

# Senate Journal

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

**Fifty-eighth Legislative Day, Monday, May 22, 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, Paddack, Pruitt, Rabon, Reynolds, Riley, Schulz, Shurden, Taylor, Wilcoxson, Williamson, Wilson and Wyrick.—48.

Senator Corn declared a quorum present.

The prayer was offered by Reverend Ken Isom, The Bridge Assembly of God, Mustang, the guest of Senator Wilcoxson.

### REPORT OF ENGROSSED AND ENROLLED MEASURES

**SB 324** was correctly enrolled and after fourth reading, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

**SR 117** was correctly enrolled, properly signed and ordered transmitted to the Secretary of State.

### PENDING CONSIDERATION OF CCR

The **CCR** on **HB 2517** was adopted upon motion of Senator Fisher.

**HB 2517**, as amended in conference, was read at length.

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

Aye: Adelson, Anderson, Barrington, Bass, Branan, Brogdon, Cain, Coates, Corn, Crain, Crutchfield, Easley, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson (C), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Paddack, Pruitt, Rabon, Reynolds, Riley, Schulz, Shurden, Wilcoxson, Wilson and Wyrick.--39.

Nay: Williamson.--1.

Excused: Aldridge, Capps, Coffee, Eason McIntyre, Johnson (M), Lawler, Nichols and Taylor.--8.

The bill passed.

**HB 2517**, together with the conference committee report thereon, was ordered returned to the Honorable House.

#### **PENDING CONSIDERATION OF CCR**

The **CCR** on **SB 266** was adopted upon motion of Senator Hobson.

**SB 266**, as amended in conference, was read at length.

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

Aye: Adelson, Anderson, Barrington, Bass, Branan, Brogdon, Cain, Coates, Corn, Crain, Crutchfield, Easley, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson (C), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Paddack, Pruitt, Reynolds, Riley, Schulz, Shurden, Wilcoxson, Williamson, Wilson and Wyrick.--39.

Excused: Aldridge, Capps, Coffee, Eason McIntyre, Johnson (M), Lawler, Nichols, Rabon and Taylor.--9.

The bill and emergency passed.

**SB 266**, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

#### **PENDING CONSIDERATION OF CCR**

The **CCR** on **HB 2068** was adopted upon motion of Senator Ford.

**HB 2068**, as amended in conference, was read at length.

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

Aye: Adelson, Anderson, Barrington, Bass, Branan, Brogdon, Cain, Coates, Corn, Crain, Crutchfield, Easley, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson (C), Jolley, Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Morgan, Myers, Paddack, Pruitt, Rabon, Reynolds, Riley, Schulz, Shurden, Wilcoxson, Williamson, Wilson and Wyrick.--41.

Excused: Aldridge, Capps, Coffee, Eason McIntyre, Johnson (M), Nichols and Taylor.-7.

The bill and emergency passed.

**HB 2068**, together with the conference committee report thereon, was ordered returned to the Honorable House.

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

Advising the signing of and transmitting for signature Enrolled **HCR 1072**.

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

Advising fourth reading of and returning Enrolled **SB 324**.

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

Advising rejection of the **CCR** to **SB 1346**, requesting further conference and naming same House conferees as follows: Sullivan, Morgan (Fred), Johnson, Morrissette, Trebilcock and Braddock.

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

**SB 756**

**SB 1481** - coauthored by Askins and McMullen of the House

**SB 1709**

**SB 1816**

The above-numbered measures, as amended in conference, were referred for enrollment.

**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 1284 (2ND CCR)** - remove Deutschendorf and substitute Peters as principal House author and coauthored by Deutschendorf of the House

**HB 1313** - remove McCarter and substitute Johnson as principal House author and coauthored McCarter of the House

**HB 1672** - coauthored by Jett, Armes, and DeWitt of the House

**HB 2097** - coauthored by Askins of the House

**HB 2379**

**HB 2421**

**HB 2529** - coauthored by Askins, Ingmire and Wright of the House

**HB 2554**

**HB 2611** - coauthored by Covey and Nance of the House

**HB 2984** - remove as coauthors Hilliard, Hyman, Roan, and Shoemake of the House and add as coauthors Armes, DeWitt, Hickman, McMullen and Shelton of the House

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

**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 2077** – Shurden, Wilson, Rabon, Corn, Nichols, Riley

**HB 2461** – GCCA

**HB 2462** – GCCA

**HB 2845** – GCCA

**HB 2958** – Coffee, GCCA

**SCs NAMED**

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

**SB 1434** – GCCA

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

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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 CCR**

The **CCR** on **HB 2487** was rejected upon motion of Senator Fisher, further conference requested, and same Senate conferees appointed as follows: Barrington, Wyrick, Corn, Laster, Lamb.

#### **PENDING CONSIDERATION OF CCR**

The **CCR** on **HB 2662** was adopted upon motion of Senator Corn.

**HB 2662**, 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, Rabon, Riley, Schulz, Shurden, Taylor, Wilcoxson, Williamson, Wilson and Wyrick.--46.

Excused: Pruitt and Reynolds.--2.

The bill passed.

**HB 2662**, together with the conference committee report thereon, was ordered returned to the Honorable House.

#### **PENDING CONSIDERATION OF CCRs**

The following **CCR**s were rejected upon motion of Senator Fisher, further conference requested, and same Senate conferees appointed as follows:

**SB 1463** – GCCA

**SB 2017** – GCCA

**PENDING CONSIDERATION OF CCR**

The **CCR** on **SB 1401** was adopted upon motion of Senator Paddack.

**SB 1401**, 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, Rabon, Riley, Schulz, Shurden, Taylor, Wilcoxson, Williamson, Wilson and Wyrick.--46.

Excused: Pruitt and Reynolds.--2.

The bill passed.

**SB 1401**, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

**UNANIMOUS CONSENT REQUEST  
DIRECT TO CALENDAR**

Senator Mazzei asked unanimous consent to suspend Rule 5-4 and refer **SR 115** direct to the Calendar for consideration, which was the order.

**GENERAL ORDER**

**SR 115** by Mazzei was called up for consideration.

**SR 115** was adopted upon motion of Senator Mazzei and referred for enrollment.

**PENDING CONSIDERATION OF CCR**

The **CCR** on **HB 2882** was adopted upon motion of Senator Laster.

**HB 2882**, 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, Myers, Nichols, Paddack, Rabon, Riley, Schulz, Shurden, Taylor, Wilcoxson, Williamson, Wilson and Wyrick.--45.

Excused: Morgan, Pruitt and Reynolds.--3.

The bill passed.

**HB 2882**, together with the conference committee report thereon, was ordered returned to the Honorable House.

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

Senator Rabon asked unanimous consent to suspend Rule 5-4 and refer **SCR 54** direct to the Calendar for consideration, which was the order.

### **GENERAL ORDER**

**SCR 54** by Rabon of the Senate and Pruett of the House was called up for consideration.

All other members of the Senate asked to coauthor **SCR 54**, which was the order.

**SCR 54** was adopted upon motion of Senator Rabon and referred for engrossment.

### **PENDING CONSIDERATION OF CCR**

The **CCR** on **HB 1913** was adopted upon motion of Senator Lamb.

**HB 1913**, as amended in conference, 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, Myers, Nichols, Paddack, Pruitt, Rabon, Riley, Schulz, Shurden, Taylor, Wilcoxson, Williamson, Wilson and Wyrick.--46.

Excused: Morgan and Reynolds.--2.

The bill and emergency passed.

**HB 1913**, together with the conference committee report thereon, was ordered returned to the Honorable House.

**PENDING CONSIDERATION OF CCR**

The **CCR** on **SB 1549** was adopted upon motion of Senator Lerblance.

**SB 1549**, as amended in conference, 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, Myers, Nichols, Paddack, Pruitt, Rabon, Riley, Schulz, Shurden, Taylor, Wilcoxson, Williamson, Wilson and Wyrick.--46.

Excused: Morgan and Reynolds.--2.

The bill and emergency passed.

**SB 1549**, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

**PENDING CONSIDERATION OF CCR**

The **CCR** on **SB 1831** was adopted upon motion of Senator Johnson (Constance).

**SB 1831**, 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, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Myers, Nichols, Paddack, Pruitt, Rabon, Riley, Schulz, Shurden, Taylor, Wilcoxson, Williamson, Wilson and Wyrick.--45.

Nay: Corn.--1.

Excused: Morgan and Reynolds.--2.

The bill passed.

**SB 1831**, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

**PENDING CONSIDERATION OF CCR**

The **CCR** on **SB 1934** was adopted upon motion of Senator Corn.

**SB 1934**, 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), Lamb, Laster, Lawler, Leftwich, Lerblance, Morgan, Paddack, Rabon, Shurden, Taylor, Wilson and Wyrick.--27.

Nay: Aldridge, Barrington, Branan, Brogdon, Coates, Coffee, Crain, Ford, Johnson (M), Jolley, Justice, Laughlin, Mazzei, Myers, Nichols, Pruitt, Riley, Schulz, Wilcoxson and Williamson.--20.

Excused: Reynolds.--1.

The bill passed.

**SB 1934**, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

**MESSAGES FROM THE HOUSE**

Advising withdrawal from **GCCA** and naming House conferees on Engrossed:

**SB 1166** - Benge, Balkman, Cooksey, Brown, Cox, Eddins, Ellis and Tibbs

Advising the Honorable Senate that the House has rescinded the rejection of **CCR** on **SB 1346**.

**PENDING CONSIDERATION OF CCR**

The **CCR** on **HB 2588** was adopted upon motion of Senator Myers.

**HB 2588**, 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, Riley, Schulz, Shurden, Taylor, Wilcoxson, Williamson, Wilson and Wyrick.--47.

Excused: Reynolds.--1.

The bill passed.

**HB 2588**, together with the conference committee report thereon, was ordered returned to the Honorable House.

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

Senator Shurden asked unanimous consent to suspend Rule 5-4 and refer **SR 109** direct to the Calendar for consideration, which was the order.

### **GENERAL ORDER**

**SR 109** by Shurden was called up for consideration.

All other members of the Senate asked to coauthor **SR 109**, which was the order.

**SR 109** was adopted upon motion of Senator Shurden and referred for enrollment.

### **PENDING CONSIDERATION OF CCR**

The **CCR** on **SB 1375** was adopted upon motion of Senator Riley.

**SB 1375**, 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, Myers, Nichols, Paddack, Pruitt, Rabon, Riley, Schulz, Shurden, Taylor, Wilcoxson, Williamson, Wilson and Wyrick.--46.

Excused: Morgan and Reynolds.--2.

The bill passed.

**SB 1375**, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

#### **PENDING CONSIDERATION OF CCR**

The **CCR** on **SB 1357** was adopted upon motion of Senator Wilson.

**SB 1357**, as amended in conference, was read at length.

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

Aye: 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, Myers, Nichols, Paddack, Pruitt, Rabon, Riley, Schulz, Shurden, Taylor, Wilcoxson, Williamson, Wilson and Wyrick.--45.

Excused: Adelson, Morgan and Reynolds.--3.

The bill and emergency passed.

Pursuant to Rule 12-23, Senator Rabon served notice that the vote be reconsidered whereby **SB 1357** passed.

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

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

##### **SB 1346**

The above-numbered measure, as amended in conference, was referred for enrollment.

Advising further conference granted and naming same House conferees on Engrossed:

**HB 2487** - Nance, Lamons, Roan, Coody, Hickman, Smithson, Peterson (Pam) and Trebilcock

**SB 1463** - Glenn, Roggow, Duncan, Adkins, Covey, DeWitt, Morgan (Danny), Shoemaker, Thompson, Walker, Wilt and Newport

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

**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 1646** - coauthored by Shelton of the House

**HB 2655** - coauthored by Askins and Shumate of the House

**HB 2656**

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

**CHANGE IN CONFEREES**

Advising change in Senate conferees as follows:

**SB 1951** – remove GCCA and add Crutchfield, Corn, Easley, Mazzei, Crain

**HB 2788** – add Morgan, Fisher, Taylor

Senator Fisher moved that when the clerk's desk is clear, the Senate stand adjourned to convene Tuesday, May 23, 2006, at 9:00 a.m., which motion prevailed.

**CONFERENCE COMMITTEE REPORTS SUBMITTED**

Conference committee reports were read on the following bills:

**SB 1040**

**SB 1324**

**SB 1399**

**SB 1503**

**SB 1598**

**SB 1613**

**SB 1716**

**SB 1760**

**SB 1765**

**SB 1782**

**SB 1799**

**SB 1807**

**SB 1850**

**SB 1951** - remove Corn and substitute Crutchfield as principal Senate author and coauthored by Corn of the Senate

**SB 1964**

**SECOND READING**

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

**HCR 1068** – Appropriations

**FIRST READING**

The following was introduced and read the first time:

**SJR 65** – By Corn.

A Joint Resolution relating to amendments to permanent rule of the Real Estate Appraiser Board; disapproving amendments to permanent rule OAC 600:10-1-16, regarding supervision of trainee appraisers; directing program development; directing distribution; and declaring an emergency.

**MESSAGE FROM THE GOVERNOR**

Advising his approval May 22, 2006, of Enrolled **SBs 990, 1366 and 1634** and **SJR 48**.

Pursuant to the Fisher motion, the Senate adjourned at 2:35 p.m. to meet Tuesday, May 23, 2006, at 9:00 a.m.