

Senate Journal

**Second Regular Session of the Forty-ninth Legislature
of the State of Oklahoma
Thirty-third Legislative Day, Monday, March 29, 2004**

The Senate was called to order by Senator Rozell.

Roll Call:

Present: Aldridge, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crutchfield, Dunlap, 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.—47.

Vacancy: District 18.—1.

Senator Rozell declared a quorum present.

The prayer was offered by Reverend Jeff Flowers, First Baptist Church, Snyder, the guest of Senator Capps.

REPORT OF ENGROSSED AND ENROLLED MEASURE

SB 1224 was correctly enrolled and after fourth reading, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

GENERAL ORDER

HB 1851 by Pettigrew of the House and Dunlap of the Senate was called up for consideration.

Senator Dunlap moved that **HB 1851** be advanced, which motion was declared adopted.

THIRD READING

HB 1851 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, Lerblance, Littlefield, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Rozell, Shurden, Smith, Taylor, Wilcoxson, Wilkerson and Williamson.--44.

Excused: Robinson, Snyder and Williams.--3.

Vacancy: District 18.--1.

The bill and emergency passed.

HB 1851 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 2497 by Rice of the House and Fisher of the Senate was called up for consideration.

Senator Fisher moved that **HB 2497** be advanced, which motion was declared adopted.

THIRD READING

HB 2497 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, Lerblance, Littlefield, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Rozell, Shurden, Smith, Snyder, Taylor, Wilcoxson, Wilkerson and Williamson.--45.

Excused: Robinson and Williams.--2.

Vacancy: District 18.--1.

The bill and emergency passed.

HB 2497 was referred for engrossment.

GENERAL ORDER

HB 2263 by Hilliard et al of the House and Crutchfield of the Senate was called up for consideration.

Senator Crutchfield moved that **HB 2263** be advanced, which motion was declared adopted.

THIRD READING

HB 2263 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, Lerblance, Littlefield, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Rozell, Shurden, Smith, Snyder, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.--46.

Excused: Robinson.--1.

Vacancy: District 18.--1.

The bill and emergency passed.

HB 2263 was properly signed and ordered returned to the Honorable House.

MESSAGE FROM THE HOUSE

Advising fourth reading of and transmitting for signature Enrolled **HB 2122**.

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

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

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

SB 1192

House amendment was read on the above-numbered bill.

GENERAL ORDER

HB 2211 by Blackburn et al of the House and Price of the Senate was called up for consideration.

Senator Price moved that **HB 2211** be advanced, which motion was declared adopted.

THIRD READING

HB 2211 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, Lerblance, Littlefield, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Rozell, Shurden, Smith, Snyder, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.--46.

Excused: Robinson.--1.

Vacancy: District 18.--1.

The bill and emergency passed.

HB 2211 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 2677 by Dorman of the House and Monson of the Senate was called up for consideration.

Senator Monson moved that **HB 2677** be advanced, which motion was declared adopted.

THIRD READING

HB 2677 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, Lerblance, Littlefield, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Rabon, Reynolds, Riley, Rozell, Shurden, Smith, Snyder, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.--45.

Excused: Pruitt and Robinson.--2.

Vacancy: District 18.--1.

The bill and emergency passed.

HB 2677 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 2199 by Taylor of the House and Shurden of the Senate was called up for consideration.

Senator Shurden moved that **HB 2199** be advanced, which motion was declared adopted.

THIRD READING

HB 2199 was read for the third time at length.

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

Aye: Aldridge, Capps, Coates, Coffee, Corn, Crutchfield, Dunlap, Fisher, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laughlin, Leftwich, Lerblance, Littlefield, Maddox, Monson, Morgan, Nichols, Price, Rabon, Riley, Rozell, Shurden, Taylor, Wilkerson and Williams.--31.

Nay: Branan, Brogdon, Cain, Fair, Ford, Laster, Lawler, Milacek, Myers, Pruitt, Reynolds, Smith, Snyder, Wilcoxson and Williamson.--15.

Excused: Robinson.--1.

Vacancy: District 18.--1.

The bill passed.

HB 2199 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 2431 by Miller (Doug) of the House and Gumm of the Senate was called up for consideration.

Senator Gumm moved that **HB 2431** be advanced, which motion was declared adopted.

THIRD READING

HB 2431 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, Lerblance, Littlefield, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Riley, Rozell, Shurden, Smith, Snyder, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.--45.

Excused: Reynolds and Robinson.--2.

Vacancy: District 18.--1.

The bill passed.

HB 2431 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 2530 by Walker of the House and Crutchfield of the Senate was called up for consideration.

Senator Crutchfield moved that **HB 2530** be advanced, which motion was declared adopted.

THIRD READING

HB 2530 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, Lerblance, Littlefield, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Rozell, Shurden, Smith, Snyder, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.--46.

Excused: Robinson.--1.

Vacancy: District 18.--1.

The bill and emergency passed.

HB 2530 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 1437 by Brannon of the House and Corn of the Senate was called up for consideration.

Senator Corn moved that **HB 1437** be advanced, which motion was declared adopted.

THIRD READING

HB 1437 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, Lerblance, Littlefield, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Rozell, Shurden, Smith, Snyder, Taylor, Wilcoxson, Wilkerson and Williamson.--45.

Excused: Robinson and Williams.--2.

Vacancy: District 18.--1.

The bill and emergency passed.

HB 1437 was referred for engrossment.

PENDING CONSIDERATION OF HAS

HAs to SB 1383 were concurred in upon motion of Senator Monson.

SB 1383, 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, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Rozell, Shurden, Smith, Snyder, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.--44.

Excused: Hobson, Littlefield and Robinson.--3.

Vacancy: District 18.--1.

The bill and emergency passed.

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

Senator Rabon presiding.

GENERAL ORDER

HB 2128 by Morgan (Danny) and Leist of the House and Lerblance of the Senate was called up for consideration.

Senator Lerblance moved that **HB 2128** be advanced, which motion was declared adopted.

THIRD READING

HB 2128 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, Cain, Capps, Coates, Coffee, Corn, Crutchfield, Dunlap, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Maddox, Milacek, Monson, Morgan, Nichols, Pruitt, Rabon, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Taylor, Wilkerson and Williams.--38.

Nay: Branan, Brogdon, Fair, Myers, Reynolds, Wilcoxson and Williamson.--7.

Excused: Littlefield and Price.--2.

Vacancy: District 18.--1.

The bill and emergency passed.

HB 2128 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 2311 by Taylor of the House and Price of the Senate was called up for consideration.

Senator Price moved that **HB 2311** be advanced, which motion was declared adopted.

THIRD READING

HB 2311 was read for the third time at length.

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

Aye: Aldridge, Cain, Capps, Coates, Coffee, Corn, Crutchfield, Dunlap, Fisher, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Leftwich, Lerblance, Maddox, Milacek, Monson, Morgan, Nichols, Price, Rabon, Riley, Robinson, Rozell, Shurden, Snyder, Taylor, Wilkerson and Williams.--35.

Nay: Branan, Brogdon, Fair, Ford, Lawler, Pruitt, Reynolds, Smith, Wilcoxson and Williamson.--10.

Excused: Littlefield and Myers.--2.

Vacancy: District 18.--1.

The bill passed.

HB 2311 was properly signed and ordered returned to the Honorable House.

MESSAGE FROM THE HOUSE

Advising fourth reading of and returning Enrolled **SB 1224**.

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

GENERAL ORDER

HB 2551 by Hilliard of the House and Crutchfield of the Senate was called up for consideration.

Senator Crutchfield moved that **HB 2551** be advanced, which motion was declared adopted.

THIRD READING

HB 2551 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, Lerblance, Maddox, Milacek, Monson, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.--45.

Excused: Littlefield and Morgan.--2.

Vacancy: District 18.--1.

The bill and emergency passed.

HB 2551 was referred for engrossment.

GENERAL ORDER

HB 1891 by Bengé and Lamons of the House and Brogdon of the Senate was called up for consideration.

Senator Brogdon asked that **HB 1891** be laid over temporarily, which was the order.

HB 1891 remains on General Order.

GENERAL ORDER

HB 2126 by Morgan (Danny) et al of the House and Corn of the Senate was called up for consideration.

Senator Corn moved that **HB 2126** be advanced, which motion was declared adopted.

THIRD READING

HB 2126 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, Lerblance, Littlefield, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Wilcoxson, Wilkerson, Williams and Williamson.--45.

Excused: Price and Taylor.--2.

Vacancy: District 18.--1.

The bill passed.

HB 2126 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 2442 by Roan of the House and Corn of the Senate was called up for consideration.

Senator Corn moved to amend **HB 2442**, Page 1, by restoring the title, which amendment was declared adopted.

Senator Corn moved that **HB 2442** be advanced, which motion was declared adopted.

THIRD READING

HB 2442 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, 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, Williams and Williamson.--45.

Nay: Fair.--1.

Excused: Taylor.--1.

Vacancy: District 18.--1.

The bill and emergency passed.

HB 2442 was referred for engrossment.

Senator Gumm presiding.

GENERAL ORDER

HB 1891 by Benge and Lamons of the House and Brogdon of the Senate was called up for further consideration.

Senator Brogdon moved that **HB 1891** be advanced, which motion was declared adopted.

THIRD READING

HB 1891 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, Coates, Coffee, Corn, Dunlap, Fair, Hobson, Johnson, Laster, Laughlin, Lawler, Monson, Myers, Price, Pruitt, Reynolds, Riley, Robinson, Shurden, Wilcoxson and Williamson.--23.

Nay: Cain, Capps, Crutchfield, Fisher, Gumm, Harrison, Helton, Horner, Kerr, Leftwich, Lerblance, Littlefield, Maddox, Nichols, Rabon, Rozell, Smith, Snyder, Wilkerson and Williams.--20.

Excused: Ford, Milacek, Morgan and Taylor.--4.

Vacancy: District 18.--1.

The bill failed.

Pursuant to Rule 12-23, Senator Brogdon served notice that the vote be reconsidered whereby **HB 1891** failed.

GENERAL ORDER

HB 2316 by Miller (Ray) of the House and Lerblance of the Senate was called up for consideration.

Senator Lerblance moved that **HB 2316** be advanced, which motion was declared adopted.

THIRD READING

HB 2316 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, 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, Snyder, Wilcoxson, Wilkerson, Williams and Williamson.--44.

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

Vacancy: District 18.--1.

The bill passed.

HB 2316 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 2561 by Nations of the House and Nichols of the Senate was called up for consideration.

Senator Nichols moved that **HB 2561** be advanced, which motion was declared adopted.

THIRD READING

HB 2561 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, 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, Snyder, Wilcoxson, Wilkerson, Williams and Williamson.--43.

Excused: Ford, Morgan, Smith and Taylor.--4.

Vacancy: District 18.--1.

The bill passed.

HB 2561 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 2374 by Leist of the House and Shurden of the Senate was called up for consideration.

Senator Shurden moved that **HB 2374** be advanced, which motion was declared adopted.

THIRD READING

HB 2374 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, Fair, Fisher, 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, Snyder, Wilcoxson, Wilkerson, Williams and Williamson.--43.

Excused: Dunlap, Ford, Morgan and Taylor.--4.

Vacancy: District 18.--1.

The bill passed.

HB 2374 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 2706 by McClain of the House and Price and Gumm of the Senate was called up for consideration.

Senator Price moved that **HB 2706** be advanced, which motion was declared adopted.

THIRD READING

HB 2706 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, Fair, 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, Snyder, Wilcoxson, Wilkerson, Williams and Williamson.--44.

Excused: Dunlap, Morgan and Taylor.--3.

Vacancy: District 18.--1.

The bill passed.

HB 2706 was properly signed and ordered returned to the Honorable House.

MESSAGES FROM THE HOUSE

Advising rejection of SAs to **HB 2005**, requesting conference and House conferees to be named later.

Advising passage of and returning the following Engrossed bills:

SB 1129 - coauthored by Adkins of the House

SB 1393 - coauthored by Nance of the House

SB 1408

SJR 50

The above-numbered measures were referred for enrollment.

Senator Fisher moved that when the clerk's desk is clear, the Senate stand adjourned to convene Tuesday, March 30, 2004, at 1:15 p.m., which motion prevailed.

COMMITTEE REPORTS

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

DO PASS:

HB 2568 – Human Resources

DO PASS, As Amended:

CS for **HB 1835** – Human Resources

HB 1860 – Tourism and Wildlife

HB 1889 – Finance, remove Helton and substitute Rabon as principal Senate author, and coauthored by Helton and Gumm of the Senate, and coauthored by Covey, Kirby of the House

CS for **HB 1890** – Finance, coauthored by Corn of the Senate

CS for **HB 2102** – Human Resources, coauthored by Fair, Williams of the Senate

HB 2124 – Finance, coauthored by Fair of the Senate

HB 2125 – Finance, coauthored by Corn of the Senate

HB 2143 – Finance, coauthored by Corn of the Senate

HB 2208 – Finance

HB 2218 – Finance, coauthored by Corn of the Senate

HB 2219 – Finance, coauthored by Helton, Kerr of the Senate

CS for **HB 2319** – Tourism and Wildlife

HB 2335 – Finance

HB 2361 – Finance

CS for **HB 2375** – Human Resources

CS for **HB 2421** – Finance, coauthored by Corn of the Senate

HB 2632 – Finance, coauthored by Tyler of the House

HB 2660 – Finance, coauthored by Monson of the Senate

HJR 1060 – Finance

Pursuant to the Fisher motion, the Senate adjourned at 3:10 p.m. to meet Tuesday, March 30, 2004, at 1:15 p.m.