

# Senate Journal

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

**Fifty-sixth Legislative Day, Thursday, May 18, 2006**

The Senate was called to order by Senator Corn.

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, Paddock, Pruitt, Rabon, Reynolds, Riley, Schulz, Shurden, Wilcoxson, Williamson, Wilson and Wyrick.—47.

Excused: Taylor.—1.

Senator Corn 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 MEASURES**

**SBs 1095, 1359, 1479, 1574 and 1971** were each correctly enrolled and after fourth reading, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

**SRs 111, 112 and 113** were each correctly enrolled, properly signed and ordered transmitted to the Secretary of State.

### **PENDING CONSIDERATION OF HAS**

**HAs to SB 1742** were concurred in upon motion of Senator Barrington upon roll call as follows:

Aye: Aldridge, Anderson, Barrington, Bass, Branan, Brogdon, Capps, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Fisher, Ford, Garrison, Gumm, Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Myers, Nichols, Paddack, Pruitt, Reynolds, Riley, Schulz, Shurden, Wilcoxson, Williamson and Wyrick.--38.

Nay: Adelson, Cain, Eason McIntyre, Harrison, Hobson, Morgan, Rabon and Wilson.--8.

Excused: Johnson (C) and Taylor.--2.

Senators Riley, Reynolds, Williamson, Wilcoxson, Schulz, Mazzei, Myers, Nichols, Ford, Johnson (Mike), Jolley, Justice, Lamb, Laughlin, Branan, Brogdon, Coates, Crain, Anderson, Coffee, Aldridge, Pruitt, Lawler and Easley asked to coauthor **SB 1742**, which was the order.

**SB 1742**, as amended by the Honorable House, was read at length.

On the question of passage of the bill, the vote resulted as follows:

Aye: Aldridge, Anderson, Barrington, Bass, Branan, Brogdon, Capps, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Fisher, Ford, Garrison, Gumm, Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Myers, Nichols, Paddack, Pruitt, Reynolds, Riley, Schulz, Shurden, Wilcoxson, Williamson and Wyrick.--38.

Nay: Adelson, Cain, Eason McIntyre, Harrison, Hobson, Morgan, Rabon and Wilson.--8.

Excused: Johnson (C) and Taylor.--2.

The bill passed.

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

**MILEAGE ALLOWANCE  
SENATOR MIKE SCHULZ**

Senator	Residence	Total Miles Round Trip	Amount Round Trip
Schulz, Mike	Altus	286	127.27

**PENDING CONSIDERATION OF HAS**

**HAs** to **SB 1088** were concurred in upon motion of Senator Bass.

**SB 1088**, 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, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Morgan, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Schulz, Shurden, Wilcoxson, Williamson, Wilson and Wyrick.--44.

Excused: Crutchfield, Johnson (C), Myers and Taylor.--4.

The bill and emergency passed.

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

**INTRODUCTION**

Senator Coffee introduced his daughter, Kate, to the Senate.

**PENDING CONSIDERATION OF CCR**

The **CCR** on **SB 1481** was adopted upon motion of Senator Wilson.

**SB 1481**, as amended in conference, 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, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Morgan, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Schulz, Shurden, Wilcoxson, Williamson, Wilson and Wyrick.--44.

Excused: Crutchfield, Johnson (C), Myers and Taylor.--4.

The bill passed.

**SB 1481**, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

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

**HAs** to **SB 1086** were concurred in upon motion of Senator Gumm.

**SB 1086**, 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, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Morgan, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Schulz, Shurden, Wilcoxson, Williamson, Wilson and Wyrick.--44.

Excused: Crutchfield, Johnson (C), Myers and Taylor.--4.

The bill passed.

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

#### **SCs NAMED**

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

**SB 1324** – Crain, Laster, Garrison

**SB 1397** – Easley, Lerblance, Fisher, Morgan, Mazzei

**SB 1675** – GCCA

**SB 1800** – GCCA

#### **CHANGE IN CONFEREES**

Advising change in Senate conferees as follows:

**SB 1579** – remove Lamb and add Laughlin

**SB 1760** – add Lerblance

**SB 1807** – add Fisher, Morgan, Wilson

**Senator Gumm presiding.**

**MESSAGE FROM THE HOUSE**

Advising passage of and transmitting for consideration Engrossed **HCR 1069** and **1071**.

**HCR 1069** – By Armes, Deutschendorf and Dorman of the House and Bass of the Senate.

A Concurrent Resolution designating the Lawton Rangers as the Official State of Oklahoma Centennial Riding Club; and directing distribution.

**HCR 1071** – By Lindley, Adkins, Armes, Askins, Auffet, Balkman, Banz, Benge, Billy, Bingman, Blackburn, Blackwell, Braddock, Brannon, Brown, Calvey, Carey, Cargill, Case, Coody, Cooksey, Covey, Cox, Dank, DePue, DeWitt, Denney, Deutschendorf, Dorman, Duncan, Eddins, Ellis, Gilbert, Glenn, Hamilton, Harrison, Hastings, Hickman, Hiett, Hilliard, Hyman, Ingmire, Jackson, Jett, Johnson, Jones, Kern, Kiesel, Lamons, Liebmann, Liotta, Martin, Mass, McCarter, McDaniel, McMullen, McPeak, Miller (Doug), Miller (Ken), Miller (Ray), Morgan (Danny), Morgan (Fred), Morrissette, Nance, Nations, Newport, Perry, Peters, Peterson (Pam), Peterson (Ron), Piatt, Plunk, Pruett, Reynolds, Richardson, Roan, Roggow, Rousselot, Shelton, Sherrer, Shoemake, Shumate, Smaligo, Smithson, Staggs, Steele, Sullivan, Sweeden, Terrill, Thompson, Tibbs, Toure, Trebilcock, Turner, Walker, Wesselhoft, Wilt, Winchester, Worthen, Wright and Young of the House and Leftwich of the Senate.

A Concurrent Resolution designating May as Neurofibromatosis Awareness Month in Oklahoma; and directing distribution.

The above-numbered measures were read the first time.

**UNANIMOUS CONSENT REQUEST  
DIRECT TO CALENDAR**

Senator Bass asked unanimous consent to suspend Rule 5-4 and refer **HCR 1069** direct to the Calendar for consideration, which was the order.

**GENERAL ORDER**

**HCR 1069** by Armes et al of the House and Bass of the Senate was called up for consideration.

**HCR 1069** was adopted upon motion of Senator Bass and properly signed and ordered returned to the Honorable House.

**PENDING CONSIDERATION OF CCR**

The **CCR** on **SB 1495** was adopted upon motion of Senator Corn.

**SB 1495**, as amended in conference, was read at length.

On the question of passage of the bill, the vote resulted as follows:

Aye: Adelson, Aldridge, Anderson, Barrington, Bass, Branan, Cain, Capps, Coates, Coffee, Corn, Crain, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Lawler, Leftwich, Lerblance, Mazzei, Morgan, Nichols, Paddack, Rabon, Riley, Schulz, Shurden, Wilcoxson, Wilson and Wyrick.--40.

Nay: Brogdon, Laughlin, Pruitt, Reynolds and Williamson.--5.

Excused: Crutchfield, Myers and Taylor.--3.

The bill passed.

**SB 1495**, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

**PENDING CONSIDERATION OF CCR**

The **CCR** on **SB 1346** was adopted upon motion of Senator Crain.

**SB 1346**, as amended in conference, 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, Corn, Crain, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Morgan, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Schulz, Shurden, Wilcoxson, Williamson, Wilson and Wyrick.--44.

Excused: Coffee, Crutchfield, Myers and Taylor.--4.

The bill passed.

**SB 1346**, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

**PENDING CONSIDERATION OF CCR**

The **CCR** on **SB 1816** was adopted upon motion of Senator Lerblance.

**SB 1816**, as amended in conference, was read at length.

On the question of passage of the bill, the vote resulted as follows:

Aye: Adelson, Anderson, Bass, Cain, Capps, Corn, Crutchfield, Easley, Eason McIntyre, Fisher, Garrison, Gumm, Harrison, Hobson, Johnson (C), Johnson (M), Justice, Laster, Lawler, Leftwich, Lerblance, Morgan, Paddack, Rabon, Shurden, Wilson and Wyrick.--27.

Nay: Aldridge, Barrington, Branan, Brogdon, Coates, Crain, Ford, Jolley, Lamb, Laughlin, Mazzei, Nichols, Pruitt, Reynolds, Riley, Schulz, Wilcoxson and Williamson.--18.

Excused: Coffee, Myers and Taylor.--3.

The bill passed.

Senators Crain, Barrington, Coates, Branan and Jolley desired to vote Aye on the emergency.

On the question of passage of the emergency, the vote resulted as follows: Aye: 32; Nay: 13; Excused: 3.

The emergency passed.

**SB 1816**, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

**EXECUTIVE NOMINATIONS**

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

Averill, David, Tulsa, to the Oklahoma Music Hall of Fame Board, to serve an unexpired term ending July 1, 2008, succeeding George Carney. (Tourism and Wildlife Committee) Motion to confirm made by Senator Williamson.

Chancellor, Andrea, Tulsa, to the Oklahoma Music Hall of Fame Board, to serve a six year term ending July 1, 2012, succeeding herself. (Tourism and Wildlife Committee) Motion to confirm made by Senator Williamson.

Davis, Shawn, Calumet, to the Highway Construction Materials Technician Certification Board, to serve an unexpired term ending June 30, 2008, succeeding Jack Stewart. (Transportation Committee) Motion to confirm made by Senator Johnson.

Elliott, Cliff, Jr., Enid, to the Council of Bond Oversight, to serve a two year term ending September 26, 2008, succeeding himself. (Commerce Committee) Motion to confirm made by Senator Anderson.

Farris, Joe, Taloga, to the State Board of Agriculture, to serve a four year term ending April 26, 2010, succeeding Jimmie Leo Draper. (Agriculture and Rural Development Committee) Motion to confirm made by Senator Schulz.

Ferguson, Clint "Ken", Altus, to the Oklahoma Turnpike Authority, to serve an eight year term ending July 1, 2014, succeeding himself. (Transportation Committee) Motion to confirm made by Senator Schulz.

Griffin, Martha W., Muskogee, to the Oklahoma Arts Council, to serve a three year term ending July 1, 2009, succeeding herself. (Tourism and Wildlife Committee) Motion to confirm made by Senator Garrison.

Halsey, Jim, Mounds, to the Oklahoma Music Hall of Fame Board, to serve a six year term ending July 1, 2012, succeeding himself. (Tourism and Wildlife Committee) Motion to confirm made by Senator Shurden.

Holland, Robert B., Jr., Edmond, to the Council of Bond Oversight, to serve a two year term ending September 26, 2008, succeeding himself. (Commerce Committee) Motion to confirm made by Senator Jolley.

Jackson, Tom, Antlers, to the State Board of Registration for Foresters, to serve a five year term ending June 1, 2011, succeeding himself. (Agriculture and Rural Development Committee) Motion to confirm made by Senator Rabon.

Johnson, Paul, Tulsa, to the Will Rogers Memorial Commission, to serve a six year term ending March 1, 2012, succeeding himself. (Tourism and Wildlife Committee) Motion to confirm made by Senator Eason McIntyre.

Mabrey, Bruce R., Okmulgee, to the Oklahoma Wildlife Conservation Commission, to serve an eight year term ending July 1, 2014, succeeding himself. (Tourism and Wildlife Committee) Motion to confirm made by Senator Shurden.

Mitchell, Leona, Enid, to the Oklahoma Arts Council, to serve a three year term ending July 1, 2009, succeeding Jean Richardson. (Tourism and Wildlife Committee) Motion to confirm made by Senator Anderson.

Renegar, Brian, D.V.M., McAlester, to the State Board of Veterinary Medical Examiners, to serve a five year term ending May 9, 2011, succeeding himself. (Agriculture and Rural Development Committee) Motion to confirm made by Senator Lerblance.

Shipley, D. R., Tecumseh, to the Oklahoma Development Finance Authority, to serve a six year term ending October 11, 2012, succeeding himself. (Commerce Committee) Motion to confirm made by Senator Laster.

Shipley, D. R., Tecumseh, to the Oklahoma Industrial Finance Authority, to serve a six year term ending October 11, 2012, succeeding himself. (Commerce Committee) Motion to confirm made by Senator Laster.

Sirmons, Karl Linton, Enid, to the Highway Construction Materials Technician Certification Board, to serve an unexpired term ending June 30, 2008, succeeding Gary Evans. (Transportation Committee) Motion to confirm made by Senator Anderson.

Smith, Edward, Clinton, to the Board of Juvenile Affairs, to serve a four year term ending March 15, 2010, succeeding Ray Don Jackson. (Health and Human Resources Committee) Motion to confirm made by Senator Schulz.

Turner, Deacon, Tulsa, to the Will Rogers Memorial Commission, to serve a six year term ending March 1, 2011, succeeding Bob Schulz. (Tourism and Wildlife Committee) Motion to confirm made by Senator Adelson.

Von Glahn, Bill, Tulsa, to the Oklahoma Arts Council, to serve a three year term ending July 1, 2009, succeeding Clarence Hedge. (Tourism and Wildlife Committee) Motion to confirm made by Senator Williamson.

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, 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, Schulz, Shurden, Wilcoxson, Williamson, Wilson and Wyrick.--46.

Excused: Coffee and Taylor.--2.

## **PENDING CONSIDERATION OF CCR**

The **CCR** on **SB 1709** was adopted upon motion of Senator Corn.

**SB 1709**, as amended in conference, 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, Schulz, Shurden, Wilcoxson, Williamson, Wilson and Wyrick.--47.

Excused: Taylor.--1.

The bill passed.

**SB 1709**, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

### **PENDING CONSIDERATION OF CCR**

The **CCR** on **SB 1337** was adopted upon motion of Senator Leftwich.

**SB 1337**, as amended in conference, 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, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Schulz, Shurden, Wilcoxson, Williamson, Wilson and Wyrick.--45.

Nay: Johnson (C).--1.

Excused: Crutchfield and Taylor.--2.

The bill passed.

**SB 1337**, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

### **MESSAGES FROM THE HOUSE**

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

**SB 1957** - GCCA

**SJR 52** - Winchester and GCCA

**SJR 53** - GCCA

Advising the signing of and transmitting for signature Enrolled **HCR 1070**.

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

**MESSAGE FROM THE HOUSE  
CONFERENCE COMMITTEE REPORT**

Transmitting the following bill, together with conference committee report thereon, advising adoption of conference committee report and passage of measure as amended:

**HB 1580**

Conference committee report was read on the above-numbered bill.

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

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The Senate reconvened with Senator Garrison presiding.

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

**UNANIMOUS CONSENT REQUEST  
DIRECT TO CALENDAR**

Senator Coates asked unanimous consent to suspend Rule 5-4 and refer **SCR 56** direct to the Calendar for consideration, which was the order.

**GENERAL ORDER**

**SCR 56** by Coates of the Senate and Thompson of the House was called up for consideration.

**SCR 56** was adopted upon motion of Senator Coates and referred for engrossment.

**MESSAGE FROM THE HOUSE**

Advising fourth reading of and returning Enrolled **SBs 1095, 1359, 1479, 1574** and **1971**.

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

**MESSAGE FROM THE HOUSE  
CONFERENCE COMMITTEE REPORTS**

Transmitting the following bills, together with conference committee reports thereon, advising adoption of conference committee reports and passage of measures as amended:

**HB 2068**

**HB 2454**

**HB 2517** - coauthored by Shelton of the House

**HB 2588** - coauthored by Nance of the House

**HB 2604**

**HB 2840** - coauthored by Roan, Hyman, Shoemake, Walker, Martin and Cooksey of the House

Conference committee reports were read on the above-numbered bills.

**SCs NAMED**

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

**HB 2649** – GCCA

**CHANGE IN CONFEREES**

Advising change in Senate conferees as follows:

**HB 3116** – remove GCCA and add Fisher, Gumm, Rabon, Morgan, Mazzei, Crutchfield, Anderson, Wilson

**EXECUTIVE NOMINATIONS**

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

Franks, John, Okemah, as a member of the Polygraph Examiners Board - Judiciary

Kinder, Kris, Ninnekah, as a member of the Oklahoma Mining Commission - Energy and Environment

Stringer, Brad, Owasso, as a member of the Committee of Home Inspector Examiners - Business and Labor

Williford, A. Hearne, III, Tulsa, as a member of the Commission on Marginally Producing Oil and Gas Wells - Energy and Environment

Senator Rabon moved that when the clerk's desk is clear, the Senate stand adjourned to convene Friday, May 19, 2006, at 9:30 a.m., which motion prevailed.

### **CONFERENCE COMMITTEE REPORTS SUBMITTED**

Conference committee reports were read on the following bills:

**SB 1375**

**SB 1614**

**SB 1686**

**SB 1831**

**SB 1934**

### **SECOND READING**

The following was read for the second time and referred to committee as indicated:

**SR 114** – Finance

### **FIRST READING**

The following were introduced and read the first time:

**SR 115** – By Mazzei.

A Resolution requesting the Oklahoma Corporation Commission to deny an application; and directing distribution.

**SR 116** – By Lawler.

A Resolution memorializing the President and Congress to implement a comprehensive disaster and energy assistance program; and directing distribution.

Pursuant to the Rabon motion, the Senate adjourned at 3:10 p.m. to meet Friday, May 19, 2006, at 9:30 a.m.