

Senate Journal

First Extraordinary Session of the Forty-ninth Legislature of the State of Oklahoma

Third Legislative Day, Monday, September 27, 2004

MARSHAL OF THE COURT: All rise, the Chief Justice of the Oklahoma Supreme Court, Joseph M. Watt.

PRESIDING OFFICER CHIEF JUSTICE JOSEPH M. WATT: Thank you, please be seated. Ladies and Gentlemen: The Court will be in order. The Clerk shall call the roll, please.

Roll Call:

Present: Aldridge, Branan, Cain, Coates, Coffee, Corn, Crutchfield, Dunlap, Easley, Fair, Fisher, Ford, Gumm, Harrison, Helton, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Shurden, Smith, Snyder, Taylor, Wilcoxson, Wilkerson and Williamson.—42.

Excused: Brogdon, Capps, Hobson, Littlefield, Rozell and Williams.—6.

PRESIDING OFFICER CHIEF JUSTICE JOSEPH M. WATT: Thank you, Mr. Secretary. We have a quorum present. The Court will now note the appearance of the following: The Board of Managers of the House of Representatives, represented by Representative Frank Davis, and also present is Special Counsel Burck Bailey. The Court will also note the appearances this afternoon, on behalf of the Respondent, Carroll Fisher, his Counsel of Record, Mr. D. C. Thomas and Mr. Robert L. Wyatt, IV.

The Court of Impeachment of the First Extraordinary Session of the 49th Legislature is now in session.

I will now call upon Father Price Oswalt of Saints Peter and Paul Catholic Church, Kingfisher to give our invocation. Will you please stand.

FATHER OSWALT: Let us pray. Good and gracious God, Father of Justice, Prince of Peace. We come before you this day and ask for your paternal protection upon the Great State of Oklahoma and this distinguished body of the State Senate sitting as a Court of Impeachment. We know that it is You who guides our actions and directs our world. Continue to help us discern what is just and right and what is in accordance with Your Holy

Will. Assist us in this moment to do the right and just thing so as to bring about the truth and liberty that we seek. Direct, we beg you Lord, all of Your actions, by Your Holy inspirations, carry them on by Your gracious assistance, that every prayer and work of ours begin always in You and through You be brought to perfection. We ask these things in solemn adoration of Your Most Holy Name, for You live forever and ever. Amen

PRESIDING OFFICER CHIEF JUSTICE JOSEPH M. WATT: The Court has a communication from Governor Henry at this time. The Clerk will read.

CLERK OF THE COURT:

“State of Oklahoma
Office of the Governor
Oklahoma City

September 24, 2004

The Honorable Joe Watt, Chief Justice
Members of the Oklahoma State Senate
State Capitol Building
Oklahoma City, Oklahoma 73105

Dear Mr. Chief Justice and Members of the Senate sitting as a Court of Impeachment:

This is to advise you that Carroll Fisher, Insurance Commissioner, State of Oklahoma, submitted his resignation effective September 24, 2004.

I have accepted his resignation and will begin the process of naming a successor.

Sincerely,

/s/Brad Henry
Governor

And attached:

Carroll Fisher
Insurance Commissioner
State of Oklahoma

September 24, 2004

Honorable Brad Henry
Governor of the State of Oklahoma

Dear Sir:

It is with deep regret that I notify you that I effective this date resign as the State Insurance Commissioner.

/s/ Gordon Carroll Fisher
State Insurance Commissioner

PRESIDING OFFICER CHIEF JUSTICE JOSEPH M. WATT: Thank you, Mr. Secretary. These communications will be filed and made a part of the record.

I would like to recognize the Board of Managers, Representative Davis.

REPRESENTATIVE DAVIS: Chief Justice and Members of the Court, we have filed with this Court a Motion to Declare and I believe that it has been distributed.

We recite in our Motion the resignation of the State Insurance Commissioner, Carroll Fisher.

We request that the Honorable Court declare the Articles of Impeachment moot. We will ask that Motion be pressed if there are no questions.

PRESIDING OFFICER CHIEF JUSTICE JOSEPH M. WATT: Thank you, Representative Davis. Ladies and Gentlemen, the Motion has been presented to declare the Articles of Impeachment against Carroll Fisher, State Insurance Commissioner, moot.

Senator Laster is recognized.

SENATOR LASTER Thank you, Mr. Chief Justice. I move that the Motion of the House Board of Managers be sustained.

PRESIDING OFFICER CHIEF JUSTICE JOSEPH M. WATT: Thank you, Senator Laster. The vote will occur on the motion if there is no discussion or questions.

CLERK OF THE COURT:

Roll Call:

Present: Aldridge, Branan, Cain, Coates, Coffee, Corn, Crutchfield, Dunlap, Easley, Fair, Fisher, Ford, Gumm, Harrison, Helton, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Shurden, Smith, Snyder, Taylor, Wilcoxson, Wilkerson and Williamson.—42.

Excused: Brogdon, Capps, Hobson, Littlefield, Rozell and Williams.—6.

PRESIDING OFFICER CHIEF JUSTICE JOSEPH M. WATT: Thank you, Mr. Secretary. The Court has declared the Articles of Impeachment against Carroll Fisher, State Insurance Commissioner, to be moot. He is no longer in office.

Representative Davis is recognized.

REPRESENTATIVE DAVIS: Mr. Chief Justice: As the Board of Managers, we have prepared a formal Order to be proposed for filing in the matter. I believe that the formal Order has been distributed. It is simply a formal Order declaring the Articles of Impeachment moot. I would like to see the Order inserted into the record.

PRESIDING OFFICER CHIEF JUSTICE JOSEPH M. WATT: Thank you, Representative Davis. This Order, then, merely memorializes the action you have already taken by your vote.

If there are no objections, I shall sign the Order at this time memorializing the action of this Court just taken.

Mr. Secretary, here is the Order.

There being no objections, the Order shall be filed with the Secretary.

**BEFORE THE SENATE OF THE STATE OF OKLAHOMA
SITTING AS A COURT OF IMPEACHMENT
1st Extraordinary Session of the 49th Oklahoma Legislature**

**IN THE MATTER OF:
THE IMPEACHMENT OF CARROLL FISHER**

MOTION TO DECLARE

Comes now the Board of Managers of the House of Representatives and represents to this Honorable Court as follows:

1. Carroll Fisher, the accused in this matter, submitted his resignation to Governor Brad Henry on September 24, 2004 (Letter attached as Exhibit);
2. Governor Brad Henry advised this Court of the resignation in a letter dated September 24, 2004 (Letter attached as Exhibit);
3. Carroll Fisher, the accused, is no longer the Insurance Commissioner of the State of Oklahoma; and
4. Pursuant to the Constitution of the State of Oklahoma, the impeachment proceedings are now moot since impeachment extends only to removal from office.

Therefore, the Board of Managers hereby requests that this Honorable Court declare the Articles of Impeachment to be moot.

Dated this 27th day of September, 2004.

Respectfully submitted,
Board of Managers
House of Representatives
State of Oklahoma

/s/ Representative Frank W. Davis, Chair

Representative Davis is recognized once again.

REPRESENTATIVE DAVIS: Thank you Mr. Chief Justice and Members of this Honorable Court. I want to take this opportunity to thank a few people who have been involved in this over a period of time. First of all, Representative John Trebilcock and Representative Fred Morgan who brought the initial resolution in the House of Representatives, asking that an investigation committee be appointed. I want to thank Opio Toure who chaired that committee and the other members of the committee who were myself, Larry Roberts, Larry Ferguson, Larry Rice, Paul Roan, John Nance and Ray McCarter. I also want to express appreciation to the Board of Managers; Larry Roberts, Fred Morgan, Larry Ferguson, John Carey and Ron Langmacher. Certainly we want to express on behalf of the Board our appreciation to our Counsel, Burck Bailey, who was the Counsel not only for the investigative committee but also for the Board of Managers. It was his long hard work, many hours and diligent effort and legal expertise that has brought us to this point. We also thank our staff, at the House, Joe Fox, Scott Emerson and Sue Derr, for their work and assistance in our efforts. We thank you Mr. Chief Justice and we thank this Honorable Senate for your courtesy and kindness that you have shown us here in the Senate. None of us wanted to do this. It was a job we were given to do. We had to do it. We did it. We are happy that impeachment does not happen often, but the process does work. Our Constitution does serve us. We are a government of laws, and not of men. Democracy is still alive and well in Oklahoma.

PRESIDING OFFICER CHIEF JUSTICE JOSEPH M. WATT: Thank you, Representative Davis, and your remarks will be made a part of the record.

If I may, let me add to those remarks by thanking the Members of the Senate for your cooperation during these proceedings. I wish also to thank the Board of Managers of the House of Representatives and the staff of the House and the staff of the Senate. Certainly to Bob Craig and his staff for the courtesies extended to me during this proceeding and certainly last, but not least, to Secretary Clingman and his staff for taking care of all the paperwork which was filed during the course of these proceedings.

Ladies and Gentlemen, is there any other business that should come before the Court of Impeachment at this time?

It appears that there is no further business before the Court of Impeachment of the First Extraordinary Session of the 49th Legislature.

The Senate sitting as a Court of Impeachment in the case of Carroll Fisher, Insurance Commissioner, is hereby adjourned sine die at 1:52 p.m.

MARSHAL OF THE COURT: All rise.

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The Senate was called to order by Senator Gumm.

Senator Fisher moved that the attendance roll call of the Court of Impeachment be considered the attendance roll call of the Senate in Special Session, which motion was declared adopted.

Senator Gumm declared a quorum present.

Senator Fisher moved that the First Extraordinary Session of the Forty-ninth Legislature adjourn sine die, which motion was declared adopted.

Pursuant to the Fisher motion, the First Extraordinary Session of the Forty-ninth Legislature is adjourned sine die at 1:55 p.m.