

# Senate Journal

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

**Fifty-fifth Legislative Day, Wednesday, May 7, 2003**

The Senate was called to order by Senator Rozell.

Roll Call:

Present: Aldridge, Branan, Brogdon, Cain, Capps, Coates, Corn, Crutchfield, Dunlap, Easley, Fair, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, 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 Johnson.—2.

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**

**SBs 355** and **705** and **SJR 18** were each correctly enrolled and after fourth reading, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

### **UNANIMOUS CONSENT REQUEST DIRECT TO CALENDAR**

Senator Snyder asked unanimous consent to suspend Rule 5-4 and refer **SCR 27** direct to the Calendar for consideration, which was the order.

**GENERAL ORDER**

**SCR 27** by Snyder of the Senate and Pettigrew of the House was called up for consideration.

All other members of the Senate asked to coauthor **SCR 27**, which was the order.

**SCR 27** was adopted upon motion of Senator Snyder and referred for engrossment.

**UNANIMOUS CONSENT REQUEST  
DIRECT TO CALENDAR**

Senator Capps asked unanimous consent to suspend Rule 5-4 and refer **SR 24** direct to the Calendar for consideration, which was the order.

**GENERAL ORDER**

**SR 24** by Capps was called up for consideration.

**SR 24** was adopted upon motion of Senator Capps and referred for enrollment.

**PENDING CONSIDERATION OF HAS**

**HAs** to **SB 722** were concurred in upon motion of Senator Fisher.

**SB 722**, 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, Easley, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Kerr, Laster, Laughlin, Lawler, Leftwich, Littlefield, Maddox, Milacek, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.--42.

Excused: Coffee, Fair, Johnson, Monson and Snyder.--5.

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 810** were concurred in upon motion of Senator Wilkerson.

**SB 810**, 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, Easley, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Kerr, Laster, Laughlin, Lawler, Leftwich, Littlefield, Maddox, Milacek, Monson, Morgan, Myers, Price, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.--40.

Nay: Dunlap, Nichols and Pruitt.--3.

Excused: Coffee, Fair, Johnson and Snyder.--4.

Vacancy: District 7.--1.

The bill and emergency passed.

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

**Senator Robinson presiding.**

**PENDING CONSIDERATION OF HAS**

**HAs to SB 703** were concurred in upon motion of Senator Leftwich.

**SB 703**, 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, Easley, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Kerr, Laster, Laughlin, Lawler, Leftwich, Littlefield, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.--43.

Excused: Coffee, Fair, Johnson and Snyder.--4.

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 1029**.

**HCR 1029** – By Easley of the House and Corn of the Senate.

A Concurrent Resolution recalling from the Office of the Governor Enrolled House Bill No. 1101, passed by the 1<sup>st</sup> Session of the 49<sup>th</sup> Oklahoma Legislature.

The above-numbered measure was read the first time.

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

**SCR 27** was correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

#### **PENDING CONSIDERATION OF CCR**

The **CCR** on **SB 556** was adopted upon motion of Senator Price.

**SB 556**, 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, Corn, Crutchfield, Dunlap, Easley, Fair, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Kerr, Laster, Laughlin, Lawler, Leftwich, Littlefield, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.--44.

Excused: Coffee, Johnson and Snyder.--3.

Vacancy: District 7.--1.

The bill and emergency passed.

**SB 556**, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

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 Rozell presiding.

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

### **MESSAGES FROM THE HOUSE**

Advising fourth reading of and returning Enrolled **SBs 355** and **705** and **SJR 18**.

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

Returning following bill, together with conference committee report thereon, advising adoption of conference committee report and passage of measure as amended:

**SB 520** - coauthored by Vaughn, Calvey, Steele, Nance of the House

The above-numbered measure, as amended in conference, was referred for enrollment.

Advising passage of and returning the following Engrossed bill:

**SCR 27** – coauthored by all other House member

The above-numbered measure was referred for enrollment.

### **MESSAGE FROM THE HOUSE CONFERENCE COMMITTEE REPORT**

Transmitting the following bill, together with conference committee report thereon, advising adoption of conference committee report and passage of measure as amended.

**HB 1190** - remove Mitchell and substitute Nations as principal House author, remove as coauthor Bonny of the House and coauthored by Balkman of the House, remove Morgan and substitute Hobson as principal Senate author, and remove as coauthor Robinson of the Senate and coauthored by Nichols of the Senate

Conference committee report was read on the above-numbered bill.

**CHANGE IN CONFEREES**

Advising change in Senate conferees as follows:

**SB 206** – remove GCCA and add Morgan, Robinson, Williamson

**SB 688** – remove GCCA and add Price, Wilkerson, Kerr, Wilcoxson

**PENDING CONSIDERATION OF HAS**

**HAs** to **SB 596** were concurred in upon motion of Senator Leftwich.

Representatives Calvey and Hamilton asked to coauthor **SB 596**, which was the order.

**SB 596**, as amended by the Honorable House, was read at length.

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

Aye: Cain, Capps, Coates, Crutchfield, Dunlap, Easley, Fair, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Kerr, Laster, Laughlin, Lawler, Leftwich, Milacek, Monson, Morgan, Price, Pruitt, Rabon, Robinson, Rozell, Shurden, Smith, Wilkerson and Williams.--31.

Nay: Aldridge, Branan, Brogdon, Corn, Myers, Nichols, Reynolds, Riley, Snyder, Wilcoxson and Williamson.--11.

Excused: Coffee, Johnson, Littlefield, Maddox and Taylor.--5.

Vacancy: District 7.--1.

The bill passed.

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

**UNANIMOUS CONSENT REQUEST  
DIRECT TO CALENDAR**

Senator Corn asked unanimous consent to suspend Rule 5-4 and refer **HCR 1029** direct to the Calendar for consideration, which was the order.

**GENERAL ORDER**

**HCR 1029** by Easley of the House and Corn of the Senate was called up for consideration.

**HCR 1029** was adopted upon motion of Senator Corn and properly signed and ordered returned to the Honorable House.

**PENDING CONSIDERATION OF CCR**

The **CCR** on **SB 583** was called up for consideration.

Senator Easley moved to reject the **CCR** on **SB 583** and request further conference with the following instructions:

1. Require licensing for any deferred deposit lender that wishes to make loans applicable to this act.
2. Limit loans to 1 per 30 days at an allowable interest rate of 20% and delete any language that references 13 or 45 day loans.
3. Give borrower the right of rescission by returning said documents by 5 p.m. the next working day.
4. Must keep provision that limits non-renewable loans.
5. Only allow one NSF charge per loan.

Senator Monson moved to table the Easley motion, which tabling motion was declared adopted upon roll call as follows:

Aye: Aldridge, Branan, Brogdon, Capps, Coates, Corn, Crutchfield, Dunlap, Fair, Fisher, Ford, Harrison, Hobson, Laughlin, Lawler, Leftwich, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Shurden, Smith and Wilcoxson.--28.

Nay: Cain, Easley, Gumm, Helton, Horner, Kerr, Laster, Robinson, Rozell, Snyder, Wilkerson, Williams and Williamson.--13.

Excused: Coffee, Johnson, Littlefield, Maddox, Milacek and Taylor.--6.

Vacancy: District 7.--1.

The **CCR** on **SB 583** was adopted upon motion of Senator Monson.

**SB 583**, as amended in conference, was read at length.

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

Aye: Aldridge, Branan, Brogdon, Capps, Coates, Corn, Crutchfield, Dunlap, Fair, Harrison, Hobson, Kerr, Laster, Laughlin, Lawler, Leftwich, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Shurden, Smith and Wilcoxson.--28.

Nay: Cain, Easley, Fisher, Ford, Gumm, Helton, Horner, Robinson, Rozell, Snyder, Wilkerson, Williams and Williamson.--13.

Excused: Coffee, Johnson, Littlefield, Maddox, Milacek and Taylor.--6.

Vacancy: District 7.--1.

The bill passed.

Pursuant to Rule 12-23, Senator Easley served notice that the vote be reconsidered whereby **SB 583** passed.

**Senator Rabon presiding.**

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

**HAS** to **SB 702** were concurred in upon motion of Senator Helton.

Senator Crutchfield asked to coauthor **SB 702**, which was the order.

**SB 702**, 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, Capps, Corn, Crutchfield, Dunlap, Fisher, Gumm, Harrison, Helton, Hobson, Laster, Laughlin, Lawler, Leftwich, Maddox, Monson, Morgan, Myers, Nichols, Price, Pruitt, Riley, Robinson, Rozell, Shurden, Smith and Snyder.--28.

Nay: Brogdon, Cain, Coates, Easley, Fair, Ford, Kerr, Rabon, Reynolds, Wilcoxson, Wilkerson, Williams and Williamson.--13.

Excused: Coffee, Horner, Johnson, Littlefield, Milacek and Taylor.--6.

Vacancy: District 7.--1.

The bill passed.

Senators Wilcoxson, Kerr, Rabon and Coates desired to vote Aye on the emergency.

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

The emergency passed.

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

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

Advising the signing of and transmitting for signature Enrolled **HCR 1029**.

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

#### **SCs NAMED**

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

**SB 625** – Lawler, Wilkerson, Nichols

#### **EXECUTIVE NOMINATIONS**

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

Ball, Jerry, Guthrie, as a member of the War Veterans Commission of Oklahoma - Veterans, Military Affairs and Public Safety

Grim, Michael Allan, Oklahoma City, as a member of the Board of Examiners for Speech-Language Pathology and Audiology - Human Resources

Grim, Michael Allan, Oklahoma City, as a member of the Board of Examiners for Speech-Language Pathology and Audiology - Human Resources

Harley, John, Oklahoma City, as a member of the Oklahoma Science and Technology Research and Development Board - Aerospace and Technology

Hedge, Clarence Alvin, Coyle, as a member of the Oklahoma Arts Council - Tourism and Wildlife

Reid, Karl, Stillwater, 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 Thursday, May 8, 2003, at 9:00 a.m., which motion prevailed.

### **CONFERENCE COMMITTEE REPORTS SUBMITTED**

Conference committee reports were read on the following bills:

**SB 257**

**SB 671**

**SB 838**

**SJR 12**

### **SECOND READING**

The following was read for the second time and referred to committee as indicated:

**HCR 1011** – Judiciary

### **MESSAGE FROM THE GOVERNOR**

Advising his approval May 6, 2003, of Enrolled **SBs 231, 452, 478** and **534**.

Advising his veto May 7, 2003, of Enrolled **SB 577**.

The veto message reads as follows:

May 7, 2003

To the Honorable President Pro Tempore  
and Members of the Oklahoma Senate  
First Session, Forty-ninth Oklahoma Legislature

Enrolled **SB 557** by Coffee and Laughlin of the Senate and Hiett of the House

This is to advise you that on this date, pursuant to the authority vested in me by Section 11 of Article VI of the Oklahoma Constitution to approve or object to legislation presented to me, I have VETOED Senate Bill 557. The main subject matter of the bill is related to agriculture, animal disease outbreaks and related emergencies. Section 8 of the bill deals with what constitutes the practice of medicine in Oklahoma. In my view this violates Okla. Const. art. V, §57 which requires each bill to embrace only one subject. Senate Bill 557 constitutes a clear case of log rolling, which the Oklahoma Supreme Court has held to be unconstitutional.

By the Governor of the State of Oklahoma  
/s/ Brad Henry

Pursuant to the Fisher motion, the Senate adjourned at 4:20 p.m. to meet Thursday, May 8, 2003, at 9:00 a.m.

**JOURNAL CORRECTION**

Page 1314, add to bottom of page:

Transmitting the following bill, together with conference committee report thereon, advising adoption of conference committee report and passage of measure as amended:

**HB 1449**

Conference committee report was read on the above-numbered bill.