

# Senate Journal

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

Forty-ninth Legislative Day, Monday, April 28, 2003

The Senate was called to order by Senator Rozell.

Roll Call:

Present: 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.—46.

Excused: Aldridge.—1.

Vacancy: District 7.—1.

Senator Rozell declared a quorum present.

The prayer was offered by Father Price Oswalt, Saints Peter and Paul Catholic Church, Kingfisher, the guest of Senator Johnson.

### REPORT OF ENGROSSED AND ENROLLED MEASURES

**SCR 23** was correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

**HBs 1438, 1587, 1724** and **1767** were each correctly engrossed and, together with engrossed **SAs**, properly signed and ordered returned to the Honorable House.

**SBs 260, 435, 785** and **SJR 22** were each correctly enrolled and after fourth reading, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

**SCR 18** was correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

**PENDING CONSIDERATION OF HAs**

**HAs to SBs 60, 61, 238, 300, 430, 453, 479, 524, 545, 607 and 725** were rejected upon motion of Senator Fisher, conference requested, and Senate conferees to be named later.

**INTRODUCTION**

Senator Myers introduced his son and daughter-in-law, Craig and Monya; his grandson, David; and his wife, Sara, to the Senate.

**Senator Gumm presiding.**

**PENDING CONSIDERATION OF HAs**

**HAs to SB 817** were concurred in upon motion of Senator Wilkerson.

**SB 817**, 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, 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 and Williamson.--45.

Excused: Aldridge and Williams.--2.

Vacancy: District 7.--1.

The bill and emergency passed.

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

**PENDING CONSIDERATION OF HAs**

**HAs to SB 3** were concurred in upon motion of Senator Leftwich.

**SB 3**, as amended by the Honorable House, was read 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, Easley, Fair, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Littlefield, Maddox, Milacek, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Taylor, Wilcoxson, Wilkerson and Williamson.--44.

Excused: Aldridge, Monson and Williams.--3.

Vacancy: District 7.--1.

The bill passed.

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

#### **PENDING CONSIDERATION OF HAS**

**HAs to SBs 12, 314, 358, 401, 426, 438, 440, 565, 585, 589, 591, 636, 643, 668, 675, 680, 786, 791, 818, 820, 823, 826, 830 and 838** were rejected upon motion of Senator Fisher, conference requested, and Senate conferees to be named later.

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

Advising the signing of and transmitting for signature Enrolled **HCR 1018**.

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

Advising fourth reading of and transmitting for signature Enrolled **HBs 1014, 1419, 1478, 1623, 1663 and 1707**.

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

Advising naming of House conferees as follows:

**HB 1110** - Lindley, Kirby, Roggow, Harrison, Miller (Doug)

**HB 1356** - Pope, Nance, Rice, Maddux, Kirby

**HB 1357** - Pope, Nance, Rice, Roberts, Calvey

**HB 1359** - Vaughn, Paulk, Askins, Roberts, Maddux

**HB 1380** - Bonny, Erwin, Leist, Maddux, Dank, Hamilton, Ellis, Wilt, Miller (Doug)

**HB 1412** - Pettigrew, Roberts, Maddux, Paulk, Boren, Nance, Miller (Ray)

**HB 1418** - Hutchison, Erwin, Case, Maddux, Mitchell, Bonny, Ingmire  
**HB 1485** - Braddock, Askins, Rice, Hilliard, Roan, Newport, Hastings, Ingmire  
**HB 1535** - Covey, Sweeden, Pope, Maddux, DeWitt  
**HB 1593** - Pope, Nance, Maddux, Rice, Langmacher  
**HB 1675** - Blackburn, Worthen, Deutschendorf, Wilson, Staggs, Vaughn, DeWitt  
**HB 1676** - Blackburn, Case, Taylor, Maddux, Covey  
**HB 1681** - Blackburn, Gilbert, Greenwood, Leist, Lindley, Balkman, Steele  
**HB 1779** - Smaligo, Gilbert, Peters, Deutschendorf, Lindley, Paulk, Case  
**HJR 1011** - Vaughn, Paulk, Askins, Adair, Roberts, Maddux, Pettigrew

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

**SB 242** - McCarter, Pope, Nance, Roberts, Calvey  
**SB 360** - Smith (Dale), Hutchison, Ericson, Leist, Piatt  
**SB 437** - Pope, Nance, Roberts, Staggs, Maddux  
**SB 520** - Staggs, Blackburn, Phillips, Vaughn, Mitchell, Bonny, Greenwood  
**SB 793** - Paulk, Sweeden, Dank, Tyler, Nance

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

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

**SB 196**  
**SB 197**  
**SB 198**  
**SB 199**  
**SB 202**  
**SB 203**  
**SB 204**  
**SB 297**  
**SB 408**  
**SB 412:** remove Askins and substitute Dorman as principal House author, show Askins as first coauthor and add Smithson as second coauthor  
**SB 713**  
**SB 837** - coauthored by Adair, Braddock, Hilliard, Kirby, Dorman of the House

House amendments were read on the above-numbered bills.

Senator Fisher moved that the Senate recess to the call of the Chair, which motion was declared adopted.

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The Senate reconvened with Senator Taylor presiding.

Senator Taylor questioned the presence of a quorum and ordered the roll called, following which a quorum was declared present.

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

Advising the signing of and returning Enrolled **SCR 18**.

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

Advising fourth reading of and returning Enrolled **SBs 260, 435 and 785** and **SJR 22**.

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

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

**HB 1064**  
**HB 1099**  
**HB 1422**  
**HB 1442**  
**HB 1467**  
**HB 1530**  
**HB 1742**  
**HB 1770**

Advising concurrence in **SAs** to and passage of Engrossed **HBs 1008, 1146, 1268, 1313, 1343, 1393** and **1572**.

#### **PENDING CONSIDERATION OF HAS**

**HAs** to **SB 492** were called up for consideration.

Senators Coffee, Myers, Branan, Williamson, Fair, Snyder, Reynolds, Johnson, Wilcoxson, Milacek, Brogdon, Coates, Dunlap, Laughlin, Smith and Nichols asked to coauthor **SB 492**, which was the order.

**SB 492**, as amended by the Honorable House, was read at length.

Senator Pruitt moved to concur in the House amendments to **SB 492**.

Senator Morgan moved as a substitute motion that the House amendments to **SB 492** be rejected and that a conference be requested with the House.

Senator Pruitt moved to table the Morgan substitute motion, which tabling motion failed of adoption upon roll call as follows:

Aye: Branan, Brogdon, Coates, Dunlap, Fair, Ford, Johnson, Laughlin, Milacek, Myers, Nichols, Pruitt, Reynolds, Riley, Smith, Snyder, Wilcoxson and Williamson.--18.

Nay: Cain, Capps, Corn, Crutchfield, Easley, Fisher, Gumm, Harrison, Helton, Hobson, Horner, Kerr, Laster, Lawler, Leftwich, Littlefield, Maddox, Monson, Morgan, Price, Rabon, Robinson, Rozell, Shurden, Taylor, Wilkerson and Williams.--27.

Excused: Aldridge and Coffee.--2.

Vacancy: District 7.--1.

Senator Morgan pressed the adoption of his substitute motion, which motion was declared adopted upon roll call as follows:

Aye: Cain, Capps, Corn, Crutchfield, Easley, Fisher, Gumm, Harrison, Helton, Hobson, Horner, Kerr, Laster, Lawler, Leftwich, Littlefield, Maddox, Monson, Morgan, Price, Rabon, Robinson, Rozell, Shurden, Taylor, Wilkerson and Williams.--27.

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

Excused: Aldridge.--1.

Vacancy: District 7.--1.

Pursuant to Rule 12-23E, Senator Morgan served notice that the vote be reconsidered whereby the HAs were rejected and conference was requested on **SB 492**.

#### **PENDING CONSIDERATION OF HAs**

**HAs to SB 586** were concurred in upon motion of Senator Harrison.

**SB 586**, 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, Corn, Crutchfield, Dunlap, Easley, Fair, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Leftwich, Littlefield, Maddox, Milacek, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Shurden, Smith, Snyder, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.--43.

Excused: Aldridge, Lawler, Monson and Rozell.--4.

Vacancy: District 7.--1.

The bill and emergency passed.

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

#### **PENDING CONSIDERATION OF HAS**

**HAs to SBs 294, 308, 383, 407, 442, 535, 566 and 661** were rejected upon motion of Senator Fisher, conference requested, and Senate conferees to be named later.

#### **SCs NAMED**

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

**SB 4** – Lawler, Corn, Fisher, Morgan, Williamson

**SB 288** – Gumm, Crutchfield, Wilcoxson, Price, Dunlap, Easley

**SB 411** – Corn, Fisher, Morgan, Williamson

**SB 422** – Harrison, Corn, Fisher, Morgan, Williamson

**SB 439** – Nichols, Hobson, Maddox

**SB 447** – Lawler, Horner, Crutchfield, Williamson

**SB 520** – Robinson, Hobson, Rozell

**SB 602** – Robinson, Morgan, Laster

**SB 607** – Smith, Hobson, Morgan

**SB 616** – Smith, Wilkerson, Hobson, Rozell

**SB 628** – Fisher, Rozell, Crutchfield, Coffee, Riley

**SB 643** – Corn, Fisher, Morgan, Williamson

**SB 668** – Corn, Fisher, Morgan, Williamson

**SB 818** – Wilkerson, Hobson, Rozell, Smith

**SB 823** – Wilkerson, Hobson, Rozell, Smith

**EXECUTIVE NOMINATIONS**

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

Billingsley, Craig, Lawton, as a member of the Oklahoma Development Finance Authority - Commerce

Billingsley, Craig, Lawton, as a member of the Oklahoma Industrial Finance Authority - Commerce

Bridges, Leroy Wade, Oklahoma City, as a member of the Board of Regents for Redlands Community College - Education

Bryant, Sherry Lorene, Shawnee, as a member of the State Textbook Committee - Education

Flowers, Jonathan Dwaine, Shawnee, as a member of the Board of Regents of Seminole State College - Education

Godlove, Ernest Franklin, Lawton, as a member of the State Board of Corrections - General Government

Huggins, R. Carroll, Stigler, as a member of the Board of Regents for Carl Albert State College - Education

Lair, Pat, Vinita, as a member of the Oklahoma Mining Commission - Energy, Environment and Communications

Mattocks, Kelley Elaine, Moore, as a member of the State Fire Marshal Commission - General Government

Norman, Mark R., Cache, as a member of the Oklahoma Educational Television Authority - Education

Seay, Harry L., Tulsa, as a member of the Board of Trustees for Quartz Mountain Arts and Conference Center and Nature Park - Education

Seay, Harry L., Tulsa, as a member of the Board of Trustees for Quartz Mountain Arts and Conference Center and Nature Park - Education

Sims, Louis, Hobart, as a member of the Oklahoma Space Industry Development Authority - Aerospace and Technology

Stuart, Mary Kathryn McLaughlin, Shawnee, as a member of the State Textbook Committee - Education

Senator Fisher moved that when the clerk's desk is clear, the Senate stand adjourned to convene Tuesday, April 29, 2003, at 1:30 p.m., which motion prevailed.

### **MOTION EXPIRED**

**HAs to SB 492** were rejected upon motion of Senator Morgan, conference requested, and Senate conferees to be named later.

### **CONFERENCE COMMITTEE REPORT SUBMITTED**

Conference committee report was read on the following bill:

#### **SB 175**

### **FIRST READING**

The following were introduced and read the first time:

**SCR 25** – By Robinson of the Senate and Ericson of the House.

A Concurrent Resolution approving the transfer of certain historic properties in Muskogee County, Oklahoma; and directing distribution.

**SCR 26** – By Fisher of the Senate and Sweeden of the House.

A Concurrent Resolution relating to rules of the Oklahoma Center for the Advancement of Science and Technology; waiving the thirty-legislative-day review period for proposed new rule 650:1-1-1.1 and proposed amendments to permanent rules OAC 650:1-1-1, 650:1-1-2, 650:1-1-3, 650:1-1-4, 650:1-1-5, 650:1-1-6, 650:1-3-1, 650:1-3-2, 650:1-3-3 and 650:1-3-4, relating to administrative operations; proposed amendments to permanent rules OAC 650:10-1-5, 650:10-1-6, 650:10-1-7, 650:10-1-8, 650:10-1-9, 650:10-1-11, 650:10-1-12 and 650:10-1-14, relating to the Applied Research Program; proposed amendments to permanent rules OAC 650:15-1-4, 650:15-1-5, 650:15-1-8, 650:15-1-9, 650:15-1-10, 650:15-1-11 and 650:15-1-14, relating to the Centers of Excellence Program; proposed amendments to permanent rules OAC 650:20-1-5, 650:20-1-6, 650:20-1-9, 650:20-1-10 and 650:20-1-14, relating to the Oklahoma Health Research Program; proposed amendments to permanent rules OAC 650:25-1-5, 650:25-1-7, 650:25-1-8, 650:25-1-9, 650:25-1-11 and 650:25-1-14, relating to the MOST Research Equipment Program; proposed amendments to permanent rules OAC 650:30-1-5, 650:30-1-8, 650:30-1-10, 650:30-1-11 and 650:30-1-13, relating to the SBIR Phase I Incentive Funding Program; proposed amendments to permanent rules OAC 650:35-1-5, 650:35-1-8 and 650:35-1-10, relating to the SBIR Matching Funds Program; and proposed amendments to permanent rules OAC 650:37-1-5, 650:37-1-8 and 650:37-1-10, relating to the STTR Phase I Incentive Funding Program; and directing distribution.

**MESSAGES FROM THE GOVERNOR**

Advising his approval April 25, 2003, of Enrolled **SBs 326, 561, 608 and 665.**

Advising his approval April 28, 2003, of Enrolled **SBs 234, 290, 295, 299, 343, 414, 647 and 788.**

Pursuant to the Fisher motion, the Senate adjourned at 3:30 p.m. to meet Tuesday, April 29, 2003, at 1:30 p.m.