

# Senate Journal

## Second Regular Session of the Forty-ninth Legislature of the State of Oklahoma Fifty-fourth Legislative Day, Tuesday, May 4, 2004

The Senate was called to order by Senator Rozell.

Roll Call:

Present: Aldridge, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crutchfield, Dunlap, Easley, Fair, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Littlefield, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.—48.

Senator Rozell declared a quorum present.

The prayer was offered by Reverend Doug McClure, First Baptist Church, Hugo, the guest of Senator Rabon.

### REPORT OF ENGROSSED AND ENROLLED MEASURES

**SBs 877, 1136, 1140, 1168, 1263, 1402, 1466, 1547 and 1617** were each correctly enrolled and after fourth reading, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

**SCR 60** was correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

### UNANIMOUS CONSENT REQUEST DIRECT TO CALENDAR

Senator Price asked unanimous consent to suspend Rule 5-4 and refer **SCR 69** direct to the Calendar for consideration, which was the order.

**GENERAL ORDER**

**SCR 69** by Price of the Senate and Covey of the House was called up for consideration.

Senator Dunlap and all other members of the Senate asked to coauthor **SCR 69**, which was the order.

**SCR 69** was adopted upon motion of Senator Price and referred for engrossment.

**PENDING CONSIDERATION OF HAS**

**HAs** to **SB 1363** were concurred in upon motion of Senator Pruitt.

Representative Adkins asked to coauthor **SB 1363**, which was the order.

**SB 1363**, as amended by the Honorable House, was read at length.

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

Aye: Aldridge, Branan, Brogdon, Cain, Capps, Coates, Corn, Crutchfield, Dunlap, Easley, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Robinson, Rozell, Shurden, Smith, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.--41.

Excused: Coffee, Fair, Johnson, Littlefield, Reynolds, Riley and Snyder.--7.

The bill passed.

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

**UNANIMOUS CONSENT REQUEST  
DIRECT TO CALENDAR**

Senator Leftwich asked unanimous consent to suspend Rule 5-4 and refer **SCR 65** direct to the Calendar for consideration, which was the order.

**GENERAL ORDER**

**SCR 65** by Leftwich (Debbe) of the Senate and Reynolds et al of the House was called up for consideration.

Senator Leftwich asked that **SCR 65** be laid over temporarily, which was the order.

**SCR 65** remains on General Order.

### **CHANGE IN CONFEREES**

Advising change in Senate conferees as follows:

**HB 1695** – remove GCCA and add Leftwich, Taylor, Milacek

### **SCs NAMED**

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

**SB 6** – GCCA

**SB 756** – GCCA

**SB 868** – Corn, Crutchfield, Aldridge

**SB 1348** – Monson, Crutchfield, Horner, Williamson, Smith

**SB 1534** – Wilcoxson, Williams, Rozell

**HB 1475** – Shurden, Helton, Hobson, Coates, Laughlin

**HB 2198** – Shurden, Smith, Morgan, Fisher

**HB 2363** – Laster, Smith, Morgan

**HB 2470** – GCCA

**HJR 1068** – GCCA

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.

### **PENDING CONSIDERATION OF HAs**

**HAs** to **SB 1265** were concurred in upon motion of Senator Smith.

**SB 1265**, as amended by the Honorable House, was read at length.

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

Aye: Aldridge, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crutchfield, Dunlap, Easley, Fisher, Gumm, Harrison, Hobson, Horner, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Maddox, Milacek, Myers, Nichols, Price, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Wilcoxson, Wilkerson and Williams.--38.

Excused: Fair, Ford, Helton, Johnson, Littlefield, Monson, Morgan, Pruitt, Taylor and Williamson.--10.

The bill passed.

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

### **PENDING CONSIDERATION OF HAS**

**HAS** to **SB 1622** were concurred in upon motion of Senator Laster.

Senator Williams asked to coauthor **SB 1622**, which was the order.

**SB 1622**, as amended by the Honorable House, was read at length.

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

Aye: Aldridge, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crutchfield, Dunlap, Easley, Fisher, Gumm, Harrison, Hobson, Horner, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Maddox, Milacek, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Wilcoxson, Wilkerson, Williams and Williamson.--41.

Excused: Fair, Ford, Helton, Johnson, Littlefield, Monson and Taylor.--7.

The bill and emergency passed.

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

### **GENERAL ORDER**

**SCR 65** by Leftwich (Debbe) of the Senate and Reynolds et al of the House was called up for further consideration.

**SCR 65** was adopted upon motion of Senator Leftwich and referred for engrossment.

**PENDING CONSIDERATION OF HAS**

**HAs to SB 1502** were concurred in upon motion of Senator Wilkerson.

**SB 1502**, as amended by the Honorable House, was read at length.

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

Aye: Aldridge, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crutchfield, Dunlap, Easley, Fisher, Gumm, Harrison, Hobson, Horner, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Maddox, Milacek, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Wilcoxson, Wilkerson, Williams and Williamson.--41.

Excused: Fair, Ford, Helton, Johnson, Littlefield, Monson and Taylor.--7.

The bill and emergency passed.

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

**PENDING CONSIDERATION OF HAS**

**HAs to SB 1618** were concurred in upon motion of Senator Smith.

**SB 1618**, as amended by the Honorable House, was read at length.

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

Aye: Aldridge, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crutchfield, Dunlap, Easley, Gumm, Harrison, Hobson, Horner, Kerr, Laster, Laughlin, Lawler, Leftwich, Littlefield, Maddox, Milacek, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.--41.

Nay: Fisher and Lerblance.--2.

Excused: Fair, Ford, Helton, Johnson and Monson.--5.

The bill passed.

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

**PENDING CONSIDERATION OF HAS**

**HAs to SB 1184** were concurred in upon motion of Senator Wilkerson.

**SB 1184**, as amended by the Honorable House, was read at length.

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

Aye: Aldridge, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crutchfield, Dunlap, Easley, Fisher, Gumm, Harrison, Hobson, Horner, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Littlefield, Milacek, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.--42.

Excused: Fair, Ford, Helton, Johnson, Maddox and Monson.--6.

The bill and emergency passed.

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

**PENDING CONSIDERATION OF HAS**

**HAs to SJR 48** were concurred in upon motion of Senator Leftwich (Debbe).

**SJR 48**, as amended by the Honorable House, was read at length.

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

Aye: Aldridge, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crutchfield, Dunlap, Easley, Fisher, Ford, Gumm, Harrison, Horner, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Littlefield, Maddox, Milacek, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.--42.

Excused: Fair, Helton, Hobson, Johnson, Monson and Morgan.--6.

The resolution and the emergency passed.

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

**MESSAGES FROM THE HOUSE**

Advising the signing of and transmitting for signature Enrolled **HCR 1075**.

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

Advising fourth reading of and transmitting for signature Enrolled **HBs 2159, 2270, 2271, 2303, 2385 and 2445**.

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

Advising passage of and transmitting for consideration Engrossed **HCR 1079**.

**HCR 1079** – By Gilbert, Adair, Adkins, Armes, Askins, Balkman, Bengé, Blackburn, Blackwell, Bonny, Boren, Braddock, Brannon, Calvey, Carey, Cargill, Case, Claunch, Coleman, Covey, Cox, Dank, Davis, DeWitt, Deutschendorf, Dorman, Easley, Eddins, Ellis, Ericson, Erwin, Ferguson, Graves, Greenwood, Hamilton, Harrison, Hastings, Hefner, Hiatt, Hilliard, Hutchison, Ingmire, Jones, Kirby, Lamons, Langmacher, Leist, Lerblance, Lindley, Liotta, Maddux, Mass, McCarter, McClain, McIntyre, Miller (Doug), Miller (Ray), Mitchell, Morgan (Danny), Morgan (Fred), Nance, Nations, Newport, O’Neal, Paulk, Perry, Peters, Peterson (Pam), Peterson (Ron), Pettigrew, Phillips, Piatt, Plunk, Pope, Reynolds, Rice, Roan, Roberts, Roggow, Smaligo, Smith, Smith (Hopper), Smithson, Staggs, Stanley, Steele, Sullivan, Sweeden, Taylor, Tibbs, Toure, Trebilcock, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Winchester, Worthen, Wright and Young of the House and Horner of the Senate.

A Concurrent Resolution proclaiming the month of May 2004 as Arthritis Awareness Month in the State of Oklahoma; and directing distribution.

The above-numbered measure was read the first time.

Senator Fisher moved that the Senate recess to the call of the Chair, which motion was declared adopted.

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The Senate reconvened with Senator Rozell presiding.

Senator Rozell questioned the presence of a quorum and ordered the roll called, following which a quorum was declared present.

**MESSAGES FROM THE HOUSE**

Advising concurrence in **SAs** to and passage of Engrossed **HBs 2300** and **2494**.

Advising that the House has rescinded its fourth reading and signing of **HB 1018** and requests that the Honorable Senate rescind their signing and fourth reading and advising rescinding of concurrence in Senate amendments, rejects the Senate amendments and requests conference, conferees to be named later.

Advising the signing of and returning Enrolled **SCR 60**.

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

Advising fourth reading of and returning Enrolled **SBs 877, 1136, 1140, 1168, 1263, 1402, 1466, 1547** and **1617**.

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

Advising rejection of **CCR** to the following bill, requesting further conference and naming same House conferees as follows:

**HB 1874** - Langmacher, Maddux, Hamilton, Ellis, Miller (Doug), Paulk

Advising conference granted on Engrossed **SB 1348** and naming House conferees as follows: Dorman, Roberts, Maddux, Askins, Ingmire

Advising naming of House conferees as follows:

**HB 2373** - McCarter, Nance, Adkins, Nations, Blackburn, Blackwell, Deutschendorf, Turner, Jones

**HJR 1044** - McCarter, Kirby, Boren, Steele, Armes, Pope, Nance

**PENDING SENATE ACTION  
HOUSE REQUEST FOR CONFERENCE**

Upon motion of Senator Fisher, the request of the Honorable House for further conference was ordered granted and same Senate conferees appointed as follows:

**HB 1874** – Price, Littlefield, Horner, Coates, Myers

**SIGNING AND FOURTH READING RESCINDED**

Senator Fisher asked unanimous consent, which was granted, that the Senate rescind their signing and fourth reading of **HB 1018**.

**PENDING CONSIDERATION OF HAS**

**HAs to SB 1331** were concurred in upon motion of Senator Wilkerson.

**SB 1331**, as amended by the Honorable House, was read at length.

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

Aye: Aldridge, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crutchfield, Easley, Fair, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Littlefield, Maddox, Milacek, Morgan, Nichols, Price, Rabon, Reynolds, Riley, Robinson, Rozell, Smith, Wilcoxson, Wilkerson, Williams and Williamson.--41.

Nay: Dunlap, Pruitt and Snyder.--3.

Excused: Monson, Myers, Shurden and Taylor.--4.

The bill passed.

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

**PENDING CONSIDERATION OF HAS**

**HAs to SB 1412** were concurred in upon motion of Senator Wilkerson.

**SB 1412**, 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: Cain, Capps, Coates, Corn, Crutchfield, Dunlap, Easley, Fair, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Lawler, Leftwich, Lerblance, Littlefield, Maddox, Milacek, Morgan, Price, Riley, Robinson, Smith, Snyder, Wilkerson, Williams and Williamson.--33.

Nay: Aldridge, Branan, Brogdon, Coffee, Laughlin, Nichols, Pruitt, Rabon, Reynolds and Wilcoxson.--10.

Excused: Monson, Myers, Rozell, Shurden and Taylor.--5.

The bill and emergency passed.

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

### **PENDING CONSIDERATION OF CCR**

The **2ND CCR** on **HB 1530** was rejected upon motion of Senator Lerblance , further conference requested, and Senate conferees to be named later.

### **CHANGE IN CONFEREES**

Advising change in Senate conferees as follows:

**HB 2528** – remove Laster and add Taylor

### **SCs NAMED**

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

**SB 667** – GCCA

**SB 865** – GCCA

**SB 1105** – GCCA

**SB 1162** – Lerblance, Corn, Fisher, Morgan, Williamson

**SB 1172** – Corn, Wilkerson, Laster, Rozell, Smith, Nichols

**SB 1176** – GCCA

**SB 1185** – Shurden, Wilkerson, Laster, Rozell, Smith, Nichols

**SB 1192** – Wilkerson, Laster, Rozell, Smith, Nichols

**SB 1280** – GCCA

**SB 1284** – Robinson, Helton, Snyder

**SB 1335** – Corn, Fisher, Morgan, Williamson

**SB 1370** – Laughlin, Smith, Crutchfield, Harrison, Wilkerson

**SB 1384** – Monson, Corn, Fisher, Morgan, Williamson

**SB 1389** – Monson, Corn, Fisher, Morgan, Williamson

**SB 1400** – Horner, Wilkerson, Smith

**SB 1405** – Williams, Littlefield, Williamson

**SB 1410** – Shurden, Wilkerson, Laster, Rozell, Smith, Nichols

**SB 1419** – Smith, Crutchfield, Corn

**SB 1422** – Corn, Fisher, Morgan, Williamson

**SB 1430** – Robinson, Smith, Laster

**SB 1539** – Helton, Wilkerson, Laster, Rozell, Smith, Nichols  
**SB 1627** – Cain, Robinson, Hobson, Johnson, Riley  
**HB 1803** – GCCA  
**HB 1847** – Monson, Cain, Riley  
**HB 1867** – Robinson, Cain, Myers  
**HB 1882** – Shurden, Rabon, Laughlin  
**HB 2233** – GCCA  
**HB 2277** – GCCA  
**HB 2306** – Shurden, Cain, Monson, Coates  
**HB 2314** – Corn, Cain, Smith  
**HB 2432** – GCCA  
**HB 2440** – Lerblance, Price, Helton, Gumm, Crutchfield, Wilcoxson, Johnson, Laughlin, Rabon  
**HB 2505** – Fair, Wilkerson, Cain  
**HB 2536** – Corn, Fisher, Morgan, Williamson  
**HB 2541** – Helton, Laughlin, Rabon  
**HB 2577** – GCCA

Senator Fisher moved that when the clerk's desk is clear, the Senate stand adjourned to convene Wednesday, May 5, 2004, at 1:30 p.m., which motion prevailed.

#### **MESSAGE FROM THE GOVERNOR**

Advising his approval May 4, 2004, of Enrolled **SBs 956, 958, 960, 966, 968, 970, 991, 993, 995, 1015, 1023, 1025, 1029, 1033, 1055, 1061, 1063, 1163, 1206, 1372, 1609** and **SJR 47**.

Pursuant to the Fisher motion, the Senate adjourned at 3:10 p.m. to meet Wednesday, May 5, 2004, at 1:30 p.m.

#### **JOURNAL CORRECTION**

Page 1415, 15<sup>th</sup> and 16<sup>th</sup> lines from the bottom, by deleting all language pertaining to **HB 2026**.