

# Senate Journal

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

**Fifty-third Legislative Day, Monday, May 15, 2006**

The Senate was called to order by Senator Gumm.

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 Gumm declared a quorum present.

The prayer was offered by Reverend Todd Leatherman, Highland Park Christian Church, Tulsa, the guest of Senator Riley.

### **REPORT OF ENGROSSED AND ENROLLED MEASURE**

**SR 103** was correctly enrolled, properly signed and ordered transmitted to the Secretary of State.

### **MESSAGES FROM THE HOUSE**

Advising naming House conferees on Engrossed:

**HB 2379** - Wilt, Worthen, Shumate and Roggow

**HB 2656** - Winchester, Morgan (Fred), Johnson, Trebilcock, Askins and McDaniel

**HB 2813** - Denney, Steele, Cox, Bingman, Smithson, Worthen and Glenn

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

**SB 334** - Bingman, Calvey, Rousselot, Liotta, Nance and Dorman

**SB 1657** - Sullivan, Morgan (Fred), Johnson, Trebilcock, Braddock and Askins

**SB 2022** - Hiatt, Calvey, Rousselot, Liotta, Dank and Dorman

**SB 2690** - Walker, Calvey, Rousselot, Liotta, Banz and Nance

#### **SCs NAMED**

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

**HB 2506** – GCCA

#### **CHANGE IN CONFEREES**

Advising change in Senate conferees as follows:

**HB 3024** – remove Wilson and add Williamson

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

**HAs** to **SBs 266** and **1807** 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 further conference was ordered granted and same Senate conferees appointed as follows:

**HB 1284** – Garrison, Wilson, Laster, Cain, Williamson, Jolley

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

**HAs** to **SB 1634** were concurred in upon motion of Senator Myers.

**SB 1634**, 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, 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, Wilcoxson, Williamson, Wilson and Wyrick.--45.

Excused: Pruitt and Taylor.--2.

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 Hobson asked unanimous consent to suspend Rule 5-4 and refer **SR 101** direct to the Calendar for consideration, which was the order.

#### **GENERAL ORDER**

**SR 101** by Hobson was called up for consideration.

Senator Johnson (Constance) and all other members of the Senate asked to coauthor **SR 101**, which was the order.

**SR 101** was adopted upon motion of Senator Hobson and referred for enrollment.

#### **MESSAGES FROM THE HOUSE**

Advising fourth reading of and transmitting for signature Enrolled **HB 2926**.

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

Advising the signing of and transmitting for signature Enrolled **HCRs 1065** and **1066**.

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

Advising naming House conferees to Engrossed:

**HB 1284** - Peters, Wright, Wesselhoft, Deutschendorf, Smaligo and Johnson

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

**HAs** to **SB 1957** and **SJR**s **52** and **53** were rejected upon motion of Senator Fisher, conference requested, and Senate conferees to be named later.

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

**HAs** to **SJR 48** were concurred in upon motion of Senator Anderson.

Senators Jolley and Morgan asked to coauthor **SJR 48**, which was the order.

**SJR 48**, as amended by the Honorable House, was read at length.

On the question of passage of the resolution 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, Wilcoxson, Williamson, Wilson and Wyrick.--45.

Excused: Pruitt and Taylor.--2.

Vacancy: District 38.--1.

The resolution and emergency passed.

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

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

**HAs** to **SJR 37** were concurred in upon motion of Senator Crain.

**SJR 37**, as amended by the Honorable House, was read at length.

On the question of passage of the resolution, 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, Paddock, Rabon, Reynolds, Riley, Shurden, Wilcoxson, Williamson, Wilson and Wyrick.--45.

Excused: Pruitt and Taylor.--2.

Vacancy: District 38.--1.

The resolution passed.

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

**SJR 37** was read at length as follows:

**SJR 37** by Crain and Corn of the Senate and Sullivan of the House

A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection a proposed amendment to Section 6A of Article X of the Constitution of the State of Oklahoma; modifying provisions related to freeport exemption; authorizing enactment of laws governing application for exemption; providing for information to be included with application; providing ballot title; and directing filing.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE 2ND SESSION OF THE 50TH OKLAHOMA LEGISLATURE:

SECTION 1. The Secretary of State shall refer to the people for their approval or rejection, as and in the manner provided by law, the following proposed amendment to Section 6A of Article X of the Constitution of the State of Oklahoma to read as follows:

Section 6A. A. All property consigned to a consignee in this State from outside this State to be forwarded to a point outside this State, which is entitled under the tariffs, rules, and regulations approved by the Interstate Commerce Commission to be forwarded at through rates from the point of origin to the point of destination, if not detained within this State for a period of more than ninety (90) days, shall be deemed to be property moving in interstate commerce, and no such property shall be subject to taxation in this State; provided, that goods, wares and merchandise, whether or not moving on through rates, shall be deemed to move in interstate commerce, and not subject to taxation in this State if not detained more than nine (9) months where such goods, wares and merchandise are so held for assembly, storage, manufacturing, processing or fabricating purposes; provided, further, that personal property consigned for sale within this State must be assessed as any other personal property.

B. The Legislature shall enact laws governing the procedures for making application to the county assessor for purposes of the exemption authorized by this section, including

the time as of which the application must be filed and information to be included with the application.

SECTION 2. The Ballot Title for the proposed Constitutional amendment as set forth in SECTION 1 of this resolution shall be in the following form:

BALLOT TITLE

Legislative Referendum No. \_\_\_\_\_

State Question No. \_\_\_\_\_

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

This measure amends the Oklahoma Constitution. It amends Section 6A of Article 10. This section provides an exemption from property tax. The exemption applies to goods that are shipped into the state, but which do not remain in the state for more than ninety days. This is sometimes known as the freeport exemption. This measure would allow laws to be enacted. The laws could provide for an application process to claim this exemption. The laws could require the application to be filed by a certain date. The laws could require certain information to be included with the application. The application would be filed with the county assessor.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL — YES \_\_\_\_\_

AGAINST THE PROPOSAL — NO \_\_\_\_\_

SECTION 3. The President Pro Tempore of the Senate shall, immediately after the passage of this resolution, prepare and file one copy thereof, including the Ballot Title set forth in SECTION 2 hereof, with the Secretary of State and one copy with the Attorney General.

**PENDING CONSIDERATION OF HAS**

**HAs to SB 1366** were concurred in upon motion of Senator Hobson.

Senator Johnson (Constance) asked to coauthor **SB 1366**, which was the order.

**SB 1366**, 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, 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.

The bill and emergency passed.

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

**UNANIMOUS CONSENT REQUEST  
WITHDRAWN FROM CALENDAR**

Senator Fisher asked unanimous consent, which was granted, that **SB 973** be stricken from the Calendar.

**PENDING CONSIDERATION OF HAS**

**HAs** to **SB 990** were concurred in upon motion of Senator Cain.

Senator Johnson (Constance) asked to coauthor **SB 990**, which was the order.

**SB 990**, 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, 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.

The bill passed.

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

**PENDING CONSIDERATION OF HAs**

**HAs to SBs 926 and 1760** were rejected upon motion of Senator Fisher, conference requested, and Senate conferees to be named later.

**MESSAGES FROM THE HOUSE**

Advising rejection of **SAs to HB 2984**, requesting conference and House conferees to be named later.

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

**SB 1401** - Plunk, Trebilcock, Johnson, Askins, Blackwell, Calvey, Lamons, Morgan (Fred), Nance, Roan, Smithson and Turner

**SB 1444** - Hyman, DeWitt, Richardson, Rousselot, Hickman and Roggow

**SB 1771** - GCCA

**SB 1782** - Kiesel, Blackwell, Turner, Ingmire, Jett and Trebilcock

**SB 1909** - Trebilcock, Johnson, Askins, Blackwell, Calvey, Lamons, Morgan (Fred), Nance, Roan, Smithson and Turner

**SB 2017** - Balkman, Cooksey, Brown, Cox, Eddins, Ellis and Tibbs

**EXECUTIVE NOMINATIONS**

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

Achterberg, Ernest R., Tulsa, to the Oklahoma Mining Commission, to serve an unexpired term ending January 1, 2009, succeeding Christopher Lohne. (Energy and Environment Committee) Motion to confirm made by Senator Pruitt.

Baker, Greg, Stillwater, to the Oklahoma Liquefied Petroleum Gas Board, to serve a four year term ending June 30, 2010, succeeding himself. (Energy and Environment Committee) Motion to confirm made by Senator Morgan.

Branecky, David A., Newalla, to the Air Quality Advisory Council, to serve a seven year term ending June 15, 2013, succeeding himself. (Energy and Environment Committee) Motion to confirm made by Senator Nichols.

Bryant, Keith, Oklahoma City, to the State Fire Marshal Commission, to serve a five year term ending July 1, 2011, succeeding Charles A. LaCroix. (General Government Committee) Motion to confirm made by Senator Wilcoxson.

Donoley, Bill "David", Wilburton, to the Oklahoma Mining Commission, to serve a seven year term ending January 1, 2013, succeeding himself. (Energy and Environment Committee) Motion to confirm made by Senator Lerblance.

Gordon, Jan, Broken Arrow, to the Board of Regents of Oklahoma Colleges, to serve a nine year term ending June 10, 2015, succeeding herself. (Education Committee) Motion to confirm made by Senator Pruitt.

Huddleston, Kevin, Lexington, to the Oklahoma Liquefied Petroleum Gas Board, to serve an unexpired term ending June 30, 2007, succeeding Jim Knutson. (Energy and Environment Committee) Motion to confirm made by Senator Hobson.

Johnson, John E., Oklahoma City, to the Capitol-Medical Center Improvement and Zoning Commission, to serve a three year term ending January 31, 2009, succeeding himself. (General Government Committee) Motion to confirm made by Senator Wilcoxson.

Jones, Justin, Oklahoma City, to the Director of Corrections, to serve at the pleasure of the Board of Corrections, succeeding Ron Ward. (General Government Committee) Motion to confirm made by Senator Johnson.

Mason, Steve, Oklahoma City, to the Environmental Quality Board, to serve a five year term ending January 31, 2014, succeeding himself. (Energy and Environment Committee) Motion to confirm made by Senator Branan.

Oakes, Richie, Taloga, to the Oklahoma Conservation Commission, to serve a five year term ending June 30, 2011, succeeding J.T. Winters. (Energy and Environment Committee) Motion to confirm made by Senator Morgan.

Rainey, Rob, Edmond, to the State Board of Corrections, to serve a six year term ending March 15, 2011, succeeding himself. (General Government Committee) Motion to confirm made by Senator Jolley.

Sherrer, Gary, Stillwater, to the Arkansas-Oklahoma Arkansas River Compact Commission, to serve a four year term ending January 1, 2010, succeeding himself. (Energy and Environment Committee) Motion to confirm made by Senator Morgan.

Terry, Tom, Shawnee, to the Oklahoma Department of Libraries Board, to serve a six year term ending July 1, 2012, succeeding Sherry Roberts. (General Government Committee) Motion to confirm made by Senator Laster.

Worthen, Laura, Moore, to the Air Quality Advisory Council, to serve a seven year term ending June 15, 2013, succeeding herself. (Energy and Environment Committee) Motion to confirm made by Senator Lawler.

Wuerflein, Richard, Kremlin, to the Environmental Quality Board, to serve a five year term ending January 31, 2011, succeeding himself. (Energy and Environment Committee) Motion to confirm made by Senator Myers.

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, 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.

#### **SCs NAMED**

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

**SB 365 – GCCA**

**SB 752 – Eason McIntyre, Lerblance, Mazzei, Aldridge, Corn, Hobson**

**SB 1097 – GCCA**

**SB 1100 – GCCA**

**SB 1102 – GCCA**

**SB 1104 – GCCA**

**SB 1106 – GCCA**

**SB 1108 – GCCA**

**SB 1110 – GCCA**

**SB 1112 – GCCA**

**SB 1114 – GCCA**

**SB 1116 – GCCA**

**SB 1118 – GCCA**

**SB 1120 – GCCA**

**SB 1122 – GCCA**

**SB 1124 – GCCA**

**SB 1126 – GCCA**

**SB 1128 – GCCA**

**SB 1130 – GCCA**

**SB 1132 – GCCA**

**SB 1134 – GCCA**

**SB 1136 – GCCA**

**SB 1138 – GCCA**

**SB 1140 – GCCA**  
**SB 1142 – GCCA**  
**SB 1144 – GCCA**  
**SB 1146 – GCCA**  
**SB 1148 – GCCA**  
**SB 1150 – GCCA**  
**SB 1152 – GCCA**  
**SB 1154 – GCCA**  
**SB 1156 – GCCA**  
**SB 1158 – GCCA**  
**SB 1160 – GCCA**  
**SB 1162 – GCCA**  
**SB 1164 – GCCA**  
**SB 1166 – GCCA**  
**SB 1167 – GCCA**  
**SB 1168 – GCCA**  
**SB 1170 – GCCA**  
**SB 1172 – GCCA**  
**SB 1174 – GCCA**  
**SB 1176 – GCCA**  
**SB 1178 – GCCA**  
**SB 1180 – GCCA**  
**SB 1182 – GCCA**  
**SB 1184 – GCCA**  
**SB 1186 – GCCA**  
**SB 1188 – GCCA**  
**SB 1192 – GCCA**  
**SB 1194 – GCCA**  
**SB 1196 – GCCA**  
**SB 1198 – GCCA**  
**SB 1200 – GCCA**  
**SB 1202 – GCCA**  
**SB 1204 – GCCA**  
**SB 1206 – GCCA**  
**SB 1208 – GCCA**  
**SB 1210 – GCCA**  
**SB 1212 – GCCA**  
**SB 1214 – GCCA**  
**SB 1216 – GCCA**  
**SB 1218 – GCCA**  
**SB 1220 – GCCA**  
**SB 1222 – GCCA**  
**SB 1224 – GCCA**  
**SB 1226 – GCCA**

**SB 1228** – GCCA  
**SB 1230** – GCCA  
**SB 1232** – GCCA  
**SB 1234** – GCCA  
**SB 1236** – GCCA  
**SB 1238** – GCCA  
**SB 1240** – GCCA  
**SB 1242** – GCCA  
**SB 1244** – GCCA  
**SB 1246** – GCCA  
**SB 1248** – GCCA  
**SB 1250** – GCCA  
**SB 1252** – GCCA  
**SB 1254** – GCCA  
**SB 1256** – GCCA  
**SB 1258** – GCCA  
**SB 1261** – GCCA  
**SB 1262** – GCCA  
**SB 1266** – GCCA  
**SB 1268** – GCCA  
**SB 1273** – GCCA  
**SB 1399** – Lerblance, Gumm, Hobson, Johnson (Mike)  
**SB 1577** – Fisher, Gumm, Morgan, Mazzei  
**SB 1657** – Coffee, Laster, Taylor, Morgan  
**SB 1683** – Lerblance, Easley, Crutchfield, Hobson, Myers, Ford  
**SB 1716** – Nichols, Corn, Leftwich, Laster, Lerblance, Cain, Taylor, Barrington,  
 Lamb, Reynolds  
**SB 1717** – Fisher, Gumm, Rabon, Mazzei, Morgan, Crutchfield, Wilson, Anderson  
**SB 1771** – Morgan, GCCA  
**SB 1878** – Coates, Williamson, Laster, Cain, Taylor  
**HB 2980** – GCCA

### **EXECUTIVE NOMINATIONS**

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

Gifford, Bill, Tulsa, as a member of the Commission on Marginally Producing Oil and Gas Wells - Energy and Environment

Hartsell, Russell "Rusty", Weatherford, as a member of the Committee of Home Inspector Examiners - Business and Labor

McDonald, Bob, Norman, as a member of the Board of Mental Health and Substance Abuse Services - Health and Human Resources

Schemmer, Kathy, Norman, as a member of the Organ Donor Education and Awareness Program Advisory Council - Health and Human Resources

Toure, Linda Ware, Oklahoma City, as a member of the Board of Juvenile Affairs - Health and Human Resources

Senator Fisher moved that when the clerk's desk is clear, the Senate stand adjourned to convene Tuesday, May 16, 2006, at 1:00 p.m., which motion prevailed.

**MESSAGE FROM THE GOVERNOR**

Advising his approval May 15, 2006, of Enrolled **SBs 1074, 1089, 1293, 1333, 1361, 1390, 1521, 1539, 1795, 1867, 1956 and 1991.**

Pursuant to the Fisher motion, the Senate adjourned at 2:30 p.m. to meet Tuesday, May 16, 2006, at 1:00 p.m.