on Engrossed **SB 756** and naming House conferees as follows: Wilt, Worthen, Peterson (Ron), Morgan (Danny), Shumate and Roggow.

Advising change in House conferees as follows:

**HB 2179** – remove GCCA and add Benge, Jones, Dank, Kern, Coody, McCarter and Brannon

Advising conference granted on Engrossed **SBs** and naming House conferees as follows:

**SB 1346** - Sullivan, Morgan (Fred), Johnson, Morrissette, Trebilcock and Braddock

**SB 1435** - Sullivan Calvey, Rousselot, Liotta, Morrissette and Adkins

**SB 1537** - Hilliard, Calvey, Rousselot, Denney, Liotta and Adkins

**SB 1587** - Hilliard, Calvey, Rousselot, Denney, Liotta and Terrill

**SB 1772** - Sullivan, Tibbs, Hickman, Liotta, Ellis, Gilbert and Smaligo

**SB 1792** - Dank, Coody, Miller (Ken), Rousselot, McDaniel and Jones

**SB 1910** - Hickman, Blackwell, Turner, DeWitt, Ellis and Trebilcock

Advising naming House conferees on Engrossed:

**HB 2373** - Newport, Calvey, Rousselot, Liotta, Hickman and Roan

**HB 2412** - Jackson, Case, Liebmann, Braddock, Coody, Deutschendorf, Armes, Walker and Liotta

**HB 2704** - Hickman, DeWitt, Richardson, Ellis, Pruett and Roggow

**HB 2763** - Roggow, Calvey, Rousselot, DeWitt, Armes, Hickman, Covey, Walker, Glenn and Liotta

**HJR 1057** - Liotta, Tibbs, Hickman, Dorman, Ellis, Pruett and Smaligo

## **EXECUTIVE NOMINATIONS**

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

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

Close, Bryan, Tulsa, as a member of the Alcoholic Beverage Laws Enforcement Commission – Judiciary

Fraley, George E., Chelsea, as a member of the Oklahoma Mining Commission - Energy and Environment

Galbraith, Peter Towne, Jr., Sapulpa, as a member of the Oklahoma Real Estate Commission - Business and Labor

Guest, David Allen, Edmond, as a member of the Commission on Marginally Producing Oil and Gas Wells - Energy and Environment

Halsey, Jim, Mounds, as a member of the Oklahoma Music Hall of Fame Board - Tourism and Wildlife

Harrel, Marilyn, Leedey, as a member of the State Board of Career and Technology Education – Education

Hill, Don, Claremore, as a member of the Physician Manpower Training Commission - Health and Human Resources

Jackson, Tom, Antlers, as a member of the State Board of Registration for Foresters - Agriculture and Rural Development

Kouri, Harry J. "Trey", III, Oklahoma City, as a member of the Alcoholic Beverage Laws Enforcement Commission – Judiciary

LaBrake, Dan, Broken Arrow, as a member of the Committee of Home Inspector Examiners - Business and Labor

Merrifield, Joe, Stillwater, as a member of the Oklahoma Board of Private Vocational Schools – Education

Meyer, Jim, Nichols Hills, as a member of the State Banking Board – Finance

Mitchel, Michael W., Alva, as a member of the State Board of Education – Education

Rainey, Rob, Edmond, as a member of the State Board of Corrections - General Government

Smith, Edward, Clinton, as a member of the Board of Juvenile Affairs - Health and Human Resources

Von Glahn, Bill, Tulsa, as a member of the Oklahoma Arts Council - Tourism and Wildlife

Senator Fisher moved that when the clerk's desk is clear, the Senate stand adjourned to convene Thursday, May 11, 2006, at 9:30 a.m., which motion prevailed.

**FIRST READING**

The following was introduced and read the first time:

**SCR 54** – By Rabon of the Senate and Pruett of the House.

A Concurrent Resolution honoring the memory of war hero Hal LeFlore Gooding; offering condolences; and directing distribution.

**MESSAGE FROM THE GOVERNOR**

Advising his approval May 10, 2006, of Enrolled **SBs 806, 1467, 1594** and **1756**.

Pursuant to the Fisher motion, the Senate adjourned at 2:05 p.m. to meet Thursday, May 11, 2006, at 9:30 a.m.