

Senate Journal

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

Sixty-sixth Legislative Day, Friday, May 23, 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, Wilcoxson, Wilkerson, Williams and Williamson.—46.

Excused: Taylor.—1.

Vacancy: District 7.—1.

Senator Rozell declared a quorum present.

The prayer was offered by Reverend Duane Brogdon, Hope Worship Center, Broken Arrow, the guest of Senator Brogdon.

REPORT OF ENGROSSED AND ENROLLED MEASURES

SCR 34 was correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

SBs 78, 82, 286, 317, 350, 379, 391, 437, 607, 616, 646, 678, 724 and 787 were each correctly enrolled and after fourth reading, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

INTRODUCTION

Senator Brogdon introduced his wife, Donna, to the Senate.

MESSAGES FROM THE HOUSE

Advising the signing of and transmitting for signature Enrolled **HCR 1010**.

The above-numbered enrolled resolutions were properly signed and ordered returned to the Honorable House.

Advising fourth reading of and transmitting for signature Enrolled **HBs 1002, 1030, 1147, 1151, 1206, 1208, 1210, 1215, 1236, 1256, 1362, 1408, 1422, 1440, 1512, 1574, 1640, 1681, 1691, 1738** and **1790**.

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

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

HB 1250 - GCCA

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

Returning following bills, together with conference committee reports thereon, advising adoption of conference committee reports and passage of measures as amended:

SB 661

SB 668

SB 688 - coauthored by Pettigrew of the House

SB 706

SB 838

The above-numbered measures, as amended in conference, were referred for enrollment.

**MESSAGE FROM THE HOUSE
CONFERENCE COMMITTEE REPORTS**

Transmitting the following bills, together with conference committee reports thereon, advising adoption of conference committee reports and passage of measures as amended:

HB 1301

HB 1690

Conference committee reports were read on the above-numbered bills.

PENDING CONSIDERATION OF CCR

The **CCR** on **SJR 21** was rejected upon motion of Senator Fisher, further conference requested, and same Senate conferees appointed as follows: Hobson, Robinson, Taylor, Nichols, Fair.

**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:

SB 297 – Easley, Wilkerson, Smith, Robinson, Williams

HB 1250 – GCCA

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 1771** was adopted upon motion of Senator Wilkerson.

HB 1771, as amended in conference, was read at length.

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

Aye: Aldridge, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crutchfield, Dunlap, Easley, Fair, Fisher, Gumm, Harrison, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Leftwich, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Wilcoxson, Wilkerson, Williams and Williamson.--39.

Nay: Lawler.--1.

Excused: Ford, Helton, Littlefield, Shurden, Smith, Snyder and Taylor.--7.

Vacancy: District 7.--1.

The bill passed.

HB 1771, together with the conference committee report thereon, was ordered returned to the Honorable House.

PENDING CONSIDERATION OF CCR

The **2nd CCR** on **HB 1569** was adopted upon motion of Senator Crutchfield.

HB 1569, as amended in conference, was read at length.

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

Aye: Aldridge, Branan, Cain, Coates, Corn, Crutchfield, Dunlap, Easley, Fair, Ford, Gumm, Horner, Laster, Lawler, Leftwich, Maddox, Monson, Morgan, Myers, Price, Reynolds, Riley, Shurden, Snyder, Wilkerson and Williamson.--26.

Nay: Brogdon, Capps, Coffee, Fisher, Harrison, Johnson, Kerr, Laughlin, Milacek, Nichols, Pruitt, Rabon, Robinson, Rozell and Wilcoxson.--15.

Excused: Helton, Hobson, Littlefield, Smith, Taylor and Williams.--6.

Vacancy: District 7.--1.

The bill passed.

Senators Rabon, Kerr, Fisher, Capps, Nichols, Pruitt, Coffee, Rozell and Harrison desired to vote Aye on the emergency.

On the question of passage of the emergency, the vote resulted as follows: Aye: 35; Nay: 6; Excused: 6; Vacancy: 1.

The emergency passed.

HB 1569, together with the conference committee report thereon, was ordered returned to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 1670** was rejected upon motion of Senator Fisher, further conference requested, and same Senate conferees appointed as follows: Williamson, Smith, Cain, Monson, Laster.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 1115** was adopted upon motion of Senator Rabon.

HB 1115, as amended in conference, was read at length.

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

Aye: Cain, Capps, Corn, Crutchfield, Dunlap, Fisher, Ford, Gumm, Harrison, Horner, Kerr, Laster, Lawler, Leftwich, Maddox, Milacek, Monson, Morgan, Myers, Price, Rabon,

Robinson, Rozell, Shurden and Wilkerson.--25.

Nay: Aldridge, Branan, Brogdon, Coates, Coffee, Fair, Johnson, Laughlin, Nichols, Pruitt, Reynolds, Riley, Snyder, Wilcoxson and Williamson.--15.

Excused: Easley, Helton, Hobson, Littlefield, Smith, Taylor and Williams.--7.

Vacancy: District 7.--1.

The bill passed.

HB 1115, together with the conference committee report thereon, was ordered returned to the Honorable House.

PENDING CONSIDERATION OF CCR

The **2nd CCR** on **SB 625** was adopted upon motion of Senator Lawler.

SB 625, as amended in conference, was read at length.

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

Aye: Aldridge, Branan, Brogdon, Cain, Capps, Coates, Corn, Crutchfield, Dunlap, Easley, Fair, Fisher, Ford, Gumm, Harrison, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Snyder, Wilcoxson, Wilkerson and Williamson.--39.

Excused: Coffee, Helton, Hobson, Leftwich, Littlefield, Smith, Taylor and Williams.--8.

Vacancy: District 7.--1.

The bill and emergency passed.

SB 625, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 1106** was adopted upon motion of Senator Monson.

HB 1106, as amended in conference, was read at length.

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

Aye: Aldridge, Brogdon, Cain, Coates, Corn, Crutchfield, Fair, Fisher, Gumm, Harrison, Horner, Johnson, Laster, Lawler, Leftwich, Maddox, Monson, Morgan, Nichols, Price, Pruitt, Rabon, Reynolds, Robinson, Rozell, Shurden, Wilcoxson, Wilkerson and Williamson.--29.

Nay: Branan, Capps, Coffee, Dunlap, Ford, Kerr, Laughlin, Milacek, Myers, Riley and Snyder.--11.

Excused: Easley, Helton, Hobson, Littlefield, Smith, Taylor and Williams.--7.

Vacancy: District 7.--1.

The bill passed.

HB 1106, together with the conference committee report thereon, was ordered returned to the Honorable House.

PENDING CONSIDERATION OF CCR

The **2nd CCR** on **HB 1592** was adopted upon motion of Senator Price.

HB 1592, as amended in conference, was read at length.

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

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

Excused: Easley, Hobson, Littlefield, Smith, Taylor and Williams.--6.

Vacancy: District 7.--1.

The bill passed.

HB 1592, together with the conference committee report thereon, was ordered returned to the Honorable House.

PENDING CONSIDERATION OF CCR

The **2nd CCR** on **HB 1438** was adopted upon motion of Senator Corn.

HB 1438, as amended in conference, was read at length.

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

Aye: Aldridge, Cain, Capps, Corn, Crutchfield, Dunlap, Fisher, Gumm, Harrison, Helton, Horner, Kerr, Laster, Lawler, Maddox, Monson, Morgan, Nichols, Price, Pruitt, Rabon, Riley, Robinson, Rozell, Shurden and Wilkerson.--26.

Nay: Branan, Brogdon, Coates, Coffee, Fair, Ford, Johnson, Laughlin, Milacek, Myers, Reynolds, Snyder, Wilcoxson and Williamson.--14.

Excused: Easley, Hobson, Leftwich, Littlefield, Smith, Taylor and Williams.--7.

Vacancy: District 7.--1.

The bill passed and the emergency failed.

HB 1438, together with the conference committee report thereon, was ordered returned to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 1199** was adopted upon motion of Senator Kerr.

HB 1199, as amended in conference, was read at length.

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

Aye: Aldridge, Branan, Brogdon, Cain, Capps, Coates, Corn, Crutchfield, Dunlap, Fair, Fisher, Ford, Gumm, Harrison, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Littlefield, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Wilcoxson, Wilkerson and Williamson.--38.

Nay: Helton and Price.--2.

Excused: Coffee, Easley, Hobson, Smith, Snyder, Taylor and Williams.--7.

Vacancy: District 7.--1.

The bill and emergency passed.

HB 1199, together with the conference committee report thereon, was ordered returned to the Honorable House.

Senator Corn presiding.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 64** was adopted upon motion of Senator Littlefield.

SB 64, as amended in conference, was read at length.

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

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

Nay: Snyder.--1.

Excused: Easley, Hobson, Monson, Smith, Taylor and Williams.--6.

Vacancy: District 7.--1.

The bill passed.

Senator Monson desired to vote Aye on the emergency.

On the question of passage of the emergency, the vote resulted as follows: Aye: 41; Nay: 1; Excused: 5; Vacancy: 1.

The emergency passed.

SB 64, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 75** was adopted upon motion of Senator Littlefield.

SB 75, as amended in conference, was read at length.

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

Aye: Cain, Capps, Coates, Corn, Crutchfield, Dunlap, Fair, Fisher, Gumm, Harrison, Helton, Horner, Kerr, Laster, Lawler, Leftwich, Littlefield, Maddox, Milacek, Monson, Morgan, Myers, Price, Rabon, Riley, Robinson, Rozell, Shurden and Wilkerson.--29.

Nay: Aldridge, Branan, Brogdon, Johnson, Laughlin, Nichols, Pruitt, Reynolds, Snyder and Williamson.--10.

Excused: Coffee, Easley, Ford, Hobson, Smith, Taylor, Wilcoxson and Williams.--8.

Vacancy: District 7.--1.

The bill passed.

Senators Laughlin, Branan and Brogdon desired to vote Aye on the emergency.

On the question of passage of the emergency, the vote resulted as follows: Aye: 32; Nay: 7; Excused: 8; Vacancy: 1.

The emergency passed.

SB 75, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 24** was adopted upon motion of Senator Rozell.

SB 24, as amended in conference, was read at length.

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

Aye: Aldridge, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crutchfield, Dunlap, Easley, Fair, Fisher, Ford, Gumm, Harrison, Helton, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Robinson, Rozell, Shurden, Wilkerson and Williamson.--37.

Nay: Riley and Snyder.--2.

Excused: Hobson, Littlefield, Maddox, Milacek, Smith, Taylor, Wilcoxson and Williams.--8.

Vacancy: District 7.--1.

The bill and emergency passed.

SB 24, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

MESSAGE FROM THE HOUSE

Advising passage of and transmitting for consideration Engrossed **HJR 1030** and **HCR 1038**.

HJR 1030 – By Sweeden of the House and Monson and Dunlap of the Senate.

A Joint Resolution relating to a proposed emergency rule of the Oklahoma Health Care Authority; disapproving proposed emergency rule OAC 317:30-5-77.3, which relates to a supplemental drug rebate program and the product-based prior authorization program; declaring legislative intent; directing distribution; and declaring an emergency.

HCR 1038 – By Balkman, Coleman, Nations, Miller (Doug), Adair, Adkins, Armes, Askins, Benge, Blackburn, Blackwell, Bonny, Boren, Braddock, Brannon, Calvey, Carey, Cargill, Case, Claunch, Covey, Cox, Dank, Davis, DeWitt, Deutschendorf, Dorman, Easley, Eddins, Ellis, Ericson, Erwin, Ferguson, Gilbert, Graves, Greenwood, Hamilton, Harrison, Hastings, Hefner, Hiatt, Hilliard, Hutchison, Ingmire, Jones, Kirby, Lamons, Langmacher, Leist, Lerblance, Lindley, Liotta, Maddux, McCarter, McClain, McIntyre, Miller (Ray), Mitchell, Morgan (Danny), Morgan (Fred), Nance, Newport, Oneal, Paulk, Perry, Peters, Peterson, Pettigrew, Phillips, Piatt, Plunk, Pope, Reynolds, Rice, Roan, Roberts, Roggow, Smaligo, Smith (Dale), 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 Hobson and Nichols of the Senate.

A Concurrent Resolution praising the life and career of Judge Alan J. Couch; expressing sorrow and condolences for his untimely death; making a permanent record; and directing distribution.

The above-numbered measures were read the first time.

PENDING CONSIDERATION OF CCR

The **2nd CCR** on **HB 1323** was adopted upon motion of Senator Cain.

HB 1323, as amended in conference, was read at length.

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

Aye: Aldridge, Branan, Brogdon, Cain, Capps, Coates, Coffee, Crutchfield, Dunlap, Easley, Fisher, Ford, Gumm, Harrison, Helton, Horner, Johnson, Kerr, Laster, Laughlin,

Lawler, Leftwich, Maddox, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Shurden, Smith, Snyder, Wilkerson and Williamson.--38.

Nay: Corn.--1.

Excused: Fair, Hobson, Littlefield, Milacek, Rozell, Taylor, Wilcoxson and Williams.--8.

Vacancy: District 7.--1.

The bill passed.

The Chair advised that Senator Fair, having been present in the Chamber during the vote on **HB 1323** would be shown voting Nay in compliance with Rule 14-1B. The vote thereby resulted as follows: Aye: 38; Nay: 2; Excused: 7; Vacancy: 1.

Senator Fair desired to vote Aye on the emergency.

On the question of passage of the emergency, the vote resulted as follows: Aye: 39; Nay: 1; Excused: 7; Vacancy: 1.

The emergency passed.

HB 1323, together with the conference committee report thereon, was ordered returned to the Honorable House.

PENDING CONSIDERATION OF CCR

The **2nd CCR** on **SB 629** was adopted upon motion of Senator Smith.

SB 629, as amended in conference, was read at length.

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

Aye: Aldridge, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crutchfield, Dunlap, Easley, Fair, Fisher, Ford, Gumm, Harrison, Helton, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Littlefield, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Wilcoxson, Wilkerson, Williams and Williamson.--43.

Nay: Maddox.--1.

Excused: Hobson, Leftwich and Taylor.--3.

Vacancy: District 7.--1.

The bill and emergency passed.

SB 629, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 1646** was adopted upon motion of Senator Wilcoxson.

HB 1646, as amended in conference, was read at length.

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

Aye: Aldridge, Branan, Brogdon, Coates, Coffee, Corn, Crutchfield, Dunlap, Fair, Ford, Harrison, Horner, Johnson, Kerr, Laster, Laughlin, Leftwich, Maddox, Monson, Myers, Nichols, Price, Reynolds, Shurden, Snyder, Wilcoxson, Wilkerson and Williams.--28.

Nay: Cain, Capps, Easley, Fisher, Gumm, Helton, Lawler, Milacek, Rabon, Riley, Rozell and Smith.--12.

Excused: Hobson, Littlefield, Morgan, Pruitt, Robinson, Taylor and Williamson.--7.

Vacancy: District 7.--1.

The bill passed.

Senators Cain, Capps, Helton, Fisher and Smith desired to vote Aye on the emergency.

On the question of passage of the emergency, the vote resulted as follows: Aye: 33; Nay: 7; Excused: 7; Vacancy: 1.

The emergency passed.

HB 1646, together with the conference committee report thereon, was ordered returned to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 30** was adopted upon motion of Senator Rozell.

SB 30, as amended in conference, was read at length.

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

Aye: Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crutchfield, Dunlap, Easley, Fair, Fisher, Ford, Gumm, Harrison, Helton, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Maddox, Milacek, Monson, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Rozell, Shurden, Smith, Wilcoxson, Wilkerson and Williams.--39.

Nay: Snyder.--1.

Excused: Aldridge, Hobson, Littlefield, Morgan, Robinson, Taylor and Williamson.--7.

Vacancy: District 7.--1.

The bill and emergency passed.

SB 30, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 104** was adopted upon motion of Senator Wilkerson.

SB 104, as amended in conference, was read at length.

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

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

Nay: Snyder.--1.

Excused: Hobson, Littlefield, Morgan, Pruitt, Robinson and Taylor.--6.

Vacancy: District 7.--1.

The bill and emergency passed.

SB 104, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

Senator Rozell presiding.

GENERAL ORDER

HCR 1011 by Nations of the House and Nichols of the Senate was called up for consideration.

HCR 1011 was adopted upon motion of Senator Nichols and properly signed and ordered returned to the Honorable House.

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

Senator Reynolds asked unanimous consent to suspend Rule 5-4 and refer **HCR 1026** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

HCR 1026 by Calvey et al of the House and Reynolds of the Senate was called up for consideration.

All other members of the Senate asked to coauthor **HCR 1026**, which was the order.

HCR 1026 was adopted upon motion of Senator Reynolds and properly signed and ordered returned to the Honorable House.

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

Senator Crutchfield asked unanimous consent to suspend Rule 5-4 and refer **HCR 1033** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

HCR 1033 by Piatt et al of the House and Crutchfield of the Senate was called up for consideration.

All other members of the Senate asked to coauthor **HCR 1033**, which was the order.

HCR 1033 was adopted upon motion of Senator Crutchfield and properly signed and ordered returned to the Honorable House.

PENDING CONSIDERATION OF CCR

The **3rd CCR** on **SB 704** was adopted upon motion of Senator Laughlin.

SB 704, as amended in conference, was read at length.

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

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

Excused: Helton, Hobson, Pruitt, Riley and Taylor.--5.

Vacancy: District 7.--1.

The bill and emergency passed.

SB 704, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 1202** was adopted upon motion of Senator Littlefield.

HB 1202, as amended in conference, was read at length.

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

Aye: Aldridge, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crutchfield, Dunlap, Easley, Fair, Fisher, Ford, Gumm, Harrison, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Littlefield, Maddox, Milacek, Monson, Morgan, Myers, Price, Rabon, Reynolds, Robinson, Rozell, Shurden, Smith, Wilcoxson, Wilkerson and Williamson.--39.

Excused: Helton, Hobson, Nichols, Pruitt, Riley, Snyder, Taylor and Williams.--8.

Vacancy: District 7.--1.

The bill and emergency passed.

HB 1202, together with the conference committee report thereon, was ordered returned to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 1214** was adopted upon motion of Senator Littlefield.

HB 1214, as amended in conference, was read at length.

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

Aye: Aldridge, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crutchfield, Dunlap, Easley, Fair, Fisher, Ford, Gumm, Harrison, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Littlefield, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Rabon, Reynolds, Robinson, Rozell, Shurden, Smith, Wilcoxson, Wilkerson and Williams.--40.

Excused: Helton, Hobson, Pruitt, Riley, Snyder, Taylor and Williamson.--7.

Vacancy: District 7.--1.

The bill and emergency passed.

HB 1214, together with the conference committee report thereon, was ordered returned to the Honorable House.

PENDING CONSIDERATION OF CCR

The **2nd CCR** on **HB 1063** was adopted upon motion of Senator Robinson.

HB 1063, as amended in conference, was read at length.

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

Aye: Aldridge, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crutchfield, Dunlap, Easley, Fair, Fisher, Ford, Gumm, Harrison, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Littlefield, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Rabon, Reynolds, Robinson, Rozell, Shurden, Smith, Snyder, Wilkerson and Williams.--40.

Excused: Helton, Price, Pruitt, Riley, Taylor, Wilcoxson and Williamson.--7.

Vacancy: District 7.--1.

The bill passed.

The Chair advised that Senator Wilcoxson, having been present in the Chamber during the vote on **HB 1063** would be shown voting Nay in compliance with Rule 14-1B. The vote thereby resulted as follows: Aye: 40; Nay: 1; Excused: 6; Vacancy: 1.

HB 1063, together with the conference committee report thereon, was ordered returned to the Honorable House.

UNANIMOUS CONSENT REQUEST DIRECT TO CALENDAR

Senator Cain asked unanimous consent to suspend Rule 5-4 and refer **HCR 1038** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

HCR 1038 by Balkman et al of the House and Hobson and Nichols of the Senate was called up for consideration.

All other members of the Senate asked to coauthor **HCR 1038**, which was the order.

HCR 1038 was adopted upon motion of Senator Cain and properly signed and ordered returned to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 142** was adopted upon motion of Senator Leftwich.

SB 142, as amended in conference, was read at length.

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

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

Nay: Snyder.--1.

Excused: Helton, Littlefield, Price, Riley, Taylor and Williamson.--6.

Vacancy: District 7.--1.

The bill and emergency passed.

SB 142, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 1724** was adopted upon motion of Senator Gumm.

HB 1724, as amended in conference, was read at length.

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

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

Excused: Ford, Hobson, Littlefield, Morgan and Taylor.--5.

Vacancy: District 7.--1.

The bill and emergency passed.

HB 1724, together with the conference committee report thereon, was ordered returned to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 1101** was called up for consideration.

Senator Johnson moved to reject the **CCR** on **HB 1101** and return it to conference with instructions to delete Section 6.

Senator Corn moved to table the Johnson motion, which tabling motion was declared adopted upon roll call as follows:

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

Nay: Aldridge, Branan, Brogdon, Cain, Coates, Coffee, Dunlap, Fair, Johnson, Laughlin, Milacek, Myers, Nichols, Price, Pruitt, Reynolds, Riley, Smith, Snyder, Wilcoxson and Williamson.--21.

Excused: Littlefield and Taylor.--2.

Vacancy: District 7.--1.

The **CCR** on **HB 1101** was adopted upon motion of Senator Corn.

HB 1101, as amended in conference, was read at length.

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

Aye: Aldridge, Cain, Capps, Corn, Crutchfield, Dunlap, Easley, Fisher, Gumm, Harrison, Helton, Hobson, Horner, Kerr, Laster, Laughlin, Lawler, Leftwich, Littlefield, Maddox, Monson, Morgan, Nichols, Rabon, Robinson, Rozell, Shurden, Wilkerson and Williams.--29.

Nay: Branan, Brogdon, Coates, Coffee, Fair, Ford, Johnson, Milacek, Myers, Price, Pruitt, Reynolds, Riley, Smith, Snyder, Wilcoxson and Williamson.--17.

Excused: Taylor.--1.

Vacancy: District 7.--1.

The bill passed.

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

On the question of passage of the emergency, the vote resulted as follows: Aye: 32; Nay: 14; Excused: 1; Vacancy: 1.

The emergency passed.

HB 1101, together with the conference committee report thereon, was ordered returned to the Honorable House.

MESSAGES FROM THE HOUSE

Advising further conference granted and naming same House conferees on Engrossed:

HB 1670 - Roggow, Roberts, Morgan (Danny), Harrison, Maddux
SJR 21 - Adair, Roberts, Maddux, Vaughn, Askins

Returning following bills, together with conference committee reports thereon, advising adoption of conference committee reports and passage of measures as amended:

SB 221
SB 401
SB 591

The above-numbered measures, as amended in conference, were referred for enrollment.

Advising fourth reading of and returning Enrolled **SBs 78, 82, 286, 317, 350, 379, 391, 437, 607, 616, 646, 678, 724 and 787.**

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

Advising conferees unable to agree on **HB 1043.**

MESSAGE FROM THE HOUSE
CONFERENCE COMMITTEE REPORTS

Transmitting the following bills, together with conference committee reports thereon, advising adoption of conference committee reports and passage of measures as amended:

HB 1273 (2nd CCR)
HB 1292 (3rd CCR), coauthored by Nance of the House
HB 1412 (2nd CCR), coauthored by Dank, Roan, Case, Hastings, O'Neal and Roggow of the House
HB 1676 (2nd CCR)

Conference committee reports were read on the above-numbered bills.

REPORT OF ENGROSSED AND ENROLLED MEASURES

SBs 661, 668, 688, 706 and 838 were each correctly enrolled and after fourth reading, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

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

The Senate reconvened with Senator Rozell presiding.

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

PENDING CONSIDERATION OF CCR

The **3rd CCR** on **SB 610** was rejected upon motion of Senator Fisher, further conference requested, and same Senate conferees appointed as follows: Robinson, Cain, Aldridge.

REPORT OF ENGROSSED AND ENROLLED MEASURES

SBs 221, 401 and 591 were each correctly enrolled and after fourth reading, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

MESSAGES FROM THE HOUSE

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

HB 1414 (2nd CCR) - Staggs, Vaughn, Dank, Brannon, Harrison

SB 353 (2nd CCR) - Dorman, Wilt, Miller (Doug), Hamilton, Ellis

SB 649 - Tyler, Cox, Winchester, Paulk, Sweeden, Dank, Newport

SB 803 - Kirby, Roggow, Wilt, Roan, Roberts and remove as coauthor Coffee of the Senate

SB 834 (3rd CCR) - Stanley, Braddock, Bonny, Pettigrew, Ingmire, Roan, Newport and coauthored by Adkins, Hutchison, McCarter, Pope, Sweeden

Advising rejection of **CCR** to the following bill, requesting further conference with instructions (Page 1, Line 30 and 32 by changing may to shall; Page 2, Line 12 and 19 by changing shall to may; and Page 2, Line 19 by deleting all language) and naming same House conferees as follows:

SB 565 - Reynolds, Askins, Braddock, Roan, Newport, Lamons, Hastings

Advising further conference granted and naming same House conferees on Engrossed

SB 610 - Leist, Gilbert, Adkins, Braddock, Peters

Advising that the House has rescinded the signing and fourth reading of **HB 1117** and requests that the Honorable Senate rescind their signing and fourth reading of Enrolled **HB 1117**, reconsider the vote whereby the bill passed on 3rd Reading, reconsider the vote whereby the bill was advanced and consider the bill further.

Advising fourth reading of and returning Enrolled **SBs 221, 401, 591, 661, 668, 688, 706** and **838**.

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

Returning following bill, together with conference committee report thereon, advising adoption of conference committee report and passage of measure as amended:

SB 675 - emergency failed

The above-numbered measure, as amended in conference, was referred for enrollment.

MESSAGE FROM THE HOUSE CONFERENCE COMMITTEE REPORTS

Transmitting the following bills, together with conference committee reports thereon, advising adoption of conference committee reports and passage of measures as amended:

HB 1359 (2nd CCR)

HB 1503 (2nd CCR), remove Monson and substitute Rabon as principal Senate author

Conference committee reports were read on the above-numbered bills.

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 1414 – Pruitt, Williams, Leftwich, Horner, Wilcoxson

Senator Fisher moved that when the clerk's desk is clear, the Senate stand adjourned to convene Tuesday, May 27, 2003, at 9:30 a.m., which motion prevailed.

CONFERENCE COMMITTEE REPORTS SUBMITTED

Conference committee reports were read on the following bills:

SB 140

SB 150

SB 184

SB 300 (2nd CCR)

SB 322 (2nd CCR)

SB 358 (2nd CCR)

SB 429

SB 610 (4th CCR)

SB 643 (2nd CCR)

SJR 21 (2nd CCR), coauthored by Robinson of the Senate

MESSAGE FROM THE GOVERNOR

Advising his approval May 23, 2003, of Enrolled **SBs 4, 86, 130, 134, 144, 146, 156, 158, 160, 162, 411, 436, 671, 755** and **830**.

Pursuant to the Fisher motion, the Senate adjourned at 12:15 p.m. to meet Tuesday, May 27, 2003, at 9:30 a.m.