

Senate Journal

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

Sixty-second Legislative Day, Tuesday, May 18, 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, Williams and Williamson.—48.

Senator Rozell declared a quorum present.

The prayer was offered by Reverend Mark Crow, Victory Church, Oklahoma City, the guest of Senator Branan.

REPORT OF ENGROSSED AND ENROLLED MEASURES

SCR 64 was correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

SBs 935 and **964** were each correctly enrolled and after fourth reading, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

SR 68 was 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 further conference was ordered granted and same Senate conferees appointed as follows:

HB 2135 – Coffee, Smith, Harrison, Capps, Price

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 1889** was adopted upon motion of Senator Rabon.

HB 1889, 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, Ford, Gumm, Harrison, Helton, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Pruitt, Rabon, Reynolds, Riley, Rozell, Shurden, Smith, Snyder, Taylor, Wilkerson, Williams and Williamson.--42.

Excused: Fair, Hobson, Littlefield, Price, Robinson and Wilcoxson.--6.

The bill passed.

HB 1889, together with the conference committee report thereon, was ordered returned to the Honorable House.

SCs NAMED

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

SB 1088 – Kerr, Maddox, Fisher, Coffee, Coates

INTRODUCTION

Senator Morgan introduced his father and step-mother, Vurnell and Sandra Morgan; his sister, Kathy Duffy; and his cousins, Lynn and Zondra Morgan.

Senator Fisher moved that the Senate recess until 1:30 p.m., 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.

PENDING CONSIDERATION OF HAS

HAs to SB 377 were rejected upon motion of Senator Fisher, conference requested, and Senate conferees named as follows: Rozell, Littlefield, Helton, Ford, Dunlap.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 2036** was adopted upon motion of Senator Capps.

HB 2036, 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, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Littlefield, Maddox, Milacek, Monson, Myers, Nichols, Price, Pruitt, Rabon, Rozell, Shurden, Smith, Snyder, Wilcoxson, Wilkerson, Williams and Williamson.--43.

Excused: Morgan, Reynolds, Riley, Robinson and Taylor.--5.

The bill passed.

HB 2036, together with the conference committee report thereon, was ordered returned to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 2164** was rejected upon motion of Senator Fisher, further conference requested, and same Senate conferees appointed as follows: Monson, Gumm, Robinson, Rabon, Laughlin, Coffee, Taylor, Cain, Williamson.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 2472** was adopted upon motion of Senator Helton.

HB 2472, 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, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Littlefield, Maddox, Milacek, Monson, Myers, Nichols, Price, Pruitt, Rabon, Robinson, Rozell, Shurden, Smith, Snyder, Wilcoxson, Wilkerson, Williams and Williamson.--44.

Excused: Morgan, Reynolds, Riley and Taylor.--4.

The bill passed.

HB 2472, together with the conference committee report thereon, was ordered returned to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 2680** was adopted upon motion of Senator Kerr.

HB 2680, 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, Capps, Coates, Coffee, Corn, Crutchfield, Dunlap, Easley, Fair, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Kerr, Laster, Lawler, Leftwich, Lerblance, Littlefield, Maddox, Milacek, Monson, Myers, Nichols, Pruitt, Rabon, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Wilcoxson, Wilkerson, Williams and Williamson.--41.

Nay: Brogdon, Johnson, Laughlin and Price.--4.

Excused: Morgan, Reynolds and Taylor.--3.

The bill passed.

HB 2680, together with the conference committee report thereon, was ordered returned to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 2630** was adopted upon motion of Senator Helton.

HB 2630, 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, 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, Myers, Nichols, Price, Pruitt, Rabon, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.--46.

Excused: Morgan and Reynolds.--2.

The bill and emergency passed.

HB 2630, together with the conference committee report thereon, was ordered returned to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 587** was adopted upon motion of Senator Cain.

SB 587, as amended in conference, was read at length.

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

Aye: Aldridge, Cain, Capps, Coates, Corn, Crutchfield, Easley, Fisher, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Littlefield, Maddox, Monson, Nichols, Price, Rabon, Robinson, Rozell, Shurden, Smith, Taylor, Wilkerson and Williams.--33.

Nay: Branan, Brogdon, Coffee, Dunlap, Fair, Ford, Milacek, Myers, Pruitt, Riley, Snyder, Wilcoxson and Williamson.--13.

Excused: Morgan and Reynolds.--2.

The bill passed.

SB 587, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 1269** was adopted upon motion of Senator Smith.

SB 1269, 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, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Littlefield, Maddox, Milacek, Monson, Myers, Nichols, Price, Pruitt, Rabon, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.--46.

Excused: Morgan and Reynolds.--2.

The bill passed.

SB 1269, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

MESSAGES FROM THE HOUSE

Advising the signing of and transmitting for signature Enrolled **HCRs 1074** and **1084**.

The above-numbered enrolled resolutions were properly signed and ordered returned to the Honorable House.

Advising fourth reading of and transmitting for signature Enrolled **HBs 2030, 2038** and **2330**.

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

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

SB 912 - Blackburn, McCarter, Brannon, Calvey, Deutschendorf, DeWitt, Ferguson, Ingmire, Jones, Miller (Doug), Miller (Ray), Perry, Peterson (Ron), Pope, Roberts, Staggs, Wells, Winchester, Adair, Hilliard

SB 1054 - Askins, Toure, Boren, Benge, Blackwell, Braddock, Cargill, Dank, Dorman, Kirby, Lamons, Langmacher, Morgan (Fred), Nance, Paulk, Piatt, Rice, Roan, Smaligo, Sullivan, Tibbs, Wilt, Young, Adair, Hilliard

SB 1345 - Ferguson, Roberts, Hiatt, Staggs, Brannon, Bengé, Lamons
SB 1407 - Morgan (Fred), Wilt, Balkman, Lamons, McCarter, McClain, Paulk

Advising fourth reading of and returning Enrolled **SBs 935** and **964**.

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

Returning following bills, together with conference committee reports thereon, advising adoption of conference committee reports and passage of measures as amended:

SB 1144
SB 1155

The above-numbered measures, as amended in conference, were referred for enrollment.

Advising rejection of **CCRs** to the following bills, requesting further conference and naming same House conferees as follows:

HB 2110 - Kirby, Askins, Braddock, Ingmire, Hastings, Roan, Newport
HB 2616 - Wells, Tyler, Perry, Plunk, Lamons, Ingmire, Morgan (Danny), Peters, Erwin, Armes

Advising rejection of **CCR** to the following bill, requesting further conference and naming same House conferees as follows:

SB 925 - Blackburn, McCarter, Brannon, Calvey, Deutschendorf, DeWitt, Ferguson, Ingmire, Jones, Miller (Doug), Miller (Ray), Perry, Peterson (Ron), Pope, Roberts, Staggs, Wells, Winchester, Adair, Hilliard

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

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

SB 1600

House amendment was read on the above-numbered bill.

**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 1853
HB 1882
HB 2101 (2ND CCR)
HB 2332
HB 2335
HB 2365
HB 2441
HB 2556

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

CHANGE IN CONFEREES

Advising change in Senate conferees as follows:

HB 2660 – remove GCCA and add Hobson, Robinson, Coffee

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 1858** was adopted upon motion of Senator Brogdon.

HB 1858, 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, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Littlefield, Maddox, Milacek, Monson, Myers, Nichols, Price, Pruitt, Rabon, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.--46.

Excused: Morgan and Reynolds.--2.

The bill passed.

HB 1858, together with the conference committee report thereon, was ordered returned to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 2102** was adopted upon motion of Senator Riley.

HB 2102, 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, Capps, Coates, Coffee, Corn, Crutchfield, Dunlap, Easley, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Littlefield, Maddox, Milacek, Monson, Myers, Nichols, Price, Pruitt, Rabon, Riley, Robinson, Rozell, Shurden, Smith, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.--44.

Nay: Snyder.--1.

Excused: Fair, Morgan and Reynolds.--3.

The bill and emergency passed.

HB 2102, together with the conference committee report thereon, was ordered returned to the Honorable House.

**UNANIMOUS CONSENT REQUEST
BILLS WITHDRAWN**

Senator Fisher asked unanimous consent, which was granted, that **SBs 1525** and **1560** be withdrawn from conference and returned to pending consideration of **HAs**.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 1164** was adopted upon motion of Senator Johnson.

SB 1164, 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, Capps, Coates, Coffee, Corn, Crutchfield, Dunlap, Easley, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Littlefield, Maddox, Milacek, Monson, Myers, Nichols, Price, Pruitt, Rabon, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.--45.

Excused: Fair, Morgan and Reynolds.--3.

The bill and emergency passed.

SB 1164, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 1146** was adopted upon motion of Senator Crutchfield.

SB 1146, 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, Capps, Coates, Coffee, Corn, Crutchfield, Dunlap, Easley, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Littlefield, Maddox, Milacek, Monson, Myers, Nichols, Price, Pruitt, Rabon, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.--45.

Excused: Fair, Morgan and Reynolds.--3.

The bill and emergency passed.

SB 1146, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

UNANIMOUS CONSENT REQUEST DIRECT TO CALENDAR

Senator Lerblance asked unanimous consent to suspend Rule 5-4 and refer **SR 69** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SR 69 by Lerblance was called up for consideration.

All other members of the Senate, except Senator Williamson, asked to coauthor **SR 69**, which was the order.

SR 69 was adopted upon motion of Senator Lerblance and referred for enrollment.

Senator Taylor presiding.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 1233** was adopted upon motion of Senator Crutchfield.

SB 1233, 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, Coates, Coffee, Corn, Crutchfield, Dunlap, Fair, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Johnson, Kerr, Laster, Laughlin, Lerblance, Milacek, Morgan, Myers, Nichols, Price, Rabon, Riley, Robinson, Shurden, Smith, Snyder, Wilkerson and Williamson.--33.

Nay: Cain, Capps, Easley, Horner, Lawler, Leftwich, Monson, Rozell, Taylor, Wilcoxson and Williams.--11.

Excused: Littlefield, Maddox, Pruitt and Reynolds.--4.

The bill and emergency passed.

SB 1233, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 2134** was adopted upon motion of Senator Riley.

HB 2134, 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, Fair, Ford, Gumm, Harrison, Helton, Hobson, Johnson, Kerr, Laster, Lawler, Leftwich, Lerblance, Littlefield, Monson, Morgan, Rabon, Riley, Robinson, Shurden, Smith, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.--35.

Nay: Easley, Laughlin, Maddox, Myers, Nichols, Price, Pruitt and Snyder.--8.

Excused: Fisher, Horner, Milacek, Reynolds and Rozell.--5.

The bill passed.

HB 2134, together with the conference committee report thereon, was ordered returned to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 2141** was adopted upon motion of Senator Smith.

HB 2141, 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, Capps, Coates, Coffee, Corn, Crutchfield, Dunlap, Easley, Fair, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Lawler, Leftwich, Lerblance, Littlefield, Maddox, Monson, Morgan, Myers, Nichols, Pruitt, Rabon, Robinson, Rozell, Shurden, Smith, Snyder, Wilcoxson, Wilkerson, Williams and Williamson.--41.

Nay: Cain, Laughlin and Taylor.--3.

Excused: Milacek, Price, Reynolds and Riley.--4.

The bill and emergency passed.

HB 2141, together with the conference committee report thereon, was ordered returned to the Honorable House.

**PENDING SENATE ACTION
HOUSE REQUEST FOR CONFERENCE**

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

SB 925 – GCCA

HB 2110 – Wilkerson, Laster, Rozell, Smith, Nichols

HB 2616 – GCCA

MOTION TO RECONSIDER VOTE

Senator Leftwich moved to reconsider the vote whereby **HB 1695** failed, which motion was declared adopted upon roll call as follows:

Aye: 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, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Taylor, Wilcoxson and Wilkerson.--44.

Excused: Milacek, Reynolds, Williams and Williamson.--4.

FOURTH READING

HB 1695, 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, Capps, Coates, Coffee, Corn, Crutchfield, Dunlap, Easley, Fair, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Littlefield, Maddox, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Taylor, Wilkerson and Williams.--44.

Excused: Milacek, Reynolds, Wilcoxson and Williamson.--4.

The bill and emergency passed.

HB 1695, together with the conference committee report thereon, was ordered returned to the Honorable House.

MESSAGES FROM THE HOUSE

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

SB 844 - Phillips, Roberts, Rice, Maddux, Kirby, Pope, Nance

Returning following bills, together with conference committee reports thereon, advising adoption of conference committee reports and passage of measures as amended:

SB 927 - emergency failed

SB 929 - emergency failed

SB 931 - emergency failed

SB 954

SB 962

SB 989

SB 1060

SB 1105 - coauthored by Adkins of the House

SB 1478

The above-numbered measures, as amended in conference, were referred for enrollment.

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

HB 2164 - Deutschendorf, Turner, Jones, Braddock, Lamons, Bengé, Morgan (Fred)

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 2020 – emergency failed

HB 2457

HB 2557

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

Senator Fisher moved that when the clerk's desk is clear, the Senate stand adjourned to convene Wednesday, May 19, 2004, at 11:00 a.m., which motion prevailed.

CONFERENCE COMMITTEE REPORTS SUBMITTED

Conference committee reports were read on the following bills:

SB 835 (5TH CCR)

SB 865

SB 868 (2NDCCR)

SB 1053

SB 1057

SB 1065

SB 1066

SB 1090

SB 1112

SB 1162

SB 1539

SECOND READING

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

HCR 1083 – Appropriations

FIRST READING

The following was introduced and read the first time:

SCR 73 – By Corn of the Senate and Rice of the House.

A Concurrent Resolution creating the Public Utility Purchased Power Study Commission; stating membership; requiring appointments by certain date; providing for termination of Commission activities; providing for travel reimbursement; defining term; providing for staff and administrative duties; requiring Commission to study certain issues; providing for reports by certain date; and directing distribution.

MESSAGE FROM THE GOVERNOR

Advising his approval May 17, 2004, of Enrolled **SBs 649, 884, 1104** and **1580**.

Pursuant to the Fisher motion, the Senate adjourned at 2:40 p.m. to meet Wednesday, May 19, 2004, at 11:00 a.m.