

Senate Journal

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

Forty-fourth Legislative Day, Wednesday, April 16, 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 Lonie Johnson, Avery Chapel African Methodist Episcopal Church, Oklahoma City, the guest of Senator Monson.

REPORT OF ENGROSSED AND ENROLLED MEASURES

SCR 18 was correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

HBs 1014, 1063, 1115, 1146, 1160, 1247, 1292, 1353, 1356, 1357, 1368, 1403, 1406, 1418, 1419, 1478, 1484, 1512, 1566, 1583, 1593, 1619, 1663, 1707 and 1801 were each correctly engrossed and, together with engrossed **SAs**, properly signed and ordered returned to the Honorable House.

SBs 5, 539, 639, 660 and 674 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 1101 by Easley of the House and Corn of the Senate was called up for consideration.

Senator Corn moved to amend **HB 1101**, Page 6, Line 1 through Line 5 by deleting the entire subsection J and inserting in lieu thereof a new subsection J to read as follows:

“J. The Oklahoma Merit Protection Commission shall assume jurisdiction to administer internal agency grievance actions that have not been resolved within forty-five (45) days, unless time for resolution has been extended for good cause by mutual agreement of the employee and the agency. If the agency receiving a grievance alleging discrimination determines that an investigation of the allegations is required, the forty-five (45) day time limit to complete the grievance shall be tolled until the investigation is completed. Assumption of jurisdiction to administer grievances which have not been resolved within forty-five (45) days shall not transfer authority to resolve the merits of the grievance to the Oklahoma Merit Protection Commission unless the grievance alleges violations of the Oklahoma Personnel Act or Merit Rules.”, and by amending the title to conform.

Senator Corn asked that **HB 1101** be laid over for this legislature day, which was the order.

HB 1101 remains on General Order pending consideration of the Corn amendment.

GENERAL ORDER

HB 1269, as amended and considered on Page 1146, was called up for further consideration.

Senator Pruitt moved that **HB 1269** be advanced, which motion was declared adopted.

THIRD READING

HB 1269 was read for the third time at length.

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

Aye: Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crutchfield, Dunlap, Fair, Fisher, Ford, Gumm, Harrison, Hobson, Horner, Johnson, Kerr, Laughlin, Littlefield, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Rozell, Shurden, Smith, Snyder, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.-
-39.

Nay: Easley, Laster and Lawler.--3.

Excused: Aldridge, Helton, Leftwich, Riley and Robinson.--5.

Vacancy: District 7.--1.

The bill passed.

HB 1269 was referred for engrossment.

EXECUTIVE NOMINATIONS

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

Arnn, Mary Sue Curnutte, Ardmore, to the State Board of Education, to serve a six year term ending April 1, 2008, succeeding Casey Killblane. (Education Committee) Motion to confirm made by Senator Crutchfield.

Austin, Jerry, Oklahoma City, to the Oklahoma Capital Investment Board, to serve a five year term ending December 31, 2007, succeeding himself. (Commerce Committee) Motion to confirm made by Senator Fair.

Blair, Wendell Ray, Tishomingo, to the Board of Regents of Murray State College, to serve an unexpired term ending June 1, 2009, succeeding Val Wheeler. (Education Committee) Motion to confirm made by Senator Gumm.

Gilbert, Randall R., Tecumseh, to the State Board of Career and Technology Education, to serve a six year term ending April 2, 2009, succeeding Mark Roberts. (Education Committee) Motion to confirm made by Senator Laster.

Hall, Joe Duke, Elk City, to the Board of Regents for the Agricultural and Mechanical Colleges, to serve an eight year term ending April 4, 2011, succeeding Jack Givens. (Education Committee) Motion to confirm made by Senator Capps.

Holden, Dwight, Tulsa, to the Board of Mental Health and Substance Abuse Services, to serve a seven year term ending December 31, 2009, succeeding himself. (Human Resources Committee) Motion to confirm made by Senator Williamson.

Neal, Kara Gae, Tulsa, to the Board of Trustees for Oklahoma State University/Tulsa, to serve a seven year term ending June 30, 2010, succeeding Sidney Anderson. (Education Committee) Motion to confirm made by Senator Williamson.

Paczkowski, George, Ponca City, to the Board of Regents of the Northern Oklahoma College, to serve a five year term ending June 30, 2007, succeeding Bill Bridwell. (Education Committee) Motion to confirm made by Senator Myers.

Taylor, Kathryn L., Tulsa, as Director of Commerce, to serve at the pleasure of the Governor, succeeding Ron Bussert. (Commerce Committee) Motion to confirm made by Senator Williamson.

Taylor, Kathryn L., Tulsa, as Cabinet Secretary of Commerce and Tourism, to serve at the pleasure of the Governor, succeeding a new position. (Commerce Committee) Motion to confirm made by Senator Williamson.

Wetzel, Thomas Sterling, Stillwater, to the Oklahoma Student Loan Authority, to serve a five year term ending April 6, 2008, succeeding himself. (Education Committee) Motion to confirm made by Senator Morgan.

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

Aye: Aldridge, Branan, Brogdon, Cain, Capps, Coates, Corn, Crutchfield, Dunlap, Easley, Fair, Fisher, Ford, Gumm, Harrison, 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.--45.

Excused: Coffee and Helton.--2.

Vacancy: District 7.--1.

EXECUTIVE NOMINATION

The following executive nomination has been approved by the committee named:

Miles-Scott, Gayle P., Oklahoma City, to the State Board of Education, to serve a six year term ending April 1, 2009, succeeding Luke Corbett. (Education Committee) Motion to confirm made by Senator Monson.

Motion to confirm the above-named executive nomination 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, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Littlefield, Maddox, Milacek, Monson, Morgan, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.--45.

Excused: Helton and Myers.--2.

Vacancy: District 7.--1.

MOTION TO RECONSIDER VOTE

Senator Crutchfield moved to reconsider the vote whereby **HB 1569** passed, which motion was 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, Littlefield, Maddox, Milacek, Monson, Morgan, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.--44.

Excused: Ford, Myers and Snyder.--3.

Vacancy: District 7.--1.

THIRD READING

HB 1569 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, Crutchfield, Easley, Fair, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Kerr, Laster, Lawler, Leftwich, Littlefield, Maddox, Monson, Morgan, Price, Rabon, Robinson, Rozell, Shurden, Smith, Taylor, Wilkerson and Williams.--31.

Nay: Aldridge, Branan, Brogdon, Coffee, Dunlap, Johnson, Laughlin, Milacek, Nichols, Pruitt, Reynolds, Riley, Snyder, Wilcoxson and Williamson.--15.

Excused: Myers.--1.

Vacancy: District 7.--1.

The bill passed.

Senator Branan desired to vote Aye on the emergency.

On the question of passage of the emergency, the vote resulted as follows: Aye: 32; Nay: 14; Excused: 1; Vacancy: 1.

The emergency passed.

HB 1569 was referred for engrossment.

GENERAL ORDER

HB 1273 by Perry of the House and Maddox of the Senate was called up for consideration.

Senator Maddox asked that **HB 1273** be laid over for this legislative day, which was the order.

HB 1273 remains on General Order.

MOTION TO RECONSIDER VOTE

Senator Wilkerson moved to reconsider the vote whereby **HB 1802** passed, 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, Littlefield, Maddox, Milacek, Monson, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.--46.

Excused: Morgan.--1.

Vacancy: District 7.--1.

THIRD READING

Senator Wilkerson moved to reconsider the vote whereby **HB 1802** was advanced, which motion was declared adopted.

GENERAL ORDER

HB 1802 was called up for further consideration.

Senator Wilkerson moved to amend **HB 1802**, Page 1, by restoring the title and enacting clause, which amendment was declared adopted.

Senator Helton moved that **HB 1802** be advanced, which motion was declared adopted.

THIRD READING

HB 1802 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, 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, Wilcoxson, Wilkerson, Williams and Williamson.--46.

Excused: Taylor.--1.

Vacancy: District 7.--1.

The bill and emergency passed.

HB 1802 was referred for engrossment.

PENDING CONSIDERATION OF HAS

HAs to **SBs 633** and **649** were rejected upon motion of Senator Fisher, conference requested, and Senate conferees to be named later.

INTRODUCTION

Senator Gumm introduced his wife, Deena, to the Senate.

GENERAL ORDER

HB 1313 by Paulk et al of the House and Wilkerson of the Senate was called up for consideration.

Senator Wilkerson moved to amend **HB 1313**, by striking the title, the enacting clause and the entire body of the bill and substituting the floor substitute, which amendment was declared adopted. (Copies were provided for all Senators.)

Senator Wilkerson moved that **HB 1313** be advanced, which motion was declared adopted.

THIRD READING

HB 1313 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, Capps, Coates, Coffee, Corn, Crutchfield, Dunlap, Easley, Fair, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Littlefield, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.--46.

Excused: Leftwich.--1.

Vacancy: District 7.--1.

The bill and emergency passed.

HB 1313 was referred for engrossment.

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

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

SB 56

SB 57

SB 64

SB 65

SB 72

SB 73

SB 74

SB 75

SB 112

SB 113

SB 152

SB 153

SB 200

SB 240 - coauthored by Nance and Peters of the House

SB 242

SB 314

SB 342 - remove Covey and substitute Deutschendorf as principal House author, show Covey as first coauthor and add Langmacher as coauthor after Miller (Doug)

SB 401

SB 409

SB 422

SB 425

SB 428

SB 501 - remove Turner and substitute Adkins as principal House author

SB 625 - coauthored by Askins, Liotta and Nance of the House

SB 643

SB 671

SB 678 - coauthored by Nance of the House

SB 733

SB 801

SB 810

SB 817

SB 820

SB 834 - coauthored by Smithson and Braddock of the House

SJR 12

House amendments were read on the above-numbered bills.

Senator Morgan presiding.

GENERAL ORDER

HB 1784, considered on Page 1108, was called up for further consideration.

Senators Coffee and Williamson pressed the adoption of the Coffee amendment, which amendment failed of adoption upon roll call as follows:

Aye: Aldridge, Branan, Brogdon, Cain, Coffee, Dunlap, Fair, Ford, Johnson, Leftwich, Milacek, Myers, Nichols, Price, Pruitt, Reynolds, Riley, Snyder, Taylor, Wilcoxson, Williams and Williamson.--22.

Nay: Capps, Coates, Corn, Crutchfield, Easley, Fisher, Gumm, Harrison, Helton, Hobson, Horner, Laster, Laughlin, Lawler, Maddox, Monson, Morgan, Rabon, Robinson, Rozell, Shurden, Smith and Wilkerson.--23.

Excused: Kerr and Littlefield.--2.

Vacancy: District 7.--1.

Senator Rabon moved to amend **HB 1784**, Page 1, Lines 22 and 23 by deleting all language after the word "rejection" on Line 22 and through the numeral "2004" on Line 23 and inserting in lieu thereof the words "at the next General Election", and by amending the title to conform, which amendment was withdrawn upon request of Senator Rabon.

Senator Shurden moved that **HB 1784** be advanced, which motion was declared adopted upon roll call as follows:

Aye: Cain, Capps, Coates, Corn, Crutchfield, Easley, Fisher, Gumm, Harrison, Helton, Hobson, Horner, Kerr, Laster, Laughlin, Lawler, Leftwich, Maddox, Monson, Morgan,

Price, Rabon, Robinson, Rozell, Shurden, Smith, Taylor and Wilkerson.--28.

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

Excused: Littlefield.--1.

Vacancy: District 7.--1.

Senator Cain moved to reconsider the vote whereby **HB 1784** was advanced.

Senator Shurden moved to table the Cain reconsideration motion.

Senator Cain withdrew his motion to reconsider the vote whereby **HB 1784** was advanced, which was the order.

THIRD READING

HB 1784 was read for the third time at length.

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

Aye: Capps, Coates, Corn, Crutchfield, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Kerr, Laughlin, Lawler, Littlefield, Maddox, Price, Rabon, Robinson, Rozell, Shurden, Smith and Wilkerson.--23.

Nay: Aldridge, Branan, Brogdon, Cain, Coffee, Dunlap, Easley, Fair, Johnson, Laster, Leftwich, Milacek, Monson, Morgan, Myers, Nichols, Pruitt, Reynolds, Riley, Snyder, Taylor, Wilcoxson, Williams and Williamson.--24.

Vacancy: District 7.--1.

The bill failed.

Pursuant to Rule 12-23, Senator Shurden served notice that the vote be reconsidered whereby **HB 1784** failed.

MESSAGES FROM THE HOUSE

Pursuant to Article 5 Section 30 of the Oklahoma Constitution the House grants the request of the Honorable Senate to adjourn for more than 3 days beginning Thursday, April 17th and ending Monday, April 21st, 2003.

Advising fourth reading of and transmitting for signature Enrolled **HBs 1019, 1039, 1086, 1094, 1433, 1534 and 1658.**

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

Advising passage of and returning the following Engrossed bills:

SB 561

SB 665 - coauthored by Roan, Smithson of the House

The above-numbered measures were referred for enrollment.

Advising rejection of **SAs** to the following bills, requesting conference and House conferees to be named later as follows:

HB 1153

HB 1323

HB 1779

EXECUTIVE NOMINATION

The following executive nomination has been approved by the committee named:

Weitzenhoffer, Jr., Aaron Max, Norman, to the Board of Regents of the University of Oklahoma, to serve a seven year term ending March 21, 2010, succeeding Mary Jane Noble. (Education Committee) Motion to confirm made by Senator Hobson.

Motion to confirm the above-named executive nomination was declared adopted upon roll call as follows:

Aye: Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crutchfield, Easley, Fair, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Littlefield, Maddox, Milacek, Morgan, Myers, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Snyder, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.--41.

Excused: Aldridge, Dunlap, Monson, Nichols, Shurden and Smith.--6.

Vacancy: District 7.--1.

MESSAGES FROM THE HOUSE

Advising passage of and transmitting for consideration Engrossed **HCR 1019**.

HCR 1019 – By Nations of the House and Nichols of the Senate.

A Concurrent Resolution recalling from the Office of the Governor Enrolled House Bill No. 1117, passed by the 1st Session of the 49th Oklahoma Legislature.

The above-numbered measure was read the first time.

Advising passage of and returning the following Engrossed bills:

SB 326

SB 608

The above-numbered measures were referred for enrollment.

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

Senator Nichols asked unanimous consent to suspend Rule 5-4 and refer **HCR 1019** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

HCR 1019 by Nations of the House and Nichols of the Senate was called up for consideration.

HCR 1019 was adopted upon motion of Senator Nichols and properly signed and ordered returned to the Honorable House.

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.

INTRODUCTION

Senator Reynolds introduced former Senator Ben Brown to the Senate.

PENDING CONSIDERATION OF HAS

HAs to **SB 200** were concurred in upon motion of Senator Morgan.

Senators Nichols, Riley, Coates, Wilcoxson and Reynolds asked to coauthor **SB 200**, which was the order.

SB 200, 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: Branan, Brogdon, Cain, Capps, Coates, Coffee, Crutchfield, Dunlap, Easley, Fair, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Rozell, Shurden, Smith, Snyder, Taylor, Wilcoxson, Wilkerson and Williamson.--42.

Excused: Aldridge, Corn, Littlefield, Robinson and Williams.--5.

Vacancy: District 7.--1.

The bill and emergency passed.

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

DEDICATION

Senator Ford presented the painting "S.W. Woodhouse at Lost City". Senator Ford introduced the artist, Wayne Cooper, to the Senate. Mr. Cooper addressed the Senate. Senator Riley and the Citizens of Sand Springs presented the painting as a gift to the Senate.

GENERAL ORDER

HB 1457 by Adair and Askins of the House and Hobson of the Senate was called up for consideration.

Senator Robinson moved that **HB 1457** be advanced, which motion was declared adopted.

THIRD READING

HB 1457 was read for the third time at length.

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

Aye: Cain, Capps, Crutchfield, Easley, Fair, Fisher, Gumm, Harrison, Helton, Hobson, Horner, Lawler, Leftwich, Maddox, Milacek, Morgan, Rabon, Reynolds, Robinson, Rozell, Shurden, Taylor, Wilkerson, Williams and Williamson.--25.

Nay: Branan, Brogdon, Coates, Coffee, Johnson, Kerr, Laster, Laughlin, Myers, Nichols, Price, Pruitt, Riley, Smith, Snyder and Wilcoxson.--16.

Excused: Aldridge, Corn, Dunlap, Ford, Littlefield and Monson.--6.

Vacancy: District 7.--1.

The bill passed.

Senators Smith, Wilcoxson, Snyder, Nichols, Branan, Laughlin, Brogdon, Price, Kerr and Laster desired to vote Aye on the emergency.

On the question of passage of the emergency, the vote resulted as follows: Aye: 35; Nay: 6; Excused: 6; Vacancy: 1.

The emergency passed.

Pursuant to Rule 12-23, Senator Robinson served notice that the vote be reconsidered whereby **HB 1457** passed.

MESSAGES FROM THE HOUSE

Advising naming of House conferees as follows:

HB 1151 - Smith (Dale), Staggs, Blackburn, Mitchell, Bonny, Ferguson, Ingmire, Maddux, Winchester

HB 1396 - Braddock, Roggow, Kirby, Dorman, Turner, Jones, Armes

HB 1358 - Vaughn, Askins, Braddock, Toure, Davis

HB 1397 - Braddock, Roggow, Kirby, Dorman, Turner, Jones, Armes

HB 1449 - Ellis, Erwin, Plunk, Hamilton, Miller (Doug), Phillips, Wilt

HB 1455 - Adair, Staggs, Vaughn, Ferguson, Blackburn

HB 1456 - Adair, Paulk, Lamons, Nance, Perry

HB 1526 - Stanley, Greenwood, Adkins, Braddock, Cox, Eddins, Lindley, McIntyre, Morgan (Fred), Paulk, Piatt, Smithson, Staggs, Vaughn, Winchester, Wright

HB 1528 - Perry, Reynolds, Deutschendorf, Jones, Gilbert, Wilson, Rice

HB 1716 - Deutschendorf, Rice, Harrison, Morgan (Fred), Benge, Turner, Jones

Advising fourth reading of and returning Enrolled **SBs 5, 539, 639, 660** and **674**.

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

Advising the signing of and transmitting for signature Enrolled **HCR 1019**.

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

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

SB 4 - McCarter, Ingmire, Case, Miller (Ray), Ferguson, Brannon, Roberts

SB 319 - Sweeden, Dank, Tibbs, Dorman, Kirby

SB 646 - Wilson, Askins, Ellis, Sweeden, Dank, Newport, Tibbs

SB 715 - Miller (Ray), Staggs, Vaughn, Brannon, DeWitt

SB 795 - Braddock, Askins, Lerblance, Case, Lindley, Balkman, Steele

Advising adding House conferees as follows:

SB 727 - Jones and Roan

PENDING CONSIDERATION OF HAS

HAs to **SBs 710** and **733** were rejected upon motion of Senator Fisher, conference requested, and Senate conferees to be named later.

GENERAL ORDER

HB 1430 by Cargill et al of the House and Easley et al of the Senate was called up for consideration.

Senator Laughlin moved to amend **HB 1430**, Page 2, Line 3 by deleting after the word “than” and before the comma the language “One Hundred Fifty Dollars (\$150.00)” and

inserting in lieu thereof the language “Five Hundred Dollars (\$500.00)”, which amendment was declared adopted.

Senator Pruitt moved to amend **HB 1430**, Page 1, by restoring the title, which amendment was declared adopted.

Senator Easley moved that **HB 1430** be advanced, which motion was declared adopted.

THIRD READING

HB 1430 was read for the third time at length.

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

Aye: Branan, Brogdon, Cain, Capps, Coates, Coffee, Crutchfield, Easley, Fair, Fisher, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Reynolds, Rozell, Snyder, Taylor, Wilcoxson, Wilkerson and Williams.--36.

Nay: Ford, Rabon, Robinson, Shurden and Smith.--5.

Excused: Aldridge, Corn, Dunlap, Littlefield, Riley and Williamson.--6.

Vacancy: District 7.--1.

The bill passed.

HB 1430 was referred for engrossment.

INTRODUCTION

Senator Laughlin introduced his daughter, Jana, to the Senate.

GENERAL ORDER

HB 1335 by Adkins of the House and Coffee of the Senate was called up for consideration.

Senator Coffee moved to amend **HB 1335**, Page 1, Line 11 through Page 3, Line 23 by deleting Section 1 and inserting a new Section 1 to read as follows:

“SECTION 1. AMENDATORY 17 O.S. 2001, Section 139.103, is amended to read as follows:

Section 139.103. A. Except as provided as follows, no company shall increase or decrease any regulated telecommunications service rate without approval of the Corporation Commission, consistent with Commission rules. The Commission shall promulgate rules, to be effective no later than January 1, 1999, eliminating any regulatory disparities between the CLECs and ILECs with respect to the process of reviewing and approving tariffs.

B. Unless approved by the Legislature, no local exchange telecommunications service provider may charge a basic local exchange service rate that exceeds a basic local exchange service rate previously approved by the Commission and in effect on March 20, 1997, unless the local exchange telecommunications service provider is regulated under traditional rate base, rate of return regulation. Provided, companies serving fewer than ~~seventy five thousand~~ fifteen percent (15%) of the total access lines in the state, or which are subject to subsection B of Section 137 of Title 17 of the Oklahoma Statutes, may adjust local exchange rates in the manner provided for in subsection B of Section 137 of Title 17 of the Oklahoma Statutes.

C. Nothing in this act shall be construed as modifying, affecting, or nullifying the responsibilities of the Commission or any telecommunications carrier as required pursuant to the National Labor Relations Act, the Communications Act of 1934 as amended by the Telecommunications Act of 1996, or the provisions relating to refund liability for overcharges pursuant to Section 121 et seq. of Title 17 of the Oklahoma Statutes.

D. Except as otherwise provided for in this subsection, nothing in this act shall be construed as abrogating any rate case settlement agreement approved by the Corporation Commission prior to the effective date of this act. With respect to local exchange telecommunications service providers serving fifteen percent (15%) or more of the access lines in the state:

1. The company shall not request and the Commission shall not approve an increase in basic local exchange service rates before February 5, 2001;

2. The Commission shall not initiate or conduct a traditional rate base, rate of return or earnings proceeding for any such company before February 5, 2001, unless such company proposes and the Commission approves an increase in a service rate that results in an increase in overall revenues of more than five percent (5%) on an annual basis for that company, excluding rate changes made pursuant to subsection E of Section 6 of this act and rate changes required or authorized by federal or state law, rules, orders or policies;

3. Notwithstanding any other provision of this act, no later than July 15, 1997, each such company shall submit to the Commission, and the Commission shall approve tariff changes reducing the intrastate access rates of that company by an amount necessary to generate a reduction in the annual intrastate access revenues of that company of Five Million Dollars (\$5,000,000.00). The company may seek recovery from the OUSF of only that portion of the annual five-million-dollar revenue reduction taken as directed in this paragraph that exceeds that amount necessary to achieve parity with the interstate access rates of that company in effect on May 30, 1997. Thereafter the Commission shall continue to adjust the intrastate access rates of such company as necessary to keep such rates in parity with the interstate access rates of that company, until the intrastate access revenues of that company have been reduced by a cumulative annual amount of Eleven Million Five Hundred Thousand Dollars (\$11,500,000.00), in addition to the five-million-dollar annual reduction taken as directed in this paragraph. The company may seek recovery of all or

part of the eleven-million-five-hundred-thousand-dollar annual revenue reduction from the OUSF. If the company seeks recovery from the OUSF of such access revenue reductions described in this paragraph, the Commission shall, after notice and hearing, make a determination of the portion, if any, of the amounts requested that the company is eligible to receive from the OUSF;

4. No later than July 15, 1997, each such company shall submit to the Commission, and the Commission shall approve revised tariffs amending the terms and conditions provisions of the intrastate access tariffs of that company so that those tariffs are in parity with the terms and conditions provisions of the interstate access tariffs of that company. Thereafter, on an ongoing basis, such company shall maintain the terms and conditions provisions of the intrastate access tariffs of that company so that they are in parity with the terms and conditions provisions of the interstate access tariffs of that company; and

5. All reductions in access rates provided for in paragraph 3 of this subsection shall be flowed through to customers, consistent with the Commission's Order No. 282453, as issued by the Commission in Cause No. 29217.

E. Upon application of a provider of regulated telecommunications services, the Commission may implement an alternative form of regulation other than traditional rate base, rate of return regulation. In determining whether to approve an alternative form of regulation or whether to continue regulation as established in paragraph 2 of subsection D of this section beyond February 5, 2001, the Commission shall consider the compliance of the company with the federal Telecommunications Act of 1996 in opening its network to local competition and implementing the interconnection and access provisions of such act.

F. Nothing in this section shall be construed as restricting any right of a consumer to complain to the Commission regarding quality of service or the authority of the Commission to enforce quality of service standards through the Commission's contempt powers or authority to revoke or rescind a certificate of convenience and necessity if the provider fails to provide adequate service. A certificate shall not be revoked or rescinded without notice, hearing, and a reasonable opportunity to correct any inadequacy.

G. The rules of the Corporation Commission governing quality of service shall apply equally to all local exchange telecommunications service providers.

H. In a manner consistent with the provisions of this act and rules promulgated by the Commission, the Commission shall retain jurisdiction over access services and rates.", which amendment was declared adopted.

Senator Coffee moved to amend **HB 1335**, Page 1, by restoring the title, which amendment was declared adopted.

Senator Coffee moved that **HB 1335** be advanced, which motion was declared adopted.

THIRD READING

HB 1335 was read for the third time at length.

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

Aye: Branan, Brogdon, Cain, Capps, Coates, Coffee, Crutchfield, Easley, Fair, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Maddox, Milacek, Monson, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.--42.

Excused: Aldridge, Corn, Dunlap, Littlefield and Morgan.--5.

Vacancy: District 7.--1.

The bill and emergency passed.

Pursuant to Rule 12-23, Senator Snyder served notice that the vote be reconsidered whereby **HB 1335** passed.

REPORT OF ENGROSSED AND ENROLLED MEASURE

SB 200 was correctly enrolled and after fourth reading, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

MESSAGES FROM THE HOUSE

Advising concurrence in **SAs** to and passage of Engrossed **HBs 1160** and **1247**.

Advising fourth reading of and returning Enrolled **SB 200**.

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

EXECUTIVE NOMINATIONS

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

Conn, Christopher Dale, Tulsa, as a member of the State Banking Board - Finance

Sack, Theodore A., Sand Springs, as a member of the State Board of Registration for Professional Engineers and Land Surveyors - Business and Labor

MOTION EXPIRED

Time expired for consideration of the motion to reconsider whereby **HB 1004** failed.

Senator Fisher moved that when the clerk's desk is clear, the Senate stand adjourned to convene Monday, April 21, 2003, at 10:00 a.m., which motion prevailed.

MESSAGE FROM THE GOVERNOR

Advising his approval April 15, 2003, of Enrolled **SBs 10, 334, 338, 549** and **742**.

Pursuant to the Fisher motion, the Senate adjourned at 2:30 p.m. to meet Monday, April 21, 2003, at 10:00 a.m.