

# Senate Journal

## First Regular Session of the Forty-ninth Legislature of the State of Oklahoma

Fourteenth Legislative Day, Monday, February 24, 2003

The Senate was called to order by Senator Rozell.

Roll Call:

Present: Aldridge, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crutchfield, Easley, Fair, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Stipe, Wilcoxson, Wilkerson, Williams and Williamson.—45.

Excused: Dunlap, Littlefield and Taylor.—3.

Senator Rozell declared a quorum present.

The prayer was offered by Reverend Trace Morgan, First Baptist Church, Stillwater, the guest of Senator Morgan.

### REPORT OF ENGROSSED AND ENROLLED MEASURE

**SCR 7** was correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

### DEDICATION

Senator Ford presented a portrait of Senator Cal Hobson, currently the Thirty-eighth President Pro Tempore of the Oklahoma Senate. The portrait was painted by renowned artist, Mike Wimmer. Mr. Wimmer and President Pro Tempore Hobson addressed the Senate. The portrait was a gift presented by Senate members of the 48<sup>th</sup> Legislature.

**MESSAGE FROM THE HOUSE**

Advising passage of and transmitting for consideration Engrossed **HBs 1279, 1280, 1342, 1492, 1559, 1566, 1623 and 1688.**

**HB 1279** – By Hutchison, Erwin, Adair, Carey, Covey, Deutschendorf, Hefner, Kirby, Maddux, McCarter, Mitchell, Plunk, Roan, Wells, Smithson, Wilson and Rice of the House and Kerr, Shurden, Wilkerson and Stipe of the Senate.

An Act relating to prisons and reformatories; amending 57 O.S. 2001, Section 549.1, which relates to purchase of prison industries goods and services; expanding number of entities included in purchase requirement; adding condition for purchase requirement; making certain purchases mandatory; and declaring an emergency.

**HB 1280** – By Hutchison, Erwin, Adair, Carey, Covey, Deutschendorf, Hefner, Kirby, Maddux, Mitchell, McCarter, Plunk, Roan, Walker, Wells, Smithson, Miller (Doug), Harrison, Miller (Ray) and Rice of the House and Kerr, Shurden, Wilkerson and Stipe of the Senate.

An Act relating to the Oklahoma Central Purchasing Act; amending 74 O.S. 2001, Section 85.12, which relates to excluded acquisitions; adding an exemption for Oklahoma Correctional Industries and Agri-Services of the Department of Corrections; amending 74 O.S. 2001, Section 123f, which relates to convict-made goods; adding an exception for the purchase of goods by certain persons; and providing an effective date.

**HB 1342** – By Deutschendorf and Nance of the House and Capps of the Senate.

An Act relating to technology; creating the Electronic and Information Technology Accessibility Task Force; stating purpose of the Task Force; establishing membership; providing for appointments, appointment of cochairs, and a quorum; providing for meetings and subcommittees; providing for staffing and assistance; requiring compliance with the Oklahoma Open Meetings Act; providing for travel reimbursement; requiring a report; providing for noncodification; and declaring an emergency.

**HB 1492** – By Smith (Dale) of the House and Shurden of the Senate.

An Act relating to game and fish; amending 29 O.S. 2001, Section 3-312, which relates to the wildlife habitat development program; expanding the type of wildlife covered by the program; expanding functions of the program; modifying term of the contract; and declaring an emergency.

**HB 1559** – By Calvey, Hamilton, Lindley, Smith (Hopper), Gilbert and Easley of the House and Williams of the Senate.

An Act relating to schools; establishing criteria for a waiver of nonresident tuition for certain students; requiring compliance with certain admission criteria; providing for codification; and declaring an emergency.

**HB 1566** – By Smith (Dale) of the House and Shurden of the Senate.

An Act relating to game and fish; providing definition of certain term; amending 29 O.S. 2001, Section 4-107, which relates to commercial wildlife breeder's license; updating

statutory language; modifying type of cat or bear; modifying restrictions on confinement of certain bears and cats; requiring nonresidents and residents to obtain certain exhibitor's permit to exhibit certain wildlife; providing certain exemption; establishing fee; requiring persons to hold certain exhibitor's license; establishing certain confinement and handling requirements; providing for inspection; increasing penalty; amending 29 O.S. 2001, Section 5-602, which relates to the confinement of wildlife to premises; providing an exception for certain persons; amending 29 O.S. 2001, Section 7-502, as amended by Section 3, Chapter 346, O.S.L. 2002 (29 O.S. Supp. 2002, Section 7-502), which relates to the prohibition on possession of certain wildlife; modifying type of cat or bear; providing for codification; providing an effective date; and declaring an emergency.

**HB 1623** – By Braddock and Nance of the House and Wilkerson of the Senate.

An Act relating to crimes and punishments; amending 21 O.S. 2001, Section 1123, as last amended by Section 11, Chapter 460, O.S.L. 2002 (21 O.S. Supp. 2002, Section 1123), which relates to lewd and indecent proposals; adding requirements for crime; and providing an effective date.

**HB 1688** – By Steele of the House and Brogdon of the Senate.

An Act relating to public health and safety; amending 63 O.S. 2001, Section 4030, which relates to the Oklahoma Vessel and Motor Registration Act; requiring decal for vessel or outboard motor to be reissued if it cannot be displayed properly due to size; and providing an effective date.

The above-numbered measures were read the first time.

## **GENERAL ORDER**

**SB 290** by Coffee of the Senate and Askins of the House was called up for consideration.

Senator Coffee moved that **SB 290** be advanced, which motion was declared adopted.

## **THIRD READING**

**SB 290** was read for the third time at length.

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

Aye: Aldridge, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crutchfield, Easley, Fair, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Stipe, Wilcoxson, Wilkerson, Williams and Williamson.--45.

Excused: Dunlap, Littlefield and Taylor.--3.

The bill passed.

**SB 290** was referred for engrossment.

### **GENERAL ORDER**

**SB 3** by Leftwich of the Senate and Boren and Nance of the House was called up for consideration.

Representative Boren asked to be removed and Representative Nance asked to be named principal House author and Representative Boren and Senator Fair asked to named coauthors on **SB 3**, which was the order.

Senator Leftwich moved that **SB 3** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 3** was read for the third time at length.

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

Aye: Aldridge, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crutchfield, Easley, Fair, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Stipe, Wilcoxson, Wilkerson, Williams and Williamson.--45.

Excused: Dunlap, Littlefield and Taylor.--3.

The bill passed.

**SB 3** was referred for engrossment.

### **GENERAL ORDER**

**SB 237** by Leftwich of the Senate and Paulk of the House was called up for consideration.

Senator Leftwich moved that **SB 237** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 237** was read for the third time at length.

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

Aye: Aldridge, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crutchfield, Easley, Fair, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Stipe, Wilkerson, Williams and Williamson.--42.

Nay: Pruitt, Snyder and Wilcoxson.--3.

Excused: Dunlap, Littlefield and Taylor.--3.

The bill passed.

**SB 237** was referred for engrossment.

**GENERAL ORDER**

**SB 649** by Coffee of the Senate and Askins of the House was called up for consideration.

Senator Coffee moved that **SB 649** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 649** was read for the third time at length.

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

Aye: Aldridge, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crutchfield, Easley, Fair, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Maddox, Milacek, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Rozell, Shurden, Smith, Snyder, Stipe, Wilcoxson, Wilkerson, Williams and Williamson.--42.

Nay: Leftwich, Monson and Robinson.--3.

Excused: Dunlap, Littlefield and Taylor.--3.

The bill and emergency passed.

**SB 649** was referred for engrossment.

### **GENERAL ORDER**

**SB 240** by Leftwich of the Senate and Askins of the House was called up for consideration.

Representative Askins asked to be removed and Representative Newport asked to be named principal House author, and Representative Paulk asked to be named coauthor on **SB 240**, which was the order.

Senator Leftwich moved that **SB 240** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 240** was read for the third time at length.

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

Aye: Aldridge, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crutchfield, Fair, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Kerr, Laster, Laughlin, Lawler, Leftwich, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Stipe, Wilcoxson, Wilkerson, Williams and Williamson.--43.

Excused: Dunlap, Easley, Johnson, Littlefield and Taylor.--5.

The bill passed.

**SB 240** was referred for engrossment.

**Senator Morgan presiding.**

### **GENERAL ORDER**

**SB 660** by Coffee of the Senate and Perry of the House was called up for consideration.

Senator Gumm asked to coauthor **SB 660**, which was the order.

Senator Gumm moved to amend **SB 660**, Page 3, Line 21 ½, by inserting a new Paragraph D to read as follows:

“D. It shall be a violation of this act for any person that sends an unsolicited commercial electronic mail message containing sexually explicit material, or advertising sexually explicit goods or services, to fail to use the exact characters ‘ADV-ADULT:’ as the first ten characters in the subject line of such an unsolicited commercial electronic mail message.” and by relettering the subsequent paragraph, which amendment was declared adopted.

Senator Coffee moved that **SB 660** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 660** was read for the third time at length.

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

Aye: Aldridge, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crutchfield, Fair, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Stipe, Wilcoxson, Wilkerson, Williams and Williamson.--44.

Excused: Dunlap, Easley, Littlefield and Taylor.--4.

The bill passed.

**SB 660** was referred for engrossment.

### **GENERAL ORDER**

**SB 276** by Leftwich and Pruitt of the Senate and Lindley of the House was called up for consideration.

Senator Leftwich moved to amend **SB 276**, Page 1, by restoring the title, which amendment was declared adopted.

Senator Pruitt moved to amend **SB 276**, Page 3, Line 2 ½, by inserting a new Section 2 to read as follows:

“SECTION 2. Any individual violating the provisions of Section 1 shall have notary public license revoked for a period of one (1) year.”, and by renumbering subsequent section, which amendment was declared adopted.

Senator Leftwich moved that **SB 276** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 276** was read for the third time at length.

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

Aye: Aldridge, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crutchfield, Fair, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Stipe, Wilkerson and Williams.--40.

Nay: Fisher, Price, Wilcoxson and Williamson.--4.

Excused: Dunlap, Easley, Littlefield and Taylor.--4.

The bill passed.

**SB 276** was referred for engrossment.

### **GENERAL ORDER**

**HB 1240** by Mitchell et al of the House and Morgan and Robinson of the Senate was called up for consideration.

Senator Rozell moved that **HB 1240** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 1240** was read for the third time at length.

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

Aye: Aldridge, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crutchfield, Easley, Fair, Fisher, Gumm, Harrison, Helton, Hobson, Horner, Kerr, Laster, Laughlin, Lawler, Leftwich, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Smith, Snyder, Stipe, Wilcoxson, Wilkerson, Williams and Williamson.--41.

Nay: Ford, Johnson, Maddox and Shurden.--4.



Excused: Dunlap, Littlefield and Taylor.--3.

The bill and emergency passed.

**HB 1240** was properly signed and ordered returned to the Honorable House.

#### **MESSAGE FROM THE HOUSE**

Advising passage of and returning the following Engrossed bill:

**SCR 7** - coauthored by all other House members

The above-numbered measure was referred for enrollment.

#### **EXECUTIVE NOMINATIONS**

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

Hartz, Jim, Alexandria, as a member of the Will Rogers Memorial Commission - Tourism and Wildlife

Moran, Melvin, Seminole, as a member of the Oklahoma Tourism and Recreation Commission - Tourism and Wildlife

Pazzo, Stephen Robert, Claremore, as a member of the Will Rogers Memorial Commission - Tourism and Wildlife

Senator Fisher moved that when the clerk's desk is clear, the Senate stand adjourned to convene Tuesday, February 25, 2003, at 9:30 a.m., which motion prevailed.

#### **COMMITTEE REPORTS**

The following were reported by the committees named, ordered printed and placed on the Calendar:

DO PASS:

**SB 422** – Retirement and Group Health, coauthored by Sweeden (principal House author)

**SB 509** – Veterans, Military Affairs, and Public Safety, coauthored by Paulk (principal House author)

**SB 572** – Appropriations, coauthored by Dank (principal House author)

- SB 587** – Human Resources, coauthored by Horner, Lawler, Monson, Riley, and Williams of the Senate, and coauthored by Hamilton (principal House author), and coauthored by Blackburn, Easley, McIntyre, Staggs, and Tibbs of the House
- SB 589** – Human Resources, coauthored by Roan (principal House author)
- SB 620** – Human Resources, coauthored by Askins (principal House author)
- SB 652** – Appropriations, coauthored by Nance (principal House author)
- SB 669** – Retirement and Group Health, coauthored by Toure (principal House author)
- SB 693** – Human Resources, coauthored by Toure (principal House author)
- SB 696** – Veterans, Military Affairs, and Public Safety, coauthored by Paulk (principal House author)
- SB 808** – Appropriations, coauthored by Braddock (principal House author)
- SB 810** – Appropriations, coauthored by Staggs (principal House author)
- SB 816** – Appropriations, coauthored by Braddock (principal House author)
- SB 830** – Human Resources, coauthored by Leist (principal House author)

DO PASS, As Amended:

- SB 230** – Human Resources, coauthored by Stanley (principal House author)
- SB 242** – Finance, coauthored by McCarter (principal House author)
- SB 283** – Finance, coauthored by Gumm of the Senate, and coauthored by Morgan (Fred) (principal House author)
- CS for SB 401** – Appropriations, coauthored by Smithson (principal House author)
- SB 429** – Finance, coauthored by Capps of the Senate, and coauthored by Covey (principal House author), and coauthored by Maddux of the House
- SB 438** – Finance
- CS for SB 484** – Human Resources, coauthored by Deutschendorf (principal House author)
- SB 502** – Finance, coauthored by Staggs (principal House author)
- SB 525** – Human Resources, coauthored by Stanley (principal House author)
- CS for SB 527** – Appropriations, coauthored by Pope (principal House author)
- SB 535** – Finance, coauthored by Rice (principal House author)
- CS for SB 564** – Human Resources, coauthored by Roggow (principal House author)
- SB 566** – Human Resources, coauthored by Vaughn (principal House author)
- CS for SB 583** – Finance, coauthored by Nations (principal House author)
- SB 588** – Human Resources, coauthored by Gilbert (principal House author)
- CS for SB 614** – Human Resources, coauthored by Plunk (principal House author)
- CS for SB 635** – Human Resources, coauthored by Cox (principal House author)
- SB 667** – Finance, coauthored by Roberts (principal House author)
- CS for SB 675** – Appropriations, coauthored by Braddock (principal House author)
- SB 703** – Appropriations, coauthored by Braddock (principal House author)
- CS for SB 708** – Finance
- CS for SB 742** – Human Resources, coauthored by Braddock (principal House author)
- CS for SB 785** – Human Resources, coauthored by Toure (principal House author)
- CS for SB 788** – Appropriations, coauthored by Askins (principal House author)

**CS for SB 789** – Appropriations, coauthored by Braddock (principal House author)  
**SB 792** – Appropriations, coauthored by Braddock (principal House author)  
**CS for SB 795** – Human Resources, coauthored by Braddock (principal House author)  
**SB 801** – Appropriations, coauthored by Staggs (principal House author)  
**SB 807** – Appropriations, coauthored by Nance (principal House author)  
**SB 809** – Appropriations, coauthored by Kirby (principal House author)  
**CS for SB 817** – Appropriations, coauthored by Askins (principal House author)  
**SB 818** – Appropriations, coauthored by Askins (principal House author)  
**CS for SB 822** – Finance, coauthored by Ingmire (principal House author)  
**SB 823** – Appropriations, coauthored by Kirby (principal House author)  
**CS for SB 832** – Appropriations, coauthored by Erwin (principal House author)  
**CS for SB 835** – Appropriations  
**SB 838** – Appropriations, coauthored by Erwin (principal House author)  
**SJR 11** – Appropriations, coauthored by McCarter (principal House author), and coauthored by Ferguson of the House  
**CS for SJR 21** – Human Resources

#### **FIRST READING**

The following were introduced and read the first time:

**SCR 8** – By Cain of the Senate and Blackburn of the House.

A Concurrent Resolution creating the Joint Task Force on Campaign Financing Alternatives; stating purpose; establishing membership; providing for reimbursement; providing staff support; requiring a report; and directing distribution.

**SCR 9** – By Harrison of the Senate and Ferguson of the House.

A Concurrent Resolution mourning the loss of Pawnee County Sheriff Dwight Woodrell, Jr.; designating a portion of State Highway 64 as the “Dwight C. Woodrell, Jr., Memorial Highway”; directing the Department of Transportation to place suitable permanent markers on the highway; and directing distribution.

Pursuant to the Fisher motion, the Senate adjourned at 3:30 p.m. to meet Tuesday, February 25, 2003, at 9:30 a.m.