

# Senate Journal

## First Regular Session of the Forty-ninth Legislature of the State of Oklahoma Fifty-ninth Legislative Day, Wednesday, May 14, 2003

The Senate was called to order by Senator Rozell.

Roll Call:

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

Excused: Capps and Leftwich.—2.

Vacancy: District 7.—1.

Senator Rozell 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

**SCRs 25** and **26** were each correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

**SBs 611, 620** and **793** 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 1771** – remove Helton, Wilkerson, Hobson, Rozell, Smith and add GCCA

**SCs NAMED**

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

**SB 377** – Rozell, Littlefield, Easley, Ford, Dunlap

**PENDING SENATE ACTION  
HOUSE REQUEST FOR CONFERENCE**

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

**HB 1101** – Corn, Crutchfield, Laughlin

**MESSAGE FROM THE HOUSE**

Advising adding House conferees as follows:

**SB 288** - Pettigrew, Smith (Dale)

Senator Monson 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 Gumm presiding.

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

**PENDING CONSIDERATION OF CCR**

The **2nd CCR** on **SB 835** was rejected upon motion of Senator Fisher, further conference requested, and same Senate conferees appointed as follows: Shurden, Wilkerson, Gumm, Leftwich, Williamson, Smith.

**MESSAGES FROM THE HOUSE**

Advising fourth reading of and transmitting for signature Enrolled **HBs 1449, 1501 and 1583**.

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 611, 620 and 793**.

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

Advising further conference granted and naming same House conferees on Engrossed:

**SB 835** - Erwin, Leist, Hutchison, Plunk, Hastings, Pettigrew, Roan, Newport

Advising passage of and transmitting for consideration Engrossed **HCR 1031**.

**HCR 1031** – By McCarter, 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, 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 Helton of the Senate.

A Concurrent Resolution designating the Long Branch Creek Bridge on U.S. Highway 70 as the Faye Moore Bridge; directing the Oklahoma Department of Transportation to place permanent markers; and directing distribution.

The above-numbered measure was read the first time.

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 Rozell presiding.

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

**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 1259**

**HB 1451** - Emergency failed

**HB 1574** - coauthored by Adkins, Armes, Bengé, Blackwell, Calvey, Cargill, DeWitt, Jones, Liotta, Peters, Peterson, Roggow, Steele, Winchester, Wright

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

**MESSAGES FROM THE HOUSE**

Advising rejection of **CCR** to **HB 1292**, requesting further conference and naming same House conferees as follows: Lamons, Paulk, Roan, Nance, Perry

Returning following bill, together with conference committee report thereon, advising adoption of conference committee report and passage of measure as amended:

**SB 272**

The above-numbered measure, as amended in conference, was referred for enrollment.

**PENDING CONSIDERATION OF CCR**

The **CCR** on **SB 830** was adopted upon motion of Senator Cain.

**SB 830**, as amended in conference, was read at length.

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

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

Excused: Capps, Hobson, Leftwich and Taylor.--4.

Vacancy: District 7.--1.

The bill and emergency passed.

**SB 830**, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

#### **PENDING CONSIDERATION OF CCR**

The **CCR** on **HB 1335** was adopted upon motion of Senator Coffee.

**HB 1335**, 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, Coffee, Dunlap, Easley, Ford, Harrison, Johnson, Laughlin, Myers, Nichols, Price, Pruitt, Reynolds, Riley, Robinson, Wilcoxson, Williams and Williamson.--20.

Nay: Cain, Coates, Corn, Crutchfield, Fair, Fisher, Gumm, Helton, Horner, Kerr, Laster, Lawler, Maddox, Milacek, Monson, Morgan, Rabon, Rozell, Shurden, Smith and Wilkerson.--21.

Excused: Capps, Hobson, Leftwich, Littlefield, Snyder and Taylor.--6.

Vacancy: District 7.--1.

The bill failed.

Pursuant to Rule 12-23, Senator Coffee served notice that the vote be reconsidered whereby **HB 1335** failed.

#### **PENDING CONSIDERATION OF CCR**

The **CCR** on **HB 1580** was adopted upon motion of Senator Fisher.

**HB 1580**, as amended in conference, was read at length.

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

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

Excused: Capps, Hobson, Leftwich, Littlefield and Taylor.--5.

Vacancy: District 7.--1.

The bill and emergency passed.

**HB 1580**, together with the conference committee report thereon, was ordered returned to the Honorable House.

### **FIRST READING**

The following were introduced and read the first time:

**SR 25** – By Horner.

A Resolution congratulating the Oklahoma Jazz Hall of Fame upon the occasion of its fifteenth anniversary; honoring the 2003 inductees into the Oklahoma Jazz Hall of Fame; and directing distribution.

**SR 26** – By Monson.

A Resolution designating May 2003 “Hepatitis C Awareness and Education Month” in the State of Oklahoma; and directing distribution.

### **UNANIMOUS CONSENT REQUEST DIRECT TO CALENDAR**

Senator Horner asked unanimous consent to suspend Rule 5-4 and refer **SR 25** direct to the Calendar for consideration, which was the order.

### **GENERAL ORDER**

**SR 25** by Horner was called up for consideration.

Senator Williams asked to coauthor **SR 25**, which was the order.

**SR 25** was adopted upon motion of Senator Horner and referred for enrollment.

### **PENDING CONSIDERATION OF CCR**

The **CCR** on **HB 1051** was adopted upon motion of Senator Price.

**HB 1051**, as amended in conference, was read at length.

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

Aye: Aldridge, Branan, Brogdon, Cain, Coates, Coffee, Corn, Crutchfield, Dunlap, Easley, Fair, Fisher, Ford, Gumm, Harrison, Helton, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Littlefield, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Rozell, Shurden, Smith, Snyder, Wilcoxson and Wilkerson.--40.

Excused: Capps, Hobson, Leftwich, Robinson, Taylor, Williams and Williamson.--7.

Vacancy: District 7.--1.

The bill and emergency passed.

**HB 1051**, together with the conference committee report thereon, was ordered returned to the Honorable House.

#### **PENDING CONSIDERATION OF CCR**

The **CCR** on **SB 838** was adopted upon motion of Senator Shurden.

**SB 838**, as amended in conference, was read at length.

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

Aye: Aldridge, Coates, Corn, Crutchfield, Dunlap, Easley, Fisher, Gumm, Harrison, Helton, Horner, Kerr, Laster, Laughlin, Lawler, Littlefield, Maddox, Milacek, Monson, Price, Rabon, Robinson, Rozell, Shurden, Smith, Snyder, Wilkerson and Williams.--28.

Nay: Branan, Brogdon, Cain, Coffee, Fair, Ford, Johnson, Myers, Nichols, Pruitt, Reynolds, Riley, Wilcoxson and Williamson.--14.

Excused: Capps, Hobson, Leftwich, Morgan and Taylor.--5.

Vacancy: District 7.--1.

The bill passed.

Senators Nichols, Myers, Reynolds and Cain desired to vote Aye on the emergency.

On the question of passage of the emergency, the vote resulted as follows: Aye: 32; Nay: 10; Excused: 5; Vacancy: 1.

The emergency passed.

**SB 838**, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

#### **PENDING CONSIDERATION OF CCR**

The **CCR** on **SB 646** was adopted upon motion of Senator Corn.

**SB 646**, 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, Coates, Corn, Crutchfield, Dunlap, Fair, Fisher, Ford, Gumm, Harrison, Helton, Horner, Johnson, Kerr, Laster, Lawler, Littlefield, Maddox, Milacek, Monson, Morgan, Price, Pruitt, Rabon, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Wilkerson and Williams.--32.

Nay: Aldridge, Branan, Brogdon, Coffee, Laughlin, Myers, Nichols, Reynolds, Wilcoxson and Williamson.--10.

Excused: Capps, Easley, Hobson, Leftwich and Taylor.--5.

Vacancy: District 7.--1.

The bill and emergency passed.

The Chair advised that Senator Easley, having been present in the Chamber during the vote on **SB 646** and the emergency would be shown voting Nay in compliance with Rule 14-1B. The vote thereby resulted as follows: Aye: 32; Nay: 11; Excused: 4; Vacancy: 1.

**SB 646**, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

#### **PENDING CONSIDERATION OF CCR**

The **CCR** on **SB 715**, considered on Page 1370, was called up for further consideration.

The **CCR** on **SB 715** was adopted upon motion of Senator Corn.

**SB 715**, as amended in conference, was read at length.

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



Aye: Aldridge, Branan, Cain, Coates, Coffee, Corn, Crutchfield, Easley, Fair, Fisher, Ford, Gumm, Harrison, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Littlefield, Maddox, Milacek, Monson, Morgan, Nichols, Price, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Wilcoxson, Wilkerson and Williams.--37.

Nay: Brogdon, Dunlap, Myers and Pruitt.--4.

Excused: Capps, Helton, Hobson, Leftwich, Taylor and Williamson.--6.

Vacancy: District 7.--1.

The bill passed.

**SB 715**, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

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

Returning following bill, together with conference committee report thereon, advising adoption of conference committee report and passage of measure as amended:

#### **SB 583**

The above-numbered measure, as amended in conference, was referred for enrollment.

#### **PENDING CONSIDERATION OF CCR**

The **CCR** on **HB 1705** was adopted upon motion of Senator Reynolds.

**HB 1705**, 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, Coates, Coffee, Corn, Crutchfield, Dunlap, Easley, Fair, Fisher, Ford, Gumm, Harrison, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Littlefield, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Shurden, Smith, Wilcoxson, Wilkerson, Williams and Williamson.--40.

Nay: Rozell.--1.

Excused: Capps, Helton, Hobson, Leftwich, Snyder and Taylor.--6.

Vacancy: District 7.--1.

The bill passed.

**HB 1705**, together with the conference committee report thereon, was ordered returned to the Honorable House.

#### **PENDING CONSIDERATION OF CCR**

The **CCR** on **SB 360** was adopted upon motion of Senator Shurden.

Senator Reynolds asked to coauthor **SB 360**, which was the order.

**SB 360**, as amended in conference, was read at length.

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

Aye: Aldridge, Branan, Brogdon, Cain, Coates, Coffee, Corn, Crutchfield, Dunlap, Easley, Fair, Fisher, Ford, Gumm, Harrison, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Littlefield, Maddox, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Snyder, Wilcoxson, Wilkerson, Williams and Williamson.--40.

Excused: Capps, Helton, Hobson, Leftwich, Milacek, Smith and Taylor.--7.

Vacancy: District 7.--1.

The bill and emergency passed.

**SB 360**, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

#### **MESSAGES FROM THE HOUSE**

Advising the Senate that the House has suspended SCR 5 (2001-02 Extra-ordinary Session) as it pertains to SB 377, grants conference on **SB 377** and naming House conferees as follows: Rice, Sweeden, Dank, Hutchison, Peters, Eddins, Roberts, Jones

Advising rejection of **CCR** to **HB 1512**, requesting further conference and naming same House conferees as follows: Paulk, Lamons, Nance, Roan, Smith (Hopper)

**EXECUTIVE NOMINATION**

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

Jordan, Mark Clay, McAlester, as a member of the Board of Regents of Eastern Oklahoma State College - Education

Senator Fisher moved that when the clerk's desk is clear, the Senate stand adjourned to convene Thursday, May 15, 2003, at 10:00 a.m., which motion prevailed.

**CONFERENCE COMMITTEE REPORTS SUBMITTED**

Conference committee reports were read on the following bills:

- SB 40**
- SB 44**
- SB 45**
- SB 48**
- SB 88**
- SB 90**
- SB 144**
- SB 146**
- SB 156**
- SB 158**
- SB 160**
- SB 162**
- SB 288**
- SB 314** – conferees unable to agree
- SB 317 (2nd CCR)**
- SB 358**
- SB 421**
- SB 422**
- SB 436**
- SB 531**
- SB 545**
- SB 585**
- SB 589**
- SB 607**
- SB 652**
- SB 688**
- SB 704**
- SB 733**
- SB 834**

**SECOND READING**

The following was read for the second time and referred to committee as indicated:

**HJR 1031** – Human Resources

**MESSAGES FROM THE GOVERNOR**

Advising his approval May 13, 2003, of Enrolled **SBs 702** and **810**.

Advising his approval May 14, 2003 of Enrolled **SB 722**.

Pursuant to the Fisher motion, the Senate adjourned at 4:00 p.m. to meet Thursday, May 15, 2003, at 10:00 a.m.