

Senate Journal

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

Forty-eighth Legislative Day, Thursday, April 24, 2003

The Senate was called to order by Senator Rozell.

Roll Call:

Present: Aldridge, Branan, Brogdon, Capps, Coates, Coffee, Corn, Crutchfield, Dunlap, Easley, Fair, Fisher, Gumm, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Littlefield, Maddox, Milacek, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Rozell, Shurden, Smith, Snyder, Wilcoxson, Wilkerson, Williams and Williamson.—41.

Excused: Cain, Ford, Harrison, Monson, Robinson and Taylor.—6.

Vacancy: District 7.—1.

Senator Rozell declared a quorum present.

The prayer was offered by Reverend Mike Platter, First Nazarene Church, Oklahoma City, the guest of Senator Coffee.

REPORT OF ENGROSSED AND ENROLLED MEASURES

HBs 1064, 1085, 1149, 1422, 1469, 1530, 1611, 1635 and 1742 were each correctly engrossed and, together with engrossed **SAs**, properly signed and ordered returned to the Honorable House.

SB 776 was correctly enrolled and after fourth reading, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

SCRs 15 and 20 were each correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

SR 22 was correctly enrolled, properly signed and ordered transmitted to the Secretary of State.

SCs NAMED

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

SB 793 – Morgan, Monson, Dunlap

MESSAGES FROM THE HOUSE

Advising naming of House conferees as follows:

HB 1292 - Lamons, Paulk, Roan, Nance, Perry

HB 1353 - Coleman, Wilson, Walker, Maddux, Piatt, Mitchell, Bonny

HB 1444 - Stanley, Greenwood, Adkins, Braddock, Cox, Eddins, Lindley, McIntyre, Morgan (Fred), Paulk, Piatt, Smithson, Staggs, Vaughn, Winchester, Wright

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

SB 368 - Miller (Ray), Tyler, Plunk, Brannon, Newport, Ferguson, Peterson

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

HB 1143

HB 1362

HB 1500

HB 1501

GENERAL ORDER

HB 1714 by Toure of the House and Morgan of the Senate was called up for consideration.

Senator Morgan moved to amend **HB 1714**, 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 Morgan moved that **HB 1714** be advanced, which motion was declared adopted.

THIRD READING

HB 1714 was read for the third time at length.

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

Aye: Capps, Corn, Crutchfield, Easley, Fisher, Gumm, Helton, Hobson, Horner, Kerr, Laster, Lawler, Leftwich, Littlefield, Morgan, Price, Rabon, Rozell, Shurden, Smith, Wilkerson and Williams.--22.

Nay: Aldridge, Branan, Brogdon, Coates, Coffee, Dunlap, Fair, Johnson, Laughlin, Maddox, Milacek, Myers, Nichols, Pruitt, Reynolds, Riley, Snyder, Wilcoxson and Williamson.--19.

Excused: Cain, Ford, Harrison, Monson, Robinson and Taylor.--6.

Vacancy: District 7.--1.

The bill failed.

Pursuant to Rule 12-23, Senator Morgan served notice that the vote be reconsidered whereby **HB 1714** failed.

PENDING CONSIDERATION OF HAS

HAs to **SBs 240** and **411** were rejected upon motion of Senator Fisher, conference requested, and Senate conferees to be named later.

GENERAL ORDER

HB 1438 by Brannon of the House and Corn of the Senate was called up for consideration.

Senator Corn moved that **HB 1438** be advanced, which motion was declared adopted.

THIRD READING

HB 1438 was read for the third time at length.

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

Aye: Capps, Corn, Crutchfield, Dunlap, Easley, Fisher, Gumm, Helton, Hobson, Horner, Kerr, Laster, Lawler, Leftwich, Littlefield, Maddox, Morgan, Price, Rabon, Riley,

Shurden, Wilcoxson, Wilkerson and Williams.--24.

Nay: Aldridge, Branan, Brogdon, Coates, Coffee, Fair, Johnson, Laughlin, Milacek, Myers, Nichols, Pruitt, Rozell, Smith, Snyder and Williamson.--16.

Excused: Cain, Ford, Harrison, Monson, Reynolds, Robinson and Taylor.--7.

Vacancy: District 7.--1.

The bill failed.

Pursuant to Rule 12-23, Senator Corn served notice that the vote be reconsidered whereby **HB 1438** failed.

EXECUTIVE NOMINATIONS

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

Begley, Jack Vernon, Goodwell, to the Oklahoma Transportation Commission, to serve an unexpired term ending February 15, 2009, succeeding Ed Sutter. (Transportation Committee) Motion to confirm made by Senator Laughlin.

Burgess, Bradley Warren, Lawton, to the Oklahoma Transportation Commission, to serve an unexpired term ending February 15, 2005, succeeding Gib Gibson. (Transportation Committee) Motion to confirm made by Senator Maddox.

Cooper, Jackie Ray, Oklahoma City, to the Oklahoma Transportation Commission, to serve an eight year term ending February 15, 2011, succeeding Tom Love. (Transportation Committee) Motion to confirm made by Senator Branan.

Dunegan, James H., Calera, to the Oklahoma Transportation Commission, to serve an unexpired term ending February 15, 2007, succeeding David Burrage. (Transportation Committee) Motion to confirm made by Senator Gumm.

Leonard, Sonia Diane, Edmond, to the Crime Victims Compensation Board, to serve a four year term ending September 30, 2005, succeeding Jason Ledlow. (Judiciary Committee) Motion to confirm made by Senator Snyder.

Overland, Danny Blaine, Shawnee, to the Oklahoma Transportation Commission, to serve an eight year term ending February 15, 2011, succeeding Jimmie Austin. (Transportation Committee) Motion to confirm made by Senator Laster.

Wade, Larry Raymond, Elk City, to the Oklahoma Transportation Commission, to serve an unexpired term ending February 15, 2005, succeeding Bill Crawford. (Transportation Committee) Motion to confirm made by Senator Capps.

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

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

Excused: Cain, Ford, Harrison, Monson, Robinson and Taylor.--6.

Vacancy: District 7.--1.

INTRODUCTION

Senator Branan introduced his wife, Connell, to the Senate.

GENERAL ORDER

HB 1767 by Adair and Ferguson of the House and Hobson and Williams of the Senate was called up for consideration.

Senator Williams moved that **HB 1767** be advanced, which motion was declared adopted.

THIRD READING

HB 1767 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, Capps, Coates, Coffee, Corn, Crutchfield, Easley, Fair, Fisher, Gumm, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Littlefield, Maddox, Milacek, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Rozell, Shurden, Smith, Snyder, Wilcoxson, Wilkerson, Williams and Williamson.--40.

Excused: Cain, Dunlap, Ford, Harrison, Monson, Robinson and Taylor.--7.

Vacancy: District 7.--1.

The bill and emergency passed.

HB 1767 was referred for engrossment.

MESSAGES FROM THE HOUSE

Advising the signing of and transmitting for signature Enrolled **HCRs 1004** and **1009**.

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 1263** and **1721**.

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

Advising passage of and transmitting for consideration Engrossed **HCR 1016**.

HCR 1016 – By Covey, Adair, Adkins, Armes, Askins, Balkman, Benge, Blackburn, Blackwell, Bonny, Boren, Braddock, Brannon, Calvey, Carey, Cargill, Case, Claunch, Coleman, Cox, Dank, Davis, DeWitt, Deutschendorf, Dorman, Easley, Eddins, Ellis, Ericson, Erwin, Ferguson, Gilbert, Graves, Greenwood, Hamilton, Harrison, Hastings, Hefner, Hiatt, Hilliard, Hutchison, Ingmire, Jones, Kirby, Lamons, Langmacher, Leist, Lerblance, Lindley, Liotta, Maddux, McCarter, McClain, McIntyre, Miller (Doug), Miller (Ray), Mitchell, Morgan (Danny), Morgan (Fred), Nance, Nations, Newport, O’Neal, Paulk, Perry, Peters, Peterson, Pettigrew, Phillips, Piatt, Plunk, Pope, Reynolds, Rice, Roan, Roberts, Roggow, Smaligo, Smith (Dale), Smith (Hopper), Smithson, Staggs, Stanley, Steele, Sullivan, Sweeden, Taylor, Tibbs, Toure, Trebilcock, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Winchester, Worthen, Wright and Young of the House and Price of the Senate.

A Concurrent Resolution declaring April 23, 2003, as 4-H Day at the Legislature; and directing distribution.

The above-numbered measure was read the first time.

MESSAGE FROM THE HOUSE HAS TO SENATE BILLS

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

SB 6
SB 192
SB 195
SB 206

SB 207

SB 276

SB 308

SB 317 - coauthored by Davis of the House

SB 395

SB 452

SB 553 - coauthored by Kirby, Ferguson, Pettigrew, Dank, Pope, Stanley, Maddux, Smithson of the House

SB 591 - coauthored by Lindley of the House

SB 629 - coauthored by Askins of the House

SB 725

SB 786 – emergency failed and coauthored by Smithson of the House

SB 835

House amendments were read on the above-numbered bills.

GENERAL ORDER

HB 1587, considered and amended on Page 1227, was called up for further consideration.

Senator Lawler moved that **HB 1587** be advanced, which motion was declared adopted.

THIRD READING

HB 1587 was read for the third time at length.

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

Aye: Capps, Corn, Crutchfield, Easley, Fair, Fisher, Gumm, Helton, Hobson, Horner, Kerr, Laster, Lawler, Leftwich, Littlefield, Maddox, Morgan, Price, Rabon, Reynolds, Rozell, Shurden, Wilcoxson, Williams and Williamson.--25.

Nay: Aldridge, Branan, Brogdon, Coates, Johnson, Laughlin, Milacek, Myers, Nichols, Riley, Smith, Snyder and Wilkerson.--13.

Excused: Cain, Coffee, Dunlap, Ford, Harrison, Monson, Pruitt, Robinson and Taylor.-9.

Vacancy: District 7.--1.

The bill passed and the emergency failed.

HB 1587 was referred for engrossment.

PENDING CONSIDERATION OF HAS

HAs to SBs 6 and 835 were rejected upon motion of Senator Fisher, conference requested, and Senate conferees to be named later.

UNANIMOUS CONSENT REQUEST DIRECT TO CALENDAR

Senator Capps asked unanimous consent to suspend Rule 5-4 and refer **SCR 23** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SCR 23 by Capps of the Senate and Deutschendorf of the House was called up for consideration.

SCR 23 was adopted upon motion of Senator Capps and referred for engrossment.

MESSAGE FROM THE HOUSE

Advising passage of and transmitting for consideration Engrossed **HCR 1018**.

HCR 1018 – By Vaughn, Adair, Adkins, Armes, Askins, Balkman, Benge, Blackburn, Blackwell, Bonny, Boren, Braddock, Brannon, Calvey, Carey, Cargill, Case, Claunch, Coleman, Covey, Cox, Dank, Davis, DeWitt, Deutschendorf, Dorman, Easley, Eddins, Ellis, Ericson, Erwin, Ferguson, Gilbert, Graves, Greenwood, Hamilton, Harrison, Hastings, Hefner, Hiatt, Hilliard, Hutchison, Ingmire, Jones, Kirby, Lamons, Langmacher, Leist, Lerblance, Lindley, Liotta, Maddux, McCarter, McClain, McIntyre, Miller (Doug), Miller (Ray), Mitchell, Morgan (Danny), Morgan (Fred), Nance, Nations, Newport, O’Neal, Paulk, Perry, Peters, Peterson, Pettigrew, Phillips, Piatt, Plunk, Pope, Reynolds, Rice, Roan, Roberts, Roggow, Smaligo, Smith (Dale), Smith (Hopper), Smithson, Staggs, Stanley, Steele, Sullivan, Sweeden, Taylor, Tibbs, Toure, Trebilcock, Turner, Tyler, Walker, Wells, Wilson, Wilt, Winchester, Worthen, Wright and Young of the House of the House and Snyder of the Senate.

A Concurrent Resolution recognizing the importance of finding the cause and cure for multiple sclerosis; expressing appreciation to the Oklahoma Chapter of the National Multiple Sclerosis Society for its work; proclaiming April, 2003, "Multiple Sclerosis Awareness Month"; and directing distribution.

The above-numbered measure was read the first time.

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

Senator Snyder asked unanimous consent to suspend Rule 5-4 and refer **HCR 1018** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

HCR 1018 by Vaughn et al of the House and Snyder of the Senate was called up for consideration.

All other members of the Senate asked to coauthor **HCR 1018**, which was the order.

HCR 1018 was adopted upon motion of Senator Snyder and properly signed and ordered returned to the Honorable House.

MOTION TO RECONSIDER VOTE

Senator Corn moved to reconsider the vote whereby **HB 1438** failed, which motion was declared adopted upon roll call as follows:

Aye: Aldridge, Capps, Corn, Crutchfield, Easley, Fisher, Gumm, Helton, Hobson, Horner, Kerr, Laster, Lawler, Leftwich, Littlefield, Maddox, Milacek, Morgan, Price, Pruitt, Rabon, Riley, Rozell, Shurden, Smith, Wilcoxson, Wilkerson and Williams.--28.

Nay: Branan, Brogdon, Coates, Coffee, Fair, Johnson, Laughlin, Myers, Reynolds and Snyder.--10.

Excused: Cain, Dunlap, Ford, Harrison, Monson, Nichols, Robinson, Taylor and Williamson.--9.

Vacancy: District 7.--1.

THIRD READING

HB 1438 was read for the third time at length.

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

Aye: Branan, Brogdon, Capps, Coffee, Corn, Crutchfield, Easley, Fair, Fisher, Gumm, Helton, Hobson, Horner, Kerr, Laster, Lawler, Leftwich, Littlefield, Maddox, Milacek, Morgan, Price, Pruitt, Rabon, Reynolds, Riley, Rozell, Shurden, Smith, Wilcoxson,

Wilkerson and Williams.--32.

Nay: Aldridge, Johnson, Laughlin, Myers, Nichols and Snyder.--6.

Excused: Cain, Coates, Dunlap, Ford, Harrison, Monson, Robinson, Taylor and Williamson.--9.

Vacancy: District 7.--1.

The bill passed.

HB 1438 was referred for engrossment.

MESSAGES FROM THE HOUSE

Advising passage of and returning the following Engrossed measures:

SB 260

SB 435

SB 785

SCR 18 - coauthored by all other House members

The above-numbered measures were referred for enrollment.

Advising concurrence in **SAs** to and passage of Engrossed **HBs 1014, 1419, 1478, 1623, 1663** and **1707**.

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

HB 1030

HB 1149

HB 1300

HB 1466

HB 1484

HB 1570

HB 1738

HB 1764

Advising the signing of and returning Enrolled **SCRs 15** and **20**.

The above-numbered enrolled measures were transmitted to the Secretary of State.

Advising fourth reading of and returning Enrolled **SB 776**.

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

EXECUTIVE NOMINATIONS

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

Bartlett, Ken, Del City, as a member of the Board of Regents for Rose State College - Education

Brown, Linda, Ponca City, as a member of the Board of Regents of the Northern Oklahoma College - Education

Delashaw, Kenneth Lavanze, Marietta, as a member of the Board of Regents of Murray State College - Education

Dodson, Mark Steven, Altus, as a member of the Board of Regents of Western Oklahoma State College - Education

Frazier, Linda, Tulsa, as a member of the Board of Trustees for Quartz Mountain Arts and Conference Center and Nature Park - Education

Gaiche, Janet M., Chouteau, as a member of the State Textbook Committee - Education

Martin, Rita Jo, Tulsa, as a member of the State Textbook Committee - Education

Musser, Alice Mae Coe Mecoy, Oklahoma City, as a member of the Board of Regents for Oklahoma City Community College - Education

Rice, Melisa Ann, Ada, as a member of the State Textbook Committee - Education

Stauter, Robert Bryan, Idabel, as a member of the Board of Trustees for the McCurtain County Higher Education Program - Education

Tolbert, E. J., Tishomingo, as a member of the Board of Regents of Murray State College - Education

MOTION EXPIRED

Time expired for consideration of the motion to reconsider whereby **HB 1714** failed.

**BILLS RELEASED
TIME EXPIRED TO RECONSIDER**

HB 1724 was referred for engrossment.

SJR 22 was referred for enrollment.

Senator Fisher moved that when the clerk's desk is clear, the Senate stand adjourned to convene Monday, April 28, 2003, at 1:30 p.m., which motion prevailed.

Pursuant to the Fisher motion, the Senate adjourned at 10:55 a.m. to meet Monday, April 28, 2003, at 1:30 p.m.