

# Senate Journal

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

**Fiftieth Legislative Day, Tuesday, April 27, 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, Rozell, Shurden, Smith, Snyder, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.—47.

Excused: Robinson.—1.

Senator Rozell declared a quorum present.

The prayer was offered by Reverend Cliff Briscoe, Living Word Church, Shawnee, the guest of Senator Laster.

### **REPORT OF ENGROSSED AND ENROLLED MEASURES**

**SBs 889, 1095, 1107, 1111, 1246, 1253, 1522 and 1598** were each correctly enrolled and after fourth reading, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

**SRs 60, 61 and 62** were each correctly enrolled, properly signed and ordered transmitted to the Secretary of State.

**Senator Gumm presiding.**

**FIRST READING**

The following was introduced and read the first time:

**SR 63** – By Hobson.

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

**UNANIMOUS CONSENT REQUEST  
DIRECT TO CALENDAR**

Senator Hobson asked unanimous consent to suspend Rule 5-4 and refer **SR 63** direct to the Calendar for consideration, which was the order.

**GENERAL ORDER**

**SR 63** by Hobson was called up for consideration.

All other members of the Senate, except Senator Rozell, asked to coauthor **SR 63**, which was the order.

**SR 63** was adopted upon motion of Senator Hobson and referred for enrollment.

**SPECIAL RECOGNITION OF SENATOR HERB ROZELL**

Senator Rozell was honored by the Oklahoma State Senate for his 28 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 Rozell for his years of service to the citizens of Senate District 3 in the Oklahoma State Senate. Senators Williamson, Coffee and Dunlap also addressed the Senate.

Senator Rozell addressed the Senate and introduced his family to the Senate. His guests in attendance were his wife, Carol; his brother and sister-in-law, Delbert and Vera Rozell; his sisters, Clara Jamison and Bobby Christie; his son; Mike Rozell; his daughter, Rene' Mitchell; his grandchildren, Jordan Rozell, Mark and Whitney Mahaney, Nick Mahaney, Sam Mitchell and Brock Mitchell; his great-grandson, Cole Mahaney; his niece, Brenda Nash; his nephews, Isaac Christie, Gary Rozell and Rick Rozell; and guests, Mashell Hodge, Pat Frank, Mike Winegar, Clara and Ashley Martin, Bob Ed Culver, Susan Crutcher, President Larry Williams from Northeastern University and Speaker Adair. Senator Rozell also recognized his executive assistant, Novie Grimwood, for her dedication and hard work.

**MESSAGES FROM THE HOUSE**

Advising adding of House conferees as follows:

**HB 1874** - Paulk

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

**HB 1734** - Wells, Toure, Davis, Hefner, Ingmire

Advising naming of House conferees as follows:

- HB 1427** - Braddock, Roan, Hamilton, Mass, Nance, Hastings, Newport
- HB 1694** - Tyler, Plunk, Taylor, Benge, Young
- HB 1695** - Tyler, Langmacher, Plunk, Armes, Liotta
- HB 1823** - Erwin, Davis, Maddux, Roberts, Ferguson, Mitchell, Bonny
- HB 1866** - Gilbert, Stanley, Greenwood, Adkins, Braddock, Cox, Eddins, Lindley, McIntyre, Morgan (Fred), Paulk, Piatt, Smithson, Staggs, Vaughn, Winchester, Wright
- HB 1889** - Ellis, Erwin, Hutchison, Steele, Roberts, Maddux
- HB 2109** - Kirby, Askins, McCarter, Hutchison, Erwin, Sullivan, Wilt, Armes, Roggow
- HB 2110** - Kirby, Askins, Braddock, Ingmire, Hastings, Roan, Newport
- HB 2112** - Kirby, Armes, Pope, Nance, Rice, Roberts
- HB 2135** - Peters, Carey, Piatt, Rice, Nations
- HB 2208** - Case, Pettigrew, Pope, Kirby, Rice
- HB 2219** - Maddux, Leist, Roggow, Covey, Pope
- HB 2265** - Paulk, Roan, Nance, Lamons, Ericson
- HB 2274** - Case, Tyler, Plunk, Walker, Nance, Armes, Hutchison
- HB 2330** - Tyler, Taylor, Ferguson, Brannon, Roberts, Benge
- HB 2367** - Jones, Paulk, Lamons, Roan, Smithson, Case, Steele
- HB 2425** - Kirby, Askins, Eddins, Nance, Armes, Roan, Roggow
- HB 2470** - Braddock, McCarter, Askins, Maddux, Vaughn, Toure, Davis
- HB 2552** - Hilliard, Winchester, Mitchell, Bonny, Ingmire
- HB 2600** - Hilliard, Pope, Mitchell, Bonny, Paulk, Tibbs, Pettigrew, Cargill, Hiatt
- HB 2637** - Steele, Taylor, Case, Roan, Smithson, Paulk, Jones
- HB 2673** - Dorman, Taylor, Ingmire, Case, Rice
- HB 2681** - Hefner, Dorman, Sweeden, Newport, Dank
- HB 2682** - Hefner, Dorman, Sweeden, Ferguson, Trebilcock, Dank, Pope
- HB 2710** - Toure, Davis, Hastings, Braddock, Askins, McIntyre, Roan, Newport
- HB 2723** - Pettigrew, Stanley, Greenwood, Adkins, Braddock, Cox, Eddins, Lindley, McIntyre, Morgan (Fred), Paulk, Piatt, Smithson, Staggs, Vaughn, Winchester, Wright
- HJR 1063** - Staggs, Rice, Ferguson, Pope, Nance

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

- SB 472** - Walker, Hamilton, Ellis, Rice, Armes, Peters, Ingmire
- SB 864** - Sweeden, Dank, Kirby, Dorman, Tibbs
- SB 903** - Hilliard, Langmacher, Wilt, Armes, Pope, Ellis, Piatt, Blackburn, Peters
- SB 905** - McCarter, Taylor, Case, Walker, Young
- SB 1105** - Carey, Pettigrew, Dorman, Lamons, Case, Sweeden, Dank
- SB 1112** - Miller (Ray), Benge, DeWitt, Roberts, Blackburn, Deutschendorf, Ferguson, Perry, Staggs
- SB 1207** - Staggs, Blackburn, Miller (Doug), Ingmire, Mitchell, Bonny
- SB 1233** - Pope, Maddux, Leist, Covey, Armes
- SB 1299** - Leist, Phillips, Mitchell, Erwin, Bonny, Nance
- SB 1318** - Carey, Piatt, Cargill, Morgan (Danny), Nations
- SB 1400** - Gilbert, Taylor, Case, Walker, Maddux
- SB 1405** - Lindley, Gilbert, Ingmire, Peters, Toure
- SB 1504** - Cox, Hastings, McIntyre, Paulk, Lamons, Nance
- SB 1551** - Dorman, Pope, Nance, Rice, Maddux, Hilliard, Calvey
- SB 1565** - Nations, Carey, Piatt, Blackburn, Peterson (Ron), Cargill, Pope, Covey, Rice, Hiatt, Roberts, Langmacher, Sullivan, Morgan (Danny), Trebilcock, Morgan (Fred), Winchester, Worthen

Advising the signing of and transmitting for signature Enrolled **HCR 1071**.

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 1133, 1821, 1864, 1890, 2195, 2247 and 2713**.

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

#### **PENDING CONSIDERATION OF HAS**

**HAs to SBs 989, 1269, 1319, 1494 and 1534** were rejected upon motion of Senator Fisher, conference requested, and Senate conferees to be named later.

#### **PENDING CONSIDERATION OF HAS**

**HAs to SB 956** were concurred in upon motion of Senator Capps.

**SB 956**, 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, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Littlefield, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Shurden, Smith, Snyder, Wilcoxson, Wilkerson, Williams and Williamson.--42.

Excused: Easley, Fair, Maddox, Robinson, Rozell and Taylor.--6.

The bill passed.

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

#### **PENDING CONSIDERATION OF HAS**

**HAs to SBs 868, 1252 and 1531** were rejected upon motion of Senator Fisher, conference requested, and Senate conferees to be named later.

**Senator Monson presiding.**

#### **PENDING CONSIDERATION OF HAS**

**HAs to SB 1163** were concurred in upon motion of Senator Price.

**SB 1163**, 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, Fair, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Littlefield, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Shurden, Smith, Snyder, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.--45.

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

The bill passed.

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

## **EXECUTIVE NOMINATIONS**

The following executive nominations have been approved by the committees named:

Abbott, Rodney Lee, Broken Arrow, to the Highway Construction Material Technician Certification Board, to serve a three year term ending June 30, 2005, succeeding himself. (Transportation Committee) Motion to confirm made by Senator Ford.

Ackerman, Ann, Oklahoma City, to the Science and Technology Council, to serve at the pleasure of the Governor, succeeding Gene Rainbolt. (Aerospace and Technology Committee) Motion to confirm made by Senator Coffee.

Adams, Kendall R., Broken Arrow, to the Highway Construction Material Technician Certification Board, to serve a three year term ending June 30, 2005, succeeding Darren Bond. (Transportation Committee) Motion to confirm made by Senator Pruitt.

Alexander, Joseph W., Stillwater, as Cabinet Secretary of Science and Technology, to serve at the pleasure of the Governor, succeeding a new position. (Aerospace and Technology Committee) Motion to confirm made by Senator Morgan.

Ashwood, Albert R., Chandler, as the Director of the Department of Emergency Management, to serve at the pleasure of the Governor, succeeding himself. (General Government Committee) Motion to confirm made by Senator Coates.

Atwood, Mary L., Shawnee, to the Organ Donor Education and Awareness Program Advisory Council, to serve a four year term ending November 1, 2007, succeeding Janice Clark. (Human Resources Committee) Motion to confirm made by Senator Laster.

Bjorgo, Harlan Jay, Moore, to the War Veterans Commission of Oklahoma, to serve an unexpired term ending July 1, 2006, succeeding John Dilbeck. (Veterans, Military Affairs and Public Safety Committee) Motion to confirm made by Senator Lawler.

Detten, Richard L., Ponca City, to the Board of Regents of the Northern Oklahoma College, to serve a five year term ending June 30, 2009, succeeding Carl Hamm. (Education Committee) Motion to confirm made by Senator Myers.

Ellis, Hal, Stillwater, to the Oklahoma Transportation Authority, to serve an eight year term ending July 1, 2012, succeeding himself. (Transportation Committee) Motion to confirm made by Senator Morgan.

Ellis, Hal, Stillwater, to the Oklahoma Transportation Authority, to serve an unexpired term ending July 1, 2004, succeeding Jack Griffith. (Transportation Committee) Motion to confirm made by Senator Morgan.

Evans, Gary A., Tulsa, to the Highway Construction Material Technician Certification Board, to serve a three year term ending June 30, 2005, succeeding himself. (Transportation Committee) Motion to confirm made by Senator Ford.

Fernandes, D.O., John, Tulsa, to the Science and Technology Council, to serve at the pleasure of the Governor, succeeding Socrates Choumbakos. (Aerospace and Technology Committee) Motion to confirm made by Senator Williamson.

Ferretti, Ph.D., Joseph J., Oklahoma City, to the Science and Technology Council, to serve at the pleasure of the Governor, succeeding Howard Janzen. (Aerospace and Technology Committee) Motion to confirm made by Senator Fair.

Finley-McFalls, Maxine L., Ada, to the Alcoholic Beverage Laws Enforcement Commission, to serve a five year term ending September 18, 2009, succeeding herself. (Judiciary Committee) Motion to confirm made by Senator Wilkerson.

Finley-McFalls, Maxine L., Ada, to the Alcoholic Beverage Laws Enforcement Commission, to serve an unexpired term ending September 18, 2004, succeeding Marty Corder. (Judiciary Committee) Motion to confirm made by Senator Wilkerson.

Frick, John Bartolett, Oklahoma City, to the Science and Technology Council, to serve at the pleasure of the Governor, succeeding Cheryl Choumbakos. (Aerospace and Technology Committee) Motion to confirm made by Senator Cain.

Garrett, Nicholas D., Lawton, to the Crime Victims Compensation Board, to serve a four year term ending September 30, 2008, succeeding Weldon Stout. (Judiciary Committee) Motion to confirm made by Senator Helton.

Harris, Tim, Tulsa, to the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control Commission, to serve a seven year term ending December 31, 2011, succeeding himself. (Judiciary Committee) Motion to confirm made by Senator Williamson.

Harwood, Joe, Afton, to the Oklahoma Tourism and Recreation Commission, to serve a six year term ending July 1, 2010, succeeding himself. (Tourism and Wildlife Committee) Motion to confirm made by Senator Littlefield.

Hendrickson, Jean Dove, Oklahoma City, to the Oklahoma Educational Television Authority, to serve a seven year term ending June 30, 2011, succeeding Carolyn McLarty. (Education Committee) Motion to confirm made by Senator Coffee.

Jones, John W., Norman, to the Highway Construction Material Technician Certification Board, to serve a three year term ending June 30, 2005, succeeding himself. (Transportation Committee) Motion to confirm made by Senator Hobson.

Moore, Andrew J., Goldsby, to the Oklahoma Board of Private Vocational Schools, to serve a six year term ending July 1, 2009, succeeding himself. (Education Committee) Motion to confirm made by Senator Nichols.

Moran, Melvin, Seminole, to the Oklahoma Tourism and Recreation Commission, to serve a six year term ending July 1, 2010, succeeding himself. (Tourism and Wildlife Committee) Motion to confirm made by Senator Coates.

Parrott, Dennis Wayne, Tahlequah, to the War Veterans Commission of Oklahoma, to serve an unexpired term ending July 1, 2005, succeeding Harold Pinney. (Veterans, Military Affairs and Public Safety Committee) Motion to confirm made by Senator Rozell.

Pulliam, Larry, Springer, to the Oklahoma Science and Technology Research and Development Board, to serve an initial term ending June 30, 2005, succeeding a new position. (Aerospace and Technology Committee) Motion to confirm made by Senator Crutchfield.

Raymond, George, Norman, to the Highway Construction Materials Technician Certification Board, to serve an unexpired term ending June 30, 2005, succeeding himself. (Transportation Committee) Motion to confirm made by Senator Nichols.

Robinson, Randy, Edmond, to the Highway Construction Material Technician Certification Board, to serve a three year term ending June 30, 2005, succeeding himself. (Transportation Committee) Motion to confirm made by Senator Snyder.

Ryan, Charles V., Oklahoma City, to the Polygraph Examiners Board, to serve a six year term ending May 17, 2010, succeeding J.O. Williams. (Judiciary Committee) Motion to confirm made by Senator Fair.

Seiter, Scott J., Edmond, to the Highway Construction Material Technician Certification Board, to serve a three year term ending June 30, 2005, succeeding himself. (Transportation Committee) Motion to confirm made by Senator Fair.

Shreve, Edward Lyle, Stillwater, to the Oklahoma Science and Technology Research and Development Board, to serve an unexpired term expiring June 30, 2006, succeeding Greg Allen. (Aerospace and Technology Committee) Motion to confirm made by Senator Morgan.

Sims, Frank P., Shawnee, to the Oklahoma Tourism and Recreation Commission, to serve an unexpired term ending July 1, 2007, succeeding Janis Ricks. (Tourism and Wildlife Committee) Motion to confirm made by Senator Laster.



Smith, Donald R., Norman, to the Highway Construction Material Technician Certification Board, to serve a three year term ending June 30, 2005, succeeding himself. (Transportation Committee) Motion to confirm made by Senator Nichols.

Smith, Mary Catherine, Tulsa, to the Oklahoma Space Industry Development Authority, to serve a four year term ending June 30, 2008, succeeding herself. (Aerospace and Technology Committee) Motion to confirm made by Senator Williams.

Smith, Mary Catherine, Tulsa, to the Oklahoma Space Industry Development Authority, to serve an unexpired term ending June 30, 2004, succeeding Donna Shirley. (Aerospace and Technology Committee) Motion to confirm made by Senator Williams.

Stewart, Jack C., Yukon, to the Highway Construction Material Technician Certification Board, to serve a three year term ending June 30, 2005, succeeding himself. (Transportation Committee) Motion to confirm made by Senator Price.

Thomas, Warren W., Norman, to the Science and Technology Council, to serve at the pleasure of the Governor, succeeding Ken Parker. (Aerospace and Technology Committee) Motion to confirm made by Senator Nichols.

Toney, Reynolds H., Oklahoma City, to the Highway Construction Material Technician Certification Board, to serve a three year term ending June 30, 2005, succeeding himself. (Transportation Committee) Motion to confirm made by Senator Fair.

Turnbo, Steve, Tulsa, to the Will Rogers Memorial Commission, to serve a six year term ending March 1, 2010, succeeding himself. (Tourism and Wildlife Committee) Motion to confirm made by Senator Williams.

Waites, James O., Weatherford, to the Oklahoma Student Loan Authority, to serve a five year term ending April 6, 2009, succeeding Steven Bramlett. (Education Committee) Motion to confirm made by Senator Kerr.

Motions to confirm the above-named executive nominations were 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, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Littlefield, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Rozell, Shurden, Smith, Snyder, Wilcoxson, Wilkerson, Williams and Williamson.--45.

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

**PENDING SENATE ACTION  
HOUSE REQUEST FOR CONFERENCE**

Upon motion of Senator Fisher, the request of the Honorable House for conference on the following bills was ordered granted and Senate conferees to be named later:

**HB 1803**  
**HB 1847**  
**HB 1867**  
**HB 2164**  
**HB 2233**  
**HB 2250**  
**HB 2277**  
**HB 2306**  
**HB 2314**  
**HB 2429**  
**HB 2432**  
**HB 2440**  
**HB 2505**  
**HB 2536**  
**HB 2541**  
**HB 2559**  
**HB 2577**  
**HB 2612**  
**HB 2626**  
**HB 2630**  
**HB 2632**  
**HB 2718**  
**HJR 1068**

**MESSAGES FROM THE HOUSE**

Advising passage of and transmitting for consideration Engrossed **HCR 1064**.

**HCR 1064** – By Ellis of the House and Rabon of the Senate.

A Concurrent Resolution designating a section of U.S. Highway 70 as the Choctaw-Chickasaw Memorial Highway; directing Oklahoma Department of Transportation to place permanent markers; and directing distribution.

The above-numbered measure was read the first time.

Advising fourth reading of and returning Enrolled **SBs 889, 1095, 1107, 1111, 1246, 1253, 1522 and 1598**.

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

**PENDING CONSIDERATION OF HAS**

**HAs to SB 1413** were called up for consideration.

Senator Coffee asked that **SB 1413** be laid over for this legislative day, which was the order.

**SB 1413** remains on pending consideration of **HAs**.

**PENDING CONSIDERATION OF HAS**

**HAs to SB 1206** were concurred in upon motion of Senator Price.

**SB 1206**, 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, Fair, Fisher, Ford, Gumm, Harrison, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Littlefield, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Rozell, Shurden, Smith, Snyder, Wilcoxson, Wilkerson and Williamson.--43.

Excused: Helton, Maddox, Robinson, Taylor and Williams.--5.

The bill passed.

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

**Senator Gumm presiding.**

**PENDING CONSIDERATION OF HAS**

**HAs to SB 1372** were concurred in upon motion of Senator Monson.

**SB 1372**, 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, Fair, Fisher, Ford, Gumm, Harrison, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Littlefield, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Rozell, Shurden, Smith, Wilcoxson, Wilkerson and Williamson.--42.

Nay: Snyder.--1.

Excused: Helton, Maddox, Robinson, Taylor and Williams.--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 1609** were concurred in upon motion of Senator Monson.

**SB 1609**, 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, Fair, Fisher, Gumm, Harrison, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Littlefield, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Rozell, Shurden, Wilcoxson and Wilkerson.--39.

Nay: Snyder.--1.

Excused: Ford, Helton, Maddox, Robinson, Smith, Taylor, Williams and Williamson.--8.

The bill and emergency passed.

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

**FIRST READING**

The following was introduced and read the first time:

**SCR 63** – By Taylor and Hobson of the Senate and Jones of the House.

A Concurrent Resolution commending the life of Bob Wadley; extending condolences; and directing distribution.

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.

**MESSAGE FROM THE HOUSE**

Advising passage of and transmitting for consideration Engrossed **HCR 1080**.

**HCR 1080** – By Leist of the House and Shurden of the Senate.

A Concurrent Resolution recalling from the Office of the Governor Enrolled House Bill No. 1018, passed by the 2<sup>nd</sup> Session of the 49<sup>th</sup> Oklahoma Legislature.

The above-numbered measure was read the first time.

**UNANIMOUS CONSENT REQUEST  
DIRECT TO CALENDAR**

Senator Fisher asked unanimous consent to suspend Rule 5-4 and refer **SCR 63** direct to the Calendar for consideration, which was the order.

**GENERAL ORDER**

**SCR 63** by Taylor and Hobson of the Senate and Jones of the House was called up for consideration.

All other members of the Senate asked to coauthor **SCR 63**, which was the order.

**SCR 63** was adopted upon motion of Senator Fisher and referred for engrossment.

**PENDING CONSIDERATION OF HAS**

**HAs to SB 1055** were concurred in upon motion of Senator Wilkerson.

**SB 1055**, 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, Fair, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Littlefield, Maddox, Milacek, Myers, Nichols, Price, Pruitt, Rabon, Riley, Rozell, Shurden, Smith, Snyder, Wilcoxson, Wilkerson, Williams and Williamson.--42.

Excused: Coffee, Monson, Morgan, Reynolds, Robinson and Taylor.--6.

The bill passed.

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

**UNANIMOUS CONSENT REQUEST  
DIRECT TO CALENDAR**

Senator Shurden asked unanimous consent to suspend Rule 5-4 and refer **HCR 1080** direct to the Calendar for consideration, which was the order.

**GENERAL ORDER**

**HCR 1080** by Leist of the House and Shurden of the Senate was called up for consideration.

**HCR 1080** was adopted upon motion of Senator Shurden and properly signed and ordered returned to the Honorable House.

**PENDING CONSIDERATION OF HAS**

**HAs to SB 1061** were concurred in upon motion of Senator Wilkerson.

**SB 1061**, 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, Fair, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Littlefield, Maddox, Milacek, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Rozell, Shurden, Smith, Snyder, Wilcoxson, Wilkerson, Williams and Williamson.--43.

Excused: Coffee, Monson, Morgan, Robinson and Taylor.--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 1063** were concurred in upon motion of Senator Wilkerson.

**SB 1063**, 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, Fair, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Littlefield, Maddox, Milacek, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Rozell, Shurden, Smith, Snyder, Wilcoxson, Wilkerson, Williams and Williamson.--43.

Excused: Coffee, Monson, Morgan, Robinson and Taylor.--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 1067** were called up for consideration.

Senator Wilkerson asked the **SB 1067** be laid over for this legislative day, which was the order.

**SB 1067** remains on pending consideration of **HAs**.

**PENDING CONSIDERATION OF HAs**

**HAs to SB 958** were concurred in upon motion of Senator Capps.

**SB 958**, 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, Fair, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Maddox, Milacek, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Rozell, Shurden, Smith, Snyder, Wilcoxson, Wilkerson and Williamson.--41.

Excused: Coffee, Littlefield, Monson, Morgan, Robinson, Taylor and Williams.--7.

The bill passed.

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

**PENDING CONSIDERATION OF HAs**

**HAs to SB 960** were concurred in upon motion of Senator Capps.

**SB 960**, 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, 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, Rozell, Shurden, Smith, Snyder, Wilcoxson, Wilkerson and Williamson.--42.

Excused: Coffee, Littlefield, Morgan, Robinson, Taylor and Williams.--6.

The bill passed.

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



**PENDING CONSIDERATION OF HAs**

**HAs to SB 966** were concurred in upon motion of Senator Capps.

**SB 966**, 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, 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, Rozell, Shurden, Smith, Snyder, Wilcoxson, Wilkerson and Williamson.--43.

Excused: Coffee, Morgan, Robinson, Taylor and Williams.--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 968** were concurred in upon motion of Senator Capps.

**SB 968**, 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, 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, Rozell, Shurden, Smith, Snyder, Wilcoxson, Wilkerson and Williamson.--43.

Excused: Coffee, Morgan, Robinson, Taylor and Williams.--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 970** were concurred in upon motion of Senator Capps.

**SB 970**, 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, 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, Rozell, Shurden, Smith, Snyder, Wilcoxson, Wilkerson and Williamson.--43.

Excused: Coffee, Morgan, Robinson, Taylor and Williams.--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 991** were concurred in upon motion of Senator Kerr.

**SB 991**, 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, 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, Rozell, Shurden, Smith, Snyder, Wilcoxson, Wilkerson and Williamson.--43.

Excused: Coffee, Morgan, Robinson, Taylor and Williams.--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 993** were concurred in upon motion of Senator Kerr.

**SB 993**, 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, Cain, Capps, Coates, Corn, Crutchfield, Dunlap, Easley, Fair, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Littlefield, Maddox, Milacek, Monson, Myers, Nichols, Price, Pruitt, Rabon, Riley, Rozell, Shurden, Smith, Snyder, Wilcoxson and Wilkerson.--40.

Nay: Brogdon, Reynolds and Williamson.--3.

Excused: Coffee, Morgan, Robinson, Taylor and Williams.--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 995** were concurred in upon motion of Senator Kerr.

**SB 995**, as amended by the Honorable House, was read at length.

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

Aye: Branan, Cain, Capps, Coates, Corn, Crutchfield, Dunlap, Easley, 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, Rozell, Shurden, Smith, Snyder, Wilcoxson, Wilkerson and Williams.--41.

Nay: Aldridge, Brogdon and Williamson.--3.

Excused: Coffee, Morgan, Robinson 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 1015** were concurred in upon motion of Senator Littlefield.

**SB 1015**, as amended by the Honorable House, was read at length.

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

Aye: Branan, Cain, Capps, Coates, Corn, Crutchfield, Dunlap, Easley, 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, Rozell, Shurden, Smith, Snyder, Wilcoxson, Wilkerson, Williams and Williamson.--42.

Nay: Aldridge and Brogdon.--2.

Excused: Coffee, Morgan, Robinson 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 1023** were concurred in upon motion of Senator Littlefield.

**SB 1023**, as amended by the Honorable House, was read at length.

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

Aye: Branan, Cain, Capps, Coates, Corn, Crutchfield, Dunlap, Easley, Fair, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Lawler, Leftwich, Lerblance, Littlefield, Maddox, Milacek, Monson, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Rozell, Shurden, Smith, Snyder, Wilcoxson, Wilkerson, Williams and Williamson.--41.

Nay: Aldridge, Brogdon and Laughlin.--3.

Excused: Coffee, Morgan, Robinson 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 1025** were concurred in upon motion of Senator Littlefield.

**SB 1025**, 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, 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, Rozell, Shurden, Smith, Snyder, Wilcoxson, Wilkerson, Williams and Williamson.--44.

Excused: Coffee, Morgan, Robinson 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 1029** were concurred in upon motion of Senator Littlefield.

**SB 1029**, as amended by the Honorable House, was read at length.

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

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

Nay: Aldridge, Brogdon and Laughlin.--3.

Excused: Coffee, Robinson, Taylor and Williams.--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 1033** were concurred in upon motion of Senator Littlefield.

**SB 1033**, as amended by the Honorable House, was read at length.

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

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

Nay: Aldridge, Brogdon and Laughlin.--3.

Excused: Coffee, Robinson, Taylor and Williams.--4.

The bill passed.

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

**PENDING CONSIDERATION OF HAS**

**HAs to SBs 6, 667, 747, 756, 1134, 1135, 1142, 1143, 1144, 1145, 1172, 1261, 1272, 1335 and 1345** were rejected upon motion of Senator Fisher, conference requested, and Senate conferees to be named later.

**MESSAGES FROM THE HOUSE**

Advising concurrence in **SAs** to and passage of Engrossed **HBs 1835, 1860, 1873, 2145, 2278, 2477 and 2526**.

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

**HB 1571**

**HB 2006**

**HB 2140**

**HB 2141**

**HB 2187**

**HB 2198**

**HB 2223**  
**HB 2226**  
**HB 2243**  
**HB 2282**  
**HB 2363**  
**HB 2365**  
**HB 2542**  
**HB 2660**  
**HB 2664**  
**HB 2667**

Advising the signing of and transmitting for signature Enrolled **HCR 1080**.

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

#### **EXECUTIVE NOMINATIONS**

The following executive nominations were read and referred to committee as indicated:

Britton, Don E., Shawnee, as a member of the State Board of Agriculture - Agriculture and Rural Development

Helms, Kay K., D.V.M., Coalgate, as a member of the Board of Regents of Murray State College - Education

Senator Fisher moved that when the clerk's desk is clear, the Senate stand adjourned to convene Wednesday, April 28, 2004, at 1:00 p.m., which motion prevailed.

#### **FIRST READING**

The following was introduced and read the first time:

**SR 64** – By Hobson.

A Resolution expressing gratitude to Senator Penny Williams for her service in the Oklahoma State Senate; and directing distribution.

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

Advising his approval April 27, 2004, of Enrolled **SBs 1381, 1397, 1411 and 1543**.

Pursuant to the Fisher motion, the Senate adjourned at 4:20 p.m. to meet Wednesday, April 28, 2004, at 1:00 p.m.