Senate Journal

Second Regular Session of the Forty-ninth Legislature of the State of Oklahoma Sixty-sixth Legislative Day, Monday, May 24, 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 Senator Kerr.

REPORT OF ENGROSSED AND ENROLLED MEASURES

SBs 587, 975, 1135, 1269, 1284 and 1405 were each correctly enrolled and after fourth reading, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

SCRs 64, 65, 70, 72 and 73 were each correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

SR 74 was correctly enrolled, properly signed and ordered transmitted to the Secretary of State.

PENDING CONSIDERATION OF CCR

The CCR on SB 965 was adopted upon motion of Senator Capps.

SB 965, 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, Easley, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Lerblance, Littlefield, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Snyder, Wilcoxson, Wilkerson and Williamson.--40.

Excused: Aldridge, Dunlap, Fair, Leftwich, Maddox, Smith, Taylor and Williams.--8.

The bill and emergency passed.

SB 965, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 864** was adopted upon motion of Senator Gumm.

SB 864, as amended in conference, was read at length.

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

Aye: Cain, Capps, Corn, Crutchfield, Easley, Fair, Fisher, Gumm, Harrison, Helton, Hobson, Horner, Kerr, Laster, Lawler, Lerblance, Littlefield, Maddox, Monson, Morgan, Price, Rabon, Robinson, Rozell, Shurden and Wilkerson.--26.

Nay: Aldridge, Branan, Brogdon, Coates, Coffee, Ford, Johnson, Laughlin, Milacek, Myers, Nichols, Pruitt, Reynolds, Riley, Snyder, Wilcoxson and Williamson.--17.

Excused: Dunlap, Leftwich, Smith, Taylor and Williams.--5.

The bill passed and the emergency failed.

SB 864, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

UNANIMOUS CONSENT REQUEST DIRECT TO CALENDAR

Senator Gumm asked unanimous consent to suspend Rule 5-4 and refer **SR 75** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SR 75 by Gumm was called up for consideration.

All other members of the Senate asked to coauthor SR 75, which was the order.

SR 75 was adopted upon motion of Senator Gumm and referred for enrollment.

PENDING CONSIDERATION OF CCR

The **2ND CCR** on **HB 2213** was adopted upon motion of Senator Crutchfield.

HB 2213, 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, Coffee, Corn, Crutchfield, Easley, Fair, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Lerblance, Littlefield, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Snyder, Wilcoxson, Wilkerson and Williamson.--42.

Excused: Coates, Dunlap, Leftwich, Smith, Taylor and Williams.--6.

The bill and emergency passed.

HB 2213, together with the conference committee report thereon, was ordered returned to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 2314** was adopted upon motion of Senator Corn.

HB 2314, 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, Coffee, Corn, Crutchfield, 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, Snyder, Wilcoxson, Wilkerson and Williamson.--43.

Excused: Coates, Dunlap, Smith, Taylor and Williams.--5.

The bill passed.

HB 2314, together with the conference committee report thereon, was ordered returned to the Honorable House.

PENDING CONSIDERATION OF CCR

The CCR on HB 1866 was adopted upon motion of Senator Cain.

HB 1866, 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, 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, Snyder, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.--46.

Excused: Dunlap and Smith.--2.

The bill and emergency passed.

HB 1866, together with the conference committee report thereon, was ordered returned to the Honorable House.

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 Senate conferees appointed as follows:

SB 297 – Wilkerson, Laster, Rozell, Smith, Nichols

UNANIMOUS CONSENT REQUEST DIRECT TO CALENDAR

Senator Gumm asked unanimous consent to suspend Rule 5-4 and refer **SRs 76, 77** and **78** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SR 76 by Gumm was called up for consideration.

All other members of the Senate asked to coauthor **SR 76**, which was the order.

SR 76 was adopted upon motion of Senator Gumm and referred for enrollment.

GENERAL ORDER

SR 77 by Gumm was called up for consideration.

All other members of the Senate asked to coauthor **SR 77**, which was the order.

SR 77 was adopted upon motion of Senator Gumm and referred for enrollment.

GENERAL ORDER

SR 78 by Gumm was called up for consideration.

All other members of the Senate asked to coauthor **SR 78**, which was the order.

SR 78 was adopted upon motion of Senator Gumm and referred for enrollment.

PENDING CONSIDERATION OF CCR

The CCR on HB 2527 was adopted upon motion of Senator Cain.

HB 2527, 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, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Snyder, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.--45.

Excused: Harrison, Littlefield and Smith.--3.

The bill and emergency passed.

HB 2527, together with the conference committee report thereon, was ordered returned to the Honorable House.

MESSAGE FROM THE HOUSE

Advising fourth reading of and transmitting for signature Enrolled **HB 2074**.

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

PENDING CONSIDERATION OF CCR

The CCR on SB 1389 was adopted upon motion of Senator Monson.

Senator Rabon asked to coauthor **SB 1389**, which was the order.

SB 1389, 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, Helton, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Maddox, Milacek, Monson, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Snyder, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.--43.

Excused: Harrison, Hobson, Littlefield, Morgan and Smith.--5.

The bill and emergency passed.

SB 1389, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

Senator Gumm presiding.

PENDING CONSIDERATION OF HAS

HAs to SB 1392 were concurred in upon motion of Senator Laughlin.

SB 1392, 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, Helton, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Maddox, Milacek, Monson, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Snyder, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.--42.

Nay: Lerblance.--1.

Excused: Harrison, Hobson, Littlefield, Morgan and Smith.--5.

The bill passed.

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

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 1226** was adopted upon motion of Senator Coffee.

SB 1226, 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, Helton, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Maddox, Monson, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Snyder, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.--42.

Excused: Harrison, Hobson, Littlefield, Milacek, Morgan and Smith.--6.

The bill and emergency passed.

SB 1226, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 1554** was adopted upon motion of Senator Robinson.

SB 1554, 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, Helton, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Monson, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Snyder, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.--41.

Excused: Harrison, Hobson, Littlefield, Maddox, Milacek, Morgan and Smith.--7.

The bill and emergency passed.

SB 1554, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF CCR

The CCR on SB 1176 was adopted upon motion of Senator Williams.

SB 1176, 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, Cain, Capps, Coates, Coffee, Corn, Crutchfield, Dunlap, Easley, Fair, Fisher, Ford, Gumm, Harrison, Helton, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Littlefield, Milacek, Monson, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Snyder, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.--42.

Nay: Aldridge and Brogdon.--2.

Excused: Hobson, Maddox, Morgan and Smith.--4.

The bill and emergency passed.

SB 1176, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 2072** was adopted upon motion of Senator Wilkerson.

HB 2072, 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, Lerblance, Littlefield, Maddox, Milacek, Monson, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Snyder, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.--44.

Excused: Easley, Hobson, Morgan and Smith.--4.

The bill passed.

HB 2072, together with the conference committee report thereon, was ordered returned to the Honorable House.

PENDING CONSIDERATION OF HAS

HAs to SCR 66 were concurred in upon motion of Senator Rabon.

SCR 66, as amended by the Honorable House, was read at length.

SCR 66 was adopted upon motion of Senator Rabon and referred for enrollment.

PENDING CONSIDERATION OF CCR

The CCR on HB 2336 was adopted upon motion of Senator Crutchfield.

HB 2336, 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, Lerblance, Littlefield, Maddox, Milacek, Monson, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Snyder, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.--45.

Excused: Hobson, Morgan and Smith.--3.

The bill and emergency passed.

HB 2336, together with the conference committee report thereon, was ordered returned to the Honorable House.

PENDING CONSIDERATION OF CCR

The CCR on SB 1542 was adopted upon motion of Senator Nichols.

SB 1542, 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, Capps, Coates, Coffee, Corn, Crutchfield, Dunlap, Fair, Fisher, Ford, Gumm, Harrison, Helton, Horner, Johnson, Kerr, Laster, Laughlin, Leftwich, Littlefield, Maddox, Milacek, Monson, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Snyder, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.--41.

Nay: Cain, Easley, Lawler and Lerblance.--4.

Excused: Hobson, Morgan and Smith.--3.

The bill passed.

SB 1542, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF CCR

The CCR on HB 1882 was adopted upon motion of Senator Shurden.

HB 1882, 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, Lawler, Leftwich, Lerblance, Littlefield, Maddox, Milacek, Monson, Myers, Nichols, Price, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Snyder, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.--43.

Nay: Laughlin and Pruitt.--2.

Excused: Hobson, Morgan and Smith.--3.

The bill and emergency passed.

HB 1882, together with the conference committee report thereon, was ordered returned to the Honorable House.

PENDING CONSIDERATION OF CCR

The CCR on SB 1348 was adopted upon motion of Senator Monson.

SB 1348, 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, Cain, Capps, Coates, Coffee, Corn, Crutchfield, Dunlap, Easley, Fair, Fisher, Ford, Gumm, Harrison, Helton, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Littlefield, Maddox, Milacek, Monson, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Snyder, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.--44.

Nay: Brogdon.--1.

Excused: Hobson, Morgan and Smith.--3.

The bill and emergency passed.

SB 1348, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

INTRODUCTIONS

Senator Williams introduced her son, Peter Williams; and Senator Laughlin introduced his son, Tyler Laughlin, to the Senate.

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 1670 (3RD CCR) – remove Roggow and substitute Blackwell as principal House author, and remove Williamson and substitute Laughlin as principal Senate author HB 2663 (2ND CCR) - coauthored by Pettigrew of the House

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

MESSAGES FROM THE HOUSE

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

SB 1164 SB 1317

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

Advising the signing of and returning Enrolled SCRs 64, 65, 70, 72 and 73.

The above-numbered enrolled measures were transmitted to the Secretary of State.

Advising fourth reading of and returning Enrolled SBs 587, 975, 1135, 1269, 1284 and 1405.

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

Advising concurrence in **SAs** to and passage of Engrossed **HB 2205**.

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

HB 2109 - Kirby, Askins, McCarter, Hutchison, Erwin, Sullivan, Wilt, Armes, Roggow

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 CCR

The CCR on SB 1384 was adopted upon motion of Senator Monson.

SB 1384, 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, Lerblance, Littlefield, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Rozell, Shurden, Snyder, Taylor, Wilcoxson, Wilkerson and Williamson.--44.

Excused: Helton, Robinson, Smith and Williams.--4.

The bill and emergency passed.

SB 1384, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

MESSAGE FROM THE HOUSE

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

HB 2140 - Hastings, Case, Rice, Boren, Cox, Paulk, Winchester **HB 2714 -** Toure, Lindley, McIntyre, Calvey, Davis

Advising passage of and transmitting for consideration Engrossed HCR 1085.

HCR 1085 – By Miller (Ray), Boren, Brannon, Carey, Ellis, Erwin, Harrison, Mass, Roan, Smithson, Stanley, Adair, Hilliard and Pettigrew of the House and Corn, Gumm Lerblance and Rabon of the Senate.

A Concurrent Resolution commending and honoring Mike Bailey for receiving the Association of Community College Trustees Award for Trustee Leadership for the Western Region; and directing distribution.

The above-numbered measure was read the first time.

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

SB 1480

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

PENDING CONSIDERATION OF CCR

The **2ND CCR** on **HB 2663** was called up for consideration.

Senator Corn asked that **HB 2663** be laid over for this legislative day, which was the order.

HB 2663 remains on pending consideration of **CCR**.

PENDING CONSIDERATION OF CCR

The **2ND CCR** on **SB 1539** was adopted upon motion of Senator Helton.

SB 1539, 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, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Littlefield, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Rozell, Shurden, Snyder, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.--46.

Excused: Robinson and Smith.--2.

The bill and emergency passed.

SB 1539, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

UNANIMOUS CONSENT REQUEST DIRECT TO CALENDAR

Senator Corn asked unanimous consent to suspend Rule 5-4 and refer **HCR 1085** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

HCR 1085 by Miller (Ray) et al of the House and Corn et al of the Senate was called up for consideration.

All other members of the Senate asked to coauthor HCR 1085, which was the order.

HCR 1085 was adopted upon motion of Senator Corn and properly signed and ordered returned to the Honorable House.

PENDING CONSIDERATION OF CCR

The **2ND CCR** on **HB 2164** was adopted upon motion of Senator Monson.

HB 2164, 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, Helton, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Maddox, Milacek, Monson, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Rozell, Shurden, Snyder, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.--43.

Nay: Robinson.--1.

Excused: Hobson, Littlefield, Morgan and Smith.--4.

The bill passed.

HB 2164, together with the conference committee report thereon, was ordered returned to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 2198** was adopted upon motion of Senator Shurden.

HB 2198, 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, Lerblance, Littlefield, Maddox, Milacek, Monson, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Snyder, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.--45.

Excused: Hobson, Morgan and Smith.--3.

The bill and emergency passed.

HB 2198, together with the conference committee report thereon, was ordered returned to the Honorable House.

PENDING CONSIDERATION OF CCR

The CCR on HB 2305 was adopted upon motion of Senator Shurden.

HB 2305, 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, Easley, Fair, Fisher, Ford, Gumm, Harrison, Helton, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Littlefield, Maddox, Milacek, Monson, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.--42.

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

Excused: Hobson, Morgan and Smith.--3.

The bill and emergency passed.

HB 2305, together with the conference committee report thereon, was ordered returned to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 2108** was adopted upon motion of Senator Robinson.

HB 2108, 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, Lerblance, Littlefield, Maddox, Milacek, Monson, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Snyder, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.--45.

Excused: Hobson, Morgan and Smith.--3.

The bill and emergency passed.

HB 2108, together with the conference committee report thereon, was ordered returned to the Honorable House.

PENDING CONSIDERATION OF CCR

The CCR on HB 2001 was adopted upon motion of Senator Capps.

HB 2001, 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, Lerblance, Littlefield, Maddox, Milacek, Monson, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Snyder, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.--45.

Excused: Hobson, Morgan and Smith.--3.

The bill and emergency passed.

HB 2001, together with the conference committee report thereon, was ordered returned to the Honorable House.

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 2109 – Wilkerson, Laster, Lerblance, Smith, Laughlin

HB 2140 – Smith, Robinson, Lerblance

HB 2714 – Monson, Smith, Snyder, Laster, Rozell

CHANGE IN CONFEREES

Advising change in Senate conferees as follows:

SB 747 – add Morgan, Fisher, Hobson

Senator Gumm presiding.

PENDING CONSIDERATION OF CCR

The CCR on SB 1430 was adopted upon motion of Senator Robinson.

SB 1430, as amended in conference, was read at length.

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

Aye: Capps, Coates, Corn, Crutchfield, Dunlap, Easley, Fair, Fisher, Ford, Gumm, Harrison, Helton, Horner, Kerr, Laster, Lawler, Leftwich, Littlefield, Maddox, Monson, Price, Rabon, Robinson, Rozell, Shurden, Snyder, Taylor, Wilkerson, Williams and Williamson.--30.

Nay: Aldridge, Branan, Brogdon, Cain, Coffee, Johnson, Laughlin, Lerblance, Milacek, Myers, Nichols, Pruitt, Reynolds, Riley and Wilcoxson.--15.

Excused: Hobson, Morgan and Smith.--3.

The bill passed.

Senators Branan and Johnson desired to vote Aye on the emergency.

On the question of passage of the emergency, the vote resulted as follows: Aye: 32; Nay: 13; Excused: 3.

The emergency passed.

SB 1430, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

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 1427 (2ND CCR) – coauthored by Armes, Balkman, Blackwell, Case, Ericson, Trebilcock

HB 2548

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

MESSAGE FROM THE HOUSE

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

SB 1162

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

Advising rejection of **2ND CCR** to the following bill, requesting further conference and changing of House conferees as follows:

SB 479 (2ND CCR) – remove Lerblance and add Braddock

Advising adding of House conferees:

SB 297 - Worthen, Rice

Advising rejection of **CCR** to **HB 2710**, requesting further conference with instructions to strike the word "a" on Page 3, Line 17 and all language on Line 18 and substitute the words "clear and convincing evidence" and naming same House conferees as follows: Toure, Davis, Hastings, Braddock, Askins, McIntyre, Roan, Newport.

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.

PENDING CONSIDERATION OF CCR

The CCR on HB 2600 was adopted upon motion of Senator Monson.

HB 2600, 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, Capps, Coates, Coffee, Corn, Crutchfield, Dunlap, Easley, Fair, Fisher, Ford, Gumm, Harrison, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Littlefield, Maddox, Milacek, Monson, Myers, Nichols, Pruitt, Robinson, Rozell, Shurden, Snyder, Wilkerson, Williams and Williamson.-38.

Nay: Brogdon, Rabon, Riley, Smith and Wilcoxson.--5.

Excused: Helton, Morgan, Price, Reynolds and Taylor.--5.

The bill passed.

HB 2600, together with the conference committee report thereon, was ordered returned to the Honorable House.

CHANGE IN CONFEREES

Advising change in Senate conferees as follows:

HB 2140 – remove Lerblance and add Morgan, Fisher

PENDING CONSIDERATION OF CCR

The CCR on HB 2250 was adopted upon motion of Senator Robinson.

HB 2250, 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, Cain, Capps, Coates, Coffee, Corn, Crutchfield, Dunlap, Easley, Fair, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Wilcoxson, Wilkerson, Williams and Williamson.--43.

Nay: Brogdon and Johnson.--2.

Excused: Littlefield, Reynolds and Taylor.--3.

The bill and emergency passed.

HB 2250, together with the conference committee report thereon, was ordered returned to the Honorable House.

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 479 – Smith, Morgan, Nichols HB 2710 (with instructions) – Wilkerson, Laster, Rozell, Smith, Nichols

PENDING CONSIDERATION OF CCR

The CCR on HB 2440 was adopted upon motion of Senator Lerblance.

HB 2440, as amended in conference, was read at length.

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

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

Nay: Aldridge, Fair, Ford, Johnson and Price.--5.

Excused: Littlefield, Reynolds and Taylor.--3.

The bill passed.

HB 2440, together with the conference committee report thereon, was ordered returned to the Honorable House.

Senator Gumm presiding.

PENDING CONSIDERATION OF CCR

The CCR on HB 2306 was adopted upon motion of Senator Shurden.

HB 2306, as amended in conference, 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, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Kerr, Laster, Leftwich, Lerblance, Maddox, Monson, Morgan, Price, Rabon, Robinson, Rozell, Shurden, Snyder, Wilkerson and Williams.--28.

Nay: Aldridge, Branan, Brogdon, Coffee, Easley, Fair, Johnson, Laughlin, Lawler, Milacek, Myers, Nichols, Pruitt, Riley, Smith, Wilcoxson and Williamson.--17.

Excused: Littlefield, Reynolds and Taylor.--3.

The bill passed and the emergency failed.

Pursuant to Rule 12-23, Senator Shurden served notice that the vote be reconsidered whereby **HB 2306** passed and the emergency failed..

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 1534** was rejected upon motion of Senator Fisher, further conference requested, and same Senate conferees appointed as follows: Wilcoxson, Williams, Rozell.

PENDING CONSIDERATION OF CCR

The CCR on HB 2299 was adopted upon motion of Senator Monson.

HB 2299, 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, Capps, Coates, Coffee, Corn, Crutchfield, Dunlap, Easley, Fair, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laughlin, Leftwich, Lerblance, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Riley, Robinson, Wilcoxson, Wilkerson and Williams.--36.

Nay: Brogdon, Laster, Lawler, Rabon, Rozell, Shurden, Smith and Williamson.--8.

Excused: Littlefield, Reynolds, Snyder and Taylor.--4.

The bill passed.

HB 2299, together with the conference committee report thereon, was ordered returned to the Honorable House.

PENDING CONSIDERATION OF CCR

The CCR on SB 1325 was adopted upon motion of Senator Coffee.

SB 1325, 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, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Riley, Robinson, Shurden, Smith, Snyder, Wilcoxson, Wilkerson, Williams and Williamson.--44.

Excused: Littlefield, Reynolds, Rozell and Taylor.--4.

The bill passed.

SB 1325, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF CCR

The CCR on SB 1527 was adopted upon motion of Senator Fisher.

SB 1527, 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, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Littlefield, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Riley, Robinson, Shurden, Smith, Wilcoxson, Wilkerson, Williams and Williamson.--44.

Excused: Reynolds, Rozell, Snyder and Taylor.--4.

The bill passed.

Senator Rozell desired to vote Aye on the emergency.

On the question of passage of the emergency, the vote resulted as follows: Aye: 45; Excused: 3.

The emergency passed.

SB 1527, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

MOTION TO RECONSIDER VOTE

Senator Shurden moved to reconsider the vote whereby **HB 2306** passed and the emergency failed, 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, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Littlefield, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Riley, Robinson, Rozell, Shurden, Smith, Wilcoxson, Wilkerson, Williams and Williamson.--45.

Excused: Reynolds, Snyder and Taylor.--3.

FOURTH READING

Senator Shurden moved to reconsider the vote whereby **HB 2306** was advanced and the **CCR** was adopted, which motion was declared adopted.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 2306** was rejected upon motion of Senator Shurden, further conference requested, and same Senate conferees appointed as follows: Shurden, Cain, Monson, Coates.

MESSAGE FROM THE HOUSE

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

SB 1017

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

PENDING CONSIDERATION OF CCR

The CCR on HB 2226 was adopted upon motion of Senator Morgan.

HB 2226, 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, Fisher, Ford, Gumm, Harrison, Hobson, Horner, Johnson, Laster, Laughlin, Lawler, Leftwich, Lerblance, Littlefield, Maddox, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Wilcoxson, Wilkerson, Williams and Williamson.--42.

Nay: Fair, Helton and Milacek.--3.

Excused: Kerr, Reynolds and Taylor.--3.

The bill and emergency passed.

HB 2226, together with the conference committee report thereon, was ordered returned to the Honorable House.

PENDING CONSIDERATION OF CCR

The CCR on HB 2373 was adopted upon motion of Senator Leftwich.

HB 2373, 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, Cain, Capps, Coates, Coffee, Corn, Crutchfield, Dunlap, Easley, Fair, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Laster, Laughlin, Lawler, Leftwich, Lerblance, Littlefield, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Robinson, Rozell, Shurden, Smith, Snyder, Wilcoxson, Wilkerson and Williamson.--42.

Nay: Brogdon.--1.

Excused: Kerr, Reynolds, Riley, Taylor and Williams.--5.

The bill and emergency passed.

HB 2373, together with the conference committee report thereon, was ordered returned to the Honorable House.

UNANIMOUS CONSENT REQUEST DIRECT TO CALENDAR

Senator Rabon asked unanimous consent to suspend Rule 5-4 and refer **SCR 76** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SCR 76 by Rabon of the Senate and Ellis of the House was called up for consideration.

All other members of the Senate asked to coauthor **SCR 76**, which was the order.

SCR 76 was adopted upon motion of Senator Rabon and referred for engrossment.

PENDING CONSIDERATION OF CCR

The CCR on SB 1275 was adopted upon motion of Senator Smith.

SB 1275, 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, Helton, Hobson, Horner, Johnson, Laster, Laughlin, Lawler, Leftwich, Lerblance, Littlefield, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Wilcoxson, Wilkerson and Williamson.--44.

Excused: Kerr, Reynolds, Taylor and Williams.--4.

The bill passed.

SB 1275, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 1525** was adopted upon motion of Senator Shurden.

SB 1525, as amended in conference, was read at length.

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

Aye: Capps, Coates, Corn, Gumm, Harrison, Helton, Hobson, Johnson, Laster, Laughlin, Lawler, Leftwich, Lerblance, Littlefield, Maddox, Milacek, Monson, Morgan, Myers, Price, Rabon, Robinson, Rozell, Shurden and Wilkerson.--25.

Nay: Aldridge, Branan, Brogdon, Cain, Coffee, Crutchfield, Dunlap, Fair, Fisher, Ford, Nichols, Pruitt, Riley, Smith, Snyder, Wilcoxson and Williamson.--17.

Excused: Easley, Horner, Kerr, Reynolds, Taylor and Williams.--6.

The bill passed.

Senators Fisher, Crutchfield, Snyder, Branan, Dunlap and Ford desired to vote Aye on the emergency.

On the question of passage of the emergency, the vote resulted as follows: Aye: 31; Nay: 11; Excused: 6.

The emergency failed.

SB 1525, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

MESSAGE FROM THE HOUSE

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

SB 1019 - emergency failed **SB 1021 -** emergency failed

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

EXECUTIVE NOMINATIONS

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

Barker, Cathy Gayle, Duncan, to the State Textbook Committee, to serve a three year term ending March 1, 2007, succeeding DeAnn Campbell. (Education Committee) Motion to confirm made by Senator Lawler.

Graumann, A. Dean, Granite, to the Board of Regents of Western Oklahoma State College, to serve a seven year term ending March 24, 2011, succeeding Cindy Clayton. (Education Committee) Motion to confirm made by Senator Capps.

Jones, Dyanne Anita, Tulsa, to the Board of Regents of the Tulsa Community College, to serve a seven year term ending June 30, 2011, succeeding David R. Guthery. (Education Committee) Motion to confirm made by Senator Horner.

Lodes, Bebe Sue, Sulphur, to the Board of Trustees for the Ardmore Higher Education Program, to serve a nine year term ending June 30, 2013, succeeding Corinne Beck. (Education Committee) Motion to confirm made by Senator Crutchfield.

Meiller, Brook, Norman, to the State Textbook Committee, to serve a three year term ending March 1, 2007, succeeding Paige Pratt. (Education Committee) Motion to confirm made by Senator Hobson.

Reames, Linda M., Enid, to the State Textbook Committee, to serve a three year term ending March 1, 2007, succeeding Sharre Rader. (Education Committee) Motion to confirm made by Senator Milacek.

Sherry, Donald M., Lawton, to the Committee of Home Inspector Examiners, to serve a three year term ending June 30, 2006, succeeding Steve Mendenhall. (Business and Labor Committee) Motion to confirm made by Senator Helton.

Tustin, Deborah Ruth, Poteau, to the State Textbook Committee, to serve a three year term ending March 1, 2007, succeeding Barbara Regier. (Education Committee) Motion to confirm made by Senator Corn.

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, Laster, Laughlin, Lawler, Leftwich, Lerblance, Littlefield, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Rabon, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Wilcoxson, Wilkerson, Williams and Williamson.--44.

Excused: Kerr, Pruitt, Reynolds and Taylor.--4.

Senator Fisher moved that when the clerk's desk is clear, the Senate stand adjourned to convene Tuesday, May 25, 2004, at 9:30 a.m., which motion prevailed.

CONFERENCE COMMITTEE REPORTS SUBMITTED

Conference committee reports were read on the following bills:

SB 601 (2ND CCR) SB 713 (3RD CCR) SB 1054 SB 1059 SB 1068 SB 1087 SB 1121 SB 1172 SB 1346 SB 1394 SB 1398 SB 1407 SB 1589 SJR 30

FIRST READING

The following were introduced and read the first time:

SCR 77 – By Robinson of the Senate and Leist of the House.

A Concurrent Resolution authorizing the University Hospitals Trust to demolish or remove certain property; and directing distribution.

SR 79 – By Pruitt.

A Resolution celebrating the centennial of organized baseball in Oklahoma; and directing distribution.

MESSAGE FROM THE GOVERNOR

Advising his approval May 24, 2004, of Enrolled SBs 935 and 964.

Pursuant to the Fisher motion, the Senate adjourned at 4:35 p.m. to meet Tuesday, May 25, 2004, at 9:30 a.m.

JOURNAL CORRECTIONS

Page 1476, 3rd line from bottom insert the following"

"Proctor, Dallas, Colcord, as a member of the Oklahoma Indian Affairs Commission - Human Resources"

Page 1585, Line 10, inserting after "HB 1866" the following language:

"- coauthored by Calvey, Cox, Mass, Hefner, Leist of the House"