

Senate Journal

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

Forty-ninth Legislative Day, Monday, April 26, 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, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Taylor, Wilcoxson, Wilkerson Williams and Williamson.—48.

Senator Rozell declared a quorum present.

The prayer was offered by Reverend Cliff Briscoe, Living Word Church, Shawnee, the guest of Senator Laster.

REPORT OF ENGROSSED AND ENROLLED MEASURES

HBs 1855, 1981, 1987, 1988, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2004, 2006, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2024, 2027, 2029, 2030, 2031, 2033, 2035, 2036, 2037, 2038, 2039, 2040, 2043, 2045, 2046, 2047, 2048, 2049, 2054, 2055, 2057, 2058, 2059, 2060, 2061, 2063, 2064, 2065, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2078, 2080, 2082, 2084, 2086, 2088, 2121, 2282, 2291, 2341, 2385, 2462, 2464, 2548, 2556 and 2574 and HJRs 1039 and 1044 were each correctly engrossed and, together with engrossed **SAs**, properly signed and ordered returned to the Honorable House.

SBs 869 and 1108 were each correctly enrolled and after fourth reading, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

SCRs 58 and 61 were each correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

SR 59 was correctly enrolled, properly signed and ordered transmitted to the Secretary of State.

MESSAGE FROM THE GOVERNOR

Pursuant to SCR 62, I hereby return Enrolled **SB 1600** by Cain of the Senate and Vaughn of the House.

PENDING CONSIDERATION OF HAS

HAs to **SB 889** were concurred in upon motion of Senator Crutchfield.

SB 889, 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: Branan, Cain, Capps, Coates, Coffee, Corn, Crutchfield, Dunlap, Easley, Fair, Fisher, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Lawler, Lerblance, Littlefield, Maddox, Milacek, Monson, Morgan, Myers, Price, Rabon, Reynolds, Rozell, Smith, Wilcoxson and Wilkerson.--34.

Nay: Aldridge, Brogdon, Laughlin, Nichols, Pruitt, Riley and Williamson.--7.

Excused: Ford, Leftwich, Robinson, Shurden, Snyder, Taylor and Williams.--7.

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 1246** were concurred in upon motion of Senator Nichols.

Representative Nance asked to coauthor **SB 1246**, which was the order.

SB 1246, 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, Coffee, Corn, Crutchfield, Dunlap, Easley, Fair, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Littlefield, Maddox, Monson, Myers,

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

Excused: Milacek, Morgan, Robinson, Snyder, Taylor and Williams.--6.

The bill passed.

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

PENDING CONSIDERATION OF HAS

HAs to SBs 1090, 1158 and 1478 were rejected upon motion of Senator Fisher, conference requested, and Senate conferees to be named later.

FIRST READING

The following was introduced and read the first time:

SR 60 – By Hobson.

A Resolution expressing gratitude to Senator Mike Fair for his service in the Oklahoma State Senate; and directing distribution.

UNANIMOUS CONSENT REQUEST DIRECT TO CALENDAR

Senator Williamson asked unanimous consent to suspend Rule 5-4 and refer **SR 60** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SR 60 by Hobson was called up for consideration.

All other members of the Senate, except Senator Fair, asked to coauthor **SR 60**, which was the order.

SR 60 was adopted upon motion of Senator Williamson and referred for enrollment.

SPECIAL RECOGNITION OF SENATOR MIKE FAIR

Senator Fair was honored by the Oklahoma State Senate for his 16 years of service. His portrait was displayed as a tribute in the Senate Chamber for this legislative day.

Senator Williamson addressed the Senate commending Senator Fair for his contributions within the Republican Party. He also commended Senator Fair for his years of service to the citizens of Senate District 47 in the Oklahoma State Senate. In addition, remarks were given by President Pro Tempore Hobson.

Senator Fair addressed the Senate and introduced his family. His guests in attendance were his wife, Sharon; his brother, Roland Fair; his son, Mike E. Fair II; and his grandson, Mike E. Fair III. Senator Fair also recognized his executive assistant, Janie Sylvester, for her hard work and dedication.

Senator Fair unanimous consent, which was granted, that his grandson, Mike E. Fair III, be made Honorary President Pro Tempore for this legislative day.

FIRST READING

The following were introduced and read the first time:

SR 61 – By Branán.

A Resolution declaring May 2004 Arthritis Awareness Month; urging support of arthritis-related activities; and directing distribution.

SR 62 – By Monson.

A Resolution congratulating the Northeast High School Boys Basketball team for winning the Class 4A Boys Basketball State Championship; commending them for winning it twice during this century; and directing distribution.

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

Senator Branán asked unanimous consent to suspend Rule 5-4 and refer **SR 61** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SR 61 by Branán was called up for consideration.

All other members of the Senate asked to coauthor **SR 61**, which was the order.

SR 61 was adopted upon motion of Senator Branan and referred for enrollment.

MESSAGES FROM THE HOUSE

Advising naming of House conferees as follows:

- HB 1742** - Langmacher, Leist, Wilt, Armes, Miller (Ray)
- HB 1882** - Smith, Leist, Hutchison, Rice, Ericson, Maddux, Armes
- HB 2101** - Paulk, Roan, Nance, Cox, Winchester, Hilliard, Liotta
- HB 2127** - Lindley, Blackburn, Tibbs, Sweeden, Smithson, Dank, Vaughn
- HB 2287** - Cox, Perry, Braddock, Roan, Newport
- HB 2299** - Tibbs, Nance, Lamons, Smithson, Paulk
- HB 2332** - Staggs, Steele, Ferguson, Brannon, McCarter, Vaughn, Deutschendorf
- HB 2336** - Carey, Paulk, Lamons, Nance, Liotta
- HB 2358** - Smith, Ericson, Bengel, Wells, Morgan (Danny)
- HB 2375** - Gilbert, McClain, Peters, Blackburn, Case
- HB 2403** - Young, Askins, Eddins, Balkman, Lindley
- HB 2441** - Roan, Lamons, Paulk, Ingmire, Nance
- HB 2472** - Braddock, Covey, Plunk, Maddux, Case, Taylor, Young
- HB 2496** - Nance, Askins, Young, Mitchell, Bonny
- HB 2607** - Peterson (Ron), Braddock, Rice, Pope, Nance
- HB 2616** - Wells, Tyler, Perry, Plunk, Lamons, Ingmire, Morgan (Danny), Peters
- HB 2680** - Carey, Sweeden, Dank, Dorman, Newport

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

- SB 587** - Hamilton, Cox, Winchester, Askins, Paulk, Peterson (Ron)
- SB 865** - McCarter, Turner, Lamons, DeWitt, Jones
- SB 1146** - Taylor, Maddux, Hutchison, Nance, Hilliard
- SB 1254** - Carey, Pope, Nance, Dorman, Calvey
- SB 1270** - Pope, Maddux, Leist, Covey, Armes
- SB 1627** - Gilbert, Staggs, Vaughn, Adair, Steele

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

Senator Monson asked unanimous consent to suspend Rule 5-4 and refer **SR 62** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SR 62 by Monson was called up for consideration.

All other members of the Senate asked to coauthor **SR 62**, which was the order.

SR 62 was adopted upon motion of Senator Monson and referred for enrollment.

**MESSAGE FROM THE HOUSE
HAS TO SENATE BILLS**

Advising passage of and returning the following engrossed bills as amended:

SB 921
SB 923
SB 925
SB 927
SB 929
SB 931
SB 935
SB 954
SB 962
SB 964
SB 966
SB 970
SB 989
SB 993
SB 1015
SB 1017
SB 1019
SB 1021
SB 1029
SB 1031
SB 1053
SB 1057
SB 1059
SB 1065
SB 1068
SB 1069
SB 1070
SB 1073
SB 1074
SB 1075
SB 1076
SB 1077

SB 1078

SB 1079

SB 1081

SB 1082

SB 1083

SB 1084

SB 1085

SB 1086

SB 1087

SB 1088

SB 1104

SB 1106 - coauthored by Harrison, Ferguson, Ingmire, Askins, Blackburn, Covey, Deutschendorf, McCarter, Paulk, Roan, Staggs, Sweeden, Wells, Adkins, Boren, Braddock, Brannon, Carey, Dorman, Hamilton, Lamons, Morgan (Danny), Smithson, Trebilcock of the House

SB 1232

SB 1252 - coauthored by Pettigrew of the House

SB 1269

SB 1317 - coauthored by Adkins of the House

SB 1346

SB 1348

SB 1392 - coauthored by Nance of the House

SB 1484

SB 1508 - remove Roan and substitute Pope as principal House author

SB 1527

SB 1555

SB 1618 - remove Askins and substitute Harrison as principal House author, and coauthored by Askins of the House

SJR 30 - coauthored by Lindley, Nance, Case, Pettigrew, Hastings of the House

House amendments were read on the above-numbered bills.

MESSAGE FROM THE HOUSE

Advising fourth reading of and transmitting for signature Enrolled **HBs 2259** and **2400**.

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 1346** were rejected upon motion of Senator Fisher, conference requested, and Senate conferees to be named later.

MESSAGE FROM THE HOUSE

Advising passage of and transmitting for consideration Engrossed **HCRs 1071** and **1077**.

HCR 1071 – By Vaughn Adair, Adkins, Armes, Askins, Balkman, Bengé, Blackburn, Blackwell, Bonny, Boren, Braddock, Brannon, Calvey, Carey, Cargill, Case, Claunch, Coleman, Covey, Cox, Dank, Davis, Deutschendorf, DeWitt, Dorman, Eddins, Ellis, Ericson, Erwin, Ferguson, Gilbert, Graves, Greenwood, Hamilton, Harrison, Hastings, Hefner, Hiatt, Hilliard, Hutchison, Ingmire, Jones, Kirby, Lamons, Langmacher, Leist, Lindley, Liotta, Maddux, Mass, McCarter, McClain, McIntyre, Miller (Doug), Miller (Ray), Mitchell, Morgan (Danny), Morgan (Fred), Nance, Nations, Newport, O'Neal, Paulk, Perry, Peters, Peterson (Pam), Peterson (Ron), Pettigrew, Phillips, Piatt, Plunk, Pope, Reynolds, Rice, Roan, Roberts, Roggow, Smaligo, Smith, Smithson, Staggs, Stanley, Steele, Sullivan, Sweeden, Taylor, Tibbs, Toure, Trebilcock, Turner, Tyler, Walker, Wells, Wilson, Wilt, Winchester, Worthen, Wright and Young of the House and Snyder of the Senate.

A Concurrent Resolution recognizing the importance of finding the cause and cure for multiple sclerosis; expressing appreciation to the Oklahoma Chapter of the National Multiple Sclerosis Society for its work; proclaiming April, 2004, "Multiple Sclerosis Awareness Month"; and directing distribution.

HCR 1077 – By Wilt of the House and Coffee of the Senate.

A Concurrent Resolution recalling from the Office of the Governor Enrolled House Bill No. 2205, passed by the 2nd Session of the 49th Oklahoma Legislature.

The above-numbered measures were read the first time.

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

Senator Snyder asked unanimous consent to suspend Rule 5-4 and refer **HCR 1071** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

HCR 1071 by Vaughn et al of the House and Snyder of the Senate was called up for consideration.

All other members of the Senate asked to coauthor **HCR 1071**, which was the order.

HCR 1071 was adopted upon motion of Senator Snyder and properly signed and ordered returned to the Honorable House.

PENDING CONSIDERATION OF HAS

HAs to SB 1522 were concurred in upon motion of Senator Gumm.

SB 1522, 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, Coffee, Corn, Crutchfield, Dunlap, Easley, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Wilcoxson, Wilkerson and Williamson.--44.

Excused: Fair, Littlefield, Taylor and Williams.--4.

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 1253 were concurred in upon motion of Senator Crutchfield.

SB 1253, 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, 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, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Wilcoxson, Wilkerson and Williamson.--45.

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

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 1111 were concurred in upon motion of Senator Cain.

SB 1111, 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, Coffee, Crutchfield, Dunlap, Easley, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Wilcoxson, Wilkerson and Williamson.--42.

Excused: Corn, Fair, Littlefield, Rabon, Taylor and Williams.--6.

The bill passed.

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

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

Senator Coffee asked unanimous consent to suspend Rule 5-4 and refer **HCR 1077** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

HCR 1077 by Wilt of the House and Coffee of the Senate was called up for consideration.

HCR 1077 was adopted upon motion of Senator Coffee and properly signed and ordered returned to the Honorable House.

Senator Gumm presiding.

PENDING CONSIDERATION OF HAS

HAs to SBs 1284, 1348 and 1592 were rejected upon motion of Senator Fisher, conference requested, and Senate conferees to be named later.

PENDING CONSIDERATION OF HAS

HAs to SB 1598 were concurred in upon motion of Senator Cain.

SB 1598, 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, Coffee, Crutchfield, Dunlap, Easley, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Wilcoxson, Wilkerson and Williamson.--42.

Excused: Corn, Fair, Littlefield, Rabon, Taylor and Williams.--6.

The bill and emergency passed.

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

MOTION – FOURTH READING AND SIGNING RESCINDED

Senator Cain asked unanimous consent, which was granted, that the Senate rescind its fourth reading and signing of **SB 1600**.

Senator Cain requested that the Honorable House rescind their signing and fourth reading, reconsider the vote whereby the bill passed on third reading, reconsider the vote whereby the bill was advanced and consider the bill further.

PENDING CONSIDERATION OF HAS

HAs to SB 1107 were concurred in upon motion of Senator Lawler.

SB 1107, 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, Coffee, Crutchfield, Dunlap, Easley, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Wilcoxson, Wilkerson and Williamson.--42.

Excused: Corn, Fair, Littlefield, Rabon, Taylor and Williams.--6.

The bill and emergency passed.

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

**PENDING SENATE ACTION
HOUSE REQUEST FOR CONFERENCE**

Upon motion of Senator Fisher, the request of the Honorable House for conference on the following bills was ordered granted and Senate conferees to be named later:

HB 1882

HB 2358

PENDING CONSIDERATION OF HAS

HAs to SB 1095 were concurred in upon motion of Senator Cain.

SB 1095, 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, Coffee, Crutchfield, Dunlap, Easley, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Maddox, Milacek, Monson, Morgan, Nichols, Price, Pruitt, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Wilkerson and Williamson.--40.

Nay: Myers and Wilcoxson.--2.

Excused: Corn, Fair, Littlefield, Rabon, Taylor and Williams.--6.

The bill and emergency passed.

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

SCs NAMED

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

SB 649 – Johnson, Morgan, Hobson

DEDICATION

Senator Ford presented the painting “The Butterfield Stage at Boggy Depot” by the artist Joe Beeler. Senators Ford and Lerblance addressed the Senate. Senator Lerblance introduced his guests, his wife, Francis; Clark and Jackie McIntire; and Butch Miller.

Senator Ford introduced Kathryn Taylor. Mrs. Taylor addressed the Senate and presented the painting as a gift to the Senate. The painting was dedicated to the memory of the artist’s wife, Sharon Beeler.

**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 2451

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

MESSAGES FROM THE HOUSE

Advising the signing of and transmitting for signature Enrolled **HCR 1077**.

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

Advising concurrence in **SAs** to and passage of Engrossed **HBs 1133, 1821, 1864, 1890, 2195, 2247** and **2713**.

Advising rejection of **SAs** to the following bills, requesting conference and House conferees to be named later:

HB 1803

HB 1847

HB 1867
HB 2164
HB 2233
HB 2250
HB 2277
HB 2306
HB 2314
HB 2429
HB 2432
HB 2440
HB 2505
HB 2536
HB 2541
HB 2559
HB 2577
HB 2612
HB 2626
HB 2630
HB 2632
HB 2718
HJR 1068

Advising the signing of and returning Enrolled **SCRs 58** and **61**.

The above-numbered enrolled measures were transmitted to the Secretary of State.

Advising fourth reading of and returning Enrolled **SBs 869** and **1108**.

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

EXECUTIVE NOMINATIONS

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

Meacham, Randolph S., Clinton, as a member of the Oklahoma Indigent Defense System Board - Judiciary

Murphy, Roy, Nicoma Park, as a member of the Oklahoma Used Motor Vehicle and Parts Commission - Business and Labor

Rendon, Teresa Anne, Oklahoma City, as a member of the Oklahoma Human Rights Commission - Human Resources

Senator Fisher moved that when the clerk's desk is clear, the Senate stand adjourned to convene Tuesday, April 27, 2004, at 1:00 p.m., which motion prevailed.

MESSAGE FROM THE GOVERNOR

Advising his approval April 26, 2004, of Enrolled **SBs 1137, 1191, 1211 and 1220**.

Pursuant to the Fisher motion, the Senate adjourned at 3:15 p.m. to meet Tuesday, April 27, 2004, at 1:00 p.m.

JOURNAL CORRECTION

Page 1276, Line 10, by inserting the following:

UNANIMOUS CONSENT REQUEST - DIRECT TO CALENDAR

Senator Williamson asked unanimous consent to suspend Rule 5-4 and refer **SR 59** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SR 59 by Hobson was called up for consideration.

All other members of the Senate, except Senator Milacek, asked to coauthor **SR 59**, which was the order.

SR 59 was adopted upon motion of Senator Williamson and referred for enrollment.