

# Senate Journal

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

**Thirty-fifth Legislative Day, Wednesday, March 31, 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.

Vacancy: District 18.—1.

Senator Rozell declared a quorum present.

The prayer was offered by Reverend Jeff Flowers, First Baptist Church, Snyder, the guest of Senator Capps.

### REPORT OF ENGROSSED AND ENROLLED MEASURES

**HBs 1899, 2359, 2528 and 2643** were each correctly engrossed and, together with engrossed **SAs**, properly signed and ordered returned to the Honorable House.

**SBs 1190 and 1537** were each correctly enrolled and after fourth reading, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

**SRs 43 and 44** were each correctly enrolled, properly signed and ordered transmitted to the Secretary of State.

**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 2005** – Morgan, Robinson, Corn, Johnson, Williamson

**MESSAGE FROM THE HOUSE**

Advising naming of House conferees as follows:

**HB 2005** - Mitchell, Bonny, Morgan (Danny), Carey, Cox, Armes, Case, Ferguson

**INTRODUCTION**

Senator Wilkerson introduced his nephew, Trooper Keith Wilkerson, to the Senate.

**MOTION TO RECONSIDER VOTE**

Senator Brogdon moved to reconsider the vote whereby **HB 1891** failed.

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

Aye: Cain, Price, Robinson, Rozell, Shurden, Smith and Taylor.--7.

Nay: Branan, Brogdon, Capps, Coates, Corn, Crutchfield, Dunlap, Fisher, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Littlefield, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Pruitt, Rabon, Riley, Snyder, Wilcoxson, Wilkerson and Williamson.--34.

Excused: Aldridge, Coffee, Fair, Ford, Reynolds and Williams.--6.

Vacancy: District 18.--1.

Senator Brogdon pressed his motion to reconsider the vote whereby **HB 1891** failed, which motion was declared adopted upon roll call as follows:

Aye: Branan, Brogdon, Corn, Crutchfield, Dunlap, Fisher, Ford, Gumm, Helton, Hobson, Horner, Johnson, Laster, Laughlin, Lawler, Lerblance, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Reynolds, Riley, Wilcoxson, Wilkerson, Williams

and Williamson.--30.

Nay: Cain, Capps, Coates, Harrison, Kerr, Littlefield, Rabon, Robinson, Rozell, Shurden, Smith, Snyder and Taylor.--13.

Excused: Aldridge, Coffee, Fair and Leftwich.--4.

Vacancy: District 18.--1.

### **THIRD READING**

**HB 1891** 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, Corn, Crutchfield, Dunlap, Fair, Fisher, Helton, Hobson, Horner, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Reynolds, Riley, Wilcoxson, Wilkerson, Williams and Williamson.--31.

Nay: Cain, Capps, Coates, Ford, Gumm, Harrison, Littlefield, Rabon, Robinson, Rozell, Shurden, Smith, Snyder and Taylor.--14.

Excused: Coffee and Johnson.--2.

Vacancy: District 18.--1.

The bill passed.

Senators Rabon and Harrison desired to vote Aye on the emergency.

On the question of passage of the emergency, the vote resulted as follows: Aye: 33; Nay: 12; Excused: 2; Vacancy: 1.

The emergency passed.

Pursuant to Rule 12-23, Senator Smith served notice that the vote be reconsidered whereby **HB 1891** passed.

### **MESSAGES FROM THE HOUSE**

Advising concurrence in **SAs** to and passage of Engrossed **HB 1844**.

Advising fourth reading of and returning Enrolled **SBs 1190 and 1537**.

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

Advising passage of and returning the following Engrossed bills:

**SB 450**

**SB 1115**

**SB 1169** - coauthored by Pettigrew, Peterson (Ron) of the House

**SB 1529** - coauthored by Adkins, Toure of the House

**SB 1608** - coauthored by Davis of the House

**SCR 51** - coauthored by all other House members

The above-numbered measures were referred for enrollment.

Advising fourth reading of and transmitting for signature Enrolled **HBs 2176 and 2394**.

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

Advising passage of and transmitting for consideration Engrossed **HCR 1059**.

**HCR 1059** – By Adair, Ingmire, Miller (Ray), Plunk, Staggs, Tibbs, Tyler, 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, Jones, Kirby, Lamons, Langmacher, Leist, Lerblance, Lindley, Liotta, Maddux, Mass, McCarter, McClain, McIntyre, Miller (Doug), Mitchell, Morgan (Danny), Morgan (Fred), Nance, Nations, Newport, O’Neal, Paulk, Perry, Peters, Peterson (Pam), Peterson (Ron), Pettigrew, Phillips, Piatt, Pope, Reynolds, Rice, Roan, Roberts, Roggow, Smaligo, Smith, Smith (Hopper), Smithson, Stanley, Steele, Sullivan, Sweeden, Taylor, Toure, Trebilcock, Turner, Vaughn, Walker, Wells, Wilson, Wilt, Winchester, Worthen, Wright and Young of the House and Hobson of the Senate.

A Concurrent Resolution commending and applauding the accomplishments of Oklahoma’s distinguished *CareerTech* system; declaring the year 2004 as the centennial year of the system; and directing distribution.

The above-numbered measure was read the first time.

**MESSAGE FROM THE HOUSE  
HAS TO SENATE BILLS**

Advising passage of and returning the following engrossed bills as amended:

**SB 1135**

**SB 1163**

**SB 1168** - coauthored by Adkins, Balkman, Cargill, DeWitt, Nance, Peterson (Pam), Peterson (Ron), Tibbs of the House

**SB 1291**

**SB 1311**

House amendments were read on the above-numbered bills.

**EXECUTIVE NOMINATIONS**

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

Jackson, Charles F., Tulsa, as a member of the Board of Juvenile Affairs - Human Resources

Lynch, Robert Allen, Norman, as a member of the Air Quality Advisory Council - Energy, Environment and Communications

Meyers, Karl L., Fort Gibson, as a member of the State Board of Career and Technology Education - Education

Van Stavern, Phil, Edmond, as a member of the Organ Donor Education and Awareness Program Advisory Council - Human Resources

Senator Fisher moved that when the clerk's desk is clear, the Senate stand adjourned to convene Thursday, April 1, 2004, at 9:30 a.m., which motion prevailed.

**COMMITTEE REPORTS**

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

DO PASS:

**HB 1832** – Veterans, Military Affairs, and Public Safety

**HB 1896** – Veterans, Military Affairs, and Public Safety

**HB 2106** – Judiciary

**HB 2154** – Judiciary

**HB 2205** – Judiciary

**HB 2249** – Judiciary

**HB 2330** – Retirement and Group Health

**HB 2383** – Judiciary

**HB 2472** – Veterans, Military Affairs, and Public Safety, coauthored by Aldridge of the Senate.

**HB 2474** – Judiciary

**HB 2548** – Veterans, Military Affairs, and Public Safety

DO PASS, As Amended:

CS for **HB 1668** – Judiciary

**HB 1821** – Judiciary

**HB 1830** – Retirement and Group Health

**HB 2135** – Judiciary

**HB 2136** – Judiciary

**HB 2187** – Judiciary

**HB 2198** – Judiciary

**HB 2223** – Judiciary

**HB 2226** – Retirement and Group Health

**HB 2271** – Judiciary

**HB 2299** – Veterans, Military Affairs, and Public Safety

**HB 2303** – Judiciary

**HB 2363** – Judiciary

**HB 2365** – Judiciary

**HB 2444** – Veterans, Military Affairs, and Public Safety

**HB 2536** – Retirement and Group Health

**HB 2549** – Judiciary

CS for **HB 2598** – Retirement and Group Health

**HB 2606** – Judiciary

CS for **HB 2639** – Judiciary

**HB 2690** – Retirement and Group Health

**HB 2691** – Retirement and Group Health

**HB 2693** – Retirement and Group Health

CS for **HB 2714** – Judiciary

CS for **HCR 1046** – Judiciary

**FIRST READING**

The following was introduced and read the first time:

**SR 46** – By Johnson.

A Resolution commending the Kingfisher High School Yellowjackets for winning their first Class 3A Oklahoma football championship in 2003; congratulating them for an undefeated season; and directing distribution.

**MESSAGE FROM THE GOVERNOR**

Advising his approval March 31, 2004, of Enrolled **SB 1224**.

Pursuant to the Fisher motion, the Senate adjourned at 2:15 p.m. to meet Thursday, April 1, 2004, at 9:30 a.m.