

# Senate Journal

## First Regular Session of the Fiftieth Legislature of the State of Oklahoma

**Forty-sixth Legislative Day, Tuesday, April 26, 2005**

The Senate was called to order by Senator Gumm.

Roll Call:

Present: Adelson, Aldridge, Anderson, Barrington, Bass, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson, Jolley, Justice, Kerr, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Monson, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Taylor, Wilcoxson, Williamson, Wilson and Wyrick.—48.

Senator Gumm declared a quorum present.

The prayer was offered by Reverend Terry Dennis, Baptist Retirement Village, Madill, the guest of Senator Gumm.

### REPORT OF ENGROSSED AND ENROLLED MEASURES

**HBs 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1180, 1182, 1183, 1184, 1186, 1187, 1189, 1190, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1273, 1285, 1293, 1316, 1475, 1590, 1627, 1747, 1848, 1853, 1875, 1961 and 1970**

were each correctly engrossed and, together with engrossed **SAs**, properly signed and ordered returned to the Honorable House.

**SB 374** was correctly enrolled and after fourth reading, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

**SR 25** was correctly enrolled, properly signed and ordered transmitted to the Secretary of State.

### **GENERAL ORDER**

**HB 1395** by Ellis and Nance of the House and Corn of the Senate was called up for consideration.

Senator Corn moved that **HB 1395** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 1395** was read for the third time at length.

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

Aye: Adelson, Aldridge, Anderson, Barrington, Bass, Branan, Brogdon, Cain, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson, Jolley, Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Monson, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Riley, Shurden, Wilcoxson, Williamson, Wilson and Wyrick.--44.

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

The bill passed.

**HB 1395** was referred for engrossment.

### **PENDING CONSIDERATION OF HAS**

**HAs** to **SB 614** were rejected upon motion of Senator Fisher, conference requested, and Senate conferees to named later.

**GENERAL ORDER**

**HB 1617** by Benge of the House and Morgan of the Senate was called up for consideration.

Senator Adelson moved that **HB 1617** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 1617** was read for the third time at length.

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

Aye: Adelson, Aldridge, Anderson, Barrington, Bass, Branan, Brogdon, Cain, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson, Jolley, Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Monson, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Riley, Shurden, Wilcoxson, Williamson, Wilson and Wyrick.--44.

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

The bill passed.

**HB 1617** was referred for engrossment.

**UNANIMOUS CONSENT REQUEST  
DIRECT TO CALENDAR**

Senator Reynolds asked unanimous consent to suspend Rule 5-4 and refer **SCR 26** direct to the Calendar for consideration, which was the order.

**GENERAL ORDER**

**SCR 26** by Reynolds of the Senate and Nance of the House was called up for consideration.

All other members of the Senate asked to coauthor **SCR 26**, which was the order.

**SCR 26** was adopted upon motion of Senator Reynolds and referred for engrossment.

**GENERAL ORDER**

**HB 1589** by Adkins of the House and Crutchfield of the Senate was called up for consideration.

Senator Crutchfield moved to amend **HB 1589**, by striking the title, the enacting clause and the entire body of the bill and substituting the floor substitute, which amendment was declared adopted. (Copies were provided for all Senators.)

Senator Crutchfield moved to amend the floor substitute to **HB 1589**, Page 1, by restoring the title, which amendment was declared adopted.

Senator Crutchfield moved that **HB 1589** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 1589** was read for the third time at length.

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

Aye: Adelson, Aldridge, Anderson, Barrington, Bass, Branan, Brogdon, Cain, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson, Jolley, Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Monson, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Riley, Shurden, Wilcoxson, Williamson, Wilson and Wyrick.--44.

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

The bill and emergency passed.

**HB 1589** was referred for engrossment.

**GENERAL ORDER**

**HB 1910** by Peters of the House and Crutchfield of the Senate was called up for consideration.

Senator Crutchfield moved to amend **HB 1910**, by striking the title, the enacting clause and the entire body of the bill and substituting the floor substitute, which amendment was declared adopted. (Copies were provided for all Senators.)

Senator Crutchfield moved to amend to the floor substitute to **HB 1910**, Page 1, by restoring the title, which amendment was declared adopted.

Senator Crutchfield moved that **HB 1910** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 1910** was read for the third time at length.

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

Aye: Adelson, Aldridge, Anderson, Barrington, Bass, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson, Jolley, Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Monson, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Wilcoxson, Williamson, Wilson and Wyrick.--45.

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

The bill and emergency passed.

**HB 1910** was referred for engrossment.

### **GENERAL ORDER**

**SCR 14** by Riley of the Senate and Bengé of the House was called up for consideration.

All other members of the Senate asked to coauthor **SCR 14**, which was the order.

**SCR 14** was adopted upon motion of Senator Riley and referred for engrossment.

### **GENERAL ORDER**

**HB 1809** by Armes and McMullen of the House and Corn of the Senate was called up for consideration.

Senator Corn moved that **HB 1809** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 1809** was read for the third time at length.

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

Aye: Adelson, Aldridge, Anderson, Barrington, Bass, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson, Jolley, Justice, Lamb, Laster, Laughlin, Lawler, Lerblance, Mazzei, Monson, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Wilcoxson, Williamson, Wilson and Wyrick.--45.

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

The bill passed.

**HB 1809** was properly signed and ordered returned to the Honorable House.

### **GENERAL ORDER**

**HB 1621** by Kern and Wesselhoft of the House and Wilcoxson of the Senate, previously considered and amended on Page 1182, was called up for further consideration.

Senator Wilcoxson moved that **HB 1621** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 1621** was read for the third time at length.

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

Aye: Adelson, Aldridge, Branan, Brogdon, Cain, Capps, Coates, Coffee, Crain, Crutchfield, Fisher, Harrison, Hobson, Jolley, Lamb, Laughlin, Mazzei, Monson, Morgan, Myers, Nichols, Pruitt, Rabon, Reynolds, Wilcoxson and Williamson.--26.

Nay: Anderson, Barrington, Bass, Corn, Easley, Eason McIntyre, Ford, Garrison, Gumm, Johnson, Justice, Laster, Lawler, Leftwich, Lerblance, Paddack, Riley, Shurden, Taylor, Wilson and Wyrick.--21.

Excused: Kerr.--1.

The bill passed.

Pursuant to Rule 12-23, Senator Wilcoxson served notice that the vote be reconsidered whereby **HB 1621** passed.

**PENDING SENATE ACTION  
HOUSE REQUEST FOR CONFERENCE**

Upon motion of Senator Fisher, the request of the Honorable House for conference on **HBs 1321, 1327, 1397, 1398, 1408, 1411, 1432, 1444, 1461, 1476, 1547, 1556, 1558, 1584, 1637, 1665, 1693, 1704, 1708, 1711, 1713, 1779, 1780, 1860, 1963, 1992, 1993 and 2005** was ordered granted and Senate conferees to be named later.

**REPORT OF ENGROSSED AND ENROLLED MEASURE**

**SCR 14** was correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

**MESSAGES FROM THE HOUSE**

Advising fourth reading of and transmitting for signature Enrolled **HBs 1457, 1507, 1535, 1545, 1581, 1622 and 1725**.

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

Advising passage of and transmitting for consideration Engrossed **HCR 1023**.

**HCR 1023** – By Denney and Ingmire of the House and Morgan of the Senate.  
A Concurrent Resolution authorizing the Board of Regents for the Oklahoma Agricultural and Mechanical Colleges to issue certain revenue bonds pursuant to Section 4002 of Title 70 of the Oklahoma Statutes; and directing distribution.

The above-numbered measure was read the first time.

**MESSAGE FROM THE HOUSE  
HAs TO SENATE BILLS**

Advising passage of and returning the following engrossed bills as amended:

**SB 574**  
**SB 668** - coauthored by Shelton of the House  
**SB 962** - coauthored by Shelton of the House  
**SJR 13** - coauthored by Auffet, Braddock, Brannon, Duncan, Liotta, Mass, Plunk, Smithson and Wesselhoft of the House

House amendments were read on the above-numbered bills.

Senator Fisher moved that the Senate recess until 2:00 p.m., which motion was declared adopted.

\*

The Senate reconvened with Senator Paddack presiding.

Senator Paddack 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 returning the following Engrossed measure:

**SCR 14** - coauthored by all other House members

The above-numbered measure was referred for enrollment.

### **GENERAL ORDER**

**HB 1304** by Trebilcock of the House and Gumm of the Senate was called up for consideration.

Senator Gumm moved to amend **HB 1304**, by striking the title, the enacting clause and the entire body of the bill and substituting the floor substitute, which amendment was declared adopted. (Copies were provided for all Senators.)

Senator Gumm moved to amend **HB 1304**, Page 1, by restoring the title, which amendment was declared adopted.

Senator Gumm moved that **HB 1304** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 1304** was read for the third time at length.

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

Aye: Adelson, Aldridge, Anderson, Barrington, Bass, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson, Jolley, Justice, Kerr, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Monson, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon,



Reynolds, Riley, Shurden, Taylor, Williamson, Wilson and Wyrick.--47.

Excused: Wilcoxson.--1.

The bill passed.

**HB 1304** was referred for engrossment.

### **REPORT OF ENGROSSED AND ENROLLED MEASURE**

**SCR 14** was correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

### **GENERAL ORDER**

**HB 1553** by Carey of the House and Gumm of the Senate was called up for consideration.

Senator Gumm moved to amend **HB 1553**, Page 23, Lines 8 and 9, by deleting all new language after the word “both” on Line 8 and before the semicolon on Line 9 and by inserting in lieu thereof the words “but such civil suit shall be limited to records requested and denied prior to filing of the civil suit”, and by amending the title to conform, which amendment was declared adopted.

Senator Gumm moved that **HB 1553** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 1553** was read for the third time at length.

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

Aye: Adelson, Aldridge, Anderson, Barrington, Bass, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson, Jolley, Justice, Kerr, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Monson, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Taylor, Williamson, Wilson and Wyrick.--47.

Excused: Wilcoxson.--1.

The bill passed.

**HB 1553** was referred for engrossment.

### **GENERAL ORDER**

**HB 1911** by Peters of the House and Crain of the Senate was called up for consideration.

Senator Crain moved to amend **HB 1911**, Page 1, by striking the title, which amendment was declared adopted.

Senator Crain moved that **HB 1911** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 1911** was read for the third time at length.

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

Aye: Adelson, Aldridge, Anderson, Barrington, Bass, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson, Jolley, Justice, Kerr, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Monson, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Taylor, Williamson, Wilson and Wyrick.--47.

Excused: Wilcoxson.--1.

The bill and emergency passed.

**HB 1911** was referred for engrossment.

### **GENERAL ORDER**

**HB 1623** by Wilt of the House and Coffee of the Senate was called up for consideration.

Senator Coffee moved to amend **HB 1623**, Page 12, Line 3½, by inserting a new Section 5 to read as follows:

“SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 564.1 of Title 57, unless there is created a duplication in numbering, reads as follows:

A. In those instances of prison disciplinary proceedings that result in the revocation of earned credits, the prisoner, after exhausting administrative remedies, may seek judicial

review in the district court of the official residence of the Department of Corrections. To be considered by the court, the inmate shall meet the following requirements:

1. The petition shall be filed within ninety (90) days of the date the petitioner is notified of the final Department of Corrections decision in the Department disciplinary appeal process.

2. The petition shall only name the Department of Corrections as the respondent and service shall be in accordance with the rules for service under the laws of this state.

3. The petition shall be limited to the review of only one disciplinary report and no other pleading is allowed other than the petition and the answer.

4. The court shall not consider any pleadings from any intervening parties and shall not stay the Department disciplinary process during the review of the misconduct hearing.

B. The answer of the Department shall be filed within thirty (30) days of receipt of the petition unless the court orders a special report upon motion by one party or upon its own motion.

C. The petition shall assert that due process was not provided and prove which element of due process, relevant only to a prison administrative disciplinary proceeding, was not provided by the prison staff.

D. The court shall only determine whether due process was provided by the revoking authority. In determining whether due process was provided, the court shall determine:

1. Whether written notice of the charge was provided to the inmate;

2. Whether the inmate had a minimum of twenty-four (24) hours to prepare after notice of the charge;

3. Whether the inmate was provided an opportunity for a hearing by a prison employee not involved in bringing the charge;

4. Whether the inmate had the opportunity to present relevant documentary evidence;

5. Whether the inmate had the opportunity to call witnesses when doing so would not be hazardous to institutional safety or burden correctional goals;

6. Whether the inmate was provided a written statement as to the evidence relied on and the reasons for the discipline imposed; and

7. Whether any evidence existed in the record upon which the hearing officer could base a finding of guilt.

E. The judicial review as provided in this section shall not be an independent assessment of the credibility of any witness or a weighing of the evidence, and there shall be no right to an error free proceeding or to confront accusers. The only remedy to be provided, if the court finds due process was not provided, is an order to the Department to provide due process.

F. There shall be no recovery allowed for costs and fees, providing that frivolous petitions are subject to the sanctions provided by the laws of this state.

G. Either party aggrieved by the final order of the district court on a petition for judicial review may only appeal the order to the Oklahoma Court of Criminal Appeals as set forth in the rules of such Court.", and by renumbering subsequent sections and amending the title to conform, which amendment was declared adopted.

Senator Coffee moved that **HB 1623** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 1623** was read for the third time at length.

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

Aye: Aldridge, Anderson, Barrington, Bass, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson, Jolley, Justice, Kerr, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Monson, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Taylor, Williamson, Wilson and Wyrick.--46.

Excused: Adelson and Wilcoxson.--2.

The bill and emergency passed.

**HB 1623** was referred for engrossment.

**GENERAL ORDER**

**HB 1716** by Winchester et al of the House and Leftwich of the Senate was called up for consideration.

Senator Leftwich moved that **HB 1716** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 1716** was read for the third time at length.

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

Aye: Adelson, Aldridge, Anderson, Barrington, Bass, Branan, Cain, Capps, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson, Jolley, Justice, Kerr, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Monson, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Taylor, Williamson, Wilson and Wyrick.--46.

Nay: Brogdon.--1.

Excused: Wilcoxson.--1.

The bill and emergency passed.

**HB 1716** was referred for engrossment.

### **GENERAL ORDER**

**HB 1967** by Perry and Covey of the House and Gumm of the Senate was called up for consideration.

Senator Gumm moved that **HB 1967** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 1967** was read for the third time at length.

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

Aye: Adelson, Aldridge, Anderson, Barrington, Bass, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson, Jolley, Justice, Kerr, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Monson, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Taylor, Williamson, Wilson and Wyrick.--47.

Excused: Wilcoxson.--1.

The bill and emergency passed.

**HB 1967** was referred for engrossment.

### **MESSAGES FROM THE HOUSE**

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

**SB 409** - Miller (Doug), Calvey, Rousselot, Morrissette, Nance, Dank

**SB 835** - Piatt, Denney, Kiesel, Carey, Peterson (Ron), McCarter, Young

**SB 886** - Calvey, Rousselot, Nance, Lindley, Terrill

**SB 908** - Piatt, Denney, Terrill, Peterson (Ron), Kiesel, Pruett, Carey

Advising naming of House conferees as follows:

**HB 1495-** Tibbs, Nance, Lamons, Blackwell, Liotta, Richardson, Peterson (Pam), Sweeden, McDaniel

**HB 1680-** Johnson, Calvey, Rousselot, Dorman, Bingman, Nance

Advising fourth reading of and returning Enrolled **SB 374**.

The above-numbered enrolled measure was referred to the Governor.

### **GENERAL ORDER**

**HB 1588** by Adkins et al of the House and Morgan et al of the Senate was called up for consideration.

Senator Ford asked to coauthor **HB 1588**, which was the order.

Senator Gumm moved that **HB 1588** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 1588** was read for the third time at length.

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

Aye: Aldridge, Anderson, Barrington, Bass, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson, Jolley, Justice, Kerr, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Monson, Morgan, Myers, Nichols, Paddack, Pruitt, Reynolds, Riley, Shurden, Taylor, Williamson, Wilson and Wyrick.--45.

Nay: Adelson and Rabon.--2.

Excused: Wilcoxson.--1.

The bill and emergency passed.

**HB 1588** was referred for engrossment.

## **GENERAL ORDER**

**HB 1362** by Case of the House and Corn of the Senate was called up for consideration.

Senator Corn moved to amend **HB 1362**, by striking the title, the enacting clause and the entire body of the bill and substituting the floor substitute, which amendment was declared adopted. (Copies were provided for all Senators.)

Senator Corn moved that **HB 1362** be advanced, which motion was declared adopted.

## **THIRD READING**

**HB 1362** was read for the third time at length.

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

Aye: Adelson, Aldridge, Anderson, Barrington, Bass, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Johnson, Jolley, Justice, Kerr, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Monson, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Taylor, Williamson, Wilson and Wyrick.--46.

Excused: Wilcoxson.--1.

\*Not Voting: Hobson.—1.

The bill and emergency passed.

\*Senator Hobson asked to be shown not voting on **HB 1362** for reason of personal interest, as provided in Article V, Section 24, Oklahoma Constitution.

**HB 1362** was referred for engrossment.

## **MOTION TO RECONSIDER VOTE**

Senator Adelson moved to reconsider the vote whereby **HB 1862** failed, which motion was declared adopted upon roll call as follows:

Aye: Adelson, Aldridge, Anderson, Barrington, Bass, Branan, Brogdon, Cain, Capps, Coffee, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Gumm, Harrison, Hobson, Johnson, Jolley, Justice, Kerr, Lamb, Laster, Laughlin, Lerblance, Mazzei, Monson, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Riley, Shurden, Taylor, Wilson and Wyrick.--40.

Nay: Coates, Garrison and Williamson.--3.

Excused: Corn, Lawler, Leftwich, Reynolds and Wilcoxson.--5.

### **THIRD READING**

**HB 1862** was read for the third time at length.

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

Aye: Adelson, Aldridge, Anderson, Barrington, Bass, Branan, Brogdon, Cain, Capps, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Gumm, Harrison, Hobson, Johnson, Jolley, Justice, Kerr, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Monson, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Taylor, Wilcoxson, Wilson and Wyrick.--45.

Nay: Coates, Garrison and Williamson.--3.

The bill passed.

**HB 1862** was referred for engrossment.

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

\*

The Senate reconvened with Senator Gumm presiding.

Senator Gumm 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 returning the following Engrossed bill:

#### **SB 529**

The above-numbered measure was referred for enrollment.



Advising the signing of and returning Enrolled **SCR 14**.

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

Advising rejection of SAs to **HBs 1233, 1240, 1337, 1467, 1480, 1570, 1586, 1698, 1738, 1774** and **2058**, requesting conference and House conferees to be named later.

#### **NOTIFICATION OF AVAILABILITY**

Senator Fisher hereby notified the members of the Senate that, pursuant to the provisions of paragraph 2 of subsection B of Senate Rule 5-7, copies of the floor substitutes for Engrossed **HBs 1502** and **1554** have been made available electronically, via e-mail to all Senators and Executive Assistants.

#### **GENERAL ORDER**

**HB 1715** by Calvey et al of the House and Paddack and Branán of the Senate was called up for consideration.

Senator Paddack asked to be removed and Senator Branán asked to be named principal Senator author on **HB 1715**, which was the order.

Senators Paddack, Mazzei and Lamb and Representative Peterson (Ron) asked to coauthor **HB 1715**, which was the order.

Senator Johnson moved to amend **HB 1715**, Page 2, Line 17, by deleting after the comma the language "regardless of length,"; and inserting in lieu thereof the language "limited to one half (1/2) mile in length," which amendment was declared adopted.

Senator Branán moved that **HB 1715** be advanced, which motion was declared adopted.

#### **THIRD READING**

**HB 1715** was read for the third time at length.

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

Aye: Adelson, Aldridge, Branán, Brogdon, Cain, Coffee, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Gumm, Johnson, Jolley, Lamb, Mazzei, Morgan, Nichols, Paddack, Pruitt, Reynolds, Riley, Wilcoxson, Williamson and Wilson.--25.

Nay: Anderson, Barrington, Bass, Coates, Corn, Fisher, Garrison, Harrison, Hobson, Justice, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Monson, Myers, Rabon, Shurden and Wyrick.--21.

Excused: Capps and Taylor.--2.

The bill passed.

Pursuant to Rule 12-23, Senator Branan served notice that the vote be reconsidered whereby **HB 1715** passed.

Senator Fisher moved that when the clerk's desk is clear, the Senate stand adjourned to convene Wednesday, April 27, 2005, at 9:30 a.m., which motion prevailed.

**BILL RELEASED  
TIME EXPIRED TO RECONSIDER**

**HB 1944** was properly signed and ordered returned to the Honorable House.

**FIRST READING**

The following was introduced and read the first time:

**SJR 32** – By Corn.

A Joint Resolution relating to amendments to permanent rule of the Oklahoma Real Estate Appraiser Board; disapproving, in part, amendments to permanent rule OAC 600:10-1-16, regarding supervision of trainee appraisers; directing program development; directing distribution; and declaring an emergency.

**MESSAGE FROM THE GOVERNOR**

Advising his approval April 26, 2005, of Enrolled **SBs 19, 604, 803 and 902**.

Pursuant to the Fisher motion, the Senate adjourned at 5:30 p.m. to meet Wednesday, April 27, 2005, at 9:30 a.m.