

Senate Journal

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

Forty-first Legislative Day, Thursday, April 10, 2003

The Senate was called to order by Senator Rozell.

Roll Call:

Present: Aldridge, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crutchfield, Dunlap, Fair, Fisher, Gumm, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Littlefield, Maddox, Milacek, Morgan, Myers, Nichols, Price, Pruitt, Reynolds, Robinson, Rozell, Shurden, Smith, Snyder, Wilcoxson, Wilkerson, Williams and Williamson.—40.

Excused: Easley, Ford, Harrison, Monson, Rabon, Riley and Taylor.—7.

Vacancy: District 7.—1.

Senator Rozell declared a quorum present.

The prayer was offered by Reverend Jim Crain, Del City Church of Christ, Del City, the guest of Senator Aldridge.

REPORT OF ENGROSSED AND ENROLLED MEASURES

SCR 15 was correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

HBs 1008, 1052, 1106, 1110, 1151, 1259, 1271, 1301, 1326, 1358, 1451, 1456, 1535, 1580 and 1744 were each correctly engrossed and, together with engrossed **SAs**, properly signed and ordered returned to the Honorable House.

SBs 10, 334, 338 and 742 were each correctly enrolled and after fourth reading, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

SRs 18 and **19** were each correctly enrolled, properly signed and ordered transmitted to the Secretary of State.

PENDING CONSIDERATION OF HAS

HAs to **SBs 447, 616** and **727** were rejected upon motion of Senator Fisher, conference requested, and Senate conferees to be named later.

GENERAL ORDER

HB 1004 by Plunk et al of the House and Wilkerson of the Senate was called up for consideration.

Senator Wilkerson moved that **HB 1004** be advanced, which motion was declared adopted.

THIRD READING

HB 1004 was read for the third time at length.

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

Aye: Aldridge, Cain, Capps, Coates, Corn, Fisher, Gumm, Helton, Hobson, Horner, Kerr, Laster, Lawler, Maddox, Milacek, Morgan, Price, Reynolds, Robinson, Rozell, Shurden and Wilkerson.--22.

Nay: Branan, Brogdon, Coffee, Dunlap, Johnson, Laughlin, Myers, Nichols, Pruitt, Smith, Snyder, Wilcoxson, Williams and Williamson.--14.

Excused: Crutchfield, Easley, Fair, Ford, Harrison, Leftwich, Littlefield, Monson, Rabon, Riley and Taylor.--11.

Vacancy: District 7.--1.

The bill failed.

Pursuant to Rule 12-23, Senator Wilkerson served notice that the vote be reconsidered whereby **HB 1004** failed.

GENERAL ORDER

HB 1109 by Turner of the House and Shurden of the Senate was called up for consideration.

Senator Shurden moved that **HB 1109** be advanced, which motion was declared adopted.

THIRD READING

HB 1109 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, Dunlap, Fisher, Gumm, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Maddox, Milacek, Morgan, Myers, Nichols, Price, Pruitt, Reynolds, Robinson, Rozell, Shurden, Smith, Snyder, Wilcoxson, Wilkerson, Williams and Williamson.--36.

Excused: Crutchfield, Easley, Fair, Ford, Harrison, Leftwich, Littlefield, Monson, Rabon, Riley and Taylor.--11.

Vacancy: District 7.--1.

The bill and emergency passed.

HB 1109 was referred for engrossment.

GENERAL ORDER

HB 1323 by Tibbs of the House and Cain of the Senate was called up for consideration.

Senator Cain moved that **HB 1323** be advanced, which motion was declared adopted.

THIRD READING

HB 1323 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, Dunlap, Fisher, Gumm, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler,

Leftwich, Littlefield, Maddox, Milacek, Morgan, Myers, Price, Pruitt, Reynolds, Robinson, Rozell, Shurden, Smith, Snyder, Wilkerson and Williams.--36.

Nay: Nichols and Wilcoxson.--2.

Excused: Easley, Fair, Ford, Harrison, Monson, Rabon, Riley, Taylor and Williamson.-
-9.

Vacancy: District 7.--1.

The bill and emergency passed.

HB 1323 was referred for engrossment.

GENERAL ORDER

HB 1690 by Askins et al of the House and Helton of the Senate was called up for consideration.

Senator Helton moved that **HB 1690** be advanced, which motion was declared adopted.

THIRD READING

HB 1690 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, Dunlap, Fisher, Gumm, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Littlefield, Maddox, Milacek, Morgan, Myers, Nichols, Price, Pruitt, Reynolds, Robinson, Rozell, Shurden, Smith, Snyder, Wilcoxson, Wilkerson, Williams and Williamson.--39.

Excused: Easley, Fair, Ford, Harrison, Monson, Rabon, Riley and Taylor.--8.

Vacancy: District 7.--1.

The bill and emergency passed.

HB 1690 was referred for engrossment.

GENERAL ORDER

HB 1067 by Roberts of the House and Wilkerson of the Senate was called up for consideration.

Senator Wilkerson moved that **HB 1067** be advanced, which motion was declared adopted.

THIRD READING

HB 1067 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, Dunlap, Fisher, Gumm, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Littlefield, Maddox, Milacek, Morgan, Myers, Nichols, Price, Pruitt, Reynolds, Robinson, Rozell, Shurden, Smith, Snyder, Wilcoxson, Wilkerson, Williams and Williamson.--39.

Excused: Easley, Fair, Ford, Harrison, Monson, Rabon, Riley and Taylor.--8.

Vacancy: District 7.--1.

The bill and emergency passed.

HB 1067 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 1099 by Rice and Nance of the House and Wilkerson of the Senate was called up for consideration.

Senator Wilkerson moved that **HB 1099** be advanced, which motion was declared adopted.

THIRD READING

HB 1099 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, Dunlap, Fair, Fisher, Gumm, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Littlefield, Maddox, Milacek, Morgan, Myers, Nichols, Price, Pruitt, Reynolds, Robinson, Rozell, Shurden, Smith, Snyder, Wilcoxson, Wilkerson, Williams and Williamson.--40.

Excused: Easley, Ford, Harrison, Monson, Rabon, Riley and Taylor.--7.

Vacancy: District 7.--1.

The bill and emergency passed.

HB 1099 was referred for engrossment.

PENDING CONSIDERATION OF HAS

HAs to **SB 646** were rejected upon motion of Senator Fisher, conference requested, and Senate conferees to be named later.

Senator Gumm presiding.

GENERAL ORDER

HB 1681 by Blackburn of the House and Cain of the Senate was called up for consideration.

Senator Cain moved to amend **HB 1681**, Page 1, by striking the title, which amendment was declared adopted.

Senator Shurden moved to amend **HB 1681**, Page 25, Line 23 by inserting after the comma and before the word "or" the words "revoke an irrevokable trust," which amendment was declared adopted.

Senator Cain moved to amend **HB 1681**, Page 30, Line 21, by deleting after the word "by" and before the word "of" the words "subsections B and C", and inserting in lieu thereof the words "subparagraphs b and c"; and Line 22 by deleting the new word "section" and restoring the stricken word "paragraph", which amendment was declared adopted.

Senator Cain moved that **HB 1681** be advanced, which motion was declared adopted.

THIRD READING

HB 1681 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, Dunlap, Fair, Fisher, Gumm, Helton, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Littlefield, Maddox, Milacek, Morgan, Myers, Nichols, Price, Pruitt, Reynolds, Robinson, Rozell, Shurden, Smith, Wilcoxson and Wilkerson.--36.

Excused: Easley, Ford, Harrison, Hobson, Monson, Rabon, Riley, Snyder, Taylor, Williams and Williamson.--11.

Vacancy: District 7.--1.

The bill and emergency passed.

HB 1681 was referred for engrossment.

GENERAL ORDER

HB 1484 by Walker of the House and Wilkerson of the Senate was called up for consideration.

Senator Wilkerson moved that **HB 1484** be advanced, which motion was declared adopted.

THIRD READING

HB 1484 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, Dunlap, Fisher, Gumm, Helton, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Littlefield, Maddox, Milacek, Morgan, Myers, Nichols, Price, Pruitt, Reynolds, Robinson, Rozell, Shurden, Smith, Wilcoxson and Wilkerson.--35.

Excused: Easley, Fair, Ford, Harrison, Hobson, Monson, Rabon, Riley, Snyder, Taylor, Williams and Williamson.--12.

Vacancy: District 7.--1.

The bill passed.

Pursuant to Rule 12-23, Senator Wilkerson served notice that the vote be reconsidered whereby **HB 1484** passed.

GENERAL ORDER

HB 1444 by Stanley of the House and Shurden of the Senate was called up for consideration.

Senator Shurden moved that **HB 1444** be advanced, which motion was declared adopted.

THIRD READING

HB 1444 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, Dunlap, Fisher, Gumm, Helton, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Littlefield, Maddox, Milacek, Morgan, Myers, Nichols, Price, Pruitt, Reynolds, Robinson, Rozell, Shurden, Wilcoxson, Wilkerson and Williams.--35.

Excused: Easley, Fair, Ford, Harrison, Hobson, Monson, Rabon, Riley, Smith, Snyder, Taylor and Williamson.--12.

Vacancy: District 7.--1.

The bill passed.

HB 1444 was referred for engrossment.

GENERAL ORDER

HB 1615 by Wilt and Nance of the House and Pruitt of the Senate was called up for consideration.

Senator Pruitt moved to amend **HB 1615**, Page 1, by restoring the title, which amendment was declared adopted.

The above amendment restores **HB 1615** to the engrossed version of the bill.

Senator Pruitt moved that **HB 1615** be advanced, which motion was declared adopted.

THIRD READING

HB 1615 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, Dunlap, Fair, Fisher, Gumm, Helton, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Littlefield, Maddox, Milacek, Morgan, Myers, Nichols, Price, Pruitt, Reynolds, Robinson, Rozell, Wilcoxson, Wilkerson and Williams.--35.

Excused: Easley, Ford, Harrison, Hobson, Monson, Rabon, Riley, Shurden, Smith, Snyder, Taylor and Williamson.--12.

Vacancy: District 7.--1.

The bill passed.

HB 1615 was properly signed and ordered returned to the Honorable House.

PENDING CONSIDERATION OF HAS

HAs to **SB 556** and **439** were rejected upon motion of Senator Fisher, conference requested, and Senate conferees to be named later.

GENERAL ORDER

HB 1771 by Askins of the House and Helton and Lawler of the Senate was called up for consideration.

Senator Helton moved that **HB 1771** be advanced, which motion was declared adopted.

THIRD READING

HB 1771 was read for the third time at length.

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

Aye: Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crutchfield, Dunlap, Fair, Fisher, Gumm, Helton, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich,

Littlefield, Maddox, Milacek, Morgan, Myers, Nichols, Price, Pruitt, Reynolds, Robinson, Rozell, Shurden, Smith, Wilcoxson, Wilkerson and Williams.--36.

Excused: Aldridge, Easley, Ford, Harrison, Hobson, Monson, Rabon, Riley, Snyder, Taylor and Williamson.--11.

Vacancy: District 7.--1.

The bill passed.

HB 1771 was referred for engrossment.

GENERAL ORDER

HB 1565 by Boren et al of the House and Shurden of the Senate was called up for consideration.

Senator Shurden moved that **HB 1565** be advanced, which motion was declared adopted.

THIRD READING

HB 1565 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, Dunlap, Fair, Fisher, Gumm, Helton, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Littlefield, Maddox, Milacek, Morgan, Myers, Nichols, Price, Pruitt, Reynolds, Robinson, Rozell, Shurden, Smith, Wilcoxson, Wilkerson and Williams.--37.

Excused: Easley, Ford, Harrison, Hobson, Monson, Rabon, Riley, Snyder, Taylor and Williamson.--10.

Vacancy: District 7.--1.

The bill passed.

HB 1565 was properly signed and ordered returned to the Honorable House.

MESSAGES FROM THE HOUSE

Advising fourth reading of and transmitting for signature Enrolled **HBs 1089, 1117, 1280, 1415, 1493, 1527, 1599, 1603 and 1782.**

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

Advising fourth reading of and returning Enrolled **SBs 10, 334, 338 and 742.**

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

Advising passage of and returning the following Engrossed bill:

SB 549

The above-numbered measure was referred for enrollment.

Advising concurrence in **SAs** to and passage of Engrossed **HB 1034.**

Advising passage of and transmitting for consideration Engrossed **HCR 1014.**

HCR 1014 – By Hutchison, Adair, Adkins, Armes, Askins, Balkman, Benge, Blackburn, Blackwell, Bonny, Boren, Braddock, Brannon, Calvey, Carey, Cargill, Case, Claunch, Coleman, Covey, Cox, Dank, Davis, DeWitt, Deutschendorf, Dorman, Easley, Eddins, Ellis, Ericson, Erwin, Ferguson, Gilbert, Graves, Greenwood, Hamilton, Harrison, Hastings, Hefner, Hiatt, Hilliard, Ingmire, Jones, Kirby, Lamons, Langmacher, Leist, Lerblance, Lindley, Liotta, Maddux, McCarter, McClain, McIntyre, Miller (Doug), Miller (Ray), Mitchell, Morgan (Danny), Morgan (Fred), Nance, Nations, Newport, Oneal, Paulk, Perry, Peters, Peterson, Pettigrew, Phillips, Piatt, Plunk, Pope, Reynolds, Rice, Roan, Roberts, Roggow, Smaligo, Smith (Dale), Smith (Hopper), Smithson, Staggs, Stanley, Steele, Sullivan, Sweeden, Taylor, Tibbs, Toure, Trebilcock, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Winchester, Worthen, Wright and Young of the House and Easley of the Senate.

A Concurrent Resolution designating the Mickey Mantle Memorial Highway; directing the Oklahoma Department of Transportation to place permanent markers; and directing distribution.

The above-numbered measures were read the first time.

**MESSAGE FROM THE HOUSE
HAS TO SENATE BILLS**

Advising passage of and returning the following engrossed bills as amended:

SB 32

SB 33

SB 38

SB 39

SB 79

SB 140

SB 141

SB 142

SB 143

SB 146

SB 147

SB 182

SB 183

SB 184

SB 185

SB 247

SB 272

SB 340 - remove Askins and substitute Lindley as principal House author

SB 355

SB 368

SB 383

SB 421 - coauthored by Case and Nance of the House

SB 464

SB 602

SB 611 - emergency failed

SB 620

SB 633

SB 674

SB 703

SB 793

House amendments were read on the above-numbered bills.

PENDING CONSIDERATION OF HAS

HAs to SB 602 were rejected upon motion of Senator Fisher, conference requested, and Senate conferees to be named later.

MESSAGE FROM THE HOUSE

Advising rejection of **SAs** to the following bills, requesting conference and House conferees to be named later as follows:

HB 1051
HB 1408
HB 1449
HB 1528
HB 1667
HB 1712
HB 1716

CONFERENCE COMMITTEE APPOINTMENTS – GCCA

President Pro Tempore Hobson announced the appointment of the following Senators as conferees on the General Conference Committee on Appropriations and GCCA Subcommittees:

GENERAL CONFERENCE COMMITTEE ON APPROPRIATIONS

Morgan, Chair
Robinson, Vice Chair

Aldridge	Leftwich
Branan	Littlefield
Brogdon	Maddox
Cain	Milacek
Capps	Monson
Coates	Myers
Coffee	Nichols
Corn	Price
Crutchfield	Pruitt
Easley	Rabon
Fair	Reynolds
Ford	Riley
Gumm	Rozell
Harrison	Shurden
Helton	Smith
Horner	Snyder
Johnson	Taylor
Kerr	Wilcoxson

Laster	Wilkerson
Laughlin	Williams
Lawler	Williamson

GCCA SUBCOMMITTEES**EDUCATION**

Rozell, Chair

Coffee	Milacek
Crutchfield	Snyder
Easley	Taylor
Ford	Williams

GENERAL GOVERNMENT and TRANSPORTATION

Leftwich, Chair

Branan	Pruitt
Capps	Rabon
Corn	Williamson
Laughlin	

**HEALTH and
SOCIAL SERVICES**

Robinson, Chair

Aldridge	Monson
Helton	Riley

HUMAN SERVICES

Kerr, Chair

Brogdon
Cain

Coates
Lawler

**NATURAL RESOURCES and
REGULATORY SERVICES**

Littlefield, Chair

Fair
Gumm
Harrison
Horner

Johnson
Myers
Price
Wilcoxson

PUBLIC SAFETY and JUDICIARY

Wilkerson, Chair

Laster
Maddox
Nichols

Reynolds
Shurden
Smith

The President Pro Tempore and Majority Floor Leader are ex officio and voting members of all Senate committees.

CONFERENCE COMMITTEE APPOINTMENTS – GCCA

On April 9, 2003, the Speaker announced the following Representatives as members of the General Conference Committee on Appropriations:

**GENERAL CONFERENCE COMMITTEE
ON APPROPRIATIONS**

Mitchell, Chair
Bonny, Vice-Chair

Adkins	McClain
Armes	McIntyre
Askins	Miller (Doug)
Balkman	Miller (Ray)
Benge	Morgan (Danny)
Blackburn	Morgan (Fred)
Blackwell	Nance
Boren	Nations
Braddock	Newport
Brannon	O'Neal
Calvey	Paulk
Carey	Perry
Cargill	Peters
Case	Peterson
Claunch	Pettigrew
Coleman	Phillips
Covey	Piatt
Cox	Plunk
Dank	Pope
Davis	Reynolds
Deutschendorf	Rice
DeWitt	Roan
Dorman	Roberts
Easley	Roggow
Eddins	Smaligo
Ellis	Smith (Dale)
Ericson	Smith (Hopper)
Erwin	Smithson
Ferguson	Staggs
Gilbert	Stanley
Graves	Steele
Greenwood	Sullivan
Hamilton	Sweeden
Harrison	Taylor
Hastings	Tibbs
Hefner	Toure
Hiatt	Trebilcock
Hutchison	Turner
Ingmire	Tyler
Jones	Vaughn

Kirby
Lamons
Langmacher
Leist
Lerblance
Lindley
Liotta
Maddux
McCarter

Walker
Wells
Wilson
Wilt
Winchester
Worthen
Wright
Young

GCCA SUBCOMMITTEES

EDUCATION

Blackburn, Chair
Easley, Vice-Chair

Brannon
Deutschendorf
DeWitt
Ferguson
Ingmire
Jones
McCarter
Miller (Doug)
Miller (Ray)

Perry
Peterson
Piatt
Pope
Roberts
Staggs
Wells
Winchester

GENERAL GOVERNMENT and TRANSPORTATION

Hefner, Chair
Walker, Vice-Chair

Armes
Bonny
Harrison
Liotta
Newport
O'Neal

Phillips
Taylor
Trebilcock
Tyler
Wilson

HEALTH and SOCIAL SERVICES

Leist, Chair
Nations, Vice-Chair

Balkman
Claunch
Coleman
Cox
Hamilton
Lindley
Mitchell
Reynolds

Roggow
Smithson
Stanley
Turner
Vaughn
Worthen
Wright

HUMAN SERVICES

Eddins, Chair
Gilbert, Vice-Chair

Ericson
Greenwood
McClain

McIntyre
Pettigrew
Steele

**NATURAL RESOURCES and
REGULATORY SERVICES**

Erwin, Chair
Hutchison, Vice-Chair

Calvey
Carey
Case
Covey
Davis
Ellis
Graves
Hiatt

Maddux
Morgan (Danny)
Peters
Plunk
Roan
Smith (Dale)
Smith (Hopper)

PUBLIC SAFETY and JUDICIARY

Askins, Chair
Boren, Co-Vice-Chair
Toure, Co-Vice-Chair

Adkins	Lerblance
Benge	Morgan (Fred)
Blackwell	Nance
Braddock	Paulk
Cargill	Rice
Dank	Smaligo
Dorman	Sullivan
Hastings	Sweeden
Kirby	Tibbs
Lamons	Wilt
Langmacher	Young

Speaker Adair and Speaker Pro Tempore Hilliard are ex officio voting members of the General Conference Committee on Appropriations and the subcommittees.

Senator Fisher moved that when the clerk's desk is clear, the Senate stand adjourned to convene Monday, April 14, 2003, at 10:00 a.m., which motion prevailed.

MESSAGE FROM THE GOVERNOR

Advising his approval April 10, 2003, of Enrolled **SBs 205, 292, 329, 349, 454, 489, 495, 584, 658** and **750**.

Pursuant to the Fisher motion, the Senate adjourned at 10:30 a.m. to meet Monday, April 14, 2003, at 10:00 a.m.