

# Senate Journal

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

Thirty-eighth Legislative Day, Monday, April 7, 2003

The Senate was called to order by Senator Rozell.

Roll Call:

Present: Aldridge, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Dunlap, Fair, Fisher, Ford, Gumm, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Littlefield, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Wilcoxson, Wilkerson, Williams and Williamson.—42.

Excused: Crutchfield, Easley, Harrison, Maddox and Taylor.—5.

Vacancy: District 7.—1.

Senator Rozell declared a quorum present.

The prayer was offered by Reverend Jim Crain, Del City Church of Christ, Del City, the guest of Senator Aldridge.

### REPORT OF ENGROSSED AND ENROLLED MEASURES

**HB 1640** was correctly engrossed and, together with engrossed **SAs**, properly signed and ordered returned to the Honorable House.

**SBs 292, 454, 495** and **750** were each correctly enrolled and after fourth reading, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

### GENERAL ORDER

**HB 1270** by Hilliard and Wells of the House and Shurden of the Senate was called up for consideration.

Senator Shurden moved that **HB 1270** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 1270** was read for the third time at length.

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

Aye: Aldridge, Cain, Capps, Coates, Corn, Fisher, Ford, Gumm, Helton, Hobson, Horner, Johnson, Kerr, Laster, Lawler, Leftwich, Littlefield, Milacek, Morgan, Myers, Price, Rabon, Reynolds, Rozell, Shurden, Smith, Wilcoxson, Wilkerson and Williamson.--29.

Nay: Branan, Brogdon, Coffee, Fair, Laughlin, Nichols, Pruitt, Riley and Snyder.--9.

Excused: Crutchfield, Dunlap, Easley, Harrison, Maddox, Monson, Robinson, Taylor and Williams.--9.

Vacancy: District 7.--1.

The bill passed.

Senators Branan, Coffee and Riley desired to vote Aye on the emergency.

On the question of passage of the emergency, the vote resulted as follows: Aye: 32; Nay: 6; Excused: 9; Vacancy: 1.

The emergency passed.

**HB 1270** was properly signed and ordered returned to the Honorable House.

### **MESSAGES FROM THE HOUSE**

Advising fourth reading of and transmitting for signature Enrolled **HBs 1065, 1150, 1279, 1329, 1683 and 1800**.

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

Advising the signing of and transmitting for signature Enrolled **HCR 1007**.

The above-numbered enrolled measure was properly signed and ordered returned to the Honorable House.

Advising passage of and returning the following Engrossed bills:

**SB 349**

**SB 489**

**SB 584**

**SB 658**

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 70**

**SB 71**

**SB 128**

**SB 129**

**SB 170**

**SB 171**

**SB 172**

**SB 173**

**SB 742**

**SB 826** - coauthored by Lamons and Nance of the House

House amendments were read on the above-numbered bills.

**GENERAL ORDER**

**HJR 1015** by Hilliard of the House and Shurden of the Senate was called up for consideration.

Senator Shurden asked that **HJR 1015** be laid over temporarily, which was the order.

**HJR 1015** remains on General Order.

**GENERAL ORDER**

**HB 1290** by Nance of the House and Coffee of the Senate was called up for consideration.

Senator Coffee moved to amend **HB 1290**, Page 1, by striking the title, which amendment was declared adopted.

Senator Coffee moved that **HB 1290** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 1290** was read for the third time at length.

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

Aye: Aldridge, Branan, Coffee, Fair, Gumm, Helton, Hobson, Laughlin, Leftwich, Littlefield, Shurden and Wilcoxson.--12.

Nay: Brogdon, Cain, Coates, Corn, Fisher, Ford, Johnson, Kerr, Laster, Lawler, Milacek, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Riley, Rozell, Snyder and Wilkerson.--21.

Excused: Capps, Crutchfield, Dunlap, Easley, Harrison, Horner, Maddox, Monson, Reynolds, Robinson, Smith, Taylor, Williams and Williamson.--14.

Vacancy: District 7.--1.

The bill failed.

**PENDING CONSIDERATION OF HAS**

**HAs to SB 205** were concurred in upon motion of Senator Wilkerson.

**SB 205**, 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, Coates, Coffee, Corn, Fair, Fisher, Ford, Gumm, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Littlefield, Milacek, Morgan, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Rozell, Shurden, Smith, Snyder, Wilcoxson, Wilkerson, Williams and Williamson.--37.

Excused: Capps, Crutchfield, Dunlap, Easley, Harrison, Maddox, Monson, Myers, Robinson and Taylor.--10.

Vacancy: District 7.--1.

The bill and emergency passed.

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

### **GENERAL ORDER**

**HB 1053** by Benge and Nance of the House and Riley of the Senate was called up for consideration.

Senator Riley moved that **HB 1053** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 1053** 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, Fair, Fisher, Gumm, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Littlefield, Milacek, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Rozell, Shurden, Smith, Wilcoxson, Wilkerson, Williams and Williamson.--35.

Nay: Coffee, Ford and Snyder.--3.

Excused: Capps, Crutchfield, Dunlap, Easley, Harrison, Maddox, Monson, Robinson and Taylor.--9.

Vacancy: District 7.--1.

The bill passed.

**HB 1053** was properly signed and ordered returned to the Honorable House.

### **GENERAL ORDER**

**HB 1311** by Gilbert and Sweeden of the House and Horner of the Senate was called up for consideration.

Senator Horner moved that **HB 1311** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 1311** was read for the third time at length.

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

Aye: Brogdon, Cain, Coates, Corn, Fisher, Gumm, Helton, Hobson, Horner, Kerr, Leftwich, Littlefield, Morgan, Price, Rabon, Rozell, Shurden, Smith and Wilkerson.--19.

Nay: Aldridge, Branan, Coffee, Dunlap, Fair, Ford, Johnson, Laster, Laughlin, Lawler, Milacek, Myers, Nichols, Pruitt, Reynolds, Riley, Snyder, Wilcoxson, Williams and Williamson.--20.

Excused: Capps, Crutchfield, Easley, Harrison, Maddox, Monson, Robinson and Taylor.--8.

Vacancy: District 7.--1.

The bill failed.

### **GENERAL ORDER**

**HB 1005** by Maddux of the House and Milacek of the Senate was called up for consideration.

Senator Myers asked to coauthor **HB 1005**, which was the order.

Senator Milacek moved that **HB 1005** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 1005** 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, Dunlap, Fair, Fisher, Ford, Gumm, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Littlefield, Milacek, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Wilcoxson, Wilkerson, Williams and

Williamson.--40.

Excused: Capps, Crutchfield, Easley, Harrison, Maddox, Monson and Taylor.--7.

Vacancy: District 7.--1.

The bill passed.

**HB 1005** was properly signed and ordered returned to the Honorable House.

### **GENERAL ORDER**

**HJR 1015** was called up for further consideration.

Senator Shurden moved that **HJR 1015** be advanced, which motion was declared adopted.

### **THIRD READING**

**HJR 1015** 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, Brogdon, Cain, Coates, Coffee, Corn, Dunlap, Fair, Fisher, Ford, Gumm, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Milacek, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Wilcoxson, Wilkerson, Williams and Williamson.--38.

Nay: Branan.--1.

Excused: Capps, Crutchfield, Easley, Harrison, Littlefield, Maddox, Monson and Taylor.--8.

Vacancy: District 7.--1.

The bill and emergency passed.

**HJR 1015** was properly signed and ordered returned to the Honorable House.

### **EXECUTIVE NOMINATIONS**

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

Jackson, Oscar B., Norman, as the Cabinet Secretary of Human Resources and Administration, to serve at the pleasure of the Governor, succeeding a new position. (General Government Committee) Motion to confirm made by Senator Hobson.

Jackson, Oscar B., Norman, as the Administrator of the Office of Personnel Management, to serve at the pleasure of the Governor, succeeding himself. (General Government Committee) Motion to confirm made by Senator Hobson.

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

Aye: Aldridge, Branan, Brogdon, Cain, Coates, Coffee, Corn, Dunlap, Fair, Fisher, Ford, Gumm, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Littlefield, Milacek, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Snyder, Wilcoxson, Wilkerson, Williams and Williamson.--39.

Excused: Capps, Crutchfield, Easley, Harrison, Maddox, Monson, Smith and Taylor.--8.

Vacancy: District 7.--1.

## **GENERAL ORDER**

**HB 1691** by Davis and Nance of the House and Coffee of the Senate was called up for consideration.

Senator Coffee moved to amend **HB 1691**, Page 1, by striking the title, which amendment was declared adopted.

Senator Coffee moved that **HB 1691** be advanced, which motion was declared adopted.

## **THIRD READING**

**HB 1691** 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, Dunlap, Fair, Fisher, Gumm, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Littlefield, Milacek, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Snyder, Wilcoxson, Wilkerson and Williamson.--37.

Excused: Capps, Crutchfield, Easley, Ford, Harrison, Maddox, Monson, Smith, Taylor and Williams.--10.

Vacancy: District 7.--1.

The bill passed.

**HB 1691** was referred for engrossment.

**Senator Gumm presiding.**

### **GENERAL ORDER**

**HB 1650** by Tibbs et al of the House and Riley of the Senate was called up for consideration.

Senator Riley moved that **HB 1650** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 1650** was read for the third time at length.

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

Aye: Aldridge, Brogdon, Cain, Coates, Corn, Fair, Fisher, Ford, Gumm, Helton, Hobson, Kerr, Laster, Laughlin, Lawler, Leftwich, Milacek, Myers, Price, Rabon, Reynolds, Riley, Rozell, Shurden, Smith, Wilkerson, Williams and Williamson.--28.

Nay: Branan, Coffee, Dunlap, Johnson, Nichols, Pruitt, Robinson, Snyder and Wilcoxson.--9.

Excused: Capps, Crutchfield, Easley, Harrison, Horner, Littlefield, Maddox, Monson, Morgan and Taylor.--10.

Vacancy: District 7.--1.

The bill passed.

Senators Snyder, Branan, Johnson, Wilcoxson and Nichols desired to vote Aye on the emergency.

On the question of passage of the emergency, the vote resulted as follows: Aye: 33; Nay: 4; Excused: 10; Vacancy: 1.

The emergency passed.

**HB 1650** was referred for engrossment.

#### **MESSAGES FROM THE HOUSE**

Advising fourth reading of and returning Enrolled **SBs 292, 454, 495** and **750**.

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

Advising passage of and returning the following Engrossed bill:

#### **SB 329**

The above-numbered measure was referred for enrollment.

#### **GENERAL ORDER**

**HB 1449** by Ellis of the House and Shurden of the Senate was called up for consideration.

Senator Shurden moved that **HB 1449** be advanced, which motion was declared adopted.

#### **THIRD READING**

**HB 1449** was read for the third time at length.

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

Aye: Cain, Capps, Coates, Corn, Fisher, Gumm, Helton, Hobson, Kerr, Laster, Lawler, Leftwich, Littlefield, Monson, Morgan, Price, Rabon, Robinson, Rozell, Shurden, Smith and Wilkerson.--22.

Nay: Aldridge, Branan, Brogdon, Coffee, Dunlap, Fair, Ford, Johnson, Laughlin, Milacek, Myers, Nichols, Pruitt, Reynolds, Riley, Snyder, Wilcoxson and Williamson.--18.

Excused: Crutchfield, Easley, Harrison, Horner, Maddox, Taylor and Williams.--7.

Vacancy: District 7.--1.

The bill failed.

Pursuant to Rule 12-23, Senator Shurden served notice that the vote be reconsidered whereby **HB 1449** failed.

#### **REPORT OF ENGROSSED AND ENROLLED MEASURE**

**SB 205** was correctly enrolled and after fourth reading, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

#### **MESSAGE FROM THE HOUSE**

Advising fourth reading of and returning Enrolled **SB 205**.

The above-numbered enrolled measure was referred to the Governor.

#### **EXECUTIVE NOMINATIONS**

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

Charlton, George, Tulsa, as a member of the Oklahoma Science and Technology Research and Development Board - Aerospace and Technology

Gilbert, Randall R., Tecumseh, as a member of the State Board of Career and Technology Education - Education

Lawless, Bob, Tulsa, as a member of the Oklahoma Science and Technology Research and Development Board - Aerospace and Technology

Senator Fisher moved that when the clerk's desk is clear, the Senate stand adjourned to convene Tuesday, April 8, 2003, at 8:45 a.m., which motion prevailed.

#### **COMMITTEE REPORTS**

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

DO PASS, As Amended:

**HB 1063** – Human Resources

**HB 1109** – Human Resources

CS for **HB 1323** – Human Resources

CS for **HB 1444** – Human Resources

**HB 1587** – Human Resources**FIRST READING**

The following was introduced and read the first time:

**SR 16** – By Rabon and Gumm.

A Resolution commending the workers at the McAlester Ammunition Depot and the Choctaw Manufacturing and Development Corporation (CMDK); recognizing the importance of their work; and directing distribution.

**MESSAGES FROM THE GOVERNOR**

Advising his approval April 3, 2003, of Enrolled **SB 518**.

Advising his approval April 7, 2003, of Enrolled **SBs 188, 189, 190, 191, 237, 289** and **575**.

Pursuant to the Fisher motion, the Senate adjourned at 3:05 p.m. to meet Tuesday, April 8, 2003, at 8:45 a.m.