

Senate Journal

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

Fifty-fourth Legislative Day, Tuesday, May 6, 2003

The Senate was called to order by Senator Rozell.

Roll Call:

Present: Aldridge, Branan, Brogdon, Cain, Capps, Coates, Corn, Crutchfield, Dunlap, Fair, 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.—44.

Excused: Coffee, Easley and Fisher.—3.

Vacancy: District 7.—1.

Senator Rozell declared a quorum present.

The prayer was offered by Dr. Robert E. Long, St. Luke's United Methodist Church, Oklahoma City, the guest of Senator Reynolds.

REPORT OF ENGROSSED AND ENROLLED MEASURES

SCR 30 was correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

SBs 318, 464, 547 and 554 were each correctly enrolled and after fourth reading, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

SR 23 was correctly enrolled, properly signed and ordered transmitted to the Secretary of State.

INTRODUCTION

Senator Laster introduced his children, Kara and Luke, to the Senate.

MESSAGES FROM THE HOUSE

Advising changing of House conferees:

SB 206 - remove GCCA and naming Mitchell, (chair) Roberts, Bonny, Ferguson, Calvey

HB 1440 - remove Miller (Ray), Smithson, Pettigrew and naming Erwin, Benge, Roberts

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

SB 6 - McIntyre, Staggs, Vaughn, Ferguson, Wells

SB 12 - Phillips, Toure, Brannon, Staggs, Adkins, Vaughn, Roberts

SB 60 - Stanley, Armes, Askins, Braddock, Ferguson

SB 61 - Stanley, Armes, Askins, Braddock, Ferguson

SB 213 - Kirby, Case, Taylor, Erwin, Maddux

SB 221 - Blackburn, Young, Lindley, Taylor, Case

SB 257 - Staggs, Nance, Ferguson, Roan, Paulk, Lamons, Liotta

SB 340 - Lindley, Askins, Toure, Vaughn, Piatt, Mitchell, Bonny, Ferguson, Winchester

SB 350 - Peterson, Perry, Tyler, Plunk, Lamons

SB 379 - McCarter, Paulk, Lamons, Ingmire, Nance

SB 501 - Adkins, Toure, Davis, McCarter, Vaughn, Askins, Balkman, Braddock, Graves, Hastings, Hefner, Paulk, Rice

SB 553 - Adair, Roberts, Maddux, Ferguson, Stanley

SB 583 - Nations, Easley, Piatt, Cox, Carey, Sullivan, Winchester

SB 621 - Winchester, Staggs, Ericson, Nance, Mitchell, Bonny, Hilliard

SB 629 - Adair, Vaughn, Askins, Toure, Davis

SB 636 - Brannon, Sweeden, Dank, Tyler, Lerblance, Newport, Tibbs

SB 787 - Nations, Stanley, Greenwood, Adkins, Braddock, Cox, Eddins, Lindley, McIntyre, Morgan (Fred), Paulk, Piatt, Smithson, Staggs, Vaughn, Winchester, Wright

SB 803 - Kirby, Roggow, Wilt, Roan, Roberts

SB 834 - Stanley, Braddock, Bonny, Pettigrew, Ingmire, Roan, Newport

SJR 21 - Adair, Roberts, Maddux, Vaughn, Askins

Advising naming of House conferees as follows:

HB 1670 - Roggow, Roberts, Morgan (Danny), Harrison, Maddux

HB 1744 - Miller (Doug), Carey, Easley, Sweeden, Dank

CHANGE IN CONFEREES

Advising change in Senate conferees as follows:

SB 288 – add Wilkerson

PENDING SENATE ACTION HOUSE REQUEST FOR CONFERENCE

Upon motion of Senator Fisher, the request of the Honorable House for conference on **HBs 1158, 1159, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1241, 1245, 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256 and 1257** was ordered granted and bills referred to GCCA.

PENDING CONSIDERATION OF HAS

HAs to **SB 355** were concurred in upon motion of Senator Lawler.

Senator Reynolds asked to coauthor **SB 355**, which was the order.

SB 355, as amended by the Honorable House, was read at length.

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

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

Excused: Coffee, Easley, Fisher, Helton, Johnson, Leftwich, Riley and Taylor.--8.

Vacancy: District 7.--1.

The bill passed.

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

CONFERENCE COMMITTEE REPORT SUBMITTED

Conference committee report was read on the following bill:

SB 520

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 520** was adopted upon motion of Senator Robinson.

Senators Coffee and Cain asked to coauthor **SB 520**, which was the order.

SB 520, as amended in conference, was read at length.

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

Aye: Aldridge, Branan, Brogdon, Cain, Capps, Coates, Crutchfield, Dunlap, Fair, Ford, Harrison, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Leftwich, Littlefield, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Robinson, Shurden, Smith, Snyder, Wilcoxson, Williams and Williamson.--36.

Nay: Corn, Gumm, Lawler, Rozell and Wilkerson.--5.

Excused: Coffee, Easley, Fisher, Helton, Riley and Taylor.--6.

Vacancy: District 7.--1.

The bill and emergency passed.

SB 520, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 602** was adopted upon motion of Senator Robinson.

SB 602, as amended in conference, was read at length.

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

Aye: Cain, Capps, Coates, Corn, Crutchfield, Dunlap, Fair, Ford, Gumm, Harrison, Hobson, Horner, Johnson, Kerr, Laster, Lawler, Leftwich, Littlefield, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Robinson, Rozell, Shurden, Smith, Wilcoxson, Wilkerson, Williams and Williamson.--35.

Nay: Aldridge, Branan, Brogdon, Laughlin, Reynolds and Snyder.--6.

Excused: Coffee, Easley, Fisher, Helton, Riley and Taylor.--6.

Vacancy: District 7.--1.

The bill passed.

SB 602, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

MESSAGE FROM THE HOUSE

Advising fourth reading of and transmitting for signature Enrolled **HB 1469**.

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

PENDING CONSIDERATION OF HAS

HAs to **SB 705** were concurred in upon motion of Senator Leftwich.

SB 705, 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, Capps, Coates, Corn, Crutchfield, Dunlap, Fair, Ford, Gumm, Harrison, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Littlefield, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Robinson, Rozell, Shurden, Smith, Snyder, Wilcoxson, Wilkerson, Williams and Williamson.--41.

Excused: Coffee, Easley, Fisher, Helton, Riley and Taylor.--6.

Vacancy: District 7.--1.

The bill and emergency passed.

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

MESSAGE FROM THE HOUSE

Advising passage of and transmitting for consideration Engrossed **HCR 1024**.

HCR 1024 – By Dorman, Armes, Braddock, Claunch, Kirby, Roggow, Adair, Adkins, Askins, Balkman, Benge, Blackburn, Blackwell, Bonny, Boren, Brannon, Calvey, Carey, Cargill, Case, Coleman, Covey, Cox, Dank, Davis, DeWitt, Deutschendorf, Easley, Eddins, Ellis, Ericson, Erwin, Ferguson, Gilbert, Graves, Greenwood, Hamilton, Harrison, Hastings, Hefner, Hiatt, Hilliard, Hutchison, Ingmire, Jones, Lamons, Langmacher, Leist, Lerblance, Lindley, Liotta, Maddux, McCarter, McClain, McIntyre, Miller (Doug), Miller (Ray), Mitchell, Morgan (Danny), Morgan (Fred), Nance, Nations, Newport, Oneal, Paulk, Perry, Peters, Peterson, Pettigrew, Phillips, Piatt, Plunk, Pope, Reynolds, Rice, Roan, Roberts, 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 Helton of the Senate.

A Concurrent Resolution memorializing Congress and members of the Oklahoma Congressional Delegation; making findings regarding the Oklahoma Military Base Closure Prevention Task Force; calling for action by certain members of Congress; calling for action by the Congress of the United States; stating actions requested related to importance of military bases and installations located within the State of Oklahoma; and directing distribution.

The above-numbered measure was read the first time.

PENDING CONSIDERATION OF HAS

HAs to **SB 625** were called up for consideration.

Senator Lawler asked that **SB 625** be laid over temporarily, which was the order.

SB 625 remains on pending consideration of **HAs**.

SENATE RULE SUSPENDED

Senator Lawler moved to suspend Senate Rule 16-1 pertaining to **SB 625**, which motion was declared adopted upon roll call as follows:

Aye: Aldridge, Branan, Brogdon, Cain, Capps, Coates, Corn, Crutchfield, Dunlap, Fair, Ford, Gumm, Harrison, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler,

Leftwich, Littlefield, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Robinson, Rozell, Shurden, Smith, Snyder, Wilcoxson, Wilkerson, Williams and Williamson.--41.

Excused: Coffee, Easley, Fisher, Helton, Riley and Taylor.--6.

Vacancy: District 7.--1.

PENDING CONSIDERATION OF HAS

HAs to SB 625 were rejected upon motion of Senator Lawler, conference requested, and Senate conferees to be named later.

EXECUTIVE NOMINATIONS

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

Gulley, Gloria Anderson, Idabel, to the Board of Trustees for the McCurtain County Higher Education Program, to serve a nine year term ending June 30, 2012, succeeding Robert Bryan Stauter. (Education Committee) Motion to confirm made by Senator Rabon.

Sack, Theodore A., Sand Springs, to the State Board of Registration for Professional Engineers and Land Surveyors, to serve a six year term ending June 28, 2009, succeeding himself. (Business and Labor Committee) Motion to confirm made by Senator Harrison.

Tauer, Charles George, Glencoe, to the State Board of Registration for Foresters, to serve a five year term ending June 1, 2008, succeeding Ron Masters. (Agriculture and Rural Development Committee) Motion to confirm made by Senator Harrison.

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, Fair, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Littlefield, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Robinson, Rozell, Shurden, Smith, Snyder, Wilcoxson, Wilkerson, Williams and Williamson.--42.

Excused: Coffee, Easley, Fisher, Riley and Taylor.--5.

Vacancy: District 7.--1.

PENDING CONSIDERATION OF HAs

HAs to SB 423 were concurred in upon motion of Senator Kerr.

SB 423, as amended by the Honorable House, was read at length.

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

Aye: Capps, Corn, Crutchfield, Fair, Ford, Gumm, Harrison, Helton, Horner, Kerr, Laster, Lawler, Leftwich, Littlefield, Maddox, Milacek, Monson, Morgan, Price, Rabon, Robinson, Rozell, Shurden, Wilkerson and Williams.--25.

Nay: Aldridge, Branan, Brogdon, Cain, Coates, Dunlap, Johnson, Laughlin, Myers, Nichols, Pruitt, Reynolds, Smith, Snyder, Wilcoxson and Williamson.--16.

Excused: Coffee, Easley, Fisher, Hobson, Riley and Taylor.--6.

Vacancy: District 7.--1.

The bill passed.

Pursuant to Rule 12-23, Senator Wilkerson served notice that the vote be reconsidered whereby **SB 423** passed.

MESSAGE FROM THE HOUSE

Advising passage of and transmitting for consideration Engrossed **HCR 1028**.

HCR 1028 – By Dorman of the House and Helton of the Senate.

A Concurrent Resolution recalling from the Office of the Governor Enrolled House Bill No. 1575, passed by the 1st Session of the 49th Oklahoma Legislature.

The above-numbered measure was read the first time.

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

Senator Helton asked unanimous consent to suspend Rule 5-4 and refer **HCR 1028** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

HCR 1028 by Dorman of the House and Helton of the Senate was called up for consideration.

HCR 1028 was adopted upon motion of Senator Helton and properly signed and ordered returned to the Honorable House.

PENDING CONSIDERATION OF HAS

HAs to **SJR 18** were concurred in upon motion of Senator Kerr.

SJR 18, as amended by the Honorable House, was read at length.

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

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

Excused: Coffee, Easley, Fisher, Helton, Monson and Morgan.--6.

Vacancy: District 7.--1.

The bill passed.

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

MESSAGE FROM THE HOUSE

Advising fourth reading of and returning Enrolled **SBs 318, 464, 547** and **554**.

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

INTRODUCTION

Senator Harrison introduced his daughter, Tracie Reeden, to the Senate.

Senator Gumm presiding.

PENDING CONSIDERATION OF HAs

HAs to SB 346 were concurred in upon motion of Senator Pruitt upon roll call as follows:

Aye: Aldridge, Branan, Brogdon, Coates, Dunlap, Fair, Ford, Helton, Johnson, Kerr, Laughlin, Maddox, Myers, Nichols, Price, Pruitt, Reynolds, Riley, Smith, Snyder, Wilcoxson and Williamson.--22.

Nay: Cain, Capps, Corn, Crutchfield, Gumm, Harrison, Hobson, Horner, Laster, Lawler, Littlefield, Monson, Morgan, Rabon, Rozell, Shurden, Taylor, Wilkerson and Williams.--19.

Excused: Coffee, Easley, Fisher, Leftwich, Milacek and Robinson.--6.

Vacancy: District 7.--1.

SB 346, as amended by the Honorable House, was read at length.

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

Aye: Aldridge, Branan, Brogdon, Coates, Dunlap, Fair, Ford, Harrison, Helton, Johnson, Kerr, Laughlin, Maddox, Myers, Nichols, Price, Pruitt, Reynolds, Riley, Smith, Snyder, Wilcoxson and Williamson.--23.

Nay: Cain, Capps, Corn, Crutchfield, Gumm, Hobson, Horner, Laster, Lawler, Littlefield, Monson, Morgan, Rabon, Rozell, Shurden, Taylor and Williams.--17.

Excused: Coffee, Easley, Fisher, Leftwich, Milacek, Robinson and Wilkerson.--7.

Vacancy: District 7.--1.

The bill failed.

Pursuant to Rule 12-23, Senator Pruitt served notice that the vote be reconsidered whereby **SB 346** failed.

MESSAGE FROM THE HOUSE

Advising the signing of and transmitting for signature Enrolled **HCR 1028**.

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

EXECUTIVE NOMINATIONS

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

Burton, William Michael, Tulsa, as a member of the Construction Industries Board - Business and Labor

Madison, Gary, Tulsa, as a member of the Board of Dentistry - Human Resources

Pope, Donnie Gene, Norman, as a member of the Oklahoma Indigent Defense System Board - Judiciary

Vernnon, Glen Franklin, Pryor, as a member of the Oklahoma Professional Boxing Commission - Business and Labor

Wiemer, Rod, Okmulgee, as a member of the Oklahoma Indigent Defense System Board - Judiciary

Zarrow, Maxine Foreman, Tulsa, as a member of the Oklahoma Arts Council - Tourism and Wildlife

Senator Capps moved that when the clerk's desk is clear, the Senate stand adjourned to convene Wednesday, May 7, 2003, at 1:30 p.m., which motion prevailed.

CONFERENCE COMMITTEE REPORTS SUBMITTED

Conference committee reports were read on the following bills:

SB 556

SB 583

FIRST READING

The following was introduced and read the first time:

SR 24 – By Capps.

A Resolution relating to rail transportation and spaceport development; directing the Oklahoma Space Industry Development Authority and the Oklahoma Department of Transportation assess rail transportation needs of spaceport site; directing the Department of Transportation conduct a study of certain rail lines and make certain appraisements; requiring completion of study and report of findings by certain date; and directing distribution.

Pursuant to the Capps motion, the Senate adjourned at 3:25 p.m. to meet Wednesday, May 7, 2003, at 1:30 p.m.