

Senate Journal

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

Seventh Legislative Day, Wednesday, February 11, 2004

The Senate was called to order by Senator Rozell.

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, Lerblance, Littlefield, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.—47.

Excused: Pruitt.—1.

Senator Rozell declared a quorum present.

The prayer was offered by Reverend Larry Thoma, First Assembly of God Church, Elgin, the guest of Senator Helton.

MESSAGES FROM THE HOUSE

Advising naming of House conferees as follows:

HB 1064 - Gilbert, Peters, Case, Toure, Davis, Braddock, Askins

SB 141 - Mitchell, Covey, Hefner, Bonny, Ferguson, Case, Armes

Advising passage of and transmitting for consideration Engrossed **HBs 2124, 2125, 2143, 2192** and **2361**.

HB 2124 – By Pope of the House and Rabon and Monson of the Senate.

(revenue and taxation – amending 68 O.S., Sections 2357.61, 2357.62 and 2357.63 –
Small Business Capital Formation Incentive Act – amending 68 O.S., Section 2357.73 –
Rural Venture Capital Formation Incentive Act – effective date)

HB 2125 – By Pope, Case, Nance, Blackburn, Deutschendorf, Easley and Sullivan of the House and Monson of the Senate.

(revenue and taxation – proposed amendment to Section 8C of Article X – ballot title – filing – amending 68 O.S., Section 2890.1 – Ad Valorem Tax Code – income limitation – effective date)

HB 2143 – By Wells, Nance, Dorman, Adkins, Askins, Cargill, Davis, Graves, Hefner, Lamons, Maddux, Mass, McCarter, Miller (Doug), Morgan (Danny), Morgan (Fred), Phillips, Steele, Sullivan, Vaughn and Winchester of the House and Wilkerson and Gumm of the Senate.

(revenue and taxation - amending 68 O.S., Section 2105 - vehicle excise tax - exemption - certain spouses - limiting use of exemption - effective date)

HB 2192 – By Pope, Carey, Sullivan, Walker, Maddux, Kirby, Covey, Askins, Dorman, Deutschendorf, Armes, Phillips, Blackwell, DeWitt, Hefner, Turner, Erwin, Sweeden, Smith, Pettigrew, Nations, Nance, McCarter, Leist, Hutchison, Ferguson, Braddock, Gilbert, Taylor, Bonny, Wells, Roberts and Easley of the House and Maddox, Capps, Helton, Kerr and Gumm of the Senate.

(revenue and taxation - amending 68 O.S., Section 2902 - exemptions - manufacturing facilities - emergency)

HB 2361 – By Covey and Sullivan of the House and Price of the Senate.

(revenue and taxation – amending 68 O.S., Section 2357.66 – tax credits for ethanol facilities – transfer agreement – effective date – emergency)

The above-numbered measures were read the first time.

INTRODUCTION

Senator Rabon introduced his father, Bob Rabon, to the Senate.

GENERAL ORDER

SB 959 by Morgan and Robinson of the Senate and Mitchell and Bonny of the House was called up for consideration.

Senator Capps moved to amend **SB 959**, by striking the title, the enacting clause and the entire body of the bill and substituting the floor substitute, which amendment was declared adopted. (Copies were provided for all Senators.)

Senator Capps moved that **SB 959** be advanced, which motion was declared adopted.

THIRD READING

SB 959 was read for the third time at length.

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

Aye: Aldridge, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crutchfield, Dunlap, Easley, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Littlefield, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Rabon, Reynolds, Riley, Rozell, Shurden, Smith, Snyder, Wilcoxson, Wilkerson, Williams and Williamson.--44.

Excused: Fair, Pruitt, Robinson and Taylor.--4.

The bill and emergency passed.

SB 959 was referred for engrossment.

GENERAL ORDER

SB 992 by Morgan and Robinson of the Senate and Mitchell and Bonny of the House was called up for consideration.

Senator Kerr moved to amend **SB 992**, by striking the title, the enacting clause and the entire body of the bill and substituting the floor substitute, which amendment was declared adopted. (Copies were provided for all Senators.)

Senator Kerr moved that **SB 992** be advanced, which motion was declared adopted.

THIRD READING

SB 992 was read for the third time at length.

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

Aye: Aldridge, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crutchfield, Dunlap, Easley, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Littlefield, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Rabon, Reynolds, Riley, Rozell, Shurden, Smith, Snyder, Wilcoxson, Wilkerson, Williams and Williamson.--44.

Excused: Fair, Pruitt, Robinson and Taylor.--4.

The bill and emergency passed.

SB 992 was referred for engrossment.

GENERAL ORDER

SB 996 by Morgan and Robinson of the Senate and Mitchell and Bonny of the House was called up for consideration.

Senator Kerr moved to amend **SB 996**, by striking the title, the enacting clause and the entire body of the bill and substituting the floor substitute, which amendment was declared adopted. (Copies were provided for all Senators.)

Senator Kerr moved that **SB 996** be advanced, which motion was declared adopted.

THIRD READING

SB 996 was read for the third time at length.

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

Aye: Cain, Capps, Corn, Crutchfield, Easley, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Kerr, Laster, Lawler, Leftwich, Lerblance, Littlefield, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Rabon, Robinson, Rozell, Shurden, Smith, Snyder, Wilcoxson, Wilkerson and Williams.--34.

Nay: Aldridge, Branan, Brogdon, Coates, Coffee, Dunlap, Fair, Johnson, Laughlin, Reynolds, Riley and Williamson.--12.

Excused: Pruitt and Taylor.--2.

The bill and emergency passed.

SB 996 was referred for engrossment.

GENERAL ORDER

SB 1056 by Morgan and Robinson of the Senate and Mitchell and Bonny of the House was called up for consideration.

Senator Wilkerson moved to amend **SB 1056**, by striking the title, the enacting clause and the entire body of the bill and substituting the floor substitute, which amendment was declared adopted. (Copies were provided for all Senators.)

Senator Wilkerson moved that **SB 1056** be advanced, which motion was declared adopted.

THIRD READING

SB 1056 was read for the third time at length.

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

Aye: 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, Lerblance, Littlefield, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Wilcoxson, Wilkerson, Williams and Williamson.--46.

Excused: Pruitt and Taylor.--2.

The bill and emergency passed.

SB 1056 was referred for engrossment.

GENERAL ORDER

SB 1058 by Morgan and Robinson of the Senate and Mitchell and Bonny of the House was called up for consideration.

Senator Wilkerson moved to amend **SB 1058**, by striking the title, the enacting clause and the entire body of the bill and substituting the floor substitute, which amendment was declared adopted. (Copies were provided for all Senators.)

Senator Wilkerson moved that **SB 1058** be advanced, which motion was declared adopted.

THIRD READING

SB 1058 was read for the third time at length.

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

Aye: 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, Lerblance, Littlefield, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Rabon, Reynolds, Riley, Robinson, Rozell,

Shurden, Smith, Snyder, Wilcoxson, Wilkerson, Williams and Williamson.--46.

Excused: Pruitt and Taylor.--2.

The bill and emergency passed.

SB 1058 was referred for engrossment.

GENERAL ORDER

SB 848 by Price et al of the Senate and Ferguson et al of the House was called up for consideration.

Senator Maddox and Representatives Sweeden, Plunk and Piatt asked to coauthor **SB 848**, which was the order.

Senator Price moved that **SB 848** be advanced, which motion was declared adopted.

THIRD READING

SB 848 was read for the third time at length.

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

Aye: 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, Lerblance, Littlefield, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Wilcoxson, Wilkerson, Williams and Williamson.--45.

Excused: Pruitt, Snyder and Taylor.--3.

The bill and emergency passed.

SB 848 was referred for engrossment.

PENDING SENATE ACTION HOUSE REQUEST FOR CONFERENCE

Upon motion of Senator Fisher, the request of the Honorable House for further conference was ordered granted on **SBs 141** and **649** and Senate conferees to be named later.

CHANGE IN COMMITTEE ASSIGNMENTS

Senator Fisher asked unanimous consent, which was granted, that the following bills be reassigned as follows:

- SB 569** – Withdrawn from Rules Committee and referred to Appropriations.
- SB 1520** – Withdrawn from Rules Committee and referred to Finance.
- SB 1531** – Withdrawn from Rules Committee and referred to Judiciary.
- SB 1583** – Withdrawn from Rules Committee and referred to Appropriations.

PENDING SENATE ACTION HOUSE REQUEST FOR CONFERENCE

Upon motion of Senator Fisher, the request of the Honorable House for conference on **HB 1064** was ordered granted and Senate conferees appointed as follows: Corn, Smith, Cain, Williamson, Laster.

EXECUTIVE NOMINATIONS

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

Alexander, Joseph W., Stillwater, as Cabinet Secretary of Science and Technology - Aerospace and Technology

Blaney, Hilarie Hefton, Oklahoma City, as a member of the Oklahoma Student Loan Authority - Education

Burton, Robert C., Oklahoma City, as a member of the Highway Construction Material Technician Certification Board - Transportation

Cotton, Marshall Phil, Norman, as a member of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control Commission - Judiciary

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Darr, III, Charles Boyd, Oklahoma City, as a member of the Construction Industries Board - Business and Labor

Ellis, Hal, Stillwater, as a member of the Oklahoma Transportation Authority - Transportation

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Finley-McFalls, Maxine L., Ada, as a member of the Alcoholic Beverage Laws Enforcement Commission - Judiciary

Fleischaker, David S., Oklahoma City, as Cabinet Secretary of Energy - Energy, Environment and Communications

Hanstein, Mark T., Oklahoma City, as a member of the Oklahoma Professional Boxing Commission - Business and Labor

Hort, Mitchell Wayne, Yukon, as a member of the Construction Industries Board - Business and Labor

Houston, Brent, Shawnee, as a member of the Oklahoma Educational Television Authority - Education

Logan, Ted, Midwest City, as a member of the State Board of Corrections - General Government

Lowrance, Nancy Ann, Shawnee, as a member of the Crime Victims Compensation Board - Judiciary

Major, Brian Lee, Oklahoma City, as a member of the Oklahoma Board of Private Vocational Schools - Education

Moore, Andrew J., Goldsby, as a member of the Oklahoma Board of Private Vocational Schools - Education

Morgan, Trace, Stillwater, as a member of the State Board for Property and Casualty Rates - Business and Labor

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Mowry, M.D., John Dean, Tulsa, as a member of the Board of Examiners for Speech-Language Pathology and Audiology - Human Resources

Nichols, Jess Mark, Altus, as a member of the Oklahoma Water Resources Board - Energy, Environment and Communications

Nichols, Jess Mark, Altus, as a member of the Oklahoma Water Resources Board - Energy, Environment and Communications

Paul, Homer, Bixby, as a member of the Oklahoma Development Finance Authority - Commerce

Paul, Homer, Bixby, as a member of the Oklahoma Industrial Finance Authority - Commerce

Proctor, Dallas, Colcord, as a member of the Oklahoma Indian Affairs Commission - Human Resources

Pulliam, Larry, Springer, as a member of the Oklahoma Science and Technology Research and Development Board - Aerospace and Technology

Purdy, Ken G., Tahlequah, as a member of the Environmental Quality Board - Energy, Environment and Communications

Rector, Leslie W., Tulsa, as a member of the Oklahoma State Credit Union Board - Finance

Robinson, Randy, Edmond, as a member of the Highway Construction Material Technician Certification Board - Transportation

Scott-Johnson, Rowena Eileen, Purcell, as a member of the Oklahoma State Board of Examiners for Nursing Home Administrators - Human Resources

Scott-Johnson, Rowena Eileen, Purcell, as a member of the Oklahoma State Board of Examiners for Nursing Home Administrators - Human Resources

Seiter, Scott J., Edmond, as a member of the Highway Construction Material Technician Certification Board - Transportation

Sims, Frank P., Shawnee, as a member of the Oklahoma Tourism and Recreation Commission - Tourism and Wildlife

Stewart, Jack C., Yukon, as a member of the Highway Construction Material Technician Certification Board - Transportation

Tolbert, Miles, Oklahoma City, as a member of the Arkansas-Oklahoma Arkansas River Compact Commission - Energy, Environment and Communications

Toney, Reynolds H., Oklahoma City, as a member of the Highway Construction Material Technician Certification Board - Transportation

Ward, Kevin, Yukon, as Commissioner of Public Safety - Judiciary

Ward, Kevin, Yukon, as Cabinet Secretary of Safety and Security - Judiciary

Wilmes, Jeffrey Edward, Altus, as a member of the Board of Trustees for the Quartz Mountain Arts and Conference Center and Nature Park - Education

Senator Fisher moved that when the clerk's desk is clear, the Senate stand adjourned to convene Thursday, February 12, 2004, at 9:00 a.m., which motion prevailed.

COMMITTEE REPORTS

The following were reported by the committees named, ordered printed and placed on the Calendar:

DO PASS:

SB 839 – Transportation, coauthored by Hilliard (principal House author)

SB 845 – Transportation, coauthored by Benge (principal House author)

SB 885 – General Government, coauthored by Tibbs (principal House author)

SB 890 – General Government

SB 1115 – Education, coauthored by Staggs (principal House author)

SB 1118 – Transportation, coauthored by Price of the Senate, and coauthored by Winchester (principal House author)

SB 1163 – Agriculture and Rural Development, coauthored by Covey (principal House author)

SB 1209 – General Government, coauthored by Nance (principal House author)

SB 1216 – Agriculture and Rural Development, coauthored by Blackwell (principal House author)

SB 1220 – Judiciary, coauthored by Ericson (principal House author) and Lamons of the House

SB 1231 – General Government, coauthored by Reynolds (principal House author)

SB 1283 – General Government, coauthored by Pope (principal House author)

SB 1505 – Transportation, coauthored by Pope (principal House author)

SB 1523 – Transportation, coauthored by Smithson (principal House author)

DO PASS, As Amended:

CS for SB 7 – General Government, coauthored by Worthen (principal House author)

SB 1104 – General Government, coauthored by Sweeden (principal House author)

SB 1131 – Retirement and Group Health, coauthored by Ferguson (principal House author)

CS for SB 1144 – Retirement and Group Health, coauthored by Covey (principal House author) and Ferguson of the House

SB 1145 – Retirement and Group Health, coauthored by Ferguson (principal House author)

SB 1162 – Retirement and Group Health, coauthored by Sweeden (principal House author) and Brannon of the House

SB 1165 – Retirement and Group Health, coauthored by Harrison (principal House author)

CS for SB 1228 – Retirement and Group Health, coauthored by Stanley (principal House author)

CS for SB 1346 – General Government, coauthored by Dorman (principal House author)

SB 1360 – Agriculture and Rural Development, coauthored by Covey (principal House author)

SB 1392 – General Government, coauthored by Blackwell (principal House author)

SB 1422 – Retirement and Group Health, coauthored by Ferguson (principal House author)

CS for SB 1480 – Transportation, coauthored by Coates of the Senate, and coauthored by Plunk (principal House author)

Pursuant to the Fisher motion, the Senate adjourned at 2:05 p.m. to meet Thursday, February 12, 2004, at 9:00 a.m.