

# Senate Journal

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

**Fifty-seventh Legislative Day, Monday, May 10, 2004**

The Senate was called to order by Senator Rozell.

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, Lerblance, Littlefield, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Taylor, Wilcoxson, Wilkerson and Williamson.—47.

Excused: Williams.—1.

Senator Rozell declared a quorum present.

The prayer was offered by Reverend Kim Hays, Lake Center Baptist Church, Monkey Island, the guest of Senator Littlefield.

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

**SBs 1434** and **1516** 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 2353** – add Fisher

**MESSAGES FROM THE HOUSE**

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

- SB 1120** - Pope, Nance, Dorman, Roberts, Maddux
- SB 1192** - Askins, Roan, Newport, Lamons, Nance
- SB 1447** - Askins, Roan, Newport, Peterson (Ron), Lamons
- SB 1448** - Pope, Nance, Dorman, Roberts, Maddux
- SB 1589** - Plunk, Wilt, Erwin, Mass, Nance, Young, Askins, Toure

Advising naming of House conferees as follows:

- HB 2243** - Cargill, Roan, Newport, Ericson, Walker, Roberts, Tyler
- HB 2250** - Paulk, Lindley, Adkins, Balkman, Hilliard
- HB 2626** - Askins, Toure, Boren, Ingmire, Peters
- HB 2674** - Dorman, Paulk, Ferguson, Leist, Case, Lamons

Advising changing of House conferees as follows:

- HB 2380** -remove Lamons and add Hamilton, Askins

**PENDING CONSIDERATION OF HAS**

**HAs** to **SB 1104** were concurred in upon motion of Senator Capps.

**SB 1104**, as amended by the Honorable House, was read 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, Easley, Fair, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Lerblance, Littlefield, Milacek, Monson, Morgan, Myers, Price, Pruitt, Rabon, Riley, Rozell, Snyder, Taylor, Wilkerson and Williamson.--38.

Nay: Maddox, Nichols, Reynolds, Shurden and Wilcoxson.--5.

Excused: Dunlap, Leftwich, Robinson, Smith and Williams.--5.

The bill and emergency passed.

House amendments were properly signed and the above-numbered bill was referred for enrollment.

**SENATE RULE SUSPENDED**

Senator Kerr asked unanimous consent, which was granted, that the Senate suspend Senate Rule 16-1B(8) as it pertains to **SB 1088**.

**PENDING CONSIDERATION OF HAS**

**HAs** to **SB 1088** were rejected upon motion of Senator Kerr, conference requested, and Senate conferees to be named later.

**GENERAL ORDER**

**SCR 35** by Helton et al of the Senate and Kirby et al of the House was called up for consideration.

All other members of the Senate asked to coauthor **SCR 35**, which was the order.

**SCR 35** was adopted upon motion of Senator Helton and referred for engrossment.

**PENDING CONSIDERATION OF CCR**

The **CCR** on **SB 1478** was adopted upon motion of Senator Monson.

**SB 1478**, 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, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Lerblance, Littlefield, Maddox, Milacek, Monson, Morgan, Myers, Price, Pruitt, Rabon, Reynolds, Riley, Rozell, Shurden, Snyder, Taylor, Wilcoxson, Wilkerson and Williamson.--42.

Excused: Ford, Leftwich, Nichols, Robinson, Smith and Williams.--6.

The bill passed.

The Chair advised that Senator Smith, having been present in the Chamber during the vote on **SB 1478** would be shown voting Nay in compliance with Rule 14-1B. The vote thereby resulted as follows: Aye: 42; Nay: 1; Excused: 5.

**SB 1478**, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

**Senator Gumm presiding.**

**PENDING CONSIDERATION OF HAS**

**HAs to SB 884** were concurred in upon motion of Senator Laughlin.

**SB 884**, as amended by the Honorable House, was read 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, Easley, Fair, Fisher, Gumm, Harrison, Helton, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Lerblance, Littlefield, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Rozell, Shurden, Smith, Snyder, Taylor, Wilcoxson, Wilkerson and Williamson.--43.

Excused: Ford, Hobson, Leftwich, Robinson and Williams.--5.

The bill and emergency passed.

House amendments were properly signed and the above-numbered bill was referred for enrollment.

**EXECUTIVE NOMINATIONS**

The following executive nominations have been approved by the committees named:

Barnes, Charles H., Choctaw, to the Oklahoma Real Estate Commission, to serve a three year term ending July 1, 2007, succeeding Bud Engstrom. (Business and Labor Committee) Motion to confirm made by Senator Aldridge.

Davis, D. Casey, Oklahoma City, to the Capitol-Medical Center Improvement and Zoning Commission, to serve a three year term ending January 31, 2007, succeeding James Strider. (General Government Committee) Motion to confirm made by Senator Monson.

Davis, Jim, Holdenville, to the Oklahoma Used Motor Vehicle and Parts Commission, to serve a six year term ending June 30, 2010, succeeding Kurt Hamburger. (Business and Labor Committee) Motion to confirm made by Senator Wilkerson.

Geurkink, Ann Buchanan, Duncan, to the Oklahoma Department of Libraries Board, to serve a six year term ending July 1, 2010, succeeding Benny Briggs. (General Government Committee) Motion to confirm made by Senator Lawler.

Howard, Russell G., Laverne, to the Oklahoma Liquefied Petroleum Gas Board, to serve a four year term ending June 30, 2008, succeeding himself. (Energy, Environment and Communications Committee) Motion to confirm made by Senator Laughlin.

Krenger, Michael C., Oklahoma City, to the Commission on Marginally Producing Oil and Gas Wells, to serve a three year term ending December 31, 2006, succeeding himself. (Energy, Environment and Communications Committee) Motion to confirm made by Senator Branan.

Lowrance, Danny Lee, Duncan, to the Oklahoma Conservation Commission, to serve a five year term ending June 30, 2009, succeeding Terry Wyatt. (Energy, Environment and Communications Committee) Motion to confirm made by Senator Lawler.

Lynch, Robert Allen, Norman, to the Air Quality Advisory Council, to serve a seven year term ending June 15, 2011, succeeding himself. (Energy, Environment and Communications Committee) Motion to confirm made by Senator Nichols.

Murphy, Roy, Nicoma Park, to the Oklahoma Used Motor Vehicle and Parts Commission, to serve a six year term ending June 30, 2010, succeeding himself. (Business and Labor Committee) Motion to confirm made by Senator Monson.

Nichols, Jess Mark, Altus, to the Oklahoma Water Resources Board, to serve a seven year term ending May 14, 2011, succeeding himself. (Energy, Environment and Communications Committee) Motion to confirm made by Senator Kerr.

Nichols, Jess Mark, Altus, to the Oklahoma Water Resources Board, to serve an unexpired term ending May 14, 2004, succeeding Richard McDonald. (Energy, Environment and Communications Committee) Motion to confirm made by Senator Kerr.

Paul, Homer, Bixby, to the Oklahoma Industrial Finance Authority, to serve a six year term ending October 11, 2009, succeeding himself. (Commerce Committee) Motion to confirm made by Senator Riley.

Paul, Homer, Bixby, to the Oklahoma Development Finance Authority, to serve a six year term ending October 11, 2009, succeeding himself. (Commerce Committee) Motion to confirm made by Senator Riley.

Purdy, Ken G., Tahlequah, to the Environmental Quality Board, to serve an unexpired term ending January 31, 2007, succeeding Roger Miner. (Energy, Environment and Communications Committee) Motion to confirm made by Senator Rozell.

Rendon, Teresa Anne, Oklahoma City, to the Oklahoma Human Rights Commission, to serve a three year term ending July 15, 2007, succeeding herself. (Human Resources Committee) Motion to confirm made by Senator Monson.

Sauer, Karl F., M.D., McAlester, to the Oklahoma Professional Boxing Commission, to serve a three year term ending June 30, 2007, succeeding himself. (Business and Labor Committee) Motion to confirm made by Senator Lerblance.

Motions to confirm the above-named executive nominations were declared adopted upon roll call as follows:

Aye: Aldridge, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crutchfield, Dunlap, Easley, Fair, Fisher, 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, Taylor, Wilcoxson, Wilkerson and Williamson.--44.

Excused: Ford, Robinson, Snyder and Williams.--4.

### **MESSAGES FROM THE HOUSE**

Advising fourth reading of and transmitting for signature Enrolled **HB 2121**.

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

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

**SB 1060** - Askins, Toure, Boren, Bengé, Blackwell, Braddock, Cargill, Dank, Dorman, Kirby, Lamons, Langmacher, Morgan (Fred), Nance, Paulk, Piatt, Rice, Roan, Smaligo, Sullivan, Tibbs, Wilt, Young, Adair, Hilliard

Advising changing of House conferees as follows:

**SB 1252** - remove Askins, Hutchison and add Pope, Stanley

Advising passage of and returning the following Engrossed bills:

**SB 649 (3RD CCR)**

**SCR 63** - coauthored by all other House members

The above-numbered measures were referred for enrollment.

Advising fourth reading of and returning Enrolled **SBs 1434** and **1516**.

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

**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 1858**

**HB 2330**

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

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 Gumm presiding.

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

**MESSAGES FROM THE HOUSE**

Advising rejection of **2ND CCR** to **SB 297**, requesting further conference and House conferees to be named later.

Advising changing of House conferees as follows:

**SB 1252** - remove Stanley, Ferguson, Pettigrew

**CHANGE IN CONFEREES**

Advising change in Senate conferees as follows:

**SB 1216** – add Crutchfield

**SCs NAMED**

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

**HB 1437** – GCCA

**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 1587** – Lawler, Cain, Williamson, Smith, Riley

**PENDING CONSIDERATION OF CCR**

The **CCR** on **HB 1694** was adopted upon motion of Senator Leftwich.

**HB 1694**, 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, Fisher, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Maddox, Milacek, Morgan, Nichols, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Wilcoxson and Williamson.--38.

Excused: Fair, Ford, Littlefield, Monson, Myers, Price, Pruitt, Taylor, Wilkerson and Williams.--10.

The bill passed.

Senator Littlefield desired to vote Aye on the emergency.

On the question of passage of the emergency, the vote resulted as follows: Aye: 39; Excused: 9.

The emergency passed.

**HB 1694**, together with the conference committee report thereon, was ordered returned to the Honorable House.



**PENDING CONSIDERATION OF HAS**

**HAs to SB 1580** were concurred in upon motion of Senator Fisher.

**SB 1580**, as amended by the Honorable House, 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, Fisher, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laughlin, Leftwich, Lerblance, Littlefield, Maddox, Milacek, Morgan, Nichols, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Wilcoxson and Williamson.--37.

Nay: Laster and Lawler.--2.

Excused: Fair, Ford, Monson, Myers, Price, Pruitt, Taylor, Wilkerson and Williams.--9.

The bill passed.

House amendments were properly signed and the above-numbered bill was referred for enrollment.

**UNANIMOUS CONSENT REQUEST  
DIRECT TO CALENDAR**

Senator Rabon asked unanimous consent to suspend Rule 5-4 and refer **HCR 1064** direct to the Calendar for consideration, which was the order.

**GENERAL ORDER**

**HCR 1064** by Ellis of the House and Rabon of the Senate was called up for consideration.

Senators Crutchfield and Gumm asked to coauthor **HCR 1064**, which was the order.

Senator Rabon asked that **HCR 1064** be laid over for this legislative day, which was the order.

**HCR 1064** remains on General Order.

**EXECUTIVE NOMINATIONS**

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

Beer, Galynn W., Guymon, as a member of the Oklahoma Science and Technology Research and Development Board - Aerospace and Technology

Evans, Stanley L., Oklahoma City, as a member of the Oklahoma Human Rights Commission - Human Resources

Farmer, Lonnie, Oklahoma City, as a member of the Oklahoma Water Resources Board - Energy, Environment and Communications

Graumann, A. Dean, Granite, as a member of the Board of Regents of Western Oklahoma State College - Education

Senator Fisher moved that when the clerk's desk is clear, the Senate stand adjourned to convene Tuesday, May 11, 2004, at 1:30 p.m., which motion prevailed.

**CONFERENCE COMMITTEE REPORTS SUBMITTED**

Conference committee reports were read on the following bills:

**SB 850**

**SB 1144**

**SB 1252**

**SB 1284**

**SB 1317**

**SB 1340**

**FIRST READING**

The following was introduced and read the first time:

**SCR 70** – By Shurden of the Senate and Leist of the House.

A Concurrent Resolution authorizing the Board of Regents for the Oklahoma Agricultural and Mechanical Colleges, acting on behalf of Oklahoma State University - Okmulgee, to issue certain revenue bonds pursuant to Sections 4001 through 4017 of Title 70 of the Oklahoma Statutes; and directing distribution.

Pursuant to the Fisher motion, the Senate adjourned at 4:10 p.m. to meet Tuesday, May 11, 2004, at 1:30 p.m.