

# Senate Journal

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

**Thirteenth Legislative Day, Monday, February 23, 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, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Wilcoxson, Wilkerson, Williams and Williamson.—45.

Excused: Easley, Monson and Taylor.—3.

Senator Rozell declared a quorum present.

The prayer was offered by Reverend David Dunson, Highland Park Christian Church, Broken Arrow, the guest of Senator Riley.

### GENERAL ORDER

**SB 7** by Capps of the Senate and Worthen of the House was called up for consideration.

Senator Capps moved that **SB 7** be advanced, which motion was declared adopted.

### THIRD READING

**SB 7** was read for the third time 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, Fair, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr,

Laster, Laughlin, Lawler, Leftwich, Lerblance, Littlefield, Maddox, Milacek, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Rozell, Shurden, Smith, Snyder, Wilcoxson, Wilkerson, Williams and Williamson.--44.

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

The bill passed.

**SB 7** was referred for engrossment.

**Senator Rabon presiding.**

**GENERAL ORDER**

**SB 845** by Ford and Coates of the Senate and Benge of the House was called up for consideration.

Senator Ford moved that **SB 845** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 845** was read for the third time at length.

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

Aye: Aldridge, Brogdon, Cain, Coates, Corn, Crutchfield, Fair, Ford, Gumm, Harrison, Horner, Johnson, Laster, Laughlin, Lawler, Littlefield, Nichols, Pruitt, Reynolds, Riley, Shurden, Smith, Snyder, Wilcoxson, Wilkerson and Williamson.--26.

Nay: Branan, Capps, Coffee, Dunlap, Fisher, Helton, Hobson, Kerr, Leftwich, Lerblance, Maddox, Milacek, Morgan, Myers, Price, Rabon, Rozell and Williams.--18.

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

The bill passed.

**SB 845** was referred for engrossment.

**GENERAL ORDER**

**SB 852** by Capps of the Senate and Armes of the House was called up for consideration.

Senator Capps moved to amend **SB 852**, Page 1, by restoring the title, which amendment was withdrawn upon request of Senator Capps.

Senator Capps moved that **SB 852** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 852** was read for the third time at length.

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

Aye: Cain, Capps, Corn, Crutchfield, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Kerr, Leftwich, Lerblance, Littlefield, Maddox, Morgan, Price, Rabon, Rozell, Shurden, Smith, Wilkerson and Williams.--24.

Nay: Aldridge, Branan, Brogdon, Coates, Coffee, Dunlap, Fair, Laster, Laughlin, Lawler, Milacek, Myers, Nichols, Pruitt, Reynolds, Riley, Snyder, Wilcoxson and Williamson.--19.

Excused: Easley, Monson, Robinson and Taylor.--5.

\*Not Voting: Johnson.—1.

The bill failed.

\*Senator Johnson asked to be shown not voting on **SB 852** for reason of personal interest, as provided in Article V, Section 24, Oklahoma Constitution.

Pursuant to Rule 12-23, Senator Capps served notice that the vote be reconsidered whereby **SB 852** failed.

### **GENERAL ORDER**

**SB 1125** by Ford of the Senate and DeWitt of the House was called up for consideration.

Senator Ford moved that **SB 1125** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 1125** 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, Capps, Coates, Coffee, Dunlap, Fair, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Johnson, Kerr, Laster, Laughlin, Leftwich, Littlefield, Maddox, Milacek, Morgan, Myers, Nichols, Price, Pruitt, Reynolds, Riley, Smith, Snyder, Wilcoxson, Wilkerson, Williams and Williamson.--35.

Nay: Cain, Corn, Crutchfield, Horner, Lawler, Lerblance, Rabon, Rozell and Shurden.-9.

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

The bill and emergency passed.

**SB 1125** was referred for engrossment.

### **GENERAL ORDER**

**SB 879** by Capps of the Senate and Bonny of the House was called up for consideration.

Senator Capps moved that **SB 879** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 879** 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, Fair, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Littlefield, Maddox, Milacek, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Wilcoxson, Wilkerson, Williams and Williamson.--45.

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

The bill and emergency passed.

**SB 879** was referred for engrossment.

**UNANIMOUS CONSENT REQUEST  
DIRECT TO CALENDAR**

Senator Leftwich asked unanimous consent to suspend Rule 5-4 and refer **HCR 1048** direct to the Calendar for consideration, which was the order.

**GENERAL ORDER**

**HCR 1048** by Lindley et al of the House and Leftwich (Debbe) of the Senate was called up for consideration.

All other members of the Senate and Representatives Adair, Blackburn, Bonny, Cox, Dorman, Easley, Eddins, Harrison, Hefner, Kirby, Lamons, Leist, Mass, Mitchell, Plunk, Rice, Stanley, Taylor and Toure asked to coauthor **HCR 1048**, which was the order.

**HCR 1048** was adopted upon motion of Senator Leftwich (Debbe) and properly signed and ordered returned to the Honorable House.

**MESSAGE FROM THE HOUSE**

Advising passage of and transmitting for consideration Engrossed **HBs 1838, 1851, 2098, 2099, 2100, 2219, 2279, 2305** and **2306**.

**HB 1838** – By Smithson and Nance of the House and Helton and Corn of the Senate.

An Act relating to law enforcement; amending 70 O.S. 2001, Section 3311, as last amended by Section 7, Chapter 168, O.S.L. 2003 (70 O.S. Supp. 2003, Section 3311), which relates to the Council on Law Enforcement Education and Training; prohibiting willful false statements on certain applications; providing penalties; providing for the suspension of certification under certain circumstances; providing procedure for the removal of suspension; amending 59 O.S. 2001, Section 1750.10, which relates to the display of certain words on badges; requiring certain words to be displayed on private investigator badges; specifying design guidelines for badges; and providing an effective date.

**HB 1851** – By Pettigrew of the House and Dunlap of the Senate.

An Act relating to state government; amending 74 O.S. 2001, Section 1308.1, which relates to the State and Education Employees Group Insurance Act; allowing educational entities to cease participation in group plan and provide coverage through another carrier; requiring subsequent carrier be responsible for certain coverages under certain conditions; and declaring an emergency.

**HB 2098** – By Sweeden of the House and Gumm of the Senate.

An Act relating to sunset; amending 59 O.S. 2001, Section 396, as amended by Section 2, Chapter 57, O.S.L. 2003 (59 O.S. Supp. 2003, Section 396), which relates to the Oklahoma Funeral Board; re-creating the Board; and modifying termination date.

**HB 2099** – By Sweeden of the House and Gumm of the Senate.

An Act relating to sunset; repealing 63 O.S. 2001, Section 1-111.1, which relates to the Eldercare Program Advisory Committee.

**HB 2100** – By Sweeden of the House and Gumm of the Senate.

An Act relating to sunset; amending 59 O.S. 2001, Section 46.4, which relates to the Board of Governors of the Licensed Architects and Landscape Architects of Oklahoma; re-creating the Board; and modifying termination date.

**HB 2219** – By Maddux, Pope, Covey, DeWitt, Armes, Braddock, Nations and Harrison of the House and Coates of the Senate.

An Act relating to agriculture; creating the Oklahoma Grape Resources and Wine Production Act; specifying purpose; defining terms; creating the Oklahoma Grape and Wine Commission; providing for qualifications and composition; establishing districts; setting terms of office; providing for vacancies, meetings and quorum; providing for certain powers, duties and responsibilities; providing for certain meetings and officers; providing for initial and subsequent elections; providing for petitions and applications; providing for eligibility; providing for procedures; providing for payment of reasonable election expenses; requiring rules; providing for ballots; requiring certified results; authorizing destruction of ballots; providing for contests and investigations; providing for reimbursement; providing for certain assessments; providing procedures; providing for uses of funds; requiring certain reports; creating the Oklahoma Grape and Wine Fund; providing for expenditures and deposits; allowing certain investments; providing for administrative penalties; providing for enforcement and equitable relief; providing for codification; and declaring an emergency.

**HB 2279** – By Armes, Adkins, Askins, Covey, Deutschendorf, Dorman, Kirby, Liotta, McCarter, Morgan (Danny) and Pope of the House and Maddox of the Senate.

( revenue and taxation - amending 68 O.S., Section 3603 - Oklahoma Quality Jobs Program Act - effective date – emergency )

**HB 2305** – By Hamilton, Piatt, Lindley, Vaughn, Adkins, Calvey, Graves, Hiatt, Liotta and Peters of the House and Shurden of the Senate.

An Act relating to public health and safety; establishing the State Advisory Council on Pain Management; providing for appointment; providing for qualifications; providing for terms, reimbursement for travel, meetings, duties, and purpose; providing for assistance; requiring certain reports; requiring pain assessments for nursing home residents; requiring promulgation of rules; providing for codification; and declaring an emergency.

**HB 2306** – By Hamilton, Lindley, Greenwood, Vaughn, Cox, Paulk, Adkins, Piatt, Wright, Staggs, Winchester, Smithson, Braddock, Askins, Calvey, Dank, Graves, Hiatt, Hilliard, Nance and Peters of the House and Shurden of the Senate.

An Act relating to public health and safety; creating the Danielle Martinez Act; authorizing umbilical cord blood donation; providing for duties and responsibilities; providing exceptions; providing for dissemination of information; providing for codification; and providing an effective date.

The above-numbered measures were read the first time.

## **GENERAL ORDER**

**SB 1104** by Capps of the Senate and Sweeden of the House was called up for consideration.

Senator Capps moved to amend **SB 1104**, Page 13, Line 13, by inserting after the period and before the word “Any” the following language:

“NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 14-108.1 of Title 26, unless there is created a duplication in numbering, reads as follows:”, which amendment was declared adopted.

Senator Shurden moved to amend **SB 1104**, Page 13, Lines 13 through 16, by deleting Section 12, which amendment failed of adoption upon roll call as follows:

Aye: Shurden and Smith.--2.

Nay: Aldridge, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crutchfield, Dunlap, Fair, Fisher, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Littlefield, Maddox, Milacek, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Snyder, Wilcoxson, Wilkerson, Williams and Williamson.--42.

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

Senator Reynolds moved to amend **SB 1104**, Page 7, Lines 13 through 19, by deleting after the period on Line 13, all new language.

Senator Capps moved to table the Reynolds amendment, which tabling motion was declared adopted upon roll call as follows:

Aye: Capps, Corn, Crutchfield, Dunlap, Fisher, Gumm, Harrison, Helton, Hobson, Horner, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Littlefield, Maddox, Milacek, Morgan, Myers, Price, Rabon, Robinson, Rozell, Shurden, Wilkerson and Williams.--28.

Nay: Aldridge, Branan, Brogdon, Cain, Coates, Coffee, Fair, Johnson, Nichols, Pruitt, Reynolds, Riley, Snyder, Wilcoxson and Williamson.--15.

Excused: Easley, Ford, Monson, Smith and Taylor.--5.

Senator Shurden moved to amend **SB 1104**, Page 13, Line 13, by inserting a new Section 12 to read as follows:

“SECTION 12. Absentee ballots are not required to be notarized.”

Senator Capps moved to table the Shurden amendment, which tabling motion was declared adopted upon roll call as follows:

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

Nay: Shurden.--1.

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

Senator Capps moved that **SB 1104** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 1104** 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, Fair, Fisher, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Littlefield, Maddox, Milacek, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Smith, Snyder, Wilcoxson, Wilkerson, Williams and Williamson.--43.

Nay: Shurden.--1.

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

The bill and emergency passed.

**SB 1104** was referred for engrossment.



**MESSAGE FROM THE HOUSE**

Advising passage of and returning the following Engrossed bill:

**SCR 42** – coauthored by all other House members

The above-numbered measure was referred for enrollment.

Senator Fisher moved that when the clerk's desk is clear, the Senate stand adjourned to convene Tuesday, February 24, 2004, at 9:00 a.m., which motion prevailed.

**COMMITTEE REPORTS**

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

DO PASS:

**SB 896** – Education, coauthored by Coleman (principal House author)

**SB 1129** – Education, coauthored by Peterson (Ron) (principal House author)

**SB 1342** – Finance, coauthored by Roan (principal House author)

**SB 1382** – Finance, coauthored by Stanley (principal House author)

**SB 1478** – Finance, coauthored by Pope (principal House author)

DO PASS, As Amended:

**CS** for **SB 811** – Education, coauthored by McCarter (principal House author)

**CS** for **SB 814** – Education, coauthored by Staggs (principal House author)

**SB 841** – Finance, coauthored by Aldridge, Branan, Brogdon, Coates, Coffee, Corn, Crutchfield, Dunlap, Fair, Ford, Harrison, Helton, Laster, Littlefield, Maddox, Milacek, Myers, Nichols, Price, Pruitt, Reynolds, Riley, Smith, Snyder, Wilcoxson and Williamson of the Senate, and coauthored by Young (principal House author)

**SB 857** – Finance, coauthored by Covey (principal House author)

**CS** for **SB 865** – Finance, coauthored by Maddox of the Senate, and coauthored by McCarter (principal House author), and Pope of the House

**SB 1099** – Energy, Environment and Communications, remove Capps and substitute Coates as principal Senate author, and coauthored by Boren (principal House author)

**CS** for **SB 1120** – Finance

**SB 1121** – Finance

**SB 1122** – Finance

**CS** for **SB 1164** – Appropriations, coauthored by Winchester (principal House author)

**SB 1170** – Finance, coauthored by Brannon (principal House author)

**SB 1278** – Education, coauthored by Blackwell (principal House author)

- SB 1280** – Appropriations, coauthored by Hilliard (principal House author)  
**SB 1318** – Finance, coauthored by Easley (principal House author)  
**SB 1319** – Finance, coauthored by Nance (principal House author)  
**SB 1325** – Appropriations, coauthored by Wilkerson of the Senate, and coauthored by Ericson (principal House author)  
**SB 1328** – Appropriations, coauthored by Carey (principal House author)  
**CS for SB 1372** – Appropriations, coauthored by Gumm of the Senate, and coauthored by Nations (principal House author)  
**CS for SB 1425** – Education, coauthored by Robinson, Williams and Hobson of the Senate, and coauthored by Askins (principal House author) and Adair of the House  
**CS for SB 1445** – Education, coauthored by Hobson of the Senate, and coauthored by Askins (principal House author) and Adair of the House  
**SB 1447** – Appropriations, coauthored by Askins (principal House author)  
**SB 1449** – Education, coauthored by Coleman (principal House author)  
**CS for SB 1473** – Education, coauthored by Nations (principal House author) and Staggs of the House  
**CS for SB 1494** – Appropriations  
**CS for SB 1522** – Appropriations, coauthored by Carey (principal House author)  
**SB 1534** – Education, coauthored by Peterson (Pam) (principal House author)  
**CS for SB 1546** – Human Resources, coauthored by Leist (principal House author)  
**CS for SB 1565** – Finance, coauthored by Nations (principal House author)  
**SB 1569** – Appropriations, coauthored by Askins (principal House author)  
**CS for SB 1628** – Human Resources, coauthored by Peters (principal House author)  
**CS for SJR 51** – Appropriations, coauthored by McCarter (principal House author)  
**HB 2192** – Finance

## **SECOND READING**

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

**HB 2176** – Business and Labor

## **FIRST READING**

The following were introduced and read the first time:

**SCR 43** – By Hobson and Nichols of the Senate and Nations of the House.

A Concurrent Resolution commending and congratulating Jason White upon winning the Heisman Trophy and the Davey O’Brien National Quarterback Award; and directing distribution.

**SCR 44** – By Fisher, Taylor and Morgan of the Senate and Ferguson and Easley of the House.

A Concurrent Resolution directing the site of the new Oklahoma History Center be named “The Henry and Shirley Bellmon Oklahoma History Center Park”; and directing distribution.

**MESSAGE FROM THE GOVERNOR**

Advising his approval February 20, 2004, of Enrolled **SBs 959, 992, 1056 and 1058**.

Pursuant to the Fisher motion, the Senate adjourned at 2:55 p.m. to meet Tuesday, February 24, 2004, at 9:00 a.m.