

Senate Journal

**Second Regular Session of the Forty-ninth Legislature
of the State of Oklahoma
Sixty-eighth Legislative Day, Wednesday, May 26, 2004**

The Senate was called to order by Senator Rozell.

Roll Call:

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

Senator Rozell declared a quorum present.

The prayer was offered by Reverend John Peoples, Faith Memorial Baptist Church, Oklahoma City, the guest of Senator Monson.

REPORT OF ENGROSSED AND ENROLLED MEASURES

SCRs 77 and 80 were each correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

SBs 141, 868, 917, 921, 923, 924, 933, 944, 967, 998, 1007, 1031, 1053, 1057, 1065, 1066, 1146, 1210, 1340, 1406, 1490 and 1554 were each correctly enrolled and after fourth reading, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

SCR 46 was correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

SR 79 was correctly enrolled, properly signed and ordered transmitted to the Secretary of State.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 1077** was adopted upon motion of Senator Harrison.

Senators Rabon, Crutchfield, Littlefield and Harrison asked to coauthor **SB 1077**, which was the order.

SB 1077, 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, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Littlefield, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.--46.

Excused: Fair and Snyder.--2.

The bill and emergency passed.

SB 1077, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

MESSAGE FROM THE HOUSE

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

HJR 1063 - Staggs, Rice, Ferguson, Pope, Nance, Davis, Taylor

SB 1410 - Smithson, Ericson, Nance, Roan, Newport, Hastings, Mass, Lamons, Braddock

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 972** was adopted upon motion of Senator Robinson.

SB 972, 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, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith,

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

Excused: Fair, Littlefield and Snyder.--3.

The bill and emergency passed.

Pursuant to Rule 12-23, Senator Robinson served notice that the vote be reconsidered whereby **SB 972** and the emergency passed.

**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 changing Senate conferees as follows:

HB 1427 – remove GCCA and add Monson, Cain, Smith

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 1994 – GCCA

CHANGE IN CONFEREES

Advising change in Senate conferees as follows:

HJR 1063 – remove GCCA and add Rozell, Fisher, Coates

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 1571** was called up for consideration.

Senator Rabon asked that **HB 1571** be laid over temporarily, which was the order.

HB 1571 remains on pending consideration of **CCR**.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 2375** was adopted upon motion of Senator Cain.

HB 2375, 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, Corn, Crutchfield, Dunlap, Easley, Fair, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Maddox, Milacek, Morgan, Myers, Nichols, Price, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Snyder, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.--43.

Nay: Coffee and Pruitt.--2.

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

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: 44; Nay: 2; Excused: 2.

The emergency passed.

HB 2375, together with the conference committee report thereon, was ordered returned to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 1407** was rejected upon motion of Senator Fisher, further conference requested, and same Senate conferees appointed as follows: Coffee, Smith, Lerblance, Laster, Cain.

PENDING CONSIDERATION OF CCR

The **2ND CCR** on **HB 2616** was adopted upon motion of Senator Helton.

HB 2616, 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, Lawler, Lerblance, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.--45.

Excused: Laughlin, Leftwich and Littlefield.--3.

The bill and emergency passed.

HB 2616, together with the conference committee report thereon, was ordered returned to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 844** was adopted upon motion of Senator Snyder.

SB 844, 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, Lawler, Leftwich, Lerblance, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.--46.

Excused: Laughlin and Littlefield.--2.

The bill and emergency passed.

SB 844, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

UNANIMOUS CONSENT REQUEST DIRECT TO CALENDAR

Senator Morgan asked unanimous consent to suspend Rule 5-4 and refer **SCR 79** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SCR 79 by Hobson of the Senate and Adair of the House was called up for consideration.

SCR 79 was adopted upon motion of Senator Morgan and referred for engrossment.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 2723** was adopted upon motion of Senator Coffee.

HB 2723, 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, Fair, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Lawler, Leftwich, Lerblance, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Rozell, Shurden, Smith, Snyder, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.--44.

Excused: Easley, Laughlin, Littlefield and Robinson.--4.

The bill and emergency passed.

HB 2723, together with the conference committee report thereon, was ordered returned to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 2577** was adopted upon motion of Senator Shurden.

HB 2577, 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, Lawler, Leftwich, Lerblance, Littlefield, Maddox, Milacek, Monson, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Rozell, Shurden, Smith, Snyder, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.--45.

Excused: Laughlin, Morgan and Robinson.--3.

The bill and emergency passed.

HB 2577, together with the conference committee report thereon, was ordered returned to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 1212** was adopted upon motion of Senator Maddox.

SB 1212, 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, Lawler, Leftwich, Lerblance, Littlefield, Maddox, Milacek, Monson, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Rozell, Shurden, Smith, Snyder, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.--45.

Excused: Laughlin, Morgan and Robinson.--3.

The bill and emergency passed.

SB 1212, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

Senator Gumm presiding.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 911** was adopted upon motion of Senator Williams.

SB 911, 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, Leftwich, Lerblance, Littlefield, Monson, Morgan, Price, Rabon, Robinson, Rozell, Shurden, Taylor, Wilkerson and Williams.--28.

Nay: Aldridge, Branan, Brogdon, Coates, Coffee, Dunlap, Ford, Johnson, Laughlin, Maddox, Milacek, Myers, Pruitt, Reynolds, Riley, Smith, Snyder, Wilcoxson and Williamson.--19.

Excused: Nichols.--1.

The bill passed and the emergency failed.

Pursuant to Rule 12-23, Senator Williams served notice that the vote be reconsidered whereby **SB 911** passed and the emergency failed.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 2070** was adopted upon motion of Senator Littlefield.

HB 2070, 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 2070, together with the conference committee report thereon, was ordered returned to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 1571** was called up for further consideration.

The **CCR** on **HB 1571** was adopted upon motion of Senator Rabon.

HB 1571, 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 1571, together with the conference committee report thereon, was ordered returned to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 2612** was adopted upon motion of Senator Corn.

HB 2612, 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 2612, together with the conference committee report thereon, was ordered returned to the Honorable House.

MESSAGES FROM THE HOUSE

Advising the signing of and transmitting for signature Enrolled **HCRs 1064** and **1078**.

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 1427, 1503, 1734, 1867, 2054, 2060, 2064, 2208, 2265, 2288, 2341, 2528, 2548, 2663** and **2718**.

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

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 2667** was adopted upon motion of Senator Monson.

HB 2667, 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 2667, together with the conference committee report thereon, was ordered returned to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 369** was adopted upon motion of Senator Shurden.

SB 369, 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, Maddox, Milacek, Monson, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.--45.

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

The bill and emergency passed.

SB 369, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 1158** failed of adoption upon roll call as follows:

Aye: Corn, Crutchfield, Easley, Fisher, Gumm, Harrison, Helton, Hobson, Horner, Laster, Lawler, Leftwich, Lerblance, Monson, Rabon, Robinson, Rozell, Shurden, Taylor and Williams.--20.

Nay: Aldridge, Branan, Brogdon, Cain, Coates, Coffee, Dunlap, Fair, Ford, Johnson, Kerr, Laughlin, Maddox, Milacek, Myers, Nichols, Price, Pruitt, Reynolds, Riley, Smith, Snyder, Wilcoxson, Wilkerson and Williamson.--25.

Excused: Capps, Littlefield and Morgan.--3.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 1158** was returned to conference, further conference requested, and same Senate conferees appointed as follows: GCCA.

MESSAGES FROM THE HOUSE

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

SB 973 - Leist, Nations, Adkins, Balkman, Claunch, Coleman, Cox, Hamilton, Lindley, Mitchell, Reynolds, Roggow, Smithson, Stanley, Turner, Vaughn, Worthen, Wright, Adair, Hilliard

SB 1079 - Mitchell, Pope, Nance, Roberts, Perry

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

HB 2607 - Peterson (Ron), Braddock, Rice, Pope, Nance

Advising the signing of and returning Enrolled **SCR 46**.

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

Advising fourth reading of and returning Enrolled **SBs 141, 868, 917, 921, 923, 924, 933, 944, 967, 998, 1007, 1031, 1053, 1057, 1065, 1066, 1146, 1210, 1340, 1406, 1490 and 1554**.

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

**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 2132

HB 2135 (2ND CCR) - coauthored by Tibbs of the House

HB 2353

HB 2536

HB 2542

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

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 **3RD CCR** on **SB 479** was adopted upon motion of Senator Smith.

Senator Pruitt asked to coauthor **SB 479**, which was the order.

SB 479, 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, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Wilcoxson, Wilkerson and Williamson.--45.

Nay: Rabon.--1.

Excused: Taylor and Williams.--2.

The bill and emergency passed.

SB 479, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 1461** was rejected upon motion of Senator Fisher, further conference requested, and same Senate conferees appointed as follows: Williamson, Brogdon, Smith, Laughlin, Lerblance, Helton, Leftwich (Debbe), Corn, Rozell.

UNANIMOUS CONSENT REQUEST DIRECT TO CALENDAR

Senator Helton asked unanimous consent to suspend Rule 5-4 and refer **HCR 1086** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

HCR 1086 by Braddock of the House and Helton of the Senate was called up for consideration.

HCR 1086 was adopted upon motion of Senator Helton and properly signed and ordered returned to the Honorable House.

MESSAGES FROM THE HOUSE

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

SB 1407 - Morgan (Fred), Wilt, Balkman, Lamons, McCarter, McClain, Paulk

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

SB 850

SB 864

SB 985

SB 1176 - coauthored by Benge, Calvey, Smaligo, Trebilcock, Winchester of the House

SB 1539 (2ND CCR) - coauthored by Calvey of the House

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

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 1232** was adopted upon motion of Senator Corn.

SB 1232, 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, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.--47.

Excused: Morgan.--1.

The bill and emergency passed.

SB 1232, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 2542** was adopted upon motion of Senator Gumm.

HB 2542, 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, Easley, Fair, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Lawler, Leftwich, Lerblance, Littlefield, Maddox, Monson, Price, Rabon, Riley, Robinson, Rozell, Shurden, Smith, Taylor, Wilkerson, Williams and Williamson.--35.

Nay: Aldridge, Branan, Brogdon, Coffee, Laughlin, Milacek, Myers, Nichols, Pruitt, Reynolds, Snyder and Wilcoxson.--12.

Excused: Morgan.--1.

The bill and emergency passed.

HB 2542, together with the conference committee report thereon, was ordered returned to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 2218** was rejected upon motion of Senator Fisher, further conference requested, and same Senate conferees appointed as follows: GCCA.

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

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The Senate reconvened with Senator Rozell presiding.

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

MESSAGES FROM THE HOUSE

Advising passage of and transmitting for consideration Engrossed **HCR 1094**.

HCR 1094 – By Nations of the House and Nichols of the Senate.

A Concurrent Resolution recalling from the Office of the Governor Enrolled House Bill No. 2556, passed by the 2nd Session of the 49th Oklahoma Legislature.

The above-numbered measure was read the first time.

Advising passage of and returning the following Engrossed bill:

SCR 74 - coauthored by all other House members

The above-numbered measure was referred for enrollment.

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

SB 1280 - Hilliard, Tibbs, Mitchell, Bonny, Ingmire

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

HB 2218 - Maddux, Covey, McClain, Liotta, Rice, Pope, Nance

SB 1158 - Mass, Kirby, Hefner, Hastings, Sweeden, Dank

SB 1461 - Peters, Paulk, Lamons, Jones, Adkins, McCarter, Tyler

**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 2607 – GCCA

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 2372** was rejected upon motion of Senator Fisher, further conference requested, and changing Senate conferees as follows: remove GCCA and add Corn, Fisher, Coates.

EXECUTIVE NOMINATION

The following executive nomination has been approved by the committee named:

Burton, Robert C., 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.

Motion to confirm the above-named executive nomination was declared adopted upon roll call 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, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Robinson, Rozell, Shurden, Smith, Snyder, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.--44.

Excused: Ford, Helton, Littlefield and Riley.--4.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 2282** was adopted upon motion of Senator Robinson.

HB 2282, 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, Easley, Fair, Fisher, Gumm, Harrison, Helton, Hobson, Horner, Kerr, Lawler, Leftwich, Lerblance, Morgan, Nichols, Price, Riley, Robinson, Rozell, Shurden, Taylor and Wilkerson.--26.

Nay: Aldridge, Branan, Brogdon, Coates, Coffee, Ford, Johnson, Laster, Laughlin, Maddox, Milacek, Myers, Pruitt, Rabon, Reynolds, Smith, Snyder, Wilcoxson, Williams and Williamson.--20.

Excused: Littlefield and Monson.--2.

The bill passed.

HB 2282, together with the conference committee report thereon, was ordered returned to the Honorable House.

FIRST READING

The following were introduced and read the first time:

SCR 81 – By Cain of the Senate and Lindley of the House.

A Concurrent Resolution supporting the goal of community inclusion for the developmentally disabled; and reaffirming the need for a quality, stable, direct support workforce.

SCR 82 – By Monson of the Senate and Pope of the House.

A Concurrent Resolution directing the Oklahoma Tax Commission to conduct a study of compliance with gross production tax laws; specifying issues included in such study; directing the Oklahoma Tax Commission and the Corporation Commission to conduct a joint study on reporting and collection of specified oil and gas industry information; requiring agencies to seek certain input; and directing distribution.

SR 80 – By Hobson.

A Resolution commending Barbara Horrell for her service to the Oklahoma State Senate; wishing her well upon the occasion of her retirement as a full-time employee of the Oklahoma State Senate; and directing distribution.

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

Senator Lawler asked unanimous consent to suspend Rule 5-4 and refer **SCR 78** direct to the Calendar for consideration, to which request objection was heard.

Senator Lawler pressed her motion to move **SCR 78** direct to the Calendar, which motion was declared adopted upon roll call as follows:

Aye: Cain, Capps, Corn, Crutchfield, Easley, Gumm, Harrison, Helton, Hobson, Horner, Kerr, Laster, Lawler, Leftwich, Lerblance, Monson, Morgan, Rabon, Robinson, Rozell, Shurden, Taylor and Williams.--23.

Nay: Aldridge, Branan, Brogdon, Coates, Coffee, Dunlap, Fair, Fisher, Ford, Johnson, Laughlin, Maddox, Milacek, Myers, Nichols, Pruitt, Reynolds, Riley, Snyder, Wilcoxson, Wilkerson and Williamson.--22.

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

GENERAL ORDER

SCR 78 by Lawler of the Senate and McCarter and Dorman of the House was called up for consideration.

Representative Dorman asked to be removed as coauthor on **SCR 78**, which was the order.

SCR 78 was adopted upon motion of Senator Lawler upon roll call as follows:

Aye: Cain, Capps, Corn, Crutchfield, Easley, Gumm, Harrison, Helton, Hobson, Horner, Kerr, Laster, Lawler, Leftwich, Lerblance, Monson, Morgan, Rabon, Robinson, Rozell, Shurden, Taylor and Williams.--23.

Nay: Aldridge, Branan, Brogdon, Coates, Coffee, Dunlap, Fair, Fisher, Ford, Johnson, Laughlin, Maddox, Milacek, Myers, Nichols, Pruitt, Reynolds, Riley, Snyder, Wilcoxson, Wilkerson and Williamson.--22.

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

SCR 78 was referred for engrossment.

Senator Gumm presiding.

**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 1280 – GCCA

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 2132** was adopted upon motion of Senator Dunlap.

HB 2132, 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, Fair, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Leftwich, Lerblance, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.--44.

Nay: Aldridge.--1.

Excused: Lawler, Littlefield and Price.--3.

The bill passed.

HB 2132, 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 2380 – remove GCCA and add Williamson, Fisher, Hobson

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 1823** was adopted upon motion of Senator Shurden.

HB 1823, 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, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.--45.

Excused: Littlefield, Price and Snyder.--3.

The bill and emergency passed.

HB 1823, 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 **SCR 81** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SCR 81 by Cain of the Senate and Lindley of the House was called up for consideration.

All other members of the Senate asked to coauthor **SCR 81**, which was the order.

SCR 81 was adopted upon motion of Senator Cain and referred for engrossment.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 2574** was adopted upon motion of Senator Helton.

HB 2574, 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, Lerblance, Milacek, Monson, Morgan, Myers, Nichols, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Taylor, Wilcoxson,

Wilkerson, Williams and Williamson.--43.

Excused: Leftwich, Littlefield, Maddox, Price and Snyder.--5.

The bill and emergency passed.

HB 2574, together with the conference committee report thereon, was ordered returned to the Honorable House.

MOTION TO RECONSIDER VOTE

Senator Williams moved to reconsider the vote whereby **SB 911** passed and the emergency failed, which motion was declared adopted upon roll call as follows:

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

Nay: Branan, Brogdon, Coates, Coffee, Dunlap, Johnson, Laughlin, Milacek, Myers, Pruitt, Reynolds, Riley, Smith, Snyder, Wilcoxson and Williamson.--16.

Excused: Littlefield, Maddox and Price.--3.

PENDING CONSIDERATION OF CCR

SB 911, 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, Fisher, Gumm, Harrison, Helton, Hobson, Horner, Kerr, Laster, Lawler, Leftwich, Lerblance, Monson, Morgan, Rabon, Robinson, Rozell, Shurden, Taylor, Wilkerson and Williams.--25.

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

Excused: Coffee, Littlefield, Maddox, Price and Smith.--5.

The bill passed and the emergency failed.

The Chair advised that Senator Smith, having been present in the Chamber during the vote on **SB 911** and the emergency would be shown voting Nay in compliance with Rule 14-1B. The vote thereby resulted as follows: Aye: 25; Nay: 19; Excused: 4.

SB 911, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 2274** was adopted upon motion of Senator Rozell.

HB 2274, 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, Corn, Crutchfield, Dunlap, Easley, Fair, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Milacek, Monson, Morgan, Myers, Nichols, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.--43.

Nay: Brogdon.--1.

Excused: Coffee, Littlefield, Maddox and Price.--4.

The bill passed.

HB 2274, together with the conference committee report thereon, was ordered returned to the Honorable House.

FIRST READING

The following was introduced and read the first time:

SR 81 – By Taylor and Hobson.

A Resolution mourning the loss of Sergeant Kyle Brinlee; extending condolences to his friends and family; and directing distribution.

UNANIMOUS CONSENT REQUEST DIRECT TO CALENDAR

Senator Taylor asked unanimous consent to suspend Rule 5-4 and refer **SR 81** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SR 81 by Taylor and Hobson was called up for consideration.

All other members of the Senate asked to coauthor **SR 81**, which was the order.

SR 81 was adopted upon motion of Senator Taylor and referred for enrollment.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 1128** was rejected upon motion of Senator Fisher, further conference requested, and same Senate conferees appointed as follows: Dunlap, Williams, Rozell.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 969** was adopted upon motion of Senator Taylor.

SB 969, 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, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Lerblance, Littlefield, Milacek, Monson, Morgan, Myers, Nichols, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.--44.

Excused: Coffee, Leftwich, Maddox and Price.--4.

The bill and emergency passed.

SB 969, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

Senator Monson asked unanimous consent to suspend Rule 5-4 and refer **SCR 82** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SCR 82 by Monson of the Senate and Pope of the House was called up for consideration.

SCR 82 was adopted upon motion of Senator Monson and referred for engrossment.

MESSAGES FROM THE HOUSE

Advising rejection of **2ND CCR** to the following bill, requesting further conference with instructions to delete all sections except section on Cosmetology and naming same House conferees as follows:

HB 2714 - Toure, Lindley, McIntyre, Calvey, Davis

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

SB 1275

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

Advising changing of House conferees as follows:

SB 1122 - remove Pope and add McClain as first conferee

CONFERENCE COMMITTEE REPORTS SUBMITTED

Conference committee reports were read on the following bills:

SB 912

SB 973

SB 1016

SB 1070

SB 1081

SB 1192

SB 1291

SB 1345

SB 1407 (2ND CCR)

SB 1419 (2ND CCR)

SB 1504

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 973** was adopted upon motion of Senator Monson.

SB 973, 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, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Littlefield, Milacek, Monson, Morgan, Myers, Nichols, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Snyder, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.--43.

Nay: Brogdon and Ford.--2.

Excused: Maddox, Price and Smith.--3.

The bill passed.

SB 973, 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 2004

HB 2012

HB 2048 - Emergency failed

HB 2306 (2ND CCR)

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

MESSAGES FROM THE HOUSE

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

HB 2372 - Hutchison, Erwin, Pope, Nance, Maddux, Rice, Hiatt

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

SB 955 - Hefner, Walker, Armes, Bonny, Harrison, Liotta, Newport, O'Neal, Phillips, Taylor, Trebilcock, Tyler, Wilson, Adair, Hilliard

SB 988 - Eddins, Gilbert, Ericson, Greenwood, McClain, McIntyre, Pettigrew, Steele, Adair, Hilliard

SB 1018 - Erwin, Hutchison, Carey, Case, Covey, Davis, Ellis, Graves, Hastings, Hiatt, Maddux, Mass, Morgan (Danny), Peters, Peterson (Pam), Plunk, Smith, Sweeden, Adair, Hilliard

SB 1037 - Askins, Toure, Boren, Benge, Blackwell, Braddock, Cargill, Dank, Dorman, Kirby, Lamons, Langmacher, Morgan (Fred), Nance, Paulk, Piatt, Rice, Roan, Smaligo, Sullivan, Tibbs, Wilt, Young, Adair, Hilliard

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

SB 1077 - Erwin, Hutchison, Carey, Case, Covey, Davis, Ellis, Graves, Hastings, Hiatt, Maddux, Mass, Morgan (Danny), Peters, Peterson (Pam), Plunk, Smith, Sweeden, Adair, Hilliard

SB 1216 - Blackwell, Armes, DeWitt, Sweeden, Covey, Pope, Mitchell, Bonny

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

SB 925 (2ND CCR)- emergency failed

SB 965

SB 974 - emergency failed

SB 1054

SB 1059

SB 1068

SB 1087

SB 1325

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

EXECUTIVE NOMINATION

The following executive nomination was read and referred to committee as indicated:

Cline, Terry L, Ph.D, Oklahoma City, as Cabinet Secretary of Health - Human Resources

Senator Fisher moved that when the clerk's desk is clear, the Senate stand adjourned to convene Thursday, May 27, 2004, at 9:30 a.m., which motion prevailed.

**BILL RELEASED
TIME EXPIRED TO RECONSIDER**

SB 972, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

CONFERENCE COMMITTEE REPORTS SUBMITTED

Conference committee reports were read on the following bills:

SB 1079

SB 1114 – remove Staggs and substitute Blackwell as principal House author

SB 1410 (2ND CCR)

SB 1461 (2ND CCR)

SB 1486

MESSAGE FROM THE GOVERNOR

Advising his approval May 26, 2004, of Enrolled **SBs 1299, 1400, 1556** and **1627**.

Pursuant to the Fisher motion, the Senate adjourned at 4:50 p.m. to meet Thursday, May 27, 2004, at 9:30 a.m.

JOURNAL CORRECTION

Page 1334, Lines 15 and 16, by deleting the following:

“Advising adding House conferees as follows:

SB 377 – Wilson”