

Senate Journal

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

Forty-second Legislative Day, Monday, April 14, 2003

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

Vacancy: District 7.—1.

Senator Rozell declared a quorum present.

The prayer was offered by Reverend Lonie Johnson, Avery Chapel African Methodist Episcopal Church, Oklahoma City, the guest of Senator Monson.

REPORT OF ENGROSSED AND ENROLLED MEASURES

HBs 1099, 1109, 1323, 1444, 1681, 1690 and 1771 were each correctly engrossed and, together with engrossed **SAs**, properly signed and ordered returned to the Honorable House.

SB 549 was correctly enrolled and after fourth reading, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

PENDING CONSIDERATION OF HAs

HAs to SB 79 were concurred in upon motion of Senator Wilkerson.

SB 79, 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, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Rozell, Shurden, Smith, Snyder, Wilkerson, Williams and Williamson.--40.

Excused: Easley, Fair, Littlefield, Maddox, Robinson, Taylor and Wilcoxson.--7.

Vacancy: District 7.--1.

The bill and emergency passed.

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

GENERAL ORDER

HB 1084 by Roan et al of the House and Wilkerson of the Senate was called up for consideration.

Senator Wilkerson moved that **HB 1084** be advanced, which motion was declared adopted.

THIRD READING

HB 1084 was read for the third time at length.

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

Aye: Aldridge, Brogdon, Cain, Capps, Coates, Corn, Crutchfield, Dunlap, Fair, Fisher, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Leftwich, Littlefield, Milacek, Monson, Morgan, Nichols, Price, Rozell, Snyder, Taylor, Wilkerson, Williams and Williamson.--31.

Nay: Branan, Coffee, Laughlin, Lawler, Myers, Pruitt, Rabon, Reynolds, Riley, Shurden, Smith and Wilcoxson.--12.

Excused: Easley, Ford, Maddox and Robinson.--4.

Vacancy: District 7.--1.

The bill passed.

The Chair advised that Senator Ford, having been present in the Chamber during the vote on **HB 1084** would be shown voting Nay in compliance with Rule 14-1B. The vote thereby resulted as follows: Aye: 31; Nay: 13; Excused: 3; Vacancy: 1.

HB 1084 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 1670 by Roggow of the House and Williamson of the Senate was called up for consideration.

Senator Williamson moved that **HB 1670** be advanced, which motion was declared adopted.

THIRD READING

HB 1670 was read for the third time 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, Fair, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Littlefield, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Rozell, Shurden, Smith, Snyder, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.--44.

Excused: Easley, Maddox and Robinson.--3.

Vacancy: District 7.--1.

The bill passed.

HB 1670 was referred for engrossment.

REPORT OF ENGROSSED AND ENROLLED MEASURE

SB 79 was correctly enrolled and after fourth reading, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

FIRST READING

The following were introduced and read the first time:

SCR 18 – By Myers of the Senate and DeWitt of the House.

A Concurrent Resolution designating a portion of State Highway 15 as the “Henry Bellmon Highway”; directing the Department of Transportation to place suitable permanent markers on the highway; and directing distribution.

SCR 19 – By Crutchfield, Littlefield, Rabon and Harrison of the Senate and Stanley, Adair and Boren of the House.

A Concurrent Resolution honoring Bill K. Brewster; designating a portion of State Highway 77 as the “Congressman Bill K. Brewster Highway”; directing the Oklahoma Department of Transportation to place suitable permanent markers on the highway; and directing distribution.

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

Senator Crutchfield asked unanimous consent to suspend Rule 5-4 and refer **SCR 19** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SCR 19 by Crutchfield et al of the Senate and Stanley et al of the House was called up for consideration.

Senator Gumm and all other members of the Senate asked to coauthor **SCR 19**, which was the order.

SCR 19 was adopted upon motion of Senator Crutchfield and referred for engrossment.

GENERAL ORDER

HB 1492 by Smith (Dale) of the House and Shurden of the Senate was called up for consideration.

Senator Shurden moved that **HB 1492** be advanced, which motion was declared adopted.

THIRD READING

HB 1492 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, Fair, Fisher, Ford, Gumm, Harrison, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.--44.

Excused: Easley, Helton and Littlefield.--3.

Vacancy: District 7.--1.

The bill and emergency passed.

HB 1492 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 1485 by Braddock of the House and Wilkerson of the Senate was called up for consideration.

Senator Wilkerson moved to amend **HB 1485**, Page 1, by restoring the title, which amendment was declared adopted.

Senator Wilkerson moved that **HB 1485** be advanced, which motion was declared adopted.

THIRD READING

HB 1485 was read for the third time 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, Fair, Fisher, Ford, Gumm, Harrison, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.--44.

Excused: Easley, Helton and Littlefield.--3.

Vacancy: District 7.--1.

The bill passed.

HB 1485 was referred for engrossment.

GENERAL ORDER

HB 1623 by Braddock and Nance of the House and Wilkerson and Gumm of the Senate was called up for consideration.

Senator Wilkerson moved that **HB 1623** be advanced, which motion was declared adopted.

THIRD READING

HB 1623 was read for the third time 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, Fair, Fisher, Ford, Gumm, Harrison, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.--44.

Excused: Easley, Helton and Littlefield.--3.

Vacancy: District 7.--1.

The bill passed.

HB 1623 was referred for engrossment.

GENERAL ORDER

HB 1088 by Perry of the House and Pruitt of the Senate was called up for consideration.

Senator Pruitt moved that **HB 1088** be advanced, which motion was declared adopted.

THIRD READING

HB 1088 was read for the third time 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, Fair, Fisher, Ford, Gumm, Harrison, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.--44.

Excused: Easley, Helton and Littlefield.--3.

Vacancy: District 7.--1.

The bill passed.

HB 1088 was properly signed and ordered returned to the Honorable House.

Senator Gumm presiding.

GENERAL ORDER

HB 1002 by Adair of the House and Corn of the Senate was called up for consideration.

Senator Corn moved that **HB 1002** be advanced, which motion was declared adopted.

THIRD READING

HB 1002 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, Fair, Fisher, Ford, Gumm, Harrison, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.--44.

Excused: Easley, Helton and Littlefield.--3.

Vacancy: District 7.--1.

The bill and emergency passed.

HB 1002 was referred for engrossment.

GENERAL ORDER

HB 1707 by Turner of the House and Wilkerson of the Senate was called up for consideration.

Senator Wilkerson moved to amend **HB 1707**, Page 1, Line 13 by inserting after the word "shall" and before the word "ascertain" the words "endeavor to", which amendment was declared adopted.

Senator Wilkerson moved to amend **HB 1707**, Page 1, by restoring the title, which amendment was declared adopted.

Senator Wilkerson asked that **HB 1707** be laid over temporarily, which was the order.

HB 1707 remains on General Order.

GENERAL ORDER

HB 1382 by Ferguson et al of the House and Wilcoxson of the Senate was called up for consideration.

Senator Wilcoxson moved that **HB 1382** be advanced, which motion was declared adopted.

THIRD READING

HB 1382 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, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Taylor, Wilcoxson, Wilkerson and Williams.--43.

Nay: Pruitt and Snyder.--2.

Excused: Littlefield and Williamson.--2.

Vacancy: District 7.--1.

The bill and emergency passed.

HB 1382 was referred for engrossment.

GENERAL ORDER

HB 1412 by Pettigrew of the House and Reynolds of the Senate was called up for consideration.

Senator Reynolds moved to amend **HB 1412**, Page 2, Line 10 by deleting all language on Line 10 beginning with the word “No” and ending with the word “to” and inserting in lieu thereof the following language: “Any person who has had their voter registration transfer completed by the appropriate County Election Board, pursuant to”; and Page 2, Line 14 through Line 20 by deleting Section 3 and inserting in lieu thereof a new Section 3 to read as follows:

“SECTION 3. AMENDATORY 26 O.S. 2001, Section 16-105, is amended to read as follows:

Section 16-105. A. Any person who knowingly perpetrates fraud, or who steals supplies used to conduct an election, in order to change a voter's vote, or to change the composition of the official ballot or ballots, or to change the counting of the ballots, or to change the certification of the results of an election, shall be deemed guilty of a felony.

B. At every precinct there shall be posted information, provided by the State Election Board, which states the penalties for voter fraud and states that, if voter fraud is suspected, complaints should be reported to the State Election Board.

C. The State Election Board shall, upon receiving the complaint:

1. Document such complaint and request the name and mailing address of the person making the complaint;

2. Send a letter to the person making the complaint, stating the penalties for voter fraud and the option of contacting the district attorney in the county where such fraud is suspected; and

3. Provide the district attorney's name and phone number.

D. All information relating to voter complaints shall remain confidential until after the conclusion of the election to fill each respective seat of such election.”, and by amending the title to conform, which amendment was declared adopted.

Senator Reynolds asked that **HB 1412** be laid over temporarily, which was the order.

HB 1412 remains on General Order.

GENERAL ORDER

HB 1707 was called up for further consideration.

Senator Smith moved to amend **HB 1707**, Page 1, Line 12 by inserting after the word “indictment” and before the comma the words “for a felony”, which amendment was declared adopted.

Senator Wilkerson moved that **HB 1707** be advanced, which motion was declared adopted.

THIRD READING

HB 1707 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, Littlefield, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.--47.

Vacancy: District 7.--1.

The bill and emergency passed.

Pursuant to Rule 12-23, Senator Wilkerson served notice that the vote be reconsidered whereby **HB 1707** passed.

MESSAGES FROM THE HOUSE

Advising concurrence in **SAs** to and passage of Engrossed **HBs 1001, 1059** and **1139**.

Advising fourth reading of and transmitting for signature Enrolled **HBs 1001, 1034, 1067, 1565** and **1615**.

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

Advising rejection of **SAs** to **HB 1592**, requesting conference and House conferees to be named later.

Advising fourth reading of and returning Enrolled **SB 79**.

The above-numbered enrolled measure was referred to the Governor.

Advising passage of and returning the following Engrossed bills:

SB 376

SB 380 - coauthored by Wilson of the House

The above-numbered measures were referred for enrollment.

Advising passage of and transmitting for consideration Engrossed **HCR 1015**.

HCR 1015 – By Gilbert and Peters of the House and Cain of the Senate.

A Concurrent Resolution supporting community and statewide initiatives that would raise awareness about the importance of ending child abuse and neglect; proclaiming the month of April 2003 to be Child Abuse Prevention Month; applauding the work of the numerous dedicated individuals and professionals; and directing distribution.

The above-numbered measure was read the first time.

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

SB 288 - Roan, Langmacher, Wilt, Leist, Hastings

SB 325 - Piatt, Lamons, Ericson, Tyler, Paulk

SB 361 - Leist, Hiatt, Paulk, Lamons, Nance

SB 429 - Covey, Turner, Maddux, DeWitt, Pope, Nance, Bonny

SB 652 - Nance, Roan, Lamons, Taylor, Case

Advising naming of House conferees as follows:

HB 1503 - Maddux, Gilbert, Roan, Easley, Piatt

HB 1691 - Davis, Perry, Deutschendorf, Paulk, Wilson

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

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

SB 5 - emergency failed, and coauthored by Adair, Covey, Hilliard, Pope, Rice, Smith (Dale), Wells, Kirby, Winchester of the House

SB 52

SB 53

SB 54

SB 55

SB 58

SB 59

SB 114

SB 115

SB 126

SB 127

SB 148

SB 149

SB 221

SB 296 - coauthored by Dank, Greenwood of the House

SB 350 - coauthored by all other House members

SB 407

SB 423 - coauthored by Nance, Lamons, Roan of the House

SB 520 - coauthored by Perry of the House

SB 772

SB 795

SB 830

House amendments were read on the above-numbered bills.

GENERAL ORDER

HB 1153 by Pettigrew of the House and Ford of the Senate was called up for consideration.

Senator Ford moved that **HB 1153** be advanced, which motion was declared adopted.

THIRD READING

HB 1153 was read for the third time at length.

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

Aye: Aldridge, Branan, Brogdon, Cain, Coffee, Dunlap, Fair, Fisher, Ford, Helton, Hobson, Horner, Johnson, Laster, Leftwich, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Pruitt, Reynolds, Riley, Smith, Snyder, Taylor, Wilcoxson, Williams and Williamson.--30.

Nay: Capps, Coates, Corn, Crutchfield, Easley, Gumm, Harrison, Kerr, Laughlin, Lawler, Littlefield, Price, Rabon, Robinson, Rozell, Shurden and Wilkerson.--17.

Vacancy: District 7.--1.

The bill passed.

Senators Crutchfield and Shurden desired to vote Aye on the emergency.

On the question of passage of the emergency, the vote resulted as follows: Aye: 32; Nay: 15; Vacancy: 1.

The emergency passed.

HB 1153 was referred for engrossment.

MESSAGES FROM THE HOUSE

Advising passage of and returning the following Engrossed bills:

SB 263 - coauthored by Easley, Liotta, Trebilcock of the House

SB 354 - coauthored by Armes, Kirby, Deutschendorf of the House

SB 371

SB 564

The above-numbered measures were referred for enrollment.

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

SB 243 - Staggs, Nance, Ferguson, Roan, Paulk, Lamons, Liotta

SB 439 - Mitchell, Miller (Doug), Hilliard, Langmacher, Turner, Jones

SB 447 - Paulk, Lamons, Hastings, Cox, Winchester

SB 556 - Pope, Morgan (Danny), Wells, Maddux, DeWitt

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

SB 628 - Wells, Miller (Ray), Turner, Pope, Bengel, Ferguson, DeWitt

SB 727 - Paulk, Worthen, Tyler, Lamons, Nance

Advising naming of House conferees as follows:

HB 1051 - Pope, Langmacher, Wilt, Maddux, Covey

HB 1408 - Winchester, Ferguson, Roberts, Staggs, Vaughn, Brannon, Smith (Dale)

HB 1592 - Pope, Wells, Maddux, Ferguson, Morgan (Danny), Bonny, Rice, Jones

HB 1640 - Case, Hastings, Smaligo, Cox, Dorman, Hefner, Roberts, Maddux, Toure

HB 1667 - Vaughn, Peters, Askins, Roan, Newport, Braddock, Lerblance

HB 1712 - Pope, Nance, Roberts, Hiatt, Rice

Advising fourth reading of and returning Enrolled **SB 549**.

The above-numbered enrolled measure was referred to the Governor.

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

HB 1043

HB 1106

HB 1110

HB 1151

HB 1271

HB 1358

HB 1385

HB 1396

HB 1397

HB 1455

HB 1456

HB 1675

HB 1676

HB 1744

Advising rejection of **SAs** to the following House bills, and requesting conference and naming GCCA as follows:

HB 1158

HB 1159

HBs 1161 through 1239

HB 1241

HB 1245

HBs 1249 through 1257

REPORT OF ENGROSSED AND ENROLLED MEASURE

SCR 19 was correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

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.

GENERAL ORDER

HB 1058 by Ellis of the House and Corn of the Senate was called up for consideration.

Senator Corn moved that **HB 1058** be advanced, which motion was declared adopted.

THIRD READING

HB 1058 was read for the third time 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, Fair, Fisher, Ford, Gumm, Harrison, Hobson, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Maddox, Milacek, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Snyder, Wilkerson and Williamson.--37.

Excused: Easley, Helton, Horner, Littlefield, Monson, Morgan, Smith, Taylor, Wilcoxson and Williams.--10.

Vacancy: District 7.--1.

The bill passed.

Senator Wilcoxson desired to vote Aye on the emergency.

On the question of passage of the emergency, the vote resulted as follows: Aye: 38; Excused: 9; Vacancy: 1.

The emergency passed.

HB 1058 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 1440 by Brannon of the House and Corn of the Senate was called up for consideration.

Senator Corn moved that **HB 1440** be advanced, which motion was declared adopted.

THIRD READING

HB 1440 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, Fair, Fisher, Ford, Gumm, Harrison, Hobson, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Maddox, Milacek, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Wilcoxson, Wilkerson and Williamson.--40.

Excused: Easley, Helton, Horner, Littlefield, Monson, Taylor and Williams.--7.

Vacancy: District 7.--1.

The bill and emergency passed.

HB 1440 was referred for engrossment.

GENERAL ORDER

HB 1030 by Piatt et al of the House and Robinson of the Senate was called up for consideration.

Senator Robinson moved that **HB 1030** be advanced, which motion was declared adopted.

THIRD READING

HB 1030 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, Fair, Fisher, Ford, Gumm, Harrison, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Wilcoxson, Wilkerson and Williamson.--42.

Excused: Easley, Helton, Littlefield, Taylor and Williams.--5.

Vacancy: District 7.--1.

The bill and emergency passed.

HB 1030 was referred for engrossment.

PENDING CONSIDERATION OF HAS

HAs to **SBs 421** and **795** were rejected upon motion of Senator Fisher, conference requested, and Senate conferees to be named later.

GENERAL ORDER

HB 1412 was called up for further consideration.

Senator Corn moved to amend **HB 1412**, Page 2, Lines 4 through 6 by deleting all new language after the word "candidate" on Line 4 through the word "ballot" on Line 6, and by amending the title to conform, which amendment was declared adopted.

Senator Rabon moved to amend the previous Reynolds's amendment by deleting all language after the first word "the" in subsection D and inserting in lieu thereof the words "complaint has resulted in a conviction or a plea of guilty or of 'nolo contendere'", and by amending the title to conform, which amendment was declared adopted upon division of the question.

Senator Reynolds moved that **HB 1412** be advanced, which motion was declared adopted.

THIRD READING

HB 1412 was read for the third time 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, 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, Shurden, Snyder, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.--44.

Nay: Rozell.--1.

Excused: Easley and Smith.--2.

Vacancy: District 7.--1.

The bill passed.

HB 1412 was referred for engrossment.

MOTION TO RECONSIDER VOTE

Senator Robinson moved to reconsider the vote whereby **HJR 1011** passed.

Senator Fisher moved to table the Robinson motion, which motion was declared adopted.

HJR 1011 was referred for engrossment.

GENERAL ORDER

HB 1784 by Erwin et al of the House and Shurden of the Senate was called up for consideration.

Senator Coffee moved to amend **HB 1784**, Page 2, Line 3, 11 and 18, and Page 3, Line 8, in each place, by inserting after the word "misdemeanor" and before the period the words "for the first offense and shall be guilty of a felony for second and subsequent offenses"; and Page 4, Line 4, by inserting after the word "misdemeanor" and before the word "and" the words "for a first offense"; Page 4, Line 6 by deleting after the word "of" and before the comma the language "not exceeding Five Hundred Dollars (\$500.00)" and inserting in lieu thereof the language "Two Thousand Dollars (\$2,000.00)"; and Page 4, Line 7, by inserting after the period the words "Any person convicted of violating any provision of Sections 1692.2 through 1692.5 of this title shall, for a second or subsequent

offense, be guilty of a felony and shall be punished by imprisonment in the custody of the Department of Corrections for not less than one (1) year nor more than ten (10) years or by a fine of not less than Two Thousand Dollars (\$2,000.00) nor more than Twenty-five Thousand Dollars (\$25,000.00), or by both such fine and imprisonment.”; and by amending the title and ballot title to conform.

Senator Shurden moved to table the Coffee amendment, which tabling motion failed of adoption upon roll call as follows:

Aye: Capps, Coates, Corn, Crutchfield, Fisher, Gumm, Harrison, Helton, Hobson, Kerr, Laughlin, Lawler, Littlefield, Maddox, Nichols, Price, Rabon, Rozell, Shurden and Wilkerson.--20.

Nay: Aldridge, Branan, Brogdon, Cain, Coffee, Dunlap, Fair, Ford, Horner, Johnson, Laster, Leftwich, Milacek, Monson, Morgan, Myers, Pruitt, Reynolds, Riley, Robinson, Smith, Snyder, Taylor, Wilcoxson, Williams and Williamson.--26.

Excused: Easley.--1.

Vacancy: District 7.--1.

Senator Shurden asked that **HB 1784** be laid over for this legislative day, which was the order.

HB 1784 remains on General Order pending consideration of the Coffee amendment.

GENERAL ORDER

HB 1103 by Gilbert et al of the House and Robinson of the Senate was called up for consideration.

Senator Robinson moved to amend **HB 1103**, Page 2, Line 5 by inserting after the word “for” and before the word “the” the words “all facilities certified by the Department of Mental Health and Substance Abuse Services as to”, and by amending the title to conform, which amendment was declared adopted.

Senator Robinson moved to amend **HB 1103**, Page 2, Line 10 ½, by inserting a new subsection C to read as follows:

“C. This section shall not apply to inmates of the Oklahoma Department of Corrections.”, and by amending the title to conform, which amendment was declared adopted.

Senator Robinson moved that **HB 1103** be advanced, which motion was declared adopted.

THIRD READING

HB 1103 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, Fair, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.--45.

Excused: Easley and Littlefield.--2.

Vacancy: District 7.--1.

The bill and emergency passed.

HB 1103 was referred for engrossment.

GENERAL ORDER

HB 1476 by Greenwood of the House and Wilcoxson of the Senate was called up for consideration.

Senator Wilcoxson moved that **HB 1476** be advanced, which motion was declared adopted.

THIRD READING

HB 1476 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, Fair, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Wilcoxson, Wilkerson, Williams and Williamson.--43.

Excused: Easley, Littlefield, Maddox and Taylor.--4.

Vacancy: District 7.--1.

The bill and emergency passed.

HB 1476 was referred for engrossment.

GENERAL ORDER

HB 1562, considered on Page 1033, was called up for further consideration.

Senator Snyder moved to amend **HB 1562**, 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 Snyder moved that **HB 1562** be advanced, which motion was declared adopted.

THIRD READING

HB 1562 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, Fair, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Wilcoxson, Wilkerson, Williams and Williamson.--44.

Excused: Easley, Littlefield and Taylor.--3.

Vacancy: District 7.--1.

The bill and emergency passed.

HB 1562 was referred for engrossment.

Senator Rabon presiding.

GENERAL ORDER

HB 1359 by Vaughn of the House and Robinson of the Senate was called up for consideration.

Senator Robinson moved that **HB 1359** be advanced, which motion was declared adopted.

THIRD READING

HB 1359 was read for the third time at length.

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

Aye: Cain, Capps, Coates, Coffee, Corn, Crutchfield, Dunlap, Fair, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Lawler, Leftwich, Littlefield, Maddox, Milacek, Monson, Morgan, Myers, Price, Reynolds, Riley, Robinson, Rozell, Shurden and Williams.--30.

Nay: Aldridge, Branan, Brogdon, Fisher, Ford, Gumm, Laughlin, Nichols, Pruitt, Rabon, Smith, Snyder, Wilcoxson and Williamson.--14.

Excused: Easley, Taylor and Wilkerson.--3.

Vacancy: District 7.--1.

The bill passed.

Senators Fisher, Gumm and Nichols desired to vote Aye on the emergency.

On the question of passage of the emergency, the vote resulted as follows: Aye: 33; Nay: 11; Excused: 3; Vacancy: 1.

The emergency passed.

HB 1359 was referred for engrossment.

GENERAL ORDER

HB 1646 by Ferguson of the House and Wilcoxson of the Senate was called up for consideration.

Senator Williams asked to coauthor **HB 1646**, which was the order.

Senator Wilcoxson moved that **HB 1646** be advanced, which motion was declared adopted.

THIRD READING

HB 1646 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, 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, Williams and Williamson.--44.

Excused: Easley, Taylor and Wilkerson.--3.

Vacancy: District 7.--1.

The bill and emergency passed.

HB 1646 was referred for engrossment.

GENERAL ORDER

HB 1779 by Smaligo of the House and Wilcoxson of the Senate was called up for consideration.

Senator Wilcoxson moved that **HB 1779** be advanced, which motion was declared adopted.

THIRD READING

HB 1779 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, Brogdon, Cain, Capps, Coates, Corn, Crutchfield, Fair, Fisher, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Littlefield, Maddox, Milacek, Monson, Morgan, Price, Rabon, Robinson, Rozell, Shurden, Williams and Williamson.--32.

Nay: Branan, Coffee, Dunlap, Myers, Nichols, Pruitt, Reynolds, Riley, Smith, Snyder and Wilcoxson.--11.

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

Vacancy: District 7.--1.

The bill and emergency passed.

HB 1779 was referred for engrossment.

GENERAL ORDER

HB 1394 by Reynolds and Nance of the House and Reynolds and Gumm of the Senate was called up for consideration.

Senator Coffee moved to amend **HB 1394**, Page 4, Line 12 ½ by inserting a new Section 2 to include Governor Henry's Retirement Income Tax elimination proposal, and by renumbering subsequent section.

Senator Fisher moved to table the Coffee amendment, which tabling motion was declared adopted upon roll call as follows:

Aye: Cain, Capps, Corn, Crutchfield, Fisher, Gumm, Harrison, Helton, Hobson, Horner, Laster, Lawler, Leftwich, Littlefield, Monson, Morgan, Rabon, Robinson, Rozell, Shurden and Williams.--21.

Nay: Aldridge, Branan, Brogdon, Coates, Coffee, Dunlap, Fair, Johnson, Laughlin, Milacek, Myers, Nichols, Pruitt, Reynolds, Riley, Smith, Snyder, Wilcoxson and Williamson.--19.

Excused: Easley, Ford, Kerr, Maddox, Price, Taylor and Wilkerson.--7.

Vacancy: District 7.--1.

Senator Coffee raised a point of order that Senators Maddox and Price were present in the Chamber during the tabling vote and should be shown voting no.

The Chair ruled that the Coffee question was out of order.

Senator Coffee appealed the ruling of the Chair.

The Chair asked for a roll call vote on the previous ruling of the Chair, which ruling of the Chair was affirmed by a roll call vote as follows:

Aye: Cain, Capps, Corn, Crutchfield, Fisher, Gumm, Harrison, Helton, Hobson, Horner, Laster, Lawler, Leftwich, Littlefield, Monson, Morgan, Rabon, Robinson, Rozell, Shurden and Williams.--21.

Nay: Aldridge, Branan, Brogdon, Coates, Coffee, Dunlap, Fair, Ford, Johnson, Laughlin, Milacek, Myers, Nichols, Pruitt, Reynolds, Riley, Smith, Snyder, Wilcoxson and Williamson.--20.

Excused: Easley, Kerr, Maddox, Price, Taylor and Wilkerson.--6.

Vacancy: District 7.--1.

Senator Coffee raised a point of order that Senators Maddox and Price were present in the Chamber during the appeal vote and should be shown voting no.

The Chair advised that Senators Maddox and Price, having been present in the Chamber during the appeal of the Chair vote on **HB 1394** would be shown voting Nay in compliance with Rule 14-1B. The vote thereby resulted as follows: Aye: 21; Nay: 22; Excused: 4; Vacancy: 1.

The ruling of the Chair was reversed in accordance to the roll call vote.

The Chair advised that Senators Maddox and Price, having been present in the Chamber during the Fisher tabling motion of the Coffee amendment on **HB 1394** would be shown voting Nay in compliance with Rule 14-1B. The vote thereby resulted as follows: Aye: 21; Nay: 21; Excused: 5; Vacancy: 1 and the Fisher tabling motion failed of adoption.

Senator Reynolds moved to advance the bill, which motion failed of adoption.

Senator Coffee pressed the adoption of his amendment, which amendment was declared adopted upon roll call as follows:

Aye: Aldridge, Branan, Brogdon, Coates, Coffee, Dunlap, Fair, Ford, Johnson, Laughlin, Maddox, Milacek, Myers, Nichols, Price, Pruitt, Reynolds, Riley, Smith, Snyder, Wilcoxson and Williamson.--22.

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

Excused: Easley, Kerr, Littlefield, Taylor and Wilkerson.--5.

Vacancy: District 7.--1.

Senator Fisher moved to amend **HB 1394**, Page 1, by striking the title, which amendment was declared adopted upon roll call as follows:

Aye: Cain, Capps, Corn, Crutchfield, Fisher, Gumm, Harrison, Helton, Hobson, Horner, Laster, Lawler, Leftwich, Maddox, Monson, Morgan, Price, Rabon, Robinson, Rozell, Shurden and Williams.--22.

Nay: Aldridge, Branan, Brogdon, Coates, Coffee, Dunlap, Fair, Ford, Johnson, Laughlin, Milacek, Myers, Nichols, Pruitt, Reynolds, Riley, Smith, Snyder, Wilcoxson and Williamson.--20.

Excused: Easley, Kerr, Littlefield, Taylor and Wilkerson.--5.

Vacancy: District 7.--1.

Senator Reynolds asked that **HB 1394** be laid over for this legislative day, which was the order.

HB 1394 remains on General Order.

GENERAL ORDER

HB 1734 by Wells et al of the House and Robinson of the Senate was called up for consideration.

Senator Robinson moved that **HB 1734** be advanced, which motion was declared adopted.

THIRD READING

HB 1734 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, Fair, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Laster, Laughlin, Lawler, Leftwich, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Wilcoxson, Williams and Williamson.--42.

Excused: Easley, Kerr, Littlefield, Taylor and Wilkerson.--5.

Vacancy: District 7.--1.

The bill and emergency passed.

HB 1734 was referred for engrossment.

PENDING CONSIDERATION OF HAS

HAs to SB 793 were concurred in upon motion of Senator Morgan.

SB 793, 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, Fair, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Williams and Williamson.--42.

Excused: Easley, Littlefield, Taylor, Wilcoxson and Wilkerson.--5.

Vacancy: District 7.--1.

The bill and emergency passed.

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

MOTION TO RECONSIDER VOTE

Senator Shurden moved to reconsider the vote whereby **HB 1108** failed, which motion failed of adoption upon roll call as follows:

Aye: Cain, Capps, Crutchfield, Fisher, Harrison, Helton, Hobson, Horner, Kerr, Leftwich, Maddox, Monson, Morgan, Price, Rabon, Robinson, Rozell, Shurden and Williams.--19.

Nay: Aldridge, Branan, Brogdon, Coates, Coffee, Corn, Dunlap, Ford, Gumm, Johnson, Laster, Laughlin, Lawler, Milacek, Myers, Nichols, Pruitt, Reynolds, Riley, Smith, Snyder and Williamson.--22.

Excused: Easley, Fair, Littlefield, Taylor, Wilcoxson and Wilkerson.--6.

Vacancy: District 7.--1.

MESSAGES FROM THE HOUSE

Advising passage of and returning the following Engrossed bills:

SCR 9 - coauthored by all other House members

SCR 19 - coauthored by all other House members

The above-numbered measures were referred for enrollment.

Advising rejection of **SAs** to **HB 1526**, requesting conference and House conferees to be named later.

GENERAL ORDER

HB 1575 by Dorman of the House and Helton of the Senate was called up for consideration.

Senator Johnson moved to amend **HB 1575**, Page 4, Line 17 by striking after the word “of” and before the word “or” the language “five percent (5%)” and inserting in lieu thereof the language “ten percent (10%)”; and Page 7, Line 17 by striking after the word “of” and before the word “or” the language “five percent (5%)” and inserting in lieu thereof the language “ten percent (10%)”, and by amending the title to conform, which amendment was declared adopted upon division of the question.

Senator Helton moved that **HB 1575** be advanced, which motion was declared adopted.

THIRD READING

HB 1575 was read for the third time at length.

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

Aye: Brogdon, Capps, Coates, Corn, Crutchfield, Dunlap, Fair, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Maddox, Milacek, Monson, Morgan, Nichols, Price, Riley, Robinson, Rozell, Shurden and Williamson.--31.

Nay: Aldridge, Branan, Cain, Coffee, Myers, Rabon, Reynolds, Smith, Snyder and Williams.--10.

Excused: Easley, Littlefield, Pruitt, Taylor, Wilcoxson and Wilkerson.--6.

Vacancy: District 7.--1.

The bill passed.

The Chair advised that Senator Pruitt, having been present in the Chamber during the vote and emergency on **HB 1575** would be shown voting Nay in compliance with Rule 14-1B. The vote thereby resulted as follows: Aye: 31; Nay: 11; Excused: 5; Vacancy: 1.

Senators Branan and Snyder desired to vote Aye on the emergency.

On the question of passage of the emergency, the vote resulted as follows: Aye: 33; Nay: 9; Excused: 5; Vacancy: 1.

The emergency passed.

HB 1575 was referred for engrossment.

Senator Rozell presiding.

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

Senator Dunlap asked unanimous consent to suspend Rule 5-4 and refer **HCR 1013** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

HCR 1013 by Eddins and Claunch of the House and Dunlap et al of the Senate was called up for consideration.

HCR 1013 was adopted upon motion of Senator Dunlap and properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 1343 by Deutschendorf of the House and Robinson of the Senate was called up for consideration.

Senator Robinson moved to amend **HB 1343**, Page 2, Lines 19 through 20 by deleting all language after the word "procedures" on Line 19 through the word "course" on Line 20, and by amending the title to conform, which amendment was declared adopted.

Senator Robinson moved that **HB 1343** be advanced, which motion was declared adopted.

THIRD READING

HB 1343 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, Fair, Fisher, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Williams and Williamson.--40.

Excused: Easley, Ford, Littlefield, Price, Taylor, Wilcoxson and Wilkerson.--7.

Vacancy: District 7.--1.

The bill and emergency passed.

HB 1343 was referred for engrossment.

EXECUTIVE NOMINATION

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

Johnson, John E., Mustang, as a member of the Capitol-Medical Center Improvement and Zoning Commission - General Government

Senator Fisher moved that when the clerk's desk is clear, the Senate stand adjourned to convene Tuesday, April 15, 2003, at 10:00 a.m., which motion prevailed.

MESSAGE FROM THE GOVERNOR

Advising his approval April 14, 2003, of Enrolled **SB 79**.

Pursuant to the Fisher motion, the Senate adjourned at 3:55 p.m. to meet Tuesday, April 15, 2003, at 10:00 a.m.