

Senate Journal

**Second Regular Session of the Forty-ninth Legislature
of the State of Oklahoma
Fifty-eighth Legislative Day, Tuesday, May 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, 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 Kim Hays, Lake Center Baptist Church, Monkey Island, the guest of Senator Littlefield.

REPORT OF ENGROSSED AND ENROLLED MEASURES

SCR 35 was correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

SBs 649, 884, 1104 and 1580 were each correctly enrolled and after fourth reading, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

SCR 63 was correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

INTRODUCTION

Senator Lawler introduced former Senator Carol Martin to the Senate.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 1252** was adopted upon motion of Senator Wilkerson.

SB 1252, as amended in conference, was read at length.

On the question of passage of the bill, 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, Price, Rabon, Robinson, Rozell, Shurden, Smith, Taylor, Wilkerson and Williams.--31.

Nay: Aldridge, Branan, Brogdon, Coates, Coffee, Dunlap, Fair, Johnson, Laughlin, Myers, Nichols, Pruitt, Reynolds, Riley, Snyder, Wilcoxson and Williamson.--17.

The bill passed.

SB 1252, 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 1694**.

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

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

SB 1016 - Mitchell, Bonny, Adair, Pettigrew, Ferguson

SB 1280 - Hilliard, Tibbs, Mitchell, Bonny, Ingmire

Advising naming same House conferees as follows:

SB 297 - Dorman, Wilt, Miller (Doug), Hamilton, Ellis

Advising naming of House conferees as follows:

HB 2305 - Hamilton, Stanley, Greenwood, Lindley, McIntyre, Adkins, Braddock, Cox, Eddins, Morgan (Fred), Paulk, Piatt, Smithson, Staggs, Vaughn, Winchester, Wright

HB 2306 - Hamilton, Stanley, Greenwood, Lindley, McIntyre, Adkins, Braddock, Cox, Eddins, Morgan (Fred), Paulk, Piatt, Smithson, Staggs, Vaughn, Winchester, Wright

HB 2548 - Sullivan, Stanley, Greenwood, Paulk, Vaughn, Adkins, Braddock, Cox, Eddins, Lindley, McIntyre, Morgan (Fred), Piatt, Smithson, Staggs, Winchester, Wright

**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 2643 - coauthored by Braddock, Nations, Roan, Walker of the House

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

FIRST READING

The following was introduced and read the first time:

SR 66 – By Reynolds.

A Resolution commending and congratulating Sherri Kelly, Ms. Wheelchair Oklahoma 2004; wishing her well in the forthcoming Ms. Wheelchair America competition; and directing distribution.

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

Senator Reynolds asked unanimous consent to suspend Rule 5-4 and refer **SR 66** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SR 66 by Reynolds was called up for consideration.

All other members of the Senate asked to coauthor **SR 66**, which was the order.

SR 66 was adopted upon motion of Senator Reynolds and referred for enrollment.

MESSAGES FROM THE HOUSE

Advising the signing of and returning Enrolled **SCR 63**.

The above-numbered enrolled measure was transmitted to the Secretary of State.

Advising fourth reading of and returning Enrolled **SBs 649, 884, 1104 and 1580**.

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 1207 - coauthored by Winchester of the House

The above-numbered measure, as amended in conference, 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 1874 (2ND CCR) – emergency failed

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

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.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 935** was adopted upon motion of Senator Capps.

SB 935, 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, Coffee, Corn, Crutchfield, Dunlap, Easley, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Milacek, Monson, Morgan, Myers, Nichols, Price, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Wilcoxson, Wilkerson, Williams and Williamson.--40.

Excused: Fair, Johnson, Littlefield, Maddox, Pruitt, Smith, Snyder and Taylor.--8.

The bill and emergency passed.

SB 935, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

MESSAGES FROM THE HOUSE

Advising naming of House conferees as follows:

HB 2291 - Turner, Deutschendorf, Boren, Maddux, Armes, Jones, Taylor

HB 2390 - Calvey, Pope, Nance, Dorman, Hiett, Kirby, Maddux, Rice, Roberts

HB 2432 - Miller (Doug), Askins, Leist, Balkman, Sweeden, Langmacher, Wilt, Braddock

HB 2460 - Smaligo, Ferguson, Brannon, Bengé, Erwin, Roberts, Staggs, Sullivan

HB 2551 - Leist, Morgan (Danny), Sullivan, Tyler, Plunk, Davis, Case

HB 2598 - Ellis, Ferguson, Brannon, Bengé, Erwin, Roberts, Staggs, Sullivan, Hilliard

HB 2690 - Ferguson, Brannon, Roberts, Bengé, Staggs

HB 2691 - Ferguson, Brannon, Roberts, Bengé, Staggs

HB 2693 - Ferguson, Brannon, Roberts, Bengé, Staggs

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

SB 892 - Roan, Pope, Nance, Morgan (Danny), Plunk, Maddux

SB 901 - Morgan (Fred), Vaughn, Davis, Stanley, Deutschendorf, Lamons, Morgan (Danny), McCarter, Steele

SB 1114 - Staggs, Vaughn, Wells, Ferguson, Roberts

SB 1134 - Ferguson, Brannon, Roberts, Bengé, Staggs

SB 1142 - Ferguson, Brannon, Roberts, Bengé, Staggs

SB 1145 - Ferguson, Brannon, Roberts, Bengé, Staggs

SB 1226 - Ferguson, Brannon, Roberts, Bengé, Staggs

SB 1261 - Ferguson, Brannon, Roberts, Bengé, Staggs

SB 1332 - Rice, Covey, Pope, Adair, Maddux, Hastings

SB 1335 - Ferguson, Brannon, Roberts, Benge, Staggs

SB 1384 - Ferguson, Brannon, Roberts, Benge, Staggs

SB 1422 - Ferguson, Brannon, Roberts, Benge, Staggs

SB 1486 - Morgan (Fred), Vaughn, Davis, Stanley, Deutschendorf, Lamons, Askins,
Boren

SB 1525 - Wilson, Smithson, Coleman, Worthen, Walker

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 1340** was adopted upon motion of Senator Laster.

SB 1340, 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, 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, Wilcoxson, Wilkerson, Williams and Williamson.--44.

Excused: Fair, Smith, Snyder and Taylor.--4.

The bill passed.

The Chair advised that Senator Smith, having been present in the Chamber during the vote on **SB 1340** would be shown voting Nay in compliance with Rule 14-1B. The vote thereby resulted as follows: Aye: 44; Nay: 1; Excused: 3.

SB 1340, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 964** was adopted upon motion of Senator Capps.

SB 964, 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, 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, Wilcoxson, Wilkerson, Williams and Williamson.--45.

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

The bill and emergency passed.

SB 964, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF CCR

The **2ND CCR** on **HB 1418** was adopted upon motion of Senator Shurden.

HB 1418, 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, Coffee, Corn, Crutchfield, Dunlap, Easley, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Littlefield, Maddox, Milacek, Monson, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Wilcoxson, Wilkerson, Williams and Williamson.--44.

Excused: Fair, Morgan, Snyder and Taylor.--4.

The bill and emergency passed.

HB 1418, together with the conference committee report thereon, was ordered returned to the Honorable House.

PENDING CONSIDERATION OF HAS

HAs to **SB 1385** were called up for consideration.

Senator Capps asked that **SB 1385** be laid over temporarily, which was the order.

SB 1385 remains on pending consideration of **HAs**.

SENATE RULE SUSPENDED

Senator Fisher asked unanimous consent, which was granted, that the Senate suspend Senate Rule 16-1B(8) as it pertains to **SJR 30**.

PENDING CONSIDERATION OF HAS

HAs to **SJR 30** were rejected upon motion of Senator Fisher, conference requested, and Senate conferees to be named later.

MESSAGE FROM THE HOUSE

Advising naming of House conferees as follows:

HB 2382 - Pettigrew, Stanley, Greenwood, Adkins, Braddock, Cox, Eddins, Lindley, McIntyre, Morgan (Fred), Paulk, Piatt, Smithson, Staggs, Vaughn, Winchester, Wright

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 1299** was adopted upon motion of Senator Shurden.

SB 1299, as amended in conference, was read at length.

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

Aye: Capps, Coates, Coffee, Crutchfield, Dunlap, Easley, Fisher, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Lawler, Leftwich, Lerblance, Littlefield, Maddox, Milacek, Monson, Morgan, Price, Pruitt, Rabon, Riley, Robinson, Rozell, Shurden, Smith, Wilkerson and Williams.--32.

Nay: Aldridge, Branan, Brogdon, Cain, Corn, Ford, Gumm, Laughlin, Myers, Nichols, Reynolds, Wilcoxson and Williamson.--13.

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

The bill and emergency passed.

SB 1299, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF HAS

HAs to **SB 1385** were called up for further consideration.

HAs to **SB 1385** were concurred in upon motion of Senator Capps.

SB 1385, 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, Wilcoxson, Wilkerson, Williams and Williamson.--45.

Excused: Fair, Snyder and Taylor.--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 1160, considered on page 1418, were called up for further consideration.

Senator Cain moved to suspend Senate Rule 16-1B(8), which motion was withdrawn upon request of Senator Cain.

HAs to SB 1160 were concurred in upon motion of Senator Helton upon roll call as follows:

Aye: Aldridge, Capps, Coates, Coffee, Corn, Crutchfield, Dunlap, Gumm, Harrison, Helton, Hobson, Kerr, Lawler, Leftwich, Lerblance, Maddox, Monson, Morgan, Price, Rabon, Riley, Robinson, Rozell, Shurden and Wilkerson.--25.

Nay: Branan, Brogdon, Cain, Easley, Fisher, Ford, Horner, Johnson, Laster, Laughlin, Milacek, Myers, Nichols, Pruitt, Reynolds, Smith, Wilcoxson, Williams and Williamson.--19.

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

SB 1160, 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, Capps, Coates, Corn, Crutchfield, Dunlap, Easley, Fisher, Gumm, Harrison, Helton, Hobson, Kerr, Lawler, Leftwich, Lerblance, Maddox, Monson, Morgan, Price, Rabon, Riley, Robinson, Rozell, Shurden and Wilkerson.--26.

Nay: Branan, Brogdon, Cain, Coffee, Ford, Horner, Johnson, Laster, Laughlin, Milacek, Myers, Nichols, Pruitt, Reynolds, Smith, Wilcoxson and Williams.--17.

Excused: Fair, Littlefield, Snyder, Taylor and Williamson.--5.

The bill passed.

Senators Nichols, Laster, Branam, Myers, Wilcoxson and Williams desired to vote Aye on the emergency.

On the question of passage of the emergency, the vote resulted as follows: Aye: 32; Nay: 11; Excused: 5.

The emergency passed.

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

EXECUTIVE NOMINATIONS

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

Barrett, John A., Shawnee, as a member of the Oklahoma Indian Affairs Commission - Human Resources

Froman, John, Miami, as a member of the Oklahoma Indian Affairs Commission - Human Resources

Herrmann, Rudolf John, Tulsa, as a member of the Oklahoma Water Resources Board - Energy, Environment and Communications

Jones, Dyanne Anita, Tulsa, as a member of the Board of Regents of the Tulsa Community College - Education

Leuthard, Joy L., Choctaw, as a member of the State Board of Licensed Social Workers - Human Resources

Meiller, Brook, Norman, as a member of the State Textbook Committee - Education

Reames, Linda M., Enid, as a member of the State Textbook Committee - Education

Senator Fisher moved that when the clerk's desk is clear, the Senate stand adjourned to convene Wednesday, May 12, 2004, at 1:30 p.m., which motion prevailed.

CONFERENCE COMMITTEE REPORTS SUBMITTED

Conference committee reports were read on the following bills:

SB 835 (4TH CCR)

SB 868

SB 954

SB 962

SB 1105

SB 1135

SB 1269

SB 1400

SB 1447

SB 1556

MESSAGE FROM THE GOVERNOR

Advising his approval May 10, 2004, of Enrolled **SBs 877, 1136, 1140, 1168, 1263, 1402, 1466, 1547 and 1617.**

Pursuant to the Fisher motion, the Senate adjourned at 4:25 p.m. to meet Wednesday, May 12, 2004, at 1:30 p.m.