

# Senate Journal

## Second Regular Session of the Forty-ninth Legislature of the State of Oklahoma

**Ninth Legislative Day, Monday, February 16, 2004**

The Senate was called to order by Senator Rozell.

Roll Call:

Present: Aldridge, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crutchfield, Dunlap, Fair, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Littlefield, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.—47.

Excused: Easley.—1.

Senator Rozell declared a quorum present.

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

### **REPORT OF ENGROSSED AND ENROLLED MEASURES**

**SRs 35 and 40** were each correctly enrolled, properly signed and ordered transmitted to the Secretary of State.

### **INTRODUCTIONS**

Senator Kerr introduced his wife, Robbie; his daughter, Robin Wenk; and his grandchildren, Braxton and Kerrstin Wenk and Kaleb and Keithta Kerr, to the Senate. Senator Kerr asked unanimous consent, which was granted, that the grandchildren and their guest, Ryan James, be named Honorary Pages for this legislative day.

Senator Littlefield introduced his wife, Alicia, and his son, Creed, to the Senate. Senator Littlefield also introduced his guests, John and Anna Davenport, to the Senate.

**MESSAGE FROM THE HOUSE**

Advising passage of and transmitting for consideration Engrossed **HBs 1950** and **2565** and **HCRs 1047** and **1048**.

**HB 1950** – By Mitchell and Bonny of the House and Morgan and Robinson of the Senate.

An Act relating to the Oklahoma Department of Commerce; amending Section 10, Chapter 446, O.S.L. 2003, which relates to budget categories; changing category amounts; and declaring an emergency.

**HB 2565** – By Greenwood of the House and Wilcoxson of the Senate.

An Act relating to public health; creating the Oklahoma Partnership for Long-Term Care Act; specifying legislative recognitions; requiring the Oklahoma Health Care Authority to create the Oklahoma Partnership for Long-Term Care Program under certain conditions; providing requirements for state entities to perform in developing and implementing the Program; authorizing promulgation of certain rules; providing for codification; and providing an effective date.

**HCR 1047** – By Graves, Phillips, 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, Greenwood, Hamilton, Harrison, Hastings, Hefner, Hiett, Hilliard, Hutchison, Ingmire, Jones, Kirby, Lamons, Langmacher, Leist, Lerblance, Lindley, Liotta, Maddux, Mass, McCarter, McClain, McIntyre, Miller (Doug), Miller (Ray), Mitchell, Morgan (Danny), Morgan (Fred), Nance, Nations, Newport, O’Neal, Paulk, Perry, Peters, Peterson (Pam), Peterson (Ron), Pettigrew, Piatt, Plunk, Pope, Reynolds, Rice, Roan, Roberts, Roggow, Smaligo, Smith, 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 Coffee and Branan of the Senate.

A Concurrent Resolution praising the Bethany High School Bronchos football team for their victory; congratulating the Bronchos for their hard work, dedication and commitment in their winning the Class 2A state championship; and directing distribution.

**HCR 1048** – By Lindley, Adkins, Askins, Blackwell, Boren, Braddock, Brannon, Calvey, Carey, Covey, Deutschendorf, Ellis, Erwin, Gilbert, Hamilton, Hilliard, Hutchison, Langmacher, McCarter, McClain, McIntyre, Miller (Ray), Morgan (Danny), Nations, Paulk, Pope, Roan, Roberts, Smith, Smithson, Staggs, Sullivan, Sweeden, Turner, Tyler, Walker, Wells and Wilson of the House and Leftwich (Debbe) of the Senate.

A Concurrent Resolution congratulating the League of United Latin American Citizens for sponsoring their first Civil Rights Conference in this state; encouraging Oklahomans to participate in the conference; and directing distribution.

The above-numbered measures were read the first time.

**UNANIMOUS CONSENT REQUEST  
DIRECT TO CALENDAR**

Senator Branan asked unanimous consent to suspend Rule 5-4 and refer **HCR 1047** direct to the Calendar for consideration, which was the order.

**GENERAL ORDER**

**HCR 1047** by Graves et al of the House and Coffee and Branan of the Senate was called up for consideration.

All other members of the Senate asked to coauthor **HCR 1047**, which was the order.

**HCR 1047** was adopted upon motion of Senator Branan and properly signed and ordered returned to the Honorable House.

**GENERAL ORDER**

**SB 1219** by Maddox of the Senate and Covey of the House was called up for consideration.

Senator Williams asked to coauthor **SB 1219**, which was the order.

Senator Maddox moved to amend **SB 1219**, Page 1, Line14, by inserting before the word "On" the letter "A." and Page 1, Line 20 ½ by inserting a new subsection B to read as follows:

"B. The Commission shall promulgate rules to implement the provisions of this act.", which amendment was declared adopted.

Senator Maddox moved that **SB 1219** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 1219** 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, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Littlefield, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Rozell, Shurden, Smith, Snyder,

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

Excused: Easley, Fair, Robinson and Taylor.--4.

The bill and emergency passed.

**SB 1219** was referred for engrossment.

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

The **CCR** on **SB 710** was called up for consideration.

Representative Lindley asked to coauthor **SB 710**, which was the order.

Senator Laster moved adoption of the **CCR** on **SB 710**, which motion failed of adoption upon roll call as follows:

Aye: Capps, Corn, Crutchfield, Fisher, Gumm, Harrison, Helton, Hobson, Kerr, Laster, Lawler, Lerblance, Littlefield, Maddox, Morgan, Price, Rabon, Rozell and Shurden.--19.

Nay: Aldridge, Branan, Brogdon, Cain, Coates, Coffee, Dunlap, Fair, Ford, Horner, Johnson, Laughlin, Leftwich, Milacek, Monson, Myers, Nichols, Pruitt, Reynolds, Riley, Smith, Snyder, Wilcoxson, Wilkerson, Williams and Williamson.--26.

Excused: Easley, Robinson and Taylor.--3.

The **CCR** on **SB 710** was rejected upon motion of Senator Laster, further conference requested, and Senate conferees to be named later.

#### **CHANGE IN COMMITTEE ASSIGNMENTS**

Senator Fisher asked unanimous consent, which was granted, that the following bills be reassigned as follows:

**SB 1143** – Withdrawn from Rules Committee and referred to Retirement and Group Health.

**SB 1560** – Withdrawn from Rules Committee and referred to Tourism and Wildlife.

## **MESSAGES FROM THE HOUSE**

Advising rejection of **2nd CCR** to **SB 553**, requesting further conference and naming same House conferees as follows: Adair, Roberts, Maddux, Ferguson, Stanley and add Pope.

Advising further conference granted on Engrossed **SB 710** and naming same House conferees as follows: Carey, Leist, Pettigrew, Mitchell, Bonny, Ferguson, Piatt.

## **EXECUTIVE NOMINATIONS**

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

Abbott, Rodney Lee, Broken Arrow, as a member of the Highway Construction Material Technician Certification Board - Transportation

Evans, Gary A., Tulsa, as a member of the Highway Construction Material Technician Certification Board - Transportation

Raymond, George, Norman, as a member of the Highway Construction Materials Technician Certification Board - Transportation

Smith, Donald R., Norman, as a member of the Highway Construction Material Technician Certification Board - Transportation

Senator Fisher moved that when the clerk's desk is clear, the Senate stand adjourned to convene Tuesday, February 17, 2004, at 1:30 p.m., which motion prevailed.

## **COMMITTEE REPORTS**

The following were reported by the committees named, ordered printed and placed on the Calendar:

DO PASS:

**SB 1090** – Judiciary, coauthored by Dorman (principal House author)

**SB 1205** – Energy, Environment and Communications, coauthored by Wilson (principal House author)

**SB 1236** – Agriculture and Rural Development, coauthored by Turner (principal House author)

**SB 1254** – Finance, coauthored by Carey (principal House author)

- SB 1255** – Human Resources, coauthored by Vaughn (principal House author)
- SB 1311** – Energy, Environment and Communications
- SB 1314** – Finance, coauthored by Wilt (principal House author)
- SB 1352** – Finance, coauthored by Capps of the Senate, and coauthored by Pope (principal House author)
- SB 1357** – Energy, Environment and Communications, coauthored by Erwin (principal House author)
- SB 1406** – Human Resources, coauthored by Williams of the Senate, and coauthored by Staggs (principal House author)
- SB 1429** – Human Resources, coauthored by Cox (principal House author)
- SB 1543** – Finance, coauthored by Rice (principal House author)
- SJR 30** – Finance, coauthored by Pope (principal House author)

DO PASS, As Amended:

- SB 847** – Appropriations, coauthored by Roan (principal House author)
- SB 860** – Finance, coauthored by Leftwich (Debbe) of the Senate, and coauthored by Pope (principal House author)
- CS for SB 877** – Appropriations, coauthored by Nance (principal House author)
- SB 903** – Energy, Environment and Communications
- SB 1096** – Appropriations, coauthored by Carey (principal House author)
- SB 1098** – Appropriations, coauthored by Miller (Doug) (principal House author)
- CS for SB 1100** – Appropriations, coauthored by Carey (principal House author)
- SB 1110** – Human Resources, coauthored by Gilbert (principal House author) and Eddins of the House
- SB 1134** – Retirement and Group Health, coauthored by Ferguson (principal House author)
- SB 1135** – Appropriations, coauthored by Rice (principal House author)
- SB 1136** – Appropriations, coauthored by Smithson (principal House author)
- SB 1137** – Appropriations, coauthored by Askins (principal House author)
- SB 1146** – Finance, coauthored by Taylor (principal House author)
- SB 1155** – Appropriations, coauthored by Braddock (principal House author)
- SB 1158** – Appropriations, coauthored by Mass (principal House author) and Paulk of the House
- SB 1168** – Appropriations, coauthored by Paulk (principal House author)
- SB 1169** – Appropriations, coauthored by Rice (principal House author)
- SB 1174** – Appropriations, coauthored by Tyler (principal House author)
- SB 1184** – Appropriations, coauthored by Braddock (principal House author)
- SB 1189** – Appropriations, coauthored by Braddock (principal House author)
- SB 1191** – Appropriations, coauthored by Kirby (principal House author)
- SB 1199** – Appropriations, coauthored by Erwin (principal House author)
- CS for SB 1224** – Veterans, Military Affairs, and Public Safety, coauthored by Peters (principal House author)
- SB 1227** – Appropriations, coauthored by Roggow (principal House author)

- CS for SB 1242** – Appropriations, coauthored by Paulk (principal House author)
- SB 1247** – Finance, coauthored by Carey (principal House author)
- SB 1256** – Appropriations, coauthored by Vaughn (principal House author) and Balkman and Dorman of the House
- SB 1261** – Retirement and Group Health, coauthored by Ferguson (principal House author)
- SB 1265** – Appropriations, coauthored by Case (principal House author)
- SB 1363** – Finance, coauthored by Balkman (principal House author)
- CS for SB 1367** – Appropriations, coauthored by Nance (principal House author)
- SB 1383** – Finance, coauthored by Pope (principal House author)
- SB 1394** – Appropriations, coauthored by Williamson of the Senate, and coauthored by Taylor (principal House author)
- CS for SB 1399** – Appropriations, coauthored by Askins (principal House author)
- SB 1402** – Appropriations, coauthored by Lindley (principal House author)
- CS for SB 1412** – Veterans, Military Affairs, and Public Safety, coauthored by Roan (principal House author)
- SB 1483** – Finance, coauthored by Askins (principal House author)
- SB 1489** – Finance
- SB 1508** – Finance, coauthored by Roan (principal House author)
- SB 1556** – Finance, coauthored by Pope (principal House author)
- SJR 53** – Finance, coauthored by Blackburn (principal House author)

Pursuant to the Fisher motion, the Senate adjourned at 2:05 p.m. to meet Tuesday, February 17, 2004, at 1:30 p.m.