

# Senate Journal

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

Sixtieth Legislative Day, Thursday, May 15, 2003

The Senate was called to order by Senator Rozell.

Roll Call:

Present: Aldridge, Branan, Brogdon, Cain, 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.—45.

Excused: Capps and Taylor.—2.

Vacancy: District 7.—1.

Senator Rozell 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 272** and **583** were each correctly enrolled and after fourth reading, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

**SR 25** was correctly enrolled, properly signed and ordered transmitted to the Secretary of State.

### MESSAGES FROM THE HOUSE

Advising fourth reading of and transmitting for signature Enrolled **HBs 1051, 1580** and **1705**.

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

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

**SB 368**

**SB 556**

**SB 628**

The above-numbered measures, as amended in conference, were referred for enrollment.

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

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

**HB 1099**

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

#### **INTRODUCTION**

Senator Littlefield introduced his godchildren, Kaitlyn and Robert John Graham, to the Senate.

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

The **2nd CCR** on **SB 317** was adopted upon motion of Senator Dunlap.

**SB 317**, 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, Coates, 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, Wilcoxson, Wilkerson and Williamson.--41.

Excused: Aldridge, Capps, Coffee, Monson, Taylor and Williams.--6.

Vacancy: District 7.--1.

The bill passed.

Senator Monson desired to vote Aye on the emergency.

On the question of passage of the emergency, the vote resulted as follows: Aye: 42; Excused: 5; Vacancy: 1.

The emergency passed.

**SB 317**, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

#### **FIRST READING**

The following was introduced and read the first time:

**SR 27** – By Fisher.

A Resolution expressing gratitude and appreciation to Jan McMullen upon the occasion of her retirement from the Oklahoma State Senate; and directing distribution.

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

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

#### **GENERAL ORDER**

**SR 27** by Fisher was called up for consideration.

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

**SR 27** was adopted upon motion of Senator Fisher and referred for enrollment.

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

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.

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

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

##### **HB 1147**

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

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

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

##### **SB 243**

##### **SB 257**

**SB 274** - coauthored by Braddock, Sweeden, Davis of the House

##### **SB 546**

The above-numbered measures, as amended in conference, were referred for enrollment.

#### **PENDING CONSIDERATION OF CCRs**

The following **CCR**s were rejected upon motion of Senator Fisher, further conference requested, and same Senate conferees appointed as follows:

**SB 606** – Corn, Price, Harrison, Laughlin, Myers

**SB 704** – Laughlin, Morgan, Hobson

**SB 725** – Smith, Morgan, Laster, Taylor, Pruitt

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

The **CCR** on **SB 585** was adopted upon motion of Senator Wilkerson.

**SB 585**, 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, Coates, Coffee, Corn, Crutchfield, Dunlap, Fair, Fisher, Gumm, Harrison, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Littlefield, Maddox, Milacek, Monson, Morgan, Myers, Price, Pruitt, Rabon, Reynolds, Riley, Rozell, Shurden, Smith, Snyder, Wilcoxson, Wilkerson, Williams and Williamson.--39.

Nay: Nichols.--1.

Excused: Capps, Easley, Ford, Helton, Hobson, Robinson and Taylor.--7.

Vacancy: District 7.--1.

The bill passed.

**SB 585**, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

**PENDING SENATE ACTION  
HOUSE REQUEST FOR CONFERENCE**

Upon motion of Senator Fisher, the request of the Honorable House for further conference was ordered granted and same Senate conferees appointed as follows:

**HB 1292** – Littlefield, Rabon, Riley

**PENDING CONSIDERATION OF CCR**

The **CCR** on **SB 733** was adopted upon motion of Senator Gumm.

**SB 733**, 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, Cain, Coates, Coffee, Corn, Crutchfield, Dunlap, Fair, Fisher, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Littlefield, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Riley, Robinson, Rozell, Shurden, Wilkerson, Williams and Williamson.--38.

Nay: Brogdon, Reynolds, Snyder and Wilcoxson.--4.

Excused: Capps, Easley, Ford, Smith and Taylor.--5.

Vacancy: District 7.--1.

The bill and emergency passed.

**SB 733**, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

**Senator Rabon presiding.**

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

The **CCR** on **SB 675** was adopted upon motion of Senator Leftwich.

**SB 675**, 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, Coates, Coffee, Corn, Crutchfield, Dunlap, Fair, Fisher, 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.--43.

Excused: Capps, Easley, Ford and Taylor.--4.

Vacancy: District 7.--1.

The bill and emergency passed.

**SB 675**, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

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

The **CCR** on **SB 246** was adopted upon motion of Senator Leftwich.

**SB 246**, 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, Coates, Coffee, Corn, Crutchfield, Dunlap, Easley, Fair, Fisher, 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.--44.

Excused: Capps, Ford and Taylor.--3.

Vacancy: District 7.--1.

The bill and emergency passed.

**SB 246**, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

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

The **CCR** on **SB 447** was adopted upon motion of Senator Lawler.

**SB 447**, 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, Coates, Coffee, Corn, Crutchfield, Dunlap, Easley, Fair, Fisher, 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.--44.

Excused: Capps, Ford and Taylor.--3.

Vacancy: District 7.--1.

The bill passed.

**SB 447**, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

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

Senator Monson asked unanimous consent to suspend Rule 5-4 and refer **SR 26** direct to the Calendar for consideration, which was the order.

**GENERAL ORDER**

**SR 26** by Monson was called up for consideration.

**SR 26** was adopted upon motion of Senator Monson and referred for enrollment.

**PENDING CONSIDERATION OF CCR**

The **CCR** on **SB 625** was adopted upon motion of Senator Lawler.

**SB 625**, 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, Coates, Coffee, Corn, Crutchfield, Dunlap, Fair, Fisher, Gumm, Harrison, Helton, 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.--42.

Excused: Capps, Easley, Ford, Hobson and Taylor.--5.

Vacancy: District 7.--1.

The bill and emergency passed.

**SB 625**, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

**MESSAGE FROM THE HOUSE**

Advising fourth reading of and returning Enrolled **SBs 272** and **583**.

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

Senator Fisher moved that the Senate recess until 2:00 p.m., 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.

**MESSAGE FROM THE HOUSE**

Advising further conference granted and naming same House conferees on Engrossed:

**SB 606** - Sweeden, Braddock, McCarter, Adkins, Armes, Covey, Pope, Maddux

**SB 704** - Erwin, Hutchison, Calvey, Balkman, Paulk, Lamons, Roan, Smithson, Nance, Perry

**SB 725** - Toure, Hastings, Askins, Braddock, Davis

**PENDING CONSIDERATION OF CCR**

The **CCR** on **SB 834** was rejected upon motion of Senator Fisher, further conference requested, and same Senate conferees appointed as follows: Shurden, Wilkerson, Nichols.

**PENDING CONSIDERATION OF CCR**

The **CCR** on **SB 436** was adopted upon motion of Senator Laughlin.

**SB 436**, as amended in conference, was read at length.

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

Aye: Branan, Brogdon, Coates, Coffee, Corn, Crutchfield, Dunlap, Easley, Fair, Fisher, Gumm, Harrison, Helton, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Littlefield, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Shurden, Wilcoxson, Williams and Williamson.--36.

Nay: Cain, Rozell, Smith and Wilkerson.--4.

Excused: Aldridge, Capps, Ford, Hobson, Robinson, Snyder and Taylor.--7.

Vacancy: District 7.--1.

The bill and emergency passed.

**SB 436**, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

**REPORT OF ENGROSSED AND ENROLLED MEASURE**

**SR 27** was correctly enrolled, properly signed and ordered transmitted to the Secretary of State.

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

\*

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.

**MESSAGE FROM THE HOUSE**

Advising further conference granted and naming same House conferees on Engrossed:

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

**PENDING SENATE ACTION  
HOUSE REQUEST FOR CONFERENCE**

Upon motion of Senator Fisher, the request of the Honorable House for further conference was ordered granted and same Senate conferees appointed as follows:

**HB 1271** – Leftwich, Horner, Brogdon

**HB 1512** – Littlefield, Wilkerson, Reynolds, Laster, Nichols, Shurden

**PENDING CONSIDERATION OF CCR**

The **CCR** on **SB 88** was adopted upon motion of Senator Wilkerson.

**SB 88**, as amended in conference, was read at length.

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

Aye: Branan, Brogdon, Cain, Coates, Corn, Crutchfield, Dunlap, Fisher, Gumm, Harrison, Helton, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Littlefield, Maddox, Milacek, Monson, Myers, Nichols, Rabon, Reynolds, Riley, Rozell, Shurden,

Smith, Snyder, Wilcoxson, Wilkerson, Williams and Williamson.--35.

Excused: Aldridge, Capps, Coffee, Easley, Fair, Ford, Hobson, Morgan, Price, Pruitt, Robinson and Taylor.--12.

Vacancy: District 7.--1.

The bill and emergency passed.

**SB 88**, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

### **PENDING CONSIDERATION OF CCR**

The **CCR** on **SB 90** was adopted upon motion of Senator Wilkerson.

**SB 90**, as amended in conference, was read at length.

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

Aye: Branan, Brogdon, Cain, Coates, Corn, Crutchfield, Dunlap, Fair, Fisher, Gumm, Harrison, Helton, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Littlefield, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Rabon, Reynolds, Rozell, Shurden, Smith, Snyder, Wilcoxson, Wilkerson, Williams and Williamson.--37.

Nay: Riley.--1.

Excused: Aldridge, Capps, Coffee, Easley, Ford, Hobson, Pruitt, Robinson and Taylor.--9.

Vacancy: District 7.--1.

The bill and emergency passed.

**SB 90**, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

### **CHANGE IN CONFEREES**

Advising change in Senate conferees as follows:

**HB 1385** – remove Milacek, Leftwich, Johnson, Wilkerson, Fisher, Rozell and add GCCA

Senator Fisher moved that when the clerk's desk is clear, the Senate stand adjourned to convene Friday, May 16, 2003, at 10:00 a.m., which motion prevailed.

#### **CONFERENCE COMMITTEE REPORTS SUBMITTED**

Conference committee reports were read on the following bills:

**SB 86**  
**SB 130**  
**SB 134**  
**SB 206**  
**SB 267**  
**SB 350**  
**SB 353**  
**SB 453**  
**SB 668**  
**SB 708**  
**SB 807**  
**SB 835 (3rd CCR)**

Pursuant to the Fisher motion, the Senate adjourned at 3:30 p.m. to meet Friday, May 16, 2003, at 10:00 a.m.