

# Senate Journal

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

**Fifty-seventh Legislative Day, Monday, May 12, 2003**

The Senate was called to order by Senator Morgan.

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, Wilcoxson, Wilkerson, Williams and Williamson.—46.

Excused: Taylor.—1.

Vacancy: District 7.—1.

Senator Morgan declared a quorum present.

The prayer was offered by Reverend Doyle Pryor, First Baptist Church, Sapulpa, the guest of Senator Fisher.

### **REPORT OF ENGROSSED AND ENROLLED MEASURES**

**SBs 247** and **602** were each correctly enrolled and after fourth reading, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

### **CHANGE IN CONFEREES**

Advising change in Senate conferees as follows:

**HB 1712** – remove Monson, Rabon, Coates and add GCCA

**MESSAGES FROM THE HOUSE**

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

- SB 246** - Paulk, Tyler, Nance, Sweeden, Dank
- SB 281** - Roberts, Ferguson, Brannon, Bengé, Erwin
- SB 297** - Dorman, Wilt, Miller (Doug), Hamilton, Ellis
- SB 342** - Deutschendorf, Erwin, Kirby, Nance, Mitchell, Bonny, Adkins, Newport
- SB 353** - Dorman, Wilt, Miller (Doug), Hamilton, Ellis
- SB 391** - Cargill, Case, Roan, Newport, Lerblance, Braddock, Lamons
- SB 401** - Smithson, Covey, Pope, Maddux, Armes
- SB 412** - Dorman, Blackburn, Newport, Sweeden, Dank
- SB 610** - Leist, Gilbert, Adkins, Braddock, Peters
- SB 625** - Staggs, Askins, Wilt, Tibbs, Adkins, Mitchell, Bonny
- SB 643** - Ferguson, Brannon, Roberts, Staggs, Bengé
- SB 668** - Ferguson, Brannon, Roberts, Staggs, Bengé
- SB 669** - Toure, Roberts, Bengé, Staggs, Ferguson, Brannon, Sullivan
- SB 706** - Smith (Hopper), Askins, Adkins, Pettigrew, Lamons, Mitchell, Bonny, Boren
- SB 747** - Liotta, Nations, Ingmire, Rice, McIntyre, Vaughn, Wilson
- SB 760** - Smithson, Paulk, Lamons, Roan, Nance, Perry Smith (Hopper)

Advising naming of House conferees as follows:

- HB 1052** - Hastings, Toure, Rice, Askins, Case, Davis, Braddock
- HB 1269** - Trebilcock, Toure, Davis, Askins, Braddock
- HB 1382** - Ferguson, Staggs, Vaughn, Piatt, Harrison, Roberts, Morgan (Danny)
- HB 1430** - Cargill, Paulk, Wilt, Tyler, Miller (Doug), Ellis, Hamilton
- HB 1577** - Dorman, Young, Pope, Mitchell, Bonny, Winchester, Perry
- HB 1635** - Dorman, Askins, Davis, Roberts, Maddux
- HB 1646** - Ferguson, Staggs, Vaughn, Roberts, Harrison
- HB 1647** - Ferguson, Brannon, Roberts, Staggs, Bengé
- HB 1724** - Braddock, Hilliard, Steele, Jones, Turner
- HB 1814** - Hilliard, Pope, Dorman, Nance, Maddux

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.

**MOTION TO RECONSIDER VOTE**

Senator Easley moved to reconsider the vote whereby **SB 346** failed.

Senator Monson moved to table the Easley motion, which tabling motion failed of adoption upon roll call as follows:

Aye: Cain, Capps, Corn, Crutchfield, Easley, Fisher, Gumm, Harrison, Hobson, Horner, Laster, Lawler, Leftwich, Littlefield, Monson, Rabon, Robinson, Rozell and Wilkerson.--19.

Nay: Aldridge, Branan, Brogdon, Coates, Coffee, Dunlap, Fair, Ford, Helton, Johnson, Kerr, Laughlin, Maddox, Milacek, Myers, Nichols, Price, Pruitt, Reynolds, Riley, Shurden, Smith, Snyder, Wilcoxson and Williamson.--25.

Excused: Morgan, Taylor and Williams.--3.

Vacancy: District 7.--1.

Senator Coffee pressed the Easley motion to reconsider, which motion failed of adoption upon roll call as follows:

Aye: Aldridge, Branan, Brogdon, Coates, Coffee, Dunlap, Fair, Ford, Johnson, Kerr, Laughlin, Maddox, Milacek, Myers, Nichols, Price, Pruitt, Reynolds, Riley, Shurden, Smith, Snyder, Wilcoxson and Williamson.--24.

Nay: Cain, Capps, Corn, Crutchfield, Easley, Fisher, Gumm, Harrison, Helton, Hobson, Horner, Laster, Lawler, Leftwich, Littlefield, Monson, Rabon, Robinson, Rozell and Wilkerson.--20.

Excused: Morgan, Taylor and Williams.--3.

Vacancy: District 7.--1.

**PENDING CONSIDERATION OF CCR**

The **CCR** on **SB 272** was adopted upon motion of Senator Capps.

**SB 272**, as amended in conference, 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, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Littlefield, Maddox, Milacek, Monson, Morgan, Myers,

Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Rozell, Shurden, Smith, Snyder, Wilcoxson, Wilkerson and Williamson.--42.

Excused: Taylor and Williams.--2.

\*Not Voting: Aldridge, Fisher and Robinson.—3.

Vacancy: District 7.--1.

The bill passed.

\*Senators Aldridge, Fisher and Robinson asked to be shown not voting on **SB 272** for reason of personal interest, as provided in Article V, Section 24, Oklahoma Constitution.

**SB 272**, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

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

The **CCR** on **SB 546** was adopted upon motion of Senator Capps.

**SB 546**, 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, Cain, Capps, Coates, 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, Robinson, Rozell, Shurden, Smith, Snyder, Wilcoxson, Wilkerson and Williamson.--43.

Excused: Coffee, Riley, Taylor and Williams.--4.

Vacancy: District 7.--1.

The bill passed.

**SB 546**, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

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

The **CCR** on **HB 1449** was adopted upon motion of Senator Shurden.

**HB 1449**, 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, Cain, Capps, Coates, Coffee, Corn, Crutchfield, Dunlap, Easley, Fair, Fisher, Ford, Gumm, Harrison, Helton, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Littlefield, Maddox, Milacek, Monson, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Wilcoxson and Wilkerson.--42.

Nay: Williamson.--1.

Excused: Hobson, Morgan, Taylor and Williams.--4.

Vacancy: District 7.--1.

The bill passed.

Pursuant to Rule 12-23, Senator Williamson served notice that the vote be reconsidered whereby **HB 1449** passed.

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

The **CCR** on **SB 4** was adopted upon motion of Senator Lawler.

**SB 4**, as amended in conference, was read at length.

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

Aye: Cain, Capps, Coates, Corn, Crutchfield, Dunlap, Fair, Fisher, Gumm, Harrison, Helton, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Littlefield, Maddox, Milacek, Monson, Myers, Nichols, Price, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden and Wilkerson.--32.

Nay: Aldridge, Branan, Brogdon, Coffee, Ford, Pruitt, Smith, Snyder, Wilcoxson and Williamson.--10.

Excused: Easley, Hobson, Morgan, Taylor and Williams.--5.

Vacancy: District 7.--1.

The bill and emergency passed.

**SB 4**, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

**MESSAGES FROM THE HOUSE**

Advising fourth reading of and transmitting for signature Enrolled **HB 1190**.

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

Advising adding House conferees as follows:

**SB 713** - Miller (Ray), Jones

**SB 823** - Nance, Lamons

Advising naming of House conferees as follows:

**HB 1385** - Ferguson, Pope, Nance, Eddins, Hilliard, Lamons, Liotta, Perry, Peters, Plunk, Tyler

Advising fourth reading of and returning Enrolled **SBs 247** and **602**.

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

Advising passage of and transmitting for consideration Engrossed **HJR 1035**.

**HJR 1035** – By Reynolds of the House and Snyder of the Senate.

A Joint Resolution relating to proposed permanent rules of the Oklahoma State Board of Pharmacy; disapproving in part proposed permanent rules regarding administrative operations and fees; expressing legislative intent; directing distribution; and declaring an emergency.

The above-numbered measure was read the first time.

Advising that the House has suspended the rules to allow rejection of the **SAs** to **HB 1101**, rescinded its signing and fourth reading of **HB 1101**, request the Honorable Senate to rescind their signing and fourth reading of **HB 1101**. The House has rejected the **SAs** and requested conference. Conferees to be named later.

**MESSAGE FROM THE HOUSE  
CONFERENCE COMMITTEE REPORTS**

Transmitting the following bills, together with conference committee reports thereon, advising adoption of conference committee reports and passage of measures as amended:

**HB 1043**

**HB 1051**

**HB 1063**

**HB 1580** – coauthored by Liotta of the House

**HB 1583**

**HB 1705**

Conference committee reports were read on the above-numbered bills.

**CHANGE IN CONFEREES**

Advising change in Senate conferees as follows:

**SB 297** – add Robinson and Williams

**EXECUTIVE NOMINATION**

The following executive nomination was read and referred to committee as indicated:

Hardin, Kelly Dean, Enid, as a member of the Oklahoma State Board of Examiners for Nursing Home Administrators - Human Resources

Senator Fisher moved that when the clerk's desk is clear, the Senate stand adjourned to convene Tuesday, May 13, 2003, at 10:00 a.m., which motion prevailed.

**BILL RELEASED  
TIME EXPIRED TO RECONSIDER**

**SB 423** was referred for enrollment.

**CONFERENCE COMMITTEE REPORTS SUBMITTED**

Conference committee reports were read on the following bills:

**SB 274**

**SB 680**

**SB 715**

**SB 835 (2nd CCR)**

**MESSAGE FROM THE GOVERNOR**

Advising his approval May 12, 2003, of Enrolled **SBs 318, 464, 520, 547, 554, 596** and **703**.

Pursuant to the Fisher motion, the Senate adjourned at 2:10 p.m. to meet Tuesday, May 13, 2003, at 10:00 a.m.