

Senate Journal

**First Regular Session of the Forty-ninth Legislature
of the State of Oklahoma
Forty-ninth Legislative Day, Monday, April 28, 2003**

The Senate was called to order by Senator Rozell.

Roll Call:

Present: Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crutchfield, Dunlap, Easley, Fair, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Littlefield, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.—46.

Excused: Aldridge.—1.

Vacancy: District 7.—1.

Senator Rozell declared a quorum present.

The prayer was offered by Father Price Oswalt, Saints Peter and Paul Catholic Church, Kingfisher, the guest of Senator Johnson.

REPORT OF ENGROSSED AND ENROLLED MEASURES

SCR 23 was correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

HBs 1438, 1587, 1724 and **1767** were each correctly engrossed and, together with engrossed **SAs**, properly signed and ordered returned to the Honorable House.

SBs 260, 435, 785 and **SJR 22** were each correctly enrolled and after fourth reading, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

SCR 18 was correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

PENDING CONSIDERATION OF HAs

HAs to SBs 60, 61, 238, 300, 430, 453, 479, 524, 545, 607 and 725 were rejected upon motion of Senator Fisher, conference requested, and Senate conferees to be named later.

INTRODUCTION

Senator Myers introduced his son and daughter-in-law, Craig and Monya; his grandson, David; and his wife, Sara, to the Senate.

Senator Gumm presiding.

PENDING CONSIDERATION OF HAs

HAs to SB 817 were concurred in upon motion of Senator Wilkerson.

SB 817, 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: Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crutchfield, Dunlap, Easley, Fair, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Littlefield, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Taylor, Wilcoxson, Wilkerson and Williamson.--45.

Excused: Aldridge and Williams.--2.

Vacancy: District 7.--1.

The bill and emergency passed.

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

PENDING CONSIDERATION OF HAs

HAs to SB 3 were concurred in upon motion of Senator Leftwich.

SB 3, as amended by the Honorable House, was read 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, Easley, Fair, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Littlefield, Maddox, Milacek, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Taylor, Wilcoxson, Wilkerson and Williamson.--44.

Excused: Aldridge, Monson and Williams.--3.

Vacancy: District 7.--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 12, 314, 358, 401, 426, 438, 440, 565, 585, 589, 591, 636, 643, 668, 675, 680, 786, 791, 818, 820, 823, 826, 830 and 838 were rejected upon motion of Senator Fisher, conference requested, and Senate conferees to be named later.

MESSAGES FROM THE HOUSE

Advising the signing of and transmitting for signature Enrolled **HCR 1018**.

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

Advising fourth reading of and transmitting for signature Enrolled **HBs 1014, 1419, 1478, 1623, 1663 and 1707**.

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

Advising naming of House conferees as follows:

HB 1110 - Lindley, Kirby, Roggow, Harrison, Miller (Doug)

HB 1356 - Pope, Nance, Rice, Maddux, Kirby

HB 1357 - Pope, Nance, Rice, Roberts, Calvey

HB 1359 - Vaughn, Paulk, Askins, Roberts, Maddux

HB 1380 - Bonny, Erwin, Leist, Maddux, Dank, Hamilton, Ellis, Wilt, Miller (Doug)

HB 1412 - Pettigrew, Roberts, Maddux, Paulk, Boren, Nance, Miller (Ray)

HB 1418 - Hutchison, Erwin, Case, Maddux, Mitchell, Bonny, Ingmire
HB 1485 - Braddock, Askins, Rice, Hilliard, Roan, Newport, Hastings, Ingmire
HB 1535 - Covey, Sweeden, Pope, Maddux, DeWitt
HB 1593 - Pope, Nance, Maddux, Rice, Langmacher
HB 1675 - Blackburn, Worthen, Deutschendorf, Wilson, Staggs, Vaughn, DeWitt
HB 1676 - Blackburn, Case, Taylor, Maddux, Covey
HB 1681 - Blackburn, Gilbert, Greenwood, Leist, Lindley, Balkman, Steele
HB 1779 - Smaligo, Gilbert, Peters, Deutschendorf, Lindley, Paulk, Case
HJR 1011 - Vaughn, Paulk, Askins, Adair, Roberts, Maddux, Pettigrew

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

SB 242 - McCarter, Pope, Nance, Roberts, Calvey
SB 360 - Smith (Dale), Hutchison, Ericson, Leist, Piatt
SB 437 - Pope, Nance, Roberts, Staggs, Maddux
SB 520 - Staggs, Blackburn, Phillips, Vaughn, Mitchell, Bonny, Greenwood
SB 793 - Paulk, Sweeden, Dank, Tyler, Nance

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

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

SB 196
SB 197
SB 198
SB 199
SB 202
SB 203
SB 204
SB 297
SB 408
SB 412: remove Askins and substitute Dorman as principal House author, show Askins as first coauthor and add Smithson as second coauthor
SB 713
SB 837 - coauthored by Adair, Braddock, Hilliard, Kirby, Dorman of the House

House amendments were read on the above-numbered bills.

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 Taylor presiding.

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

MESSAGES FROM THE HOUSE

Advising the signing of and returning Enrolled **SCR 18**.

The above-numbered enrolled measure was transmitted to the Secretary of State.

Advising fourth reading of and returning Enrolled **SBs 260, 435 and 785** and **SJR 22**.

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

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

HB 1064
HB 1099
HB 1422
HB 1442
HB 1467
HB 1530
HB 1742
HB 1770

Advising concurrence in **SAs** to and passage of Engrossed **HBs 1008, 1146, 1268, 1313, 1343, 1393** and **1572**.

PENDING CONSIDERATION OF HAS

HAs to **SB 492** were called up for consideration.

Senators Coffee, Myers, Branan, Williamson, Fair, Snyder, Reynolds, Johnson, Wilcoxson, Milacek, Brogdon, Coates, Dunlap, Laughlin, Smith and Nichols asked to coauthor **SB 492**, which was the order.

SB 492, as amended by the Honorable House, was read at length.

Senator Pruitt moved to concur in the House amendments to **SB 492**.

Senator Morgan moved as a substitute motion that the House amendments to **SB 492** be rejected and that a conference be requested with the House.

Senator Pruitt moved to table the Morgan substitute motion, which tabling motion failed of adoption upon roll call as follows:

Aye: Branan, Brogdon, Coates, Dunlap, Fair, Ford, Johnson, Laughlin, Milacek, Myers, Nichols, Pruitt, Reynolds, Riley, Smith, Snyder, Wilcoxson and Williamson.--18.

Nay: Cain, Capps, Corn, Crutchfield, Easley, Fisher, Gumm, Harrison, Helton, Hobson, Horner, Kerr, Laster, Lawler, Leftwich, Littlefield, Maddox, Monson, Morgan, Price, Rabon, Robinson, Rozell, Shurden, Taylor, Wilkerson and Williams.--27.

Excused: Aldridge and Coffee.--2.

Vacancy: District 7.--1.

Senator Morgan pressed the adoption of his substitute motion, which motion was declared adopted upon roll call as follows:

Aye: Cain, Capps, Corn, Crutchfield, Easley, Fisher, Gumm, Harrison, Helton, Hobson, Horner, Kerr, Laster, Lawler, Leftwich, Littlefield, Maddox, Monson, Morgan, Price, Rabon, Robinson, Rozell, Shurden, Taylor, Wilkerson and Williams.--27.

Nay: Branan, Brogdon, Coates, Coffee, Dunlap, Fair, Ford, Johnson, Laughlin, Milacek, Myers, Nichols, Pruitt, Reynolds, Riley, Smith, Snyder, Wilcoxson and Williamson.--19.

Excused: Aldridge.--1.

Vacancy: District 7.--1.

Pursuant to Rule 12-23E, Senator Morgan served notice that the vote be reconsidered whereby the HAs were rejected and conference was requested on **SB 492**.

PENDING CONSIDERATION OF HAs

HAs to SB 586 were concurred in upon motion of Senator Harrison.

SB 586, 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: Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crutchfield, Dunlap, Easley, Fair, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Leftwich, Littlefield, Maddox, Milacek, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Shurden, Smith, Snyder, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.--43.

Excused: Aldridge, Lawler, Monson and Rozell.--4.

Vacancy: District 7.--1.

The bill and emergency passed.

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

PENDING CONSIDERATION OF HAS

HAs to SBs 294, 308, 383, 407, 442, 535, 566 and 661 were rejected upon motion of Senator Fisher, conference requested, and Senate conferees to be named later.

SCs NAMED

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

SB 4 – Lawler, Corn, Fisher, Morgan, Williamson

SB 288 – Gumm, Crutchfield, Wilcoxson, Price, Dunlap, Easley

SB 411 – Corn, Fisher, Morgan, Williamson

SB 422 – Harrison, Corn, Fisher, Morgan, Williamson

SB 439 – Nichols, Hobson, Maddox

SB 447 – Lawler, Horner, Crutchfield, Williamson

SB 520 – Robinson, Hobson, Rozell

SB 602 – Robinson, Morgan, Laster

SB 607 – Smith, Hobson, Morgan

SB 616 – Smith, Wilkerson, Hobson, Rozell

SB 628 – Fisher, Rozell, Crutchfield, Coffee, Riley

SB 643 – Corn, Fisher, Morgan, Williamson

SB 668 – Corn, Fisher, Morgan, Williamson

SB 818 – Wilkerson, Hobson, Rozell, Smith

SB 823 – Wilkerson, Hobson, Rozell, Smith

EXECUTIVE NOMINATIONS

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

Billingsley, Craig, Lawton, as a member of the Oklahoma Development Finance Authority - Commerce

Billingsley, Craig, Lawton, as a member of the Oklahoma Industrial Finance Authority - Commerce

Bridges, Leroy Wade, Oklahoma City, as a member of the Board of Regents for Redlands Community College - Education

Bryant, Sherry Lorene, Shawnee, as a member of the State Textbook Committee - Education

Flowers, Jonathan Dwaine, Shawnee, as a member of the Board of Regents of Seminole State College - Education

Godlove, Ernest Franklin, Lawton, as a member of the State Board of Corrections - General Government

Huggins, R. Carroll, Stigler, as a member of the Board of Regents for Carl Albert State College - Education

Lair, Pat, Vinita, as a member of the Oklahoma Mining Commission - Energy, Environment and Communications

Mattocks, Kelley Elaine, Moore, as a member of the State Fire Marshal Commission - General Government

Norman, Mark R., Cache, as a member of the Oklahoma Educational Television Authority - Education

Seay, Harry L., Tulsa, as a member of the Board of Trustees for Quartz Mountain Arts and Conference Center and Nature Park - Education

Seay, Harry L., Tulsa, as a member of the Board of Trustees for Quartz Mountain Arts and Conference Center and Nature Park - Education

Sims, Louis, Hobart, as a member of the Oklahoma Space Industry Development Authority - Aerospace and Technology

Stuart, Mary Kathryn McLaughlin, Shawnee, as a member of the State Textbook Committee - Education

Senator Fisher moved that when the clerk's desk is clear, the Senate stand adjourned to convene Tuesday, April 29, 2003, at 1:30 p.m., which motion prevailed.

MOTION EXPIRED

HAs to SB 492 were rejected upon motion of Senator Morgan, conference requested, and Senate conferees to be named later.

CONFERENCE COMMITTEE REPORT SUBMITTED

Conference committee report was read on the following bill:

SB 175

FIRST READING

The following were introduced and read the first time:

SCR 25 – By Robinson of the Senate and Ericson of the House.

A Concurrent Resolution approving the transfer of certain historic properties in Muskogee County, Oklahoma; and directing distribution.

SCR 26 – By Fisher of the Senate and Sweeden of the House.

A Concurrent Resolution relating to rules of the Oklahoma Center for the Advancement of Science and Technology; waiving the thirty-legislative-day review period for proposed new rule 650:1-1-1.1 and proposed amendments to permanent rules OAC 650:1-1-1, 650:1-1-2, 650:1-1-3, 650:1-1-4, 650:1-1-5, 650:1-1-6, 650:1-3-1, 650:1-3-2, 650:1-3-3 and 650:1-3-4, relating to administrative operations; proposed amendments to permanent rules OAC 650:10-1-5, 650:10-1-6, 650:10-1-7, 650:10-1-8, 650:10-1-9, 650:10-1-11, 650:10-1-12 and 650:10-1-14, relating to the Applied Research Program; proposed amendments to permanent rules OAC 650:15-1-4, 650:15-1-5, 650:15-1-8, 650:15-1-9, 650:15-1-10, 650:15-1-11 and 650:15-1-14, relating to the Centers of Excellence Program; proposed amendments to permanent rules OAC 650:20-1-5, 650:20-1-6, 650:20-1-9, 650:20-1-10 and 650:20-1-14, relating to the Oklahoma Health Research Program; proposed amendments to permanent rules OAC 650:25-1-5, 650:25-1-7, 650:25-1-8, 650:25-1-9, 650:25-1-11 and 650:25-1-14, relating to the MOST Research Equipment Program; proposed amendments to permanent rules OAC 650:30-1-5, 650:30-1-8, 650:30-1-10, 650:30-1-11 and 650:30-1-13, relating to the SBIR Phase I Incentive Funding Program; proposed amendments to permanent rules OAC 650:35-1-5, 650:35-1-8 and 650:35-1-10, relating to the SBIR Matching Funds Program; and proposed amendments to permanent rules OAC 650:37-1-5, 650:37-1-8 and 650:37-1-10, relating to the STTR Phase I Incentive Funding Program; and directing distribution.

MESSAGES FROM THE GOVERNOR

Advising his approval April 25, 2003, of Enrolled **SBs 326, 561, 608 and 665.**

Advising his approval April 28, 2003, of Enrolled **SBs 234, 290, 295, 299, 343, 414, 647 and 788.**

Pursuant to the Fisher motion, the Senate adjourned at 3:30 p.m. to meet Tuesday, April 29, 2003, at 1:30 p.m.