

Senate Journal

First Regular Session of the Forty-ninth Legislature of the State of Oklahoma Fiftieth Legislative Day, Tuesday, April 29, 2003

The Senate was called to order by Senator Gumm.

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, Wilcoxson, Wilkerson, Williams and Williamson.—45.

Excused: Aldridge and Taylor.—2.

Vacancy: District 7.—1.

Senator Gumm 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

SBs 3, 586 and 817 were each correctly enrolled and after fourth reading, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

PENDING CONSIDERATION OF HAS

HAs to SBs 216, 274, 317, 601, 704, 760 and 807 were rejected upon motion of Senator Fisher, conference requested, and Senate conferees to be named later.

PENDING CONSIDERATION OF HAS

HAs to **SB 546** were concurred in upon motion of Senator Capps.

SB 546, as amended by the Honorable House, was read at length.

Senator Capps asked that **SB 546** be laid over temporarily, which was the order.

SB 546 was placed on Fourth Reading.

PENDING CONSIDERATION OF HAS

HAs to **SB 452** were concurred in upon motion of Senator Coffee.

SB 452, 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, Fair, Fisher, Gumm, Harrison, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Littlefield, Maddox, Milacek, Myers, Nichols, Price, Pruitt, Reynolds, Riley, Smith, Snyder, Wilcoxson, Wilkerson, Williams and Williamson.--35.

Nay: Easley, Morgan, Rabon, Robinson, Rozell and Shurden.--6.

Excused: Aldridge, Ford, Helton, Hobson, Monson and Taylor.--6.

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 395** were concurred in upon motion of Senator Dunlap.

Senator Reynolds asked to coauthor **SB 395**, which was the order.

SB 395, 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, Wilcoxson, Wilkerson and Williamson.--43.

Excused: Aldridge, Monson, Taylor and Williams.--4.

Vacancy: District 7.--1.

The bill passed.

Senator Williams desired to vote Aye on the emergency.

On the question of passage of the emergency, the vote resulted as follows: Aye: 44; Excused: 3; Vacancy: 1.

The emergency passed.

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

MESSAGE FROM THE HOUSE

Advising fourth reading of and transmitting for signature Enrolled **HBs 1008, 1146, 1268, 1313, 1343, 1393** and **1572**.

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

PENDING CONSIDERATION OF HAS

HAs to SBs 350, 353, 512, 543 and **667** were rejected upon motion of Senator Fisher, conference requested, and Senate conferees to be named later.

PENDING CONSIDERATION OF HAS

HAs to SB 741 were concurred in upon motion of Senator Price.

SB 741, 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, Wilcoxson, Wilkerson, Williams and Williamson.--44.

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

Vacancy: District 7.--1.

The bill passed.

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

FIRST READING

The following were introduced and read the first time:

SCR 27 – By Snyder of the Senate and Pettigrew of the House.

A Concurrent Resolution commending Major General Jerry W. Grizzle; expressing pride in his position of responsibility; and directing distribution.

SCR 28 – By Hobson, Fisher, Williamson and Branan of the Senate and Adair, Hilliard, Rice, Hiatt and Morgan (Fred) of the House.

A Concurrent Resolution praising the life and career of the late Edward L. Gaylord; extending condolences to his family and friends; and directing distribution.

UNANIMOUS CONSENT REQUEST DIRECT TO CALENDAR

Senator Branan asked unanimous consent to suspend Rule 5-4 and refer **SCR 28** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SCR 28 by Hobson et al of the Senate and Adair et al of the House was called up for consideration.

All other members of the Senate, except Senator Rozell, asked to coauthor **SCR 28**, which was the order.

SCR 28 was adopted upon motion of Senator Branan and referred for engrossment.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 175** was adopted upon motion of Senator Morgan.

SB 175, as amended in conference, 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, 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, Wilcoxson, Wilkerson, Williams and Williamson.--43.

Excused: Aldridge, Easley, Monson and Taylor.--4.

Vacancy: District 7.--1.

The bill and emergency passed.

SB 175, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF HAs

HAs to **SB 231** were concurred in upon motion of Senator Reynolds.

SB 231, 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, Coates, Coffee, Corn, Crutchfield, Dunlap, 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, Wilcoxson, Wilkerson, Williams and Williamson.--42.

Excused: Aldridge, Capps, Easley, Monson and Taylor.--5.

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 SB 192 were concurred in upon motion of Senator Leftwich.

SB 192, 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, Fair, Fisher, 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, Wilcoxson, Wilkerson, Williams and Williamson.--42.

Nay: Ford.--1.

Excused: Aldridge, Easley, Monson and Taylor.--4.

Vacancy: District 7.--1.

The bill and emergency passed.

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

INTRODUCTION

Senator Dunlap introduced his wife, Pam, and his brother, Mike, to the Senate.

PENDING CONSIDERATION OF HAS

HAs to SB 478 were concurred in upon motion of Senator Smith.

SB 478, 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, Fair, Fisher, 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, Wilcoxson, Wilkerson, Williams and Williamson.--43.

Excused: Aldridge, Easley, Ford and Taylor.--4.

Vacancy: District 7.--1.

The bill passed.

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

MESSAGE FROM THE HOUSE

Advising fourth reading of and returning Enrolled **SBs 3, 586 and 817**.

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

REPORT OF ENGROSSED AND ENROLLED MEASURE

SCR 28 was correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

PENDING CONSIDERATION OF HAS

HAs to SBs 213, 379, 713 and 803 were rejected upon motion of Senator Fisher, conference requested, and Senate conferees to be named later.

MESSAGE FROM THE HOUSE

Advising passage of and transmitting for consideration Engrossed **HCRs 1020 and 1022**.

HCR 1020 – By Miller (Ray), Adair, Adkins, Armes, Askins, Balkman, Bengé, 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, Hutchison, Ingmire, Jones, Kirby, Lamons, Langmacher, Leist, Lerblance, Lindley, Liotta, Maddux, McCarter, McClain, McIntyre, Miller (Doug), Mitchell, Morgan (Danny), Morgan (Fred), Nance, Nations, Newport, O’Neal, 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 Shurden of the Senate.

A Concurrent Resolution commending veterans for their dedicated military service; respectfully memorializing the President, Vice President and Congress to continue to provide veterans with certain program services and benefits; and directing distribution.

HCR 1022 – By McCarter of the House and Cain of the Senate.

A Concurrent Resolution declaring Tuesday, April 29, 2003, as International Student Awareness Day; recognizing international students and commending all persons involved in international student programs; and directing distribution.

The above-numbered measures were read the first time.

PENDING CONSIDERATION OF HAS

HAs to SB 534 were concurred in upon motion of Senator Crutchfield.

SB 534, 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, Fair, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Lawler, Leftwich, Littlefield, Maddox, Milacek, Myers, Nichols, Price, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Wilkerson, Williams and Williamson.--37.

Nay: Laughlin, Pruitt, Rabon, Snyder and Wilcoxson.--5.

Excused: Aldridge, Easley, Monson, Morgan and Taylor.--5.

Vacancy: District 7.--1.

The bill passed.

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

FOURTH READING

Senator Capps moved to reconsider the vote whereby the **HAs to SB 546** were adopted, which motion was declared adopted.

HAs to SB 546 were rejected upon motion of Senator Capps, conference requested, and Senate conferees to be named later.

INTRODUCTION

Senator Horner introduced her grandchildren, Tre and Taylor, to the Senate.

REPORT OF ENGROSSED AND ENROLLED MEASURE

SB 192 was correctly enrolled and after fourth reading, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

PENDING SENATE ACTION HOUSE REQUEST FOR CONFERENCE

Upon motion of Senator Fisher, the request of the Honorable House for conference on **HBs 1002, 1106, 1115, 1153, 1353, 1356, 1357, 1397, 1408, 1500, 1593, 1605, 1619, 1713,** and **1779** was ordered granted and bills referred to GCCA.

Upon motion of Senator Fisher, the request of the Honorable House for conference on the following bills was ordered granted and Senate conferees appointed as follows:

- HB 1030** – Robinson, Smith, Wilkerson, Price
- HB 1043** – Shurden, Smith, Cain, Harrison, Nichols
- HB 1051** – Price, Easley, Myers
- HB 1063** – Robinson, Milacek, Riley
- HB 1083** – Crutchfield, Gumm, Wilcoxson, Price, Dunlap, Easley
- HB 1099** – Wilkerson, Reynolds, Laster, Nichols, Shurden
- HB 1109** – Shurden, Monson, Cain, Aldridge, Milacek
- HB 1143** – Horner, Coates, Leftwich
- HB 1147** – Helton, Smith, Laster
- HB 1149** – Corn, Crutchfield, Nichols
- HB 1151** – Laster, Williams, Riley
- HB 1259** – Williamson, Smith, Cain, Monson, Harrison, Shurden
- HB 1269** – Pruitt, Smith, Leftwich, Easley, Littlefield
- HB 1271** – Leftwich, Horner, Brogdon
- HB 1292** – Littlefield, Rabon, Riley
- HB 1300** – Gumm, Dunlap, Rabon, Leftwich, Coffee, Robinson, Monson
- HB 1301** – Smith, Corn, Fisher, Morgan, Williamson
- HB 1323** – Cain, Williams, Smith
- HB 1359** – Robinson, Taylor, Morgan, Coffee, Branan
- HB 1362** – Morgan, Corn, Fisher, Williamson
- HB 1380** – Maddox, Robinson, Milacek
- HB 1385** – Milacek, Leftwich, Johnson, Wilkerson, Fisher, Rozell
- HB 1406** – Smith, Fisher, Morgan

- HB 1412** – Reynolds, Crutchfield, Leftwich
- HB 1414** – Pruitt, Williams, Leftwich, Horner, Wilcoxson
- HB 1418** – Easley, Helton, Aldridge
- HB 1422** – Gumm, Hobson, Easley, Wilcoxson
- HB 1440** – Corn, Fisher, Morgan, Williamson
- HB 1444** – Shurden, Cain, Coffee
- HB 1449** – Shurden, Smith, Wilkerson, Cain, Nichols
- HB 1451** – Morgan, Horner, Coates
- HB 1455** – Rozell, Lawler, Riley
- HB 1456** – Shurden, Helton, Wilkerson, Ford, Williamson
- HB 1466** – Morgan, Smith, Taylor
- HB 1467** – Monson, Wilkerson, Reynolds, Laster, Nichols, Shurden
- HB 1476** – Wilcoxson, Pruitt, Williams, Leftwich, Horner
- HB 1484** – Wilkerson, Hobson, Rozell, Smith
- HB 1485** – Wilkerson, Hobson, Rozell, Smith
- HB 1501** – Monson, Smith, Wilkerson
- HB 1503** – Monson, Rabon, Riley
- HB 1512** – Littlefield, Wilkerson, Reynolds, Laster, Nichols, Shurden
- HB 1526** – Shurden, Cain, Capps, Monson, Williamson
- HB 1528** – Coffee, Easley, Kerr
- HB 1535** – Price, Capps, Kerr, Myers
- HB 1569** – Crutchfield, Easley, Myers
- HB 1574** – Coffee, Fisher, Horner
- HB 1583** – Crutchfield, Smith, Laster
- HB 1640** – Coffee, Horner, Leftwich
- HB 1650** – Riley, Morgan, Hobson
- HB 1667** – Coffee, Smith, Laster, Monson, Lawler
- HB 1670** – Williamson, Smith, Cain, Monson, Laster
- HB 1675** – Rozell, Williams, Johnson
- HB 1676** – Crutchfield, Morgan, Williamson
- HB 1681** – Cain, Williams, Smith
- HB 1686** – Aldridge, Crutchfield, Leftwich
- HB 1690** – Helton, Crutchfield, Branan
- HB 1691** – Coffee, Easley, Kerr
- HB 1705** – Reynolds, Easley, Crutchfield
- HB 1712** – Monson, Rabon, Coates
- HB 1716** – Monson, Robinson, Rabon, Coffee, Taylor
- HB 1734** – Robinson, Smith, Monson
- HB 1738** – Lawler, Easley, Gumm, Morgan, Coffee, Crutchfield
- HB 1742** – Easley, Littlefield, Capps, Laughlin, Nichols
- HB 1744** – Nichols, Crutchfield, Leftwich
- HB 1764** – Hobson, Wilkerson, Rozell, Smith
- HB 1770** – Fisher, Maddox, Johnson
- HB 1771** – Helton, Wilkerson, Hobson, Rozell, Smith

HB 1790 – Easley, Rabon, Hobson, Nichols

MESSAGES FROM THE HOUSE

Advising concurrence in **SAs** to and passage of Engrossed **HBs 1368, 1443, 1445, 1522** and **1575**.

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

HB 1335
HB 1465
HB 1577
HB 1580
HB 1587
HB 1611
HB 1635
HB 1724

Advising passage of and returning the following Engrossed bill:

SCR 28 - coauthored by all other House members

The above-numbered measure was referred for enrollment.

Advising fourth reading of and returning Enrolled **SB 192**.

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

REPORT OF ENGROSSED AND ENROLLED MEASURE

SCR 28 was correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

MESSAGE FROM THE HOUSE

Advising the signing of and returning Enrolled **SCR 28**.

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

Senator Fisher moved that when the clerk's desk is clear, the Senate stand adjourned to convene Wednesday, April 30, 2003, at 10:00 a.m., which motion prevailed.

MESSAGES FROM THE GOVERNOR

Advising his approval April 28, 2003, of Enrolled **SBs 307** and **312**.

Advising his approval April 29, 2003, of Enrolled **SB 776**.

Pursuant to the Fisher motion, the Senate adjourned at 2:45 p.m. to meet Wednesday, April 30, 2003, at 10:00 a.m.

JOURNAL CORRECTION

Page 1255, Line 6, by inserting before the period the language "and **SJR 22**."

Page 1255, Line 8, by deleting and language "and **SJR 22**".