

Senate Journal

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

Forty-third Legislative Day, Wednesday, April 14, 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, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.—47.

Excused: Snyder.—1.

Senator Rozell declared a quorum present.

The prayer was offered by Reverend Luke Back, St. Paul's Cathedral, Oklahoma City, the guest of Senator Cain.

REPORT OF ENGROSSED AND ENROLLED MEASURES

HBs 1694, 1847, 2101, 2129, 2194, 2219, 2277, 2299, 2305, 2306, 2314, 2319, 2372, 2373, 2379, 2390, 2403, 2441, 2552, 2598, 2607, 2626, 2664, 2681, 2683, 2710 and 2724 and **HCR 1046** were each correctly engrossed and, together with engrossed **SAs**, properly signed and ordered returned to the Honorable House.

SBs 900, 1153, 1489, 1523, 1546 and 1574 were each correctly enrolled and after fourth reading, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

SCR 38 was correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

SR 54 was correctly enrolled, properly signed and ordered transmitted to the Secretary of State.

MILEAGE ALLOWANCE

The Office of the Senate Administrator reported the following mileage allowance and asked that it be printed in the Senate Journal:

Senator	Residence	Total Miles Round Trip	Amount Round Trip
Easley, Mary	Tulsa	230	86.25

FIRST READING

The following was introduced and read the first time:

SR 55 – By Hobson.

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

GENERAL ORDER

HB 2233 by Hefner of the House and Capps of the Senate was called up for consideration.

Senator Capps moved to amend **HB 2233**, Page 1, by striking the enacting clause, which amendment was declared adopted.

Senator Capps moved that **HB 2233** be advanced, which motion was declared adopted.

THIRD READING

HB 2233 was read for the third time at length.

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

Aye: Branan, Cain, Capps, Coates, Coffee, Corn, Easley, Fair, Ford, Gumm, Harrison, Hobson, Horner, Kerr, Laster, Laughlin, Lawler, Lerblance, Maddox, Milacek, Monson, Morgan, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Taylor, Wilkerson and

Williams.--32.

Nay: Aldridge, Brogdon, Crutchfield, Dunlap, Fisher, Leftwich, Myers, Nichols, Price and Williamson.--10.

Excused: Helton, Johnson, Littlefield, Smith, Snyder and Wilcoxson.--6.

The bill passed.

HB 2233 was referred for engrossment.

UNANIMOUS CONSENT REQUEST DIRECT TO CALENDAR

Senator Hobson asked unanimous consent to suspend Rule 5-4 and refer **SR 55** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SR 55 by Hobson was called up for consideration.

All other members of the Senate, except Senator Wilkerson, asked to coauthor **SR 55**, which was the order.

SR 55 was adopted upon motion of Senator Hobson and referred for enrollment.

SPECIAL RECOGNITION OF SENATOR DICK WILKERSON

Senator Wilkerson 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.

President Pro Tempore Hobson addressed the Senate commending Senator Wilkerson for his years of service to the citizens of Senate District 13 in the Oklahoma State Senate.

Senator Wilkerson addressed the Senate and thanked members of the staff for their assistance during his term as State Senator. Senator Wilkerson also recognized his executive assistant, Barbara Bryant, for her dedication and hard work.

PENDING CONSIDERATION OF HAS

HAs to SB 1374 were concurred in upon motion of Senator Crutchfield.

SB 1374, 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, 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, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.--45.

Excused: Coates, Smith and Snyder.--3.

The bill passed.

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

GENERAL ORDER

HB 2135 by Peters et al of the House and Coffee of the Senate was called up for consideration.

Senator Coffee moved that **HB 2135** be advanced, which motion was declared adopted.

THIRD READING

HB 2135 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, Capps, Coates, Coffee, Corn, Crutchfield, Dunlap, Easley, Fair, Fisher, Ford, Gumm, Harrison, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Taylor, Wilcoxson, Wilkerson and Williams.--41.

Nay: Cain and Williamson.--2.

Excused: Helton, Littlefield, Pruitt, Smith and Snyder.--5.

The bill passed.

HB 2135 was referred for engrossment.

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

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

SB 877

SB 1095 - Remove Leist and substitute Case as principal House author

SB 1155 - coauthored by Ingmire, Nance of the House

SB 1162 - coauthored by Blackwell, Ingmire, Nance of the House

SB 1185 - coauthored by Adkins of the House

SB 1207

SB 1300

SB 1347 - coauthored by Bonny, Taylor, Lindley, Turner, Kirby, Miller (Ray), Mass, Ellis, Calvey, Maddux, Harrison, Brannon, Roan, Smithson, Walker, McIntyre, Blackburn, Gilbert, Hutchison, Cox, McCarter, Hastings, Covey, Dorman, Rice, Boren, Carey, Deutschendorf, Easley, Hamilton, Hefner, Hilliard, Lamons, Langmacher, Leist, Morgan, (Danny), Paulk, Plunk, Smith, Stanley, Sweeden, Tyler, Wilson, Askins, Roberts, Toure, Blackwell, Tibbs, Armes, Adair, Ingmire, McClain, Mitchell, Erwin, Ferguson, Piatt, DeWitt, Peters, Trebilcock, Nance, Dank of the House

SB 1366

SB 1394 - coauthored by Nance of the House

SB 1402 - coauthored by Nance of the House

SB 1407 - coauthored by Balkman, Boren, Brannon, Dank, Greenwood, Lamons, Morgan (Danny), Roan, Smithson, Walker of the House

SB 1483

SB 1486

SB 1490 - coauthored by Boren, McClain of the House

SB 1494 - coauthored by Adkins of the House

SB 1507

SB 1516 - coauthored by Adkins of the House

SB 1534

SB 1560

SB 1626 - coauthored by Adkins, Morgan (Fred), Piatt, Vaughn, Winchester, Nance of the House

House amendments were read on the above-numbered bills.

MESSAGES FROM THE HOUSE

Advising the signing of and returning Enrolled **SCR 38**.

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

Advising fourth reading of and returning Enrolled **SBs 900, 1153, 1489, 1523, 1546** and **1574**.

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

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

HB 1695
HB 1830
HB 2127
HB 2265
HB 2330
HB 2457
HB 2723

Advising passage of and returning the following Engrossed bills:

SB 1552
SB 1625

The above-numbered measures were referred for enrollment.

Advising fourth reading of and transmitting for signature Enrolled **HBs 1904, 2154, 2197, 2435, 2444** and **2446**.

The above-numbered enrolled measures were, 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 850 - Piatt, Roberts, Carey, Toure, Davis
SB 1340 - Blackburn, Gilbert, Case, Braddock, Hastings, Harrison, Toure, Davis
SB 1406 - Staggs, Stanley, Greenwood, Adkins, Braddock, Cox, Eddins, Lindley, McIntyre, Morgan (Fred), Paulk, Piatt, Smithson, Vaughn, Winchester, Wright
SB 1554 - Hilliard, Stanley, Lamons, Ingmire, Peters, Mitchell, Bonny

Advising naming of House conferees as follows:

HB 1475 – Rice, Boren, Morgan (Danny), Hastings, Langmacher, Wilt, Taylor, Case

- HB 1853** – Turner, Armes, Kirby, Roan, Roggow
HB 1874 – Langmacher, Maddux, Hamilton, Ellis, Miller (Doug)
HB 1875 – Langmacher, Roan, Winchester, Wilt, Maddux, Carey, Plunk, Hilliard
HB 1891 – Benge, Ferguson, Staggs, Roberts, Brannon
HB 2213 – Piatt, Carey, Rice, Hilliard, Eddins, Balkman, Pope, Nance
HB 2288 – Turner, Armes, Boren, Carey, DeWitt, Ellis, Jones
HB 2293 – Deutschendorf, Nance, Covey, Braddock, Maddux, McCarter, Pope, Calvey
HB 2321 – Wilson, Stanley, Greenwood, Adkins, Braddock, Cox, Eddins, Lindley, McIntyre, Morgan (Fred), Paulk, Piatt, Smithson, Staggs, Vaughn, Winchester, Wright
HB 2335 – Staggs, Plunk, Pope, Maddux, Nance
HB 2353 – Benge, Lamons, Roan, Taylor, Case
HB 2359 – Covey, Pope, Armes, Jones, Mitchell, Bonny
HB 2361 – Covey, Turner, Bonny, Maddux, Sullivan, Pope, Nance
HB 2371 – Sweeden, Wells, Morgan (Danny), Rice, Adkins, Peterson (Ron), Pope, Nance
HB 2380 – Peters, Roan, Newport, Lamons, Calvey, Braddock
HB 2391 – Blackburn, Deutschendorf, Ferguson, Perry, Staggs, Miller (Ray), Benge, DeWitt, Roberts
HB 2451 – Pope, Wells, Morgan (Danny), Hastings, Peterson (Ron), Mitchell
HB 2623 – Covey, Pope, Carey, Wright, DeWitt
HB 2714 – Toure, Lindley, McIntyre, Calvey, Davis

Advising passage of and transmitting for consideration Engrossed **HCR 1055**.

HCR 1055 – By McCarter and Dorman of the House and Leftwich (Debbe) of the Senate.

A Concurrent Resolution designating Pikey's Crossing; directing the Oklahoma Historical Society to place permanent markers; and directing distribution.

The above-numbered measure was read the first time.

MOTION

Senator Wilkerson moved for a vote of the Senate concerning the issue of Senator Maddox and Senator Monson serving the remaining two years of their terms.

Senator Fisher moved that the Senate recess until 1:30 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.

MOTION

Senator Wilkerson moved that his prior motion be withdrawn, which was the order.

GENERAL ORDER

HB 1966 by Mitchell and Bonny of the House and Morgan and Robinson of the Senate was called up for consideration.

Senator Wilkerson moved that **HB 1966** be advanced, which motion was declared adopted.

THIRD READING

HB 1966 was read for the third time at length.

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

Aye: Aldridge, Branan, Cain, Capps, Coates, Coffee, Crutchfield, Dunlap, Easley, Fair, Fisher, Gumm, Harrison, Hobson, Horner, Johnson, Kerr, Laster, Lawler, Leftwich, Lerblance, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Rabon, Reynolds, Rozell, Shurden, Smith, Taylor and Wilkerson.--34.

Nay: Brogdon, Laughlin, Pruitt, Riley and Wilcoxson.--5.

Excused: Corn, Ford, Helton, Littlefield, Price, Robinson, Snyder, Williams and Williamson.--9.

The bill passed.

The Chair advised that Senator Ford, having been present in the Chamber during the vote on **HB 1966** would be shown voting Nay in compliance with Rule 14-1B. The vote thereby resulted as follows: Aye: 34; Nay: 6; Excused: 8.

Senator Ford desired to vote Aye on the emergency.

On the question of passage of the emergency, the vote resulted as follows: Aye: 35; Nay: 5; Excused: 8.

The emergency passed.

HB 1966 was properly signed and ordered returned to the Honorable House.

DEDICATION

Senator Ford presented the painting “Admiral William J. Crowe”. Senator Coffee addressed the Senate and introduced his sons, Colin and Blaine.

Senator Ford introduced the artist, Mike Wimmer, to the Senate. Mr. Wimmer addressed the Senate.

Senator Ford introduced Admiral William Crowe and his wife Shirley, who addressed the Senate. Admiral Crowe introduced his guests, Ruth Bozalis, Ambassador Edward Perkins, Ambassador Edwin Corr, Oklahoma Supreme Court Vice Chief Justice Marion Opala, Rowdy Sanger, Sara Sanger and Darla Patton.

Senator Coffee presented the painting to the Senate as a gift.

GENERAL ORDER

HB 2317 by Rice of the House and Helton of the Senate was called up for consideration.

Senator Helton moved to amend **HB 2317**, Page 1, by restoring the title, which amendment was declared adopted.

The above amendment restores **HB 2317** to the engrossed version of the bill.

Senator Helton moved that **HB 2317** be advanced, which motion was declared adopted.

THIRD READING

HB 2317 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, Easley, Fisher, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Maddox, Milacek, Monson, Myers, Nichols, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Taylor, Wilcoxson, Wilkerson and Williamson.--40.

Excused: Fair, Ford, Gumm, Littlefield, Morgan, Price, Snyder and Williams.--8.

The bill passed.

The Chair advised that Senator Fair, having been present in the Chamber during the vote on **HB 2317** would be shown voting Nay in compliance with Rule 14-1B. The vote thereby resulted as follows: Aye: 40; Nay: 1; Excused: 7.

HB 2317 was properly signed and ordered returned to the Honorable House.

INTRODUCTION

Senator Laughlin introduced his wife, Charlette, to the Senate.

FIRST READING

The following was introduced and read the first time:

SCR 59 – By Reynolds of the Senate and Reynolds of the House.

A Concurrent Resolution honoring the survivors of the USS Oklahoma; urging the federal government to build a suitable monument; and directing distribution.

UNANIMOUS CONSENT REQUEST DIRECT TO CALENDAR

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

GENERAL ORDER

SCR 59 by Reynolds of the Senate and Reynolds of the House was called up for consideration.

All other members of the Senate asked to coauthor **SCR 59**, which was the order.

SCR 59 was adopted upon motion of Senator Reynolds and referred for engrossment.

MESSAGES FROM THE HOUSE

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

SB 1471 - Braddock, Askins, Walker, Adkins, Pettigrew, Kirby, Roggow

SB 1556 - Pope, Nance, Roberts, Maddux, Dorman

Advising naming of House conferees as follows:

HB 1437 – Brannon, Ferguson, Walker, Staggs, Bengé, Turner, Ingmire

HB 2124 – Pope, Nance, Rice, Langmacher, Roberts, Maddux, Hiatt

HB 2143 – Wells, McCarter, Steele, Hefner, Pope, Nance, Maddux

HB 2457 – Pope, Langmacher, Wilt, Maddux, Turner

GENERAL ORDER

HB 2661 by Adair et al of the House and Hobson of the Senate was called up for consideration.

Senator Williamson moved to amend **HB 2661**, by striking the title, the enacting clause and the entire body of the bill and substituting the floor substitute. (Copies were provided for all Senators.)

Senator Morgan moved to amend the Williamson amendment on **HB 2661**, Page 1, by striking the title, which amendment was declared adopted upon roll call as follows:

Aye: Cain, Capps, Corn, Crutchfield, Easley, Fisher, Gumm, Harrison, Helton, Hobson, Horner, Kerr, Laster, Lawler, Leftwich, Lerblance, Littlefield, Maddox, Monson, Morgan, Rozell, Shurden, Taylor and Wilkerson.--24.

Nay: Aldridge, Branan, Brogdon, Coates, Coffee, Dunlap, Fair, Johnson, Laughlin, Milacek, Myers, Nichols, Pruitt, Reynolds, Riley, Smith, Wilcoxson and Williamson.--18.

Excused: Ford, Price, Rabon, Robinson, Snyder and Williams.--6.

Senator Corn moved to amend the Williamson amendment on **HB 2661**, Page 106, Line 8 ½, by inserting a new Section 71 to read as follows:

“SECTION 71. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 999 of Title 36, unless there is created a duplication in numbering, reads as follows:

A. For any coverage for medical malpractice insurance, property insurance and casualty insurance excluding, accident and health insurance, workers' compensation insurance and employer liability insurance, issued or renewed on or after July 1, 2005, every insurer shall reduce its charges by at least ten percent (10%) less than the charges for the same coverage that were in effect on January 1, 2003. For any such coverage issued or renewed on or after July 1, 2006, every insurer shall reduce its charges by at least an

additional ten percent (10%). For any such coverage issued or renewed on or after July 1, 2007, every insurer shall reduce its charges by at least an additional five percent (5%).

B. Rates and premiums reduced pursuant to subsection A of this section may be increased only to the extent that the State Board for Property and Casualty Rates finds, after an open hearing at which a record is made, that an insurer is unable to earn a fair rate of return.

C. Insurance rates for medical malpractice insurance shall be approved by the State Board for Property and Casualty Rates prior to being implemented.

D. Any separate affiliate of an insurer is subject to the provisions of this section.

E. The State Board for Property and Casualty Rates shall produce an annual independent report by December 1, 2005, and each year thereafter for the Governor, the Speaker of the House of Representatives and the President Pro Tempore of the Senate regarding the cost savings to insurers for bodily injury claims and lawsuits as a result of this act. Information in the report shall include but not be limited to the number of claims and lawsuits filed, amount of awards and settlements and the impact on premium costs for property insurance, including but not limited to homeowners' insurance, and casualty insurance, including but not limited to vehicle and medical malpractice insurance, but excluding accident and health insurance, workers' compensation insurance and employer liability insurance.

F. The Board shall be authorized to employ actuaries, statisticians, accountants, auditors, attorneys, or any other technicians as the Board deems necessary to make the independent report.

G. The cost of the report shall be borne by the Department of Insurance.

H. All expenses incurred for the report shall be verified by affidavit and a copy shall be filed and kept in the office of the Insurance Commissioner.

I. All insurers providing property insurance, including but not limited to homeowners' insurance, and casualty insurance, including but not limited to vehicle and medical malpractice insurance, but excluding accident and health insurance, workers' compensation and employer liability insurance, shall provide information on an annual basis to the Department as required by the Board.

J. All insurers required to provide information pursuant to subsection I of this section shall verify by affidavit that the information is complete and accurate and a copy of the affidavit shall be kept in the office of the Insurance Commissioner.

K. The Insurance Commissioner shall promulgate any rules necessary to implement the provisions of this section.", and by renumbering subsequent sections, which amendment was declared adopted upon roll call as follows:

Aye: Cain, Capps, Corn, Crutchfield, Easley, Fisher, Gumm, Harrison, Helton, Hobson, Horner, Kerr, Laster, Lawler, Leftwich, Lerblance, Maddox, Monson, Morgan, Rabon, Rozell, Shurden, Taylor and Wilkerson.--24.

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

Excused: Ford, Littlefield, Price, Snyder and Williams.--5.

Senator Williamson moved to withdraw his prior amendment, as amended, which was the order.

Senator Morgan moved that **HB 2661** be advanced, which motion was declared adopted.

THIRD READING

HB 2661 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, Easley, Fair, Fisher, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Maddox, Milacek, Monson, Morgan, Myers, Rabon, Reynolds, Robinson, Rozell, Shurden, Smith, Taylor, Wilkerson and Williamson.--36.

Nay: Branan, Coffee, Dunlap, Nichols, Pruitt, Riley and Wilcoxson.--7.

Excused: Ford, Littlefield, Price, Snyder and Williams.--5.

The bill passed.

HB 2661 was referred for engrossment.

GENERAL ORDER

HB 2615 by Wells of the House and Laster of the Senate was called up for consideration.

Senator Laster moved that **HB 2615** be advanced, which motion was declared adopted.

THIRD READING

HB 2615 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, Easley, Fair, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Taylor,

Wilkerson and Williamson.--41.

Nay: Dunlap and Wilcoxson.--2.

Excused: Littlefield, Price, Smith, Snyder and Williams.--5.

The bill passed.

HB 2615 was properly signed and ordered returned to the Honorable House.

Senator Rabon presiding.

MESSAGES FROM THE HOUSE

Advising naming of House conferees as follows:

HB 2557 - Nations, Balkman, Maddux, Pope, Nance, Paulk, Covey, Lamons

Advising passage of and returning the following Engrossed bills:

SB 1312 - Remove Wright and substitute Miller (Doug) as principal House author and coauthored by Sullivan, Dorman, Phillips, Kirby, Tyler, Calvey of the House

SB 1401 - coauthored by Nance of the House

The above-numbered measures were referred for enrollment.

GENERAL ORDER

HB 2616 by Wells of the House and Helton of the Senate was called up for consideration.

Senator Helton moved that **HB 2616** be advanced, which motion was declared adopted.

THIRD READING

HB 2616 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, Easley, Fisher, Ford, Gumm, Harrison, Helton, Horner, Johnson, Kerr, Laster,

Laughlin, Lawler, Leftwich, Lerblance, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Taylor, Wilcoxson, Wilkerson and Williamson.--41.

Nay: Fair.--1.

Excused: Hobson, Littlefield, Price, Smith, Snyder and Williams.--6.

The bill passed.

HB 2616 was referred for engrossment.

MOTION TO RECONSIDER VOTE

Senator Lerblance moved to reconsider the vote whereby **HB 2440** passed, which motion was declared adopted upon roll call as follows:

Aye: Aldridge, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crutchfield, Dunlap, Easley, Fair, Fisher, Ford, Gumm, Harrison, Helton, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Maddox, Monson, Myers, Nichols, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Taylor, Wilcoxson, Wilkerson and Williamson.--40.

Excused: Hobson, Littlefield, Milacek, Morgan, Price, Smith, Snyder and Williams.--8.

THIRD READING

Senator Lerblance moved to reconsider the vote whereby **HB 2440** was advanced, which motion was declared adopted.

GENERAL ORDER

HB 2440 by Ellis et al of the House and Lerblance of the Senate was called up for further consideration.

Senator Lerblance moved to amend **HB 2440**, Page 1, by striking the title, which amendment was declared adopted.

Senator Lerblance moved that **HB 2440** be advanced, which motion was declared adopted.

THIRD READING

HB 2440 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, Corn, Crutchfield, Easley, Fisher, Gumm, Harrison, Helton, Hobson, Horner, Kerr, Laster, Lawler, Leftwich, Lerblance, Monson, Morgan, Nichols, Rabon, Robinson, Rozell, Shurden, Taylor and Wilkerson.--26.

Nay: Aldridge, Branan, Brogdon, Coffee, Fair, Ford, Johnson, Laughlin, Maddox, Milacek, Myers, Pruitt, Reynolds, Riley, Wilcoxson and Williamson.--16.

Excused: Dunlap, Littlefield, Price, Smith, Snyder and Williams.--6.

The bill passed.

HB 2440 was referred for engrossment.

GENERAL ORDER

HB 2352 by Benge of the House and Leftwich (Debbe) of the Senate was called up for consideration.

Senator Leftwich moved to amend **HB 2352**, Page 1, by restoring the title, which amendment was declared adopted.

The above amendment restores **HB 2352** to the engrossed version of the bill.

Senator Leftwich moved that **HB 2352** be advanced, which motion was declared adopted.

THIRD READING

HB 2352 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, Dunlap, Easley, Fair, Fisher, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Leftwich, Lerblance, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Pruitt, Reynolds, Riley, Robinson, Rozell, Shurden, Taylor, Wilcoxson and Wilkerson.--37.

Nay: Crutchfield, Gumm, Lawler and Rabon.--4.

Excused: Ford, Littlefield, Price, Smith, Snyder, Williams and Williamson.--7.

The bill passed.

HB 2352 was properly signed and ordered returned to the Honorable House.

MESSAGE FROM THE HOUSE

Advising passage of and returning the following Engrossed bill:

SB 1429

The above-numbered measure was referred for enrollment.

GENERAL ORDER

HB 1038 by Maddux of the House and Laughlin of the Senate was called up for consideration.

Senator Laughlin moved that **HB 1038** be advanced, which motion was declared adopted.

THIRD READING

HB 1038 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, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Leftwich, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Pruitt, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Taylor, Wilcoxson and Wilkerson.--39.

Nay: Gumm, Lawler, Lerblance and Rabon.--4.

Excused: Littlefield, Price, Snyder, Williams and Williamson.--5.

The bill and emergency passed.

HB 1038 was referred for engrossment.

REPORT OF ENGROSSED AND ENROLLED MEASURE

SCR 59 was correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

GENERAL ORDER

HB 2425 by Kirby and Deuschendorf of the House and Shurden of the Senate was called up for consideration.

Senator Monson asked to coauthor **HB 2425**, which was the order.

Senator Shurden moved that **HB 2425** be advanced, which motion was declared adopted.

THIRD READING

HB 2425 was read for the third time at length.

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

Aye: Brogdon, Cain, Capps, Coates, Corn, Crutchfield, Dunlap, Easley, Fair, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Maddox, Milacek, Monson, Morgan, Nichols, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Taylor, Wilcoxson and Wilkerson.--38.

Nay: Branan and Myers.--2.

Excused: Aldridge, Coffee, Littlefield, Price, Pruitt, Snyder, Williams and Williamson.--8.

The bill and emergency passed.

HB 2425 was referred for engrossment.

GENERAL ORDER

HB 2355 by Lamons and Nance of the House and Helton of the Senate was called up for consideration.

Senator Rozell moved to amend **HB 2355**, Page 1, by restoring the title, which amendment was declared adopted.

The above amendment restores **HB 2355** to the engrossed version of the bill.

Senator Helton moved that **HB 2355** be advanced, which motion was declared adopted.

THIRD READING

HB 2355 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, Easley, Fair, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Taylor, Wilcoxson, Wilkerson and Williamson.--43.

Excused: Littlefield, Price, Pruitt, Snyder and Williams.--5.

The bill passed.

HB 2355 was properly signed and ordered returned to the Honorable House.

INTRODUCTION

Senator Kerr introduced his wife, Robbie, to the Senate.

UNANIMOUS CONSENT REQUEST DIRECT TO CALENDAR

Senator Milacek asked unanimous consent to suspend Rule 5-4 and refer **SR 45** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SR 45 by Milacek was called up for consideration.

SR 45 was adopted upon motion of Senator Milacek and referred for enrollment.

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

Senator Wilcoxson asked unanimous consent to suspend Rule 5-4 and refer **SCR 58** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SCR 58 by Wilcoxson of the Senate and Coleman of the House was called up for consideration.

All other members of the Senate asked to coauthor **SCR 58**, which was the order.

SCR 58 was adopted upon motion of Senator Wilcoxson and referred for engrossment.

REPORT OF ENGROSSED AND ENROLLED MEASURE

HB 2661 was correctly engrossed and, together with engrossed **SAs**, properly signed and ordered returned to the Honorable House.

PENDING CONSIDERATION OF HAS

HAs to **SBs 1384, 1504** and **1565** were rejected upon motion of Senator Fisher, conference requested, and Senate conferees to be named later.

MESSAGE FROM THE HOUSE

Advising passage of and returning the following Engrossed bill:

SB 1382 - coauthored by Adkins of the House

The above-numbered measure was referred for enrollment.

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

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

SB 1137 - coauthored by Adkins, Bonny, Boren, Carey, Ferguson, Hefner, Hilliard, Ingmire, Kirby, Lamons, Lindley, Mass, McCarter, Nance, Newport, Paulk, Pettigrew, Phillips, Plunk, Pope, Rice, Staggs, Sullivan, Taylor, Turner, Tyler, Wells, Balkman,

Mitchell, Blackburn, Covey, Deutschendorf, Harrison, Leist, Roan, Sweeden, Piatt, Armes, Braddock, Brannon, Dorman, Jones, McClain, McIntyre, Miller (Ray), Smithson, Steele, Walker of the House and Morgan, Rabon of the Senate

House amendment was read on the above-numbered bill.

Senator Fisher moved that when the clerk's desk is clear, the Senate stand adjourned to convene Thursday, April 15, 2004, at 9:00 a.m., which motion prevailed.

MESSAGES FROM THE GOVERNOR

Advising his approval April 13, 2004, of Enrolled **SB 7**.

Advising his approval April 14, 2004 of Enrolled **SBs 840, 1096, 1123, 1204, 1267, 1288, 1342, 1495, 1582 and 1583** and **SJR**s **41** and **42** and veto of **SB 1268**.

The veto message reads as follows:

April 14, 2004

To the Honorable President Pro Tempore
and Members of the Oklahoma Senate
Second Session, Forty-ninth Oklahoma Legislature

Enrolled Senate Bill No. 1268:

This is to advise you that on this date, pursuant to the authority vested in me by Section 11 of Article VI of the Oklahoma Constitution to approve or object to legislation presented to me, I have VETOED Senate Bill 1268. The bill restricts openness to government by creating an exception to the Opens Records Act for governmental self-insurance pools. Further, the bill restricts the sharing of critical information between agencies.

By the Governor of the State of Oklahoma
/s/ Brad Henry

Pursuant to the Fisher motion, the Senate adjourned at 3:20 p.m. to meet Thursday, April 15, 2004, at 9:00 a.m.

JOURNAL CORRECTION

Page 1097, Lines 16 and 17, as it pertains to **HCR 1046**, by deleting all language after the word “and” on Line 16 through the period on Line 17, and inserting in lieu thereof the language “referred for engrossment.”