

Senate Journal

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

Thirty-first Legislative Day, Tuesday, March 25, 2003

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, 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 7.—1.

Senator Rozell declared a quorum present.

The prayer was offered by Reverend Marty Ingram, Binger Baptist Church, Binger, the guest of Senator Price.

COMMUNICATION

The following was ordered printed regarding the passage on March 24, 2003, of **HBs 1241, 1245 and 1246.**

March 24, 2003

The Honorable Cal Hobson
President Pro Tempore of the Senate
422 State Capitol
Oklahoma City, Oklahoma 73105

Dear President Pro Tempore Hobson:

Enclosed is a copy of the Executive Declaration of Emergency Conditions, pursuant to the provisions of Article X, Section 23 of the Oklahoma Constitution.

If our office may be of further assistance, please let us know.

Sincerely,

/s/Kathy Jekel
Acting Assistant Secretary of State

EXECUTIVE DECLARATION OF
EMERGENCY CONDITIONS

I, Brad Henry, pursuant to the provisions of Section 23 of Article X of the Oklahoma Constitution, hereby declare that an emergency exists in the State of Oklahoma by reason of a lack of adequate funding for programs vital to the continued economic and social development of Oklahomans, and for health and safety issues.

Having declared that emergency conditions exist, I request the Senate and House of Representatives to concur in this declaration of emergency and to appropriate Ten Million, Five Hundred Seventy-seven Thousand Dollars (\$10,577,000.00) from the Constitutional Reserve Fund for the following purpose in the following amount:

To the Department of Corrections to prevent furloughs of personnel in the sum of up to Nine Million Dollars (\$9,000,000.00);

To the Oklahoma Tax Commission for income tax filing processing in the sum of up to Four Hundred Seventy-Seven Thousand Dollars (\$477,000.00);

To the Office of Juvenile Affairs to prevent reductions in force in the sum of up to One Hundred Thousand Dollars (\$100,000.00); and

To the Office of State Finance to help pay for expenses related to the implementation of the Accounting, Human Resources and Purchasing Enterprise ("CORE") system in the sum of up to One Million Dollars (\$1,000,000.00).

Copies of this Declaration shall be distributed to the Speaker of the Oklahoma House of Representatives, the President Pro Tempore of the Oklahoma State Senate, and the Director of State Finance.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma this 24th day of March, 2003.

BY THE GOVERNOR OF THE STATE OF OKLAHOMA

/s/ Brad Henry

Attest:

/s/Kathy Jekel

Acting Assistant Secretary of State

REPORT OF ENGROSSED AND ENROLLED MEASURES

HBs 1241, 1245 and 1246 were each correctly engrossed and, together with engrossed **SAs**, properly signed and ordered returned to the Honorable House.

SBs 279, 431 and 614 were each correctly enrolled and after fourth reading, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

SCR 14 was correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

GENERAL ORDER

HB 1495 by Sweeden of the House and Gumm of the Senate was called up for consideration.

Senator Williamson asked to coauthor **HB 1495**, which was the order.

Senator Gumm moved that **HB 1495** be advanced, which motion was declared adopted.

THIRD READING

HB 1495 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, Coates, Corn, Crutchfield, Dunlap, Easley, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Johnson, Kerr, Laster, Laughlin, Lawler, Maddox, Milacek, Morgan, Myers, Nichols, Pruitt, Rabon, Reynolds, Riley, Rozell, Shurden, Smith, Snyder, Taylor, Wilcoxson, Wilkerson and Williamson.--37.

Excused: Capps, Coffee, Fair, Horner, Leftwich, Littlefield, Monson, Price, Robinson and Williams.--10.

Vacancy: District 7.--1.

The bill and emergency passed.

HB 1495 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 1537 by Sweeden of the House and Gumm of the Senate was called up for consideration.

Senator Gumm moved that **HB 1537** be advanced, which motion was declared adopted.

THIRD READING

HB 1537 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, Coates, Corn, Crutchfield, Dunlap, Easley, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Maddox, Milacek, Morgan, Myers, Nichols, Pruitt, Rabon, Reynolds, Riley, Rozell, Shurden, Smith, Snyder, Taylor, Wilcoxson, Wilkerson and Williamson.--39.

Excused: Capps, Coffee, Fair, Littlefield, Monson, Price, Robinson and Williams.--8.

Vacancy: District 7.--1.

The bill passed.

HB 1537 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 1538 by Sweeden of the House and Gumm of the Senate was called up for consideration.

Senator Gumm moved that **HB 1538** be advanced, which motion was declared adopted.

THIRD READING

HB 1538 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, Coates, Coffee, Corn, Crutchfield, Dunlap, Easley, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Maddox, Milacek, Morgan, Myers, Nichols, Pruitt, Rabon, Reynolds, Riley, Rozell, Shurden, Smith, Snyder, Taylor, Wilcoxson, Wilkerson and Williamson.--40.

Excused: Capps, Fair, Littlefield, Monson, Price, Robinson and Williams.--7.

Vacancy: District 7.--1.

The bill passed.

HB 1538 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 1539 by Sweeden of the House and Gumm of the Senate was called up for consideration.

Senator Gumm moved that **HB 1539** be advanced, which motion was declared adopted.

THIRD READING

HB 1539 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, Coates, Coffee, Corn, Crutchfield, Dunlap, Easley, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Maddox, Milacek, Morgan, Myers, Nichols, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Taylor, Wilcoxson, Wilkerson and Williamson.--41.

Excused: Capps, Fair, Littlefield, Monson, Price and Williams.--6.

Vacancy: District 7.--1.

The bill passed.

HB 1539 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 1540 by Sweeden of the House and Gumm of the Senate was called up for consideration.

Senator Gumm moved that **HB 1540** be advanced, which motion was declared adopted.

THIRD READING

HB 1540 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, Coates, Coffee, Corn, Crutchfield, Dunlap, Easley, Fair, Fisher, Ford, Gumm, Harrison, Helton, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Maddox, Milacek, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Taylor, Wilcoxson, Wilkerson and Williamson.--42.

Excused: Capps, Hobson, Littlefield, Monson and Williams.--5.

Vacancy: District 7.--1.

The bill passed.

HB 1540 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 1541 by Sweeden of the House and Gumm of the Senate was called up for consideration.

Senator Gumm moved that **HB 1541** be advanced, which motion was declared adopted.

THIRD READING

HB 1541 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, Coates, Coffee, Corn, Crutchfield, Dunlap, Easley, Fair, Fisher, Ford, Gumm, Harrison, Helton, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Maddox, Milacek, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Taylor, Wilcoxson, Wilkerson and Williamson.--42.

Excused: Capps, Hobson, Littlefield, Monson and Williams.--5.

Vacancy: District 7.--1.

The bill passed.

HB 1541 was properly signed and ordered returned to the Honorable House.

MESSAGES FROM THE HOUSE

Advising fourth reading of and transmitting for signature Enrolled **HBs 1114** and **1127**.

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

Advising the signing of and returning Enrolled **SCR 14**.

The above-numbered enrolled measure was transmitted to the Secretary of State.

Advising fourth reading of and returning Enrolled **SBs 279, 431** and **614**.

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

Advising passage of and returning the following Engrossed bills:

SB 444

SB 455

SB 833

The above-numbered measures were referred for enrollment.

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

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

SB 325 - coauthored by Liotta of the House
SB 436
SB 438
SB 589

House amendments were read on the above-numbered bills.

CHANGE IN COMMITTEE ASSIGNMENT

Senator Fisher asked unanimous consent, which was granted, that the following bill be reassigned as follows:

HB 1496 – Withdrawn from Appropriations Committee and referred to General Government.

Senator Fisher moved that when the clerk's desk is clear, the Senate stand adjourned to convene Wednesday, March 26, 2003, 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:

HB 1072 – General Government
HB 1101 – General Government
HB 1107 – Business and Labor
HB 1118 – General Government
HB 1150 – Business and Labor
HB 1261 – Business and Labor
HB 1270 – General Government
HB 1329 – General Government
HB 1342 – Aerospace and Technology
HB 1524 – Business and Labor
HB 1683 – Business and Labor
HB 1721 – Business and Labor
HJR 1015 – Business and Labor

DO PASS, As Amended:

HB 1004 – General Government
HB 1007 – General Government
HB 1149 – General Government
HB 1273 – Business and Labor
HB 1315 – Business and Labor
CS for HB 1385 – Transportation
HB 1412 – General Government
HB 1451 – Business and Labor
HB 1535 – Agriculture and Rural Development
CS for HB 1574 – Business and Labor
HB 1676 – General Government
HB 1686 – General Government
HB 1744 – General Government

FIRST READING

The following were introduced and read the first time:

SJR 25 – By Myers of the Senate and DeWitt and Newport of the House.

A Joint Resolution showing concern for citizens dependent on the waters of the Chikaskia River and supporting efforts in the State of Kansas to prevent location of any solid waste landfill within five-mile radius of the Chikaskia River; and directing distribution.

SCR 16 – By Myers of the Senate and DeWitt and Newport of the House.

A Concurrent Resolution showing concern for citizens dependent on the waters of the Chikaskia River and supporting efforts in the State of Kansas to prevent location of any solid waste landfill within five-mile radius of the Chikaskia River; and directing distribution.

Pursuant to the Fisher motion, the Senate adjourned at 1:50 p.m. to meet Wednesday, March 26, 2003, at 9:00 a.m.