

Senate Journal

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

Fifty-seventh Legislative Day, Monday, May 12, 2003

The Senate was called to order by Senator Morgan.

Roll Call:

Present: Aldridge, 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.—46.

Excused: Taylor.—1.

Vacancy: District 7.—1.

Senator Morgan declared a quorum present.

The prayer was offered by Reverend Doyle Pryor, First Baptist Church, Sapulpa, the guest of Senator Fisher.

REPORT OF ENGROSSED AND ENROLLED MEASURES

SBs 247 and **602** were each correctly enrolled and after fourth reading, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

CHANGE IN CONFEREES

Advising change in Senate conferees as follows:

HB 1712 – remove Monson, Rabon, Coates and add GCCA

MESSAGES FROM THE HOUSE

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

- SB 246** - Paulk, Tyler, Nance, Sweeden, Dank
- SB 281** - Roberts, Ferguson, Brannon, Bengé, Erwin
- SB 297** - Dorman, Wilt, Miller (Doug), Hamilton, Ellis
- SB 342** - Deutschendorf, Erwin, Kirby, Nance, Mitchell, Bonny, Adkins, Newport
- SB 353** - Dorman, Wilt, Miller (Doug), Hamilton, Ellis
- SB 391** - Cargill, Case, Roan, Newport, Lerblance, Braddock, Lamons
- SB 401** - Smithson, Covey, Pope, Maddux, Armes
- SB 412** - Dorman, Blackburn, Newport, Sweeden, Dank
- SB 610** - Leist, Gilbert, Adkins, Braddock, Peters
- SB 625** - Staggs, Askins, Wilt, Tibbs, Adkins, Mitchell, Bonny
- SB 643** - Ferguson, Brannon, Roberts, Staggs, Bengé
- SB 668** - Ferguson, Brannon, Roberts, Staggs, Bengé
- SB 669** - Toure, Roberts, Bengé, Staggs, Ferguson, Brannon, Sullivan
- SB 706** - Smith (Hopper), Askins, Adkins, Pettigrew, Lamons, Mitchell, Bonny, Boren
- SB 747** - Liotta, Nations, Ingmire, Rice, McIntyre, Vaughn, Wilson
- SB 760** - Smithson, Paulk, Lamons, Roan, Nance, Perry Smith (Hopper)

Advising naming of House conferees as follows:

- HB 1052** - Hastings, Toure, Rice, Askins, Case, Davis, Braddock
- HB 1269** - Trebilcock, Toure, Davis, Askins, Braddock
- HB 1382** - Ferguson, Staggs, Vaughn, Piatt, Harrison, Roberts, Morgan (Danny)
- HB 1430** - Cargill, Paulk, Wilt, Tyler, Miller (Doug), Ellis, Hamilton
- HB 1577** - Dorman, Young, Pope, Mitchell, Bonny, Winchester, Perry
- HB 1635** - Dorman, Askins, Davis, Roberts, Maddux
- HB 1646** - Ferguson, Staggs, Vaughn, Roberts, Harrison
- HB 1647** - Ferguson, Brannon, Roberts, Staggs, Bengé
- HB 1724** - Braddock, Hilliard, Steele, Jones, Turner
- HB 1814** - Hilliard, Pope, Dorman, Nance, Maddux

Senator Fisher moved that the Senate recess to the call of the Chair, which motion was declared adopted.

*

The Senate reconvened with Senator Rozell presiding.

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

MOTION TO RECONSIDER VOTE

Senator Easley moved to reconsider the vote whereby **SB 346** failed.

Senator Monson moved to table the Easley motion, which tabling motion failed of adoption upon roll call as follows:

Aye: Cain, Capps, Corn, Crutchfield, Easley, Fisher, Gumm, Harrison, Hobson, Horner, Laster, Lawler, Leftwich, Littlefield, Monson, Rabon, Robinson, Rozell and Wilkerson.--19.

Nay: Aldridge, Branan, Brogdon, Coates, Coffee, Dunlap, Fair, Ford, Helton, Johnson, Kerr, Laughlin, Maddox, Milacek, Myers, Nichols, Price, Pruitt, Reynolds, Riley, Shurden, Smith, Snyder, Wilcoxson and Williamson.--25.

Excused: Morgan, Taylor and Williams.--3.

Vacancy: District 7.--1.

Senator Coffee pressed the Easley motion to reconsider, which motion failed of adoption upon roll call as follows:

Aye: Aldridge, Branan, Brogdon, Coates, Coffee, Dunlap, Fair, Ford, Johnson, Kerr, Laughlin, Maddox, Milacek, Myers, Nichols, Price, Pruitt, Reynolds, Riley, Shurden, Smith, Snyder, Wilcoxson and Williamson.--24.

Nay: Cain, Capps, Corn, Crutchfield, Easley, Fisher, Gumm, Harrison, Helton, Hobson, Horner, Laster, Lawler, Leftwich, Littlefield, Monson, Rabon, Robinson, Rozell and Wilkerson.--20.

Excused: Morgan, Taylor and Williams.--3.

Vacancy: District 7.--1.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 272** was adopted upon motion of Senator Capps.

SB 272, as amended in conference, 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, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Littlefield, Maddox, Milacek, Monson, Morgan, Myers,

Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Rozell, Shurden, Smith, Snyder, Wilcoxson, Wilkerson and Williamson.--42.

Excused: Taylor and Williams.--2.

*Not Voting: Aldridge, Fisher and Robinson.—3.

Vacancy: District 7.--1.

The bill passed.

*Senators Aldridge, Fisher and Robinson asked to be shown not voting on **SB 272** for reason of personal interest, as provided in Article V, Section 24, Oklahoma Constitution.

SB 272, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 546** was adopted upon motion of Senator Capps.

SB 546, as amended in conference, was read at length.

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

Aye: Aldridge, Branan, Brogdon, Cain, Capps, Coates, 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, Robinson, Rozell, Shurden, Smith, Snyder, Wilcoxson, Wilkerson and Williamson.--43.

Excused: Coffee, Riley, Taylor and Williams.--4.

Vacancy: District 7.--1.

The bill passed.

SB 546, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 1449** was adopted upon motion of Senator Shurden.

HB 1449, as amended in conference, was read 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, Easley, Fair, Fisher, Ford, Gumm, Harrison, Helton, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Littlefield, Maddox, Milacek, Monson, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Wilcoxson and Wilkerson.--42.

Nay: Williamson.--1.

Excused: Hobson, Morgan, Taylor and Williams.--4.

Vacancy: District 7.--1.

The bill passed.

Pursuant to Rule 12-23, Senator Williamson served notice that the vote be reconsidered whereby **HB 1449** passed.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 4** was adopted upon motion of Senator Lawler.

SB 4, as amended in conference, was read at length.

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

Aye: Cain, Capps, Coates, Corn, Crutchfield, Dunlap, Fair, Fisher, Gumm, Harrison, Helton, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Littlefield, Maddox, Milacek, Monson, Myers, Nichols, Price, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden and Wilkerson.--32.

Nay: Aldridge, Branan, Brogdon, Coffee, Ford, Pruitt, Smith, Snyder, Wilcoxson and Williamson.--10.

Excused: Easley, Hobson, Morgan, Taylor and Williams.--5.

Vacancy: District 7.--1.

The bill and emergency passed.

SB 4, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

MESSAGES FROM THE HOUSE

Advising fourth reading of and transmitting for signature Enrolled **HB 1190**.

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

Advising adding House conferees as follows:

SB 713 - Miller (Ray), Jones

SB 823 - Nance, Lamons

Advising naming of House conferees as follows:

HB 1385 - Ferguson, Pope, Nance, Eddins, Hilliard, Lamons, Liotta, Perry, Peters, Plunk, Tyler

Advising fourth reading of and returning Enrolled **SBs 247** and **602**.

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

Advising passage of and transmitting for consideration Engrossed **HJR 1035**.

HJR 1035 – By Reynolds of the House and Snyder of the Senate.

A Joint Resolution relating to proposed permanent rules of the Oklahoma State Board of Pharmacy; disapproving in part proposed permanent rules regarding administrative operations and fees; expressing legislative intent; directing distribution; and declaring an emergency.

The above-numbered measure was read the first time.

Advising that the House has suspended the rules to allow rejection of the **SAs** to **HB 1101**, rescinded its signing and fourth reading of **HB 1101**, request the Honorable Senate to rescind their signing and fourth reading of **HB 1101**. The House has rejected the **SAs** and requested conference. Conferees to be named later.

**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 1043

HB 1051

HB 1063

HB 1580 – coauthored by Liotta of the House

HB 1583

HB 1705

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

CHANGE IN CONFEREES

Advising change in Senate conferees as follows:

SB 297 – add Robinson and Williams

EXECUTIVE NOMINATION

The following executive nomination was read and referred to committee as indicated:

Hardin, Kelly Dean, Enid, as a member of the Oklahoma State Board of Examiners for Nursing Home Administrators - Human Resources

Senator Fisher moved that when the clerk's desk is clear, the Senate stand adjourned to convene Tuesday, May 13, 2003, at 10:00 a.m., which motion prevailed.

**BILL RELEASED
TIME EXPIRED TO RECONSIDER**

SB 423 was referred for enrollment.

CONFERENCE COMMITTEE REPORTS SUBMITTED

Conference committee reports were read on the following bills:

SB 274

SB 680

SB 715

SB 835 (2nd CCR)

MESSAGE FROM THE GOVERNOR

Advising his approval May 12, 2003, of Enrolled **SBs 318, 464, 520, 547, 554, 596** and **703**.

Pursuant to the Fisher motion, the Senate adjourned at 2:10 p.m. to meet Tuesday, May 13, 2003, at 10:00 a.m.