

# Senate Journal

## First Regular Session of the Fiftieth Legislature of the State of Oklahoma Fifteenth Legislative Day, Tuesday, March 1, 2005

The Senate was called to order by Senator Gumm.

Roll Call:

Present: 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, Kerr, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Taylor, Wilcoxson, Williamson, Wilson and Wyrick.—46.

Excused: Capps and Monson.—2.

Senator Gumm declared a quorum present.

The prayer was offered by Pastor Dan Barrick, First Assembly of God Church, Enid, the guest of Senator Anderson.

### REPORT OF ENGROSSED AND ENROLLED MEASURES

**SBs 1, 24, 260, 280, 283, 360, 401, 413, 461, 464, 476, 560, 586, 587, 615, 657, 747, 848, 909 and 920** were each correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

**SRs 5 and 8** were each correctly enrolled, properly signed and ordered transmitted to the Secretary of State.

### GENERAL ORDER

**SJR 20** by Cain of the Senate and Blackburn of the House was called up for consideration.

Senator Cain moved that **SJR 20** be advanced, which motion was declared adopted.

**THIRD READING**

**SJR 20** was read for the third time at length.

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

Aye: Adelson, Anderson, Barrington, Bass, Branan, Brogdon, Cain, 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, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Taylor, Wilcoxson, Wilson and Wyrick.--44.

Excused: Aldridge, Capps, Monson and Williamson.--4.

The resolution passed.

**SJR 20** was referred for engrossment.

**UNANIMOUS CONSENT REQUEST  
DIRECT TO CALENDAR**

Senator Eason McIntyre asked unanimous consent to suspend Rule 5-4 and refer **SCR 7** direct to the Calendar for consideration, which was the order.

**GENERAL ORDER**

**SCR 7** by Eason McIntyre of the Senate and Shumate of the House was called up for consideration.

Senator Gumm asked to coauthor **SCR 7**, which was the order.

**SCR 7** was adopted upon motion of Senator Eason McIntyre and referred for engrossment.

**GENERAL ORDER**

**SB 297** by Myers of the Senate and DeWitt of the House was called up for consideration.

Senator Myers moved that **SB 297** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 297** was read for the third time at length.

Senator Myers asked that **SB 297** be laid over for this legislative day, which was the order.

**SB 297** remains on Third Reading.

**GENERAL ORDER**

**SB 37** by Barrington of the Senate and McCarter of the House was called up for consideration.

Senator Barrington moved to amend **SB 37**, Page 1, by striking the title, which amendment was declared adopted.

Senator Barrington asked that **SB 37** be laid over temporarily, which was the order.

**SB 37** remains on General Order.

**Senator Rabon presiding.**

**GENERAL ORDER**

**SB 812** by Jolley of the Senate and Miller (Ken) of the House was called up for consideration.

Senator Gumm moved to amend **SB 812**, Page 1, Line 19 and Page 2, Lines 8 and 9, by deleting all language after the word “flags” and before the period, which amendment was declared adopted upon division of the question.

Senator Jolley moved that **SB 812** be advanced, which motion was declared adopted.

**Senator Gumm presiding.**

**THIRD READING**

**SB 812** 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, Kerr, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Taylor, Wilcoxson, Williamson, Wilson and Wyrick.--46.

Excused: Capps and Monson.--2.

The bill passed.

**SB 812** was referred for engrossment.

## **GENERAL ORDER**

**SB 37** by Barrington of the Senate and McCarter of the House was called up for further consideration.

Senator Aldridge moved to amend **SB 37**, Page 2, Line 9, by inserting after the period the language "Such association shall comply with all provisions of the Insurance Code not inconsistent with the provisions of this article."; Page 2, Line 9½, by inserting a new Section 2 to read as follows:

"SECTION 2. AMENDATORY 36 O.S. 2001, Section 2813, is amended to read as follows:

Section 2813. The provisions of this article apply only to farmers' mutual fire insurance associations and such associations shall be governed by this article to the extent provided herein. Such associations shall comply with all provisions of the Insurance Code ~~be exempt from all other provisions of the insurance laws of this state except that the provisions of articles 1 (Scope of Title), 3 (Insurance Department; Insurance Commissioner; Insurance Board), 6 (Authorization of Insurers and General Requirements—except that the inclusion of theft insurance coverage shall require a minimum capital or surplus of One Hundred Fifty Thousand Dollars (\$150,000.00) under the provisions of Section 10 of such article 6), 12 (Unfair Practices and Frauds), 15 (Assets and Liabilities), 16 (Investments), 16A (Subsidiaries of Insurers), 17 (Administration of Deposits), 18 (Rehabilitation and Liquidation), 21 (Domestic Stock and Mutual Insurers; Organization and Corporate Procedures), and 48 (Property Insurance) shall apply to such associations to the extent that such provisions are not in conflict with the provisions of this article. No law relating to insurance hereafter enacted shall apply to such associations unless they be expressly designated therein.~~", and by renumbering subsequent section, which amendment was declared adopted.

Senator Barrington moved that **SB 37** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 37** 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, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson, Jolley, Justice, Kerr, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Taylor, Wilcoxson, Williamson, Wilson and Wyrick.--45.

Excused: Capps, Easley and Monson.--3.

The bill passed.

**SB 37** was referred for engrossment.

**GENERAL ORDER**

**SB 344** by Cain of the Senate and Toure of the House was called up for consideration.

Senator Cain moved to amend **SB 344**, Page 10, Lines 15 through 17, by deleting all language after the semicolon on Line 15 through the semicolon on Line 17, which amendment was declared adopted.

Senator Cain moved to amend **SB 344**, Page 12, Lines 4 through 6, by deleting all language after the semicolon on Line 4 through the semicolon on Line 6, which amendment was declared adopted.

Senator Cain moved that **SB 344** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 344** 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, Bass, Branan, Cain, Coates, Corn, Crain, Crutchfield, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson, Kerr, Laster, Leftwich, Lerblance, Mazzei, Morgan, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Taylor, Wilcoxson, Williamson, Wilson and Wyrick.--36.

Nay: Barrington, Brogdon, Coffee, Easley, Jolley, Justice, Lamb, Laughlin, Lawler and Myers.--10.

Excused: Capps and Monson.--2.

The bill passed.

**SB 344** was referred for engrossment.

### **GENERAL ORDER**

**SB 268** by Crutchfield of the Senate and Brannon of the House was called up for consideration.

Senator Crutchfield moved that **SB 268** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 268** 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, Kerr, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Taylor, Wilson and Wyrick.--44.

Nay: Wilcoxson.--1.

Excused: Capps, Monson and Williamson.--3.

The bill passed.

Senator Williamson desired to vote Aye on the emergency.

On the question of passage of the emergency, the vote resulted as follows: Aye: 45; Nay: 1; Excused: 2.

The emergency passed.

**SB 268** was referred for engrossment.

**Senator Rabon presiding.**

**MESSAGE FROM THE HOUSE**

Advising passage of and transmitting for consideration Engrossed **HBs 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1250, 1251, 1310, 1358, 1388, 1434, 1452, 1511, 1531, 1545, 2033 and 2056.**

**HB 1028** – By Bengé and Newport of the House and Morgan and Crutchfield of the Senate.

( Oklahoma Commission for Teacher Preparation – appropriation - lapse dates - effective date )

**HB 1029** – By Bengé and Newport of the House and Morgan and Crutchfield of the Senate.

( Oklahoma Commission for Teacher Preparation – appropriation – budget procedures – effective date )

**HB 1030** – By Bengé and Newport of the House and Morgan and Crutchfield of the Senate.

( State Board of Career and Technology Education – appropriation - budget procedures - effective date – emergency )

**HB 1031** – By Bengé and Newport of the House and Morgan and Crutchfield of the Senate.

( State Board of Career and Technology Education – appropriation – budget procedures – effective date – emergency )

**HB 1032** – By Bengé and Newport of the House and Morgan and Crutchfield of the Senate.

( Oklahoma State Regents for Higher Education – appropriations – lapse dates – effective date )

**HB 1033** – By Bengé and Newport of the House and Morgan and Crutchfield of the Senate.

( Oklahoma State Regents for Higher Education - appropriations - budget procedures - effective date – emergency )

**HB 1034** – By Bengé and Newport of the House and Morgan and Crutchfield of the Senate.

( Commissioners of the Land Office – appropriation - budget procedures - effective date – emergency )

**HB 1035** – By Bengé and Newport of the House and Morgan and Crutchfield of the Senate.

( Commissioners of the Land Office – appropriation – budget procedures – effective date – emergency )

**HB 1036** – By Bengé and Newport of the House and Morgan and Crutchfield of the Senate.

( Oklahoma Department of Libraries – appropriation – budget procedures – effective date – emergency )

**HB 1037** – By Bengé and Newport of the House and Morgan and Crutchfield of the Senate.

( Oklahoma Department of Libraries – appropriation - lapse dates – effective date – emergency )

**HB 1250** – By Young, Dorman and Jackson of the House and Monson of the Senate.

An Act relating to children; amending 10 O.S. 2001, Section 7003-5.6h, which relates to permanency hearings; expanding adoption options for certain purposes; and providing an effective date.

**HB 1251** – By Hastings and Nance of the House and Crain of the Senate.

An Act relating to bail bondsmen; amending 59 O.S. 2001, Section 1327, as last amended by Section 1, Chapter 66, O.S.L. 2003 (59 O.S. Supp. 2004, Section 1327), which relates to surrender of defendant prior to breach; allowing recommitment of defendants under certain circumstances; providing procedures for recommitment; and providing an effective date.

**HB 1310** – By Smithson and McMullen of the House and Corn of the Senate.

An Act relating to roads, bridges and ferries; designating certain bridge as the Rider Daugherty Memorial Bridge; designating a portion of State Highway 54 as the Luke James Memorial Highway; designating a portion of State Highway 54 as the Jack Begley Memorial Highway; directing placement of markers; providing for codification; and providing an effective date.

**HB 1358** – By Wilt, Askins, Morgan (Fred), Nance and Adkins of the House and Myers and Ford of the Senate.

( revenue and taxation - amending 68 O.S., Section 2358 - income tax adjustments - retirement benefits - effective date )

**HB 1388** – By Morrissette, Peters and Wesselhoft of the House and Bass of the Senate.

An Act relating to domestic violence; amending 12 O.S. 2001, Section 1633, which relates to change of name; providing exception for publication of notice for domestic violence victims; amending 43 O.S. 2001, Section 109, which relates to awarding custody of children; providing for determination of domestic violence; amending 43 O.S. 2001, Section 111.1, which relates to minimum visitation; providing for visitation of domestic

violence victims; amending Section 8, Chapter 400, O.S.L. 2002 (43 O.S. Supp. 2004, Section 112.3), which relates to notice of change of residence; providing for finding of domestic violence; and providing an effective date.

**HB 1434** – By Wilt and Nance of the House and Shurden of the Senate.

An Act relating to sheriffs; amending 19 O.S. 2001, Section 548, which relates to appointments and revocations of undersheriffs and deputy sheriffs; modifying appointment and revocation procedures; amending 22 O.S. 2001, Section 979a, as last amended by Section 1, Chapter 455, O.S.L. 2004 (22 O.S. Supp. 2004, Section 979a), which relates to payment of jail costs by inmate; deleting authority of municipal and district attorneys to seek reimbursement of incarceration costs; directing the court to order reimbursement of incarceration costs; deleting certain monetary cap; and providing an effective date.

**HB 1452** – By Piatt of the House and Rabon of the Senate.

An Act relating to professions and occupations; amending Section 9, Chapter 469, O.S.L. 2002 (59 O.S. Supp. 2004, Section 2093), which relates to mortgage brokers; modifying certain continuing education requirements; amending 40 O.S. 2001, Section 1-210, as last amended by Section 1, Chapter 102, O.S.L. 2004 (40 O.S. Supp. 2004, Section 1-210), which relates to Employment Security Act definitions; modifying definition; amending 85 O.S. 2001, Section 2.1, which relates to Workers' Compensation; adding certain persons excluded from Workers' Compensation Act; providing an effective date; and declaring an emergency.

**HB 1511** – By Wilt of the House and Leftwich and Coates of the Senate.

An Act relating to professions and occupations; amending 59 O.S. 2001, Sections 46.3 and 46.28, which relate to The State Architectural Act; modifying certain definition; modifying scope of the act; modifying criteria for certain persons to be exempt from registration under the act; providing an effective date; and declaring an emergency.

**HB 1531** – By DePue, McMullen, Nance and Calvey of the House and Ford of the Senate.

An Act relating to crimes and punishments; amending 21 O.S. 2001, Section 1401, which relates to arson; clarifying actions that constitute arson; providing penalties; and providing an effective date.

**HB 1545** – By Calvey and Duncan of the House and Reynolds of the Senate.

An Act relating to militia; amending 44 O.S. 2001, Section 208.1, which relates to the Oklahoma National Guard; updating reference to certain act; amending 44 O.S. 2001, Sections 232.1 and 232.6, which relate to government and control of armories and armory buildings; adding definition; providing duties of Adjutant General; updating language; providing definitions; allowing certain extension for expired licenses; providing renewal procedures; providing for codification; and providing an effective date.

**HB 2033** – By Morgan (Fred), Duncan, Adkins, Brannon, Calvey, Cox, Dank, DeWitt, Johnson, Jones, Nance, Peters, Peterson (Pam), Smaligo, Smithson, Wilt and Winchester of the House and Coffee of the Senate.

An Act relating to schools; amending 70 O.S. 2001, Sections 24-132 and 24-138, which relate to immunity for reporting certain student actions and conditions; creating the Oklahoma Educator Protection Act; providing short title; stating legislative findings; providing definitions; making certain educational entities, employees and governing board members immune from liability for certain actions; providing exceptions; providing immunity for reporting certain student actions and conditions; requiring adoption of certain policies related to reporting certain student actions and conditions; stating minimum contents of certain policy; requiring filing of certain policy with State Superintendent of Public Instruction; providing for suspension of accreditation; providing for suspension of ability to operate certain schools; deleting redundant language; prohibiting liability of certain educational entities, employees and governing board members for punitive or exemplary damages; providing exception; requiring award of court costs and attorney fees to certain parties in certain actions; authorizing expert witness fees to be awarded certain parties; prohibiting waiver of governmental immunity; providing for codification; providing for recodification; providing an effective date; and declaring an emergency.

**HB 2056** – By Trebilcock of the House and Coffee of the Senate.

An Act relating to attorneys; repealing Sections 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52 and 53, Chapter 368, O.S.L. 2004 (5 O.S. Supp. 2004, Sections 1.1, 1.2, 1.3, 1.4, 1.5, 1.6, 1.7, 1.8, 1.9, 1.10, 1.11, 1.12, 1.13, 1.14, 1.15, 1.16, 1.17, 1.18 and 1.19), which relate to the Registration of Out-of-State Attorneys Act; and declaring an emergency.

The above-numbered measures were read the first time.

## **GENERAL ORDER**

**SB 328** by Laster of the Senate and Morgan (Fred) of the House was called up for consideration.

Senator Laster moved that **SB 328** be advanced, which motion was declared adopted.

## **THIRD READING**

**SB 328** 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, Kerr, Lamb, Laster, Laughlin, Lawler,

Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Riley, Shurden, Taylor, Wilcoxson, Williamson, Wilson and Wyrick.--45.

Excused: Capps, Monson and Pruitt.--3.

The bill passed.

**SB 328** was referred for engrossment.

### **GENERAL ORDER**

**SB 41** by Wilcoxson and Lawler of the Senate and Young of the House was called up for consideration.

Senator Wilcoxson moved that **SB 41** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 41** 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, Kerr, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Riley, Shurden, Taylor, Wilcoxson, Williamson, Wilson and Wyrick.--45.

Excused: Capps, Monson and Pruitt.--3.

The bill passed.

**SB 41** was referred for engrossment.

### **GENERAL ORDER**

**SB 757** by Shurden of the Senate and Roan of the House was called up for consideration.

Senator Shurden moved that **SB 757** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 757** 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, Kerr, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Riley, Shurden, Taylor, Wilcoxson, Williamson, Wilson and Wyrick.--45.

Excused: Capps, Monson and Pruitt.--3.

The bill passed.

Pursuant to Rule 12-23, Senator Shurden served notice that the vote be reconsidered whereby **SB 757** passed.

**GENERAL ORDER**

**SB 944** by Laster of the Senate and Jett of the House was called up for consideration.

Senator Laster moved that **SB 944** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 944** 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, Kerr, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Riley, Shurden, Taylor, Wilcoxson, Williamson, Wilson and Wyrick.--45.

Excused: Capps, Monson and Pruitt.--3.

The bill and emergency passed.

**SB 944** was referred for engrossment.

**GENERAL ORDER**

**SB 252** by Reynolds of the Senate and Terrill of the House was called up for consideration.

Senator Reynolds moved that **SB 252** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 252** 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, Branan, Brogdon, Coates, Coffee, Crain, Ford, Gumm, Hobson, Johnson, Jolley, Justice, Lamb, Laster, Laughlin, Mazzei, Morgan, Myers, Nichols, Rabon, Reynolds, Riley, Shurden, Taylor, Wilcoxson, Williamson and Wilson.--30.

Nay: Bass, Cain, Corn, Crutchfield, Easley, Eason McIntyre, Fisher, Garrison, Harrison, Kerr, Lawler, Leftwich, Lerblance, Paddack and Wyrick.--15.

Excused: Capps, Monson and Pruitt.--3.

The bill passed.

Senators Fisher, Cain and Kerr desired to vote Aye on the emergency.

On the question of passage of the emergency, the vote resulted as follows: Aye: 33; Nay: 12; Excused: 3.

The emergency passed.

**SB 252** was referred for engrossment.

**GENERAL ORDER**

**SB 420** by Wilcoxson and Adelson of the Senate and Cooksey of the House was called up for consideration.

Senator Wilcoxson moved that **SB 420** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 420** 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, Branan, Brogdon, Cain, Coates, Coffee, Crain, Crutchfield, Eason McIntyre, Fisher, Ford, Gumm, Hobson, Johnson, Jolley, Justice, Lamb, Laster, Laughlin, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Reynolds, Riley, Shurden, Wilcoxson and Williamson.--32.

Nay: Adelson, Bass, Corn, Easley, Garrison, Harrison, Kerr, Lawler, Leftwich, Rabon, Taylor, Wilson and Wyrick.--13.

Excused: Capps, Monson and Pruitt.--3.

The bill and emergency passed.

**SB 420** was referred for engrossment.

**GENERAL ORDER**

**SB 726** by Eason McIntyre of the Senate and Young of the House was called up for consideration.

Senator Eason McIntyre moved that **SB 726** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 726** 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, Kerr, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Riley, Shurden, Taylor, Wilcoxson, Williamson, Wilson and Wyrick.--45.

Excused: Capps, Monson and Pruitt.--3.

The bill and emergency passed.

**SB 726** was referred for engrossment.

### **GENERAL ORDER**

**SB 557** by Morgan of the Senate and Toure of the House was called up for consideration.

Senator Morgan moved that **SB 557** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 557** was read for the third time at length.

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

Aye: Adelson, Aldridge, Barrington, Bass, Branan, Brogdon, Cain, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Jolley, Justice, Kerr, Lamb, Laster, Lawler, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Riley, Shurden, Taylor, Wilcoxson, Williamson, Wilson and Wyrick.--42.

Nay: Anderson, Johnson and Laughlin.--3.

Excused: Capps, Monson and Pruitt.--3.

The bill passed.

**SB 557** was referred for engrossment.

### **GENERAL ORDER**

**SB 807** by Coffee of the Senate and Morgan (Fred) of the House was called up for consideration.

Senator Coffee moved that **SB 807** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 807** 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, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Harrison, Hobson, Johnson, Jolley, Justice, Kerr, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Riley, Shurden, Taylor, Wilcoxson, Williamson, Wilson and Wyrick.--43.

Excused: Capps, Corn, Fisher, Monson and Pruitt.--5.

The bill and emergency passed.

**SB 807** was referred for engrossment.

### **GENERAL ORDER**

**SB 345** by Shurden of the Senate and Turner of the House was called up for consideration.

Senator Shurden moved to amend **SB 345**, Page 1, Line 11 through Page 11, Line 8, by deleting Section 1 and renumbering subsequent sections, which amendment was declared adopted.

Senator Shurden moved that **SB 345** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 345** 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, Anderson, Barrington, Bass, Branan, Cain, Coates, Crutchfield, Easley, Eason McIntyre, Fisher, Garrison, Gumm, Harrison, Hobson, Kerr, Laster, Lawler, Leftwich, Lerblance, Paddack, Rabon, Shurden, Taylor, Wilson and Wyrick.--26.

Nay: Aldridge, Brogdon, Coffee, Crain, Ford, Johnson, Jolley, Justice, Lamb, Laughlin, Mazzei, Morgan, Myers, Nichols, Pruitt, Reynolds, Riley, Wilcoxson and Williamson.--19.

Excused: Capps, Corn and Monson.--3.

The bill passed and the emergency failed.

**SB 345** was referred for engrossment.

## **GENERAL ORDER**

**SJR 5** by Gumm of the Senate and Worthen of the House was called up for consideration.

Senator Lawler asked to coauthor **SJR 5**, which was the order.

Senator Reynolds moved to amend **SJR 5**, Page 3, Line 10, by inserting a new paragraph C to read as follows:

“C. Any member of the state Legislature or statewide elected officer who enters a drug or alcohol rehabilitation facility during his or her term in office shall not receive any compensation from the state or be eligible to participate in any compensation programs funded in whole or in part with state revenue during the period of treatment.” and by amending the title to conform.

Senator Gumm moved that **SJR 5** be advanced, which motion was declared adopted.

## **THIRD READING**

**SJR 5** was read for the third time at length.

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

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

Excused: Capps, Corn and Monson.--3.

The resolution passed.

**SJR 5** was referred for engrossment and printed at length as follows:

**SJR 5** By Gumm of the Senate and Worthen of the House

A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection a proposed amendment to Section 21 of Article V of the Constitution of the State of Oklahoma; providing that members of the Legislature may not be paid or participate in state-funded programs during periods of incarceration; providing for payment of withheld compensation upon acquittal; providing ballot title; and directing filing.

**BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE 1ST SESSION OF THE 50TH OKLAHOMA LEGISLATURE:**

SECTION 1. The Secretary of State shall refer to the people for their approval or rejection, as and in the manner provided by law, the following proposed amendment to Section 21 of Article V of the Constitution of the State of Oklahoma to read as follows:

Section 21. A. The Legislature shall enact laws to prohibit members of the Legislature from engaging in activities or having interests which conflict with the proper discharge of their duties and responsibilities.

B. The Board on Legislative Compensation is hereby created. Said Board shall be composed of five members appointed by the Governor, two members appointed by the President Pro Tempore of the Senate, and two members appointed by the Speaker of the House of Representatives. The members appointed by the Governor shall be from religious organizations, communications media, nonstate-supported educational institutions, labor organizations, and retail business; the members appointed by the President Pro Tempore of the Senate shall be from agricultural and civic organizations; and the members appointed by the Speaker of the House of Representatives shall be from manufacturing and from professional fields not otherwise specified. No member of the Legislature may be appointed to or serve on the Board. In addition to the members above provided for, the Chairman of the Oklahoma Tax Commission and the Director of State Finance shall serve as ex officio nonvoting members of said Board. The Chairman of said Board shall be designated by the Governor. Members of the Legislature shall receive such compensation as shall be fixed by the Board on Legislative Compensation; provided, any member of the Legislature who is incarcerated for any period of time during his or her term of office shall not receive any compensation from the state or be eligible to participate in any compensation programs funded in whole or in part with state revenues during the period of such incarceration. In the event a member of the Legislature is incarcerated due to being charged with a criminal offense and is subsequently acquitted or the charges are dismissed, any compensation withheld from such member shall be paid to such member. Said Board shall each two years review the compensation paid to the members of the Legislature and shall be empowered to change such compensation; such change to become effective on the fifteenth day following the succeeding general election. The members of the Board shall serve without compensation, but shall be entitled to receive necessary travel and subsistence expense as provided by law for other state officers.

SECTION 2. The Ballot Title for the proposed Constitutional amendment as set forth in SECTION 1 of this resolution shall be in the following form:

#### BALLOT TITLE

Legislative Referendum No. \_\_\_\_\_

State Question No. \_\_\_\_\_

#### THE GIST OF THE PROPOSITION IS AS FOLLOWS:

This measure amends Section 21 of Article 5 of the State Constitution. Under current law, members of the state Senate and House are paid at a rate fixed by the Board on Legislative Compensation. This measure states that members may not be paid while they are incarcerated. They are also not eligible to participate in state-funded

programs. If a member is incarcerated but is later acquitted, withheld pay would be paid to the member.

SHALL THIS AMENDMENT BE APPROVED BY THE PEOPLE?

YES, FOR THE AMENDMENT

NO, AGAINST THE AMENDMENT

SECTION 3. The President Pro Tempore of the Senate shall, immediately after the passage of this resolution, prepare and file one copy thereof, including the Ballot Title set forth in SECTION 2 hereof, with the Secretary of State and one copy with the Attorney General.

**Senator Gumm presiding.**

### **GENERAL ORDER**

**SJR 11** by Cain of the Senate and Toure of the House was called up for consideration.

Senator Cain moved to amend **SJR 11**, Page 2, Lines 19 through 22, by deleting all language after the period on Line 19 through the period on Line 22; and Page 4, Lines 16 through 20, by deleting all language after the period on Line 16 through the second period on Line 20, and by amending the title to conform, which amendment was declared adopted.

Senator Cain moved that **SJR 11** be advanced, which motion was declared adopted.

### **THIRD READING**

**SJR 11** was read for the third time at length.

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

Aye: Adelson, Aldridge, Anderson, Bass, Cain, Coates, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson, Kerr, Laster, Leftwich, Lerblance, Mazzei, Morgan, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Taylor, Wilcoxson, Williamson, Wilson and Wyrick.--35.

Nay: Barrington, Branan, Brogdon, Coffee, Jolley, Justice, Lamb, Laughlin, Lawler and Myers.--10.

Excused: Capps, Corn and Monson.--3.

The resolution passed.

Pursuant to Rule 12-23, Senator Cain served notice that the vote be reconsidered whereby **SJR 11** passed.

### **GENERAL ORDER**

**SB 425** by Myers of the Senate and DePue of the House was called up for consideration.

Senator Riley asked to coauthor **SB 425**, which was the order.

Senator Myers moved to amend **SB 425**, Page 1, by striking the title, which amendment was declared adopted.

Senator Myers moved that **SB 425** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 425** 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, Cain, Coffee, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Garrison, Harrison, Hobson, Johnson, Kerr, Lawler, Leftwich, Myers, Nichols, Reynolds, Riley, Shurden, Taylor, Williamson and Wilson.--25.

Nay: Barrington, Bass, Branan, Brogdon, Coates, Ford, Gumm, Jolley, Justice, Lamb, Laster, Laughlin, Lerblance, Mazzei, Paddock, Pruitt, Rabon, Wilcoxson and Wyrick.--19.

Excused: Capps, Corn, Monson and Morgan.--4.

The bill passed.

**SB 425** 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.

### **GENERAL ORDER**

**SB 983** by Cain of the Senate and Cox of the House was called up for consideration.

Senator Cain asked that **SB 983** be laid over temporarily, which was the order.

**SB 983** remains on General Order.

### **GENERAL ORDER**

**SB 33** by Shurden of the Senate and Armes of the House was called up for consideration.

Senator Shurden moved to amend **SB 33**, Page 1, by striking the title, which amendment was declared adopted.

Senator Shurden moved to amend **SB 33**, Page 4, Line 18, by inserting after the period the following language "D.C. persons licensed to practice chiropractic under Chapter 5 of Title 59 shall not be permitted to possess or administer any drug, medicine, serum or vaccine under this act.", which amendment was declared adopted.

Senator Shurden moved that **SB 33** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 33** 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, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Johnson, Jolley, Justice, Kerr, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Pruitt, Reynolds, Riley, Shurden, Taylor, Wilcoxson, Williamson, Wilson and Wyrick.--43.

Excused: Capps, Corn, Hobson, Monson and Rabon.--5.

The bill passed.

**SB 33** was referred for engrossment.

**GENERAL ORDER**

**SB 442** by Shurden of the Senate and Morgan (Danny) of the House was called up for consideration.

Senator Coates moved to amend **SB 442**, Page 10, Line 11, by inserting after the word “Oklahoma” and before the period the following language “as long as harvest is sufficient to meet the demands of Oklahoma winemakers”, which amendment was declared adopted.

Senator Shurden moved that **SB 442** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 442** 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, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Johnson, Jolley, Justice, Kerr, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Pruitt, Reynolds, Riley, Shurden, Taylor, Wilcoxson, Williamson, Wilson and Wyrick.--43.

Excused: Capps, Corn, Hobson, Monson and Rabon.--5.

The bill passed.

**SB 442** was referred for engrossment.

**GENERAL ORDER**

**SB 245** by Johnson of the Senate and Wilt of the House was called up for consideration.

Senator Johnson moved to amend **SB 245**, Page 1, by restoring the title, which amendment was declared adopted.

Senator Johnson moved that **SB 245** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 245** 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, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Johnson, Jolley, Justice, Kerr, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Pruitt, Reynolds, Riley, Shurden, Taylor, Wilcoxson, Williamson, Wilson and Wyrick.--43.

Excused: Capps, Corn, Hobson, Monson and Rabon.--5.

The bill and emergency passed.

**SB 245** was referred for engrossment.

### **SENATE RULE SUSPENDED**

Senator Cain moved to suspend Senate Rule 12-23B to reconsider **SJR 11** on the same day the motion was lodged, which motion was declared adopted upon roll call as follows:

Aye: Adelson, Anderson, Barrington, Bass, Cain, Coates, Coffee, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Johnson, Jolley, Justice, Kerr, Lamb, Laster, Lawler, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Taylor, Wilcoxson, Williamson, Wilson and Wyrick.--40.

Nay: Aldridge, Branan, Brogdon and Laughlin.--4.

Excused: Capps, Corn, Hobson and Monson.--4.

### **MOTION TO RECONSIDER VOTE**

Senator Cain moved to reconsider the vote whereby **SJR 11** passed, which motion was declared adopted upon roll call as follows:

Aye: Adelson, Anderson, Bass, Cain, Coates, Coffee, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Johnson, Jolley, Justice, Kerr, Laster, Lawler, Leftwich, Lerblance, Mazzei, Morgan, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Taylor, Wilcoxson, Williamson, Wilson and Wyrick.--37.

Nay: Aldridge, Barrington, Branan, Brogdon, Lamb, Laughlin and Myers.--7.

Excused: Capps, Corn, Hobson and Monson.--4.

**THIRD READING**

Senator Cain moved to reconsider the vote whereby **SJR 11** was advanced, which motion was declared adopted.

**GENERAL ORDER**

**SJR 11** by Cain of the Senate and Toure of the House was called up for further consideration.

Senator Cain moved to amend **SJR 11**, Page 4, Line 16, by inserting after the period the language "It would allow the sale of other items at a distillery. It would allow other services at a distillery.", and by amending the title to conform, which amendment was declared adopted.

Senator Cain moved that **SJR 11** be advanced, which motion was declared adopted.

**THIRD READING**

**SJR 11** was read for the third time at length.

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

Aye: Adelson, Aldridge, Anderson, Bass, Cain, Coates, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Johnson, Kerr, Laster, Leftwich, Lerblance, Mazzei, Morgan, Nichols, Paddock, Pruitt, Rabon, Riley, Shurden, Taylor, Williamson, Wilson and Wyrick.--32.

Nay: Barrington, Branan, Brogdon, Coffee, Jolley, Justice, Lamb, Laughlin, Lawler, Myers, Reynolds and Wilcoxson.--12.

Excused: Capps, Corn, Hobson and Monson.--4.

The resolution passed.

**SJR 11** was referred for engrossment and was read at length as follows:

**SJR 11** By Cain of the Senate and Toure of the House

A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection a proposed amendment to Sections 3 and 4 of Article XXVIII of the Oklahoma Constitution; allowing distillers and/or rectifiers to make direct sales to retail package stores and restaurants in this state; providing for distillers and/or rectifiers to sell only spirits which have been produced on the distillery premises; adding an exception; providing ballot title; and directing filing.

BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE 1ST SESSION OF THE 50TH OKLAHOMA LEGISLATURE:

SECTION 4. The Secretary of State shall refer to the people for their approval or rejection, as and in the manner provided by law, the following proposed amendment to Sections 3 and 4 of Article XXVIII of the Constitution of the State of Oklahoma to read as follows:

Section 3. The Legislature shall enact laws providing for the strict regulation, control, licensing, and taxation of the manufacture, sale, distribution, possession, and transportation of alcoholic beverages, consistent with the provisions of this Amendment. Provided, that any manufacturer, or subsidiary of any manufacturer who markets his or her product solely through a subsidiary or subsidiaries, a distiller, rectifier, bottler, winemaker, brewer, or importer of alcoholic beverages, bottled or made in a foreign country, either within or without this state, shall be required to sell such brands or kinds of alcoholic beverages to every licensed wholesale distributor who desires to purchase the same, on the same price basis and without discrimination, and shall further be required to sell such beverages only to those distributors licensed as wholesale distributors. Winemakers either within or without this state shall be required to sell wine they produce to every licensed wholesale distributor who desires to purchase the wine, but winemakers shall not be required to sell the wine they produce only to licensed wholesale distributors. Winemakers may sell wine produced at the winery to consumers on the premises of the winery. Distillers and/or rectifiers may sell spirits produced at the distillery to consumers on the premises of the distillery. Oklahoma winemakers may sell and ship the wine they produce at wineries in this state directly to retail package stores and restaurants in this state. As used in this section, "restaurant" means an establishment that is licensed to sell alcoholic beverages by the individual drink for on-premises consumption and where food is prepared and sold for immediate consumption on the premises. All laws passed by the Legislature under the authority of the Article shall be consistent with this provision.

Section 4. Except as hereinafter provided, retail sales of alcoholic beverages shall be limited to the original sealed package, by privately owned and operated package stores, in cities and towns having a population in excess of two hundred (200) persons or by wineries; provided that wineries shall be able to sell only wine which has been produced on the winery premises; or provided that distillers and/or rectifiers shall be able to sell only spirits which have been produced on the distillery premises. No goods, wares, or merchandise shall be sold and no services shall be rendered on the same premises on which retail package alcoholic beverages are sold. Said premises are herein defined to be the entire space in which retail package alcoholic beverages are sold or displayed and said premises must be separated from any premises on which any other goods, wares, or merchandise are sold or services rendered by walls which may only be broken by a passageway to which the public is not admitted; provided, the restriction on the sale of merchandise and rendering of services shall not apply to the premises of a winery or to the premises of a distillery.

Not more than one retail package license shall be issued to any person or general or limited partnership.

Retail sale of alcoholic beverages by the individual drink for on-premises consumption is hereby authorized within a county if the voters of such county have previously approved such retail sale at an election.

SECTION 5. The Ballot Title for the proposed Constitutional amendment as set forth in SECTION 1 of this resolution shall be in the following form:

BALLOT TITLE

Legislative Referendum No. \_\_\_\_\_

State Question No. \_\_\_\_\_

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

This measure amends the Oklahoma Constitution. It amends Sections 3 and 4 of Article 28. It would allow distillers and/or rectifiers to sell spirits. It would allow them to sell spirits made at the distillery to people on the premises. It would allow the sale of other items at a distillery. It would allow other services at a distillery.

SHALL THIS AMENDMENT BE APPROVED BY THE PEOPLE?

YES, FOR THE AMENDMENT

NO, AGAINST THE AMENDMENT

SECTION 6. The President Pro Tempore of the Senate shall, immediately after the passage of this resolution, prepare and file one copy thereof, including the Ballot Title set forth in SECTION 2 hereof, with the Secretary of State and one copy with the Attorney General.

**GENERAL ORDER**

**SB 621** by Riley of the Senate and Askins of the House was called up for consideration.

Senator Riley moved to amend **SB 621**, Page 1, by striking the title, which amendment was declared adopted.

Senator Riley moved that **SB 621** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 621** 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, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm,

Harrison, Johnson, Jolley, Justice, Kerr, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Taylor, Wilcoxson, Williamson, Wilson and Wyrick.--44.

Excused: Capps, Corn, Hobson and Monson.--4.

The bill passed.

**SB 621** was referred for engrossment.

### **GENERAL ORDER**

**SB 590** by Barrington of the Senate and McCarter of the House was called up for consideration.

Senator Barrington moved that **SB 590** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 590** 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, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Johnson, Jolley, Justice, Kerr, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Taylor, Wilcoxson, Williamson, Wilson and Wyrick.--44.

Excused: Capps, Corn, Hobson and Monson.--4.

The bill passed.

**SB 590** was referred for engrossment.

### **GENERAL ORDER**

**SB 983** by Cain of the Senate and Cox of the House was called up for further consideration.

Senator Cain moved that **SB 983** be advanced, which motion was declared adopted upon roll call as follows:

Aye: Adelson, Bass, Cain, Crutchfield, Easley, Eason McIntyre, Fisher, Garrison, Gumm, Harrison, Hobson, Kerr, Laster, Lawler, Leftwich, Lerblance, Morgan, Paddack, Rabon, Shurden, Taylor, Wilson and Wyrick.--23.

Nay: Aldridge, Anderson, Barrington, Branan, Brogdon, Coates, Coffee, Crain, Ford, Johnson, Jolley, Justice, Lamb, Laughlin, Mazzei, Myers, Nichols, Pruitt, Reynolds, Riley, Wilcoxson and Williamson.--22.

Excused: Capps, Corn and Monson.--3.

### **THIRD READING**

**SB 983** was read for the third time at length.

Senator Williamson asked unanimous consent, which was granted, that **SB 983** be returned to General Order for consideration of amendments.

### **GENERAL ORDER**

**SB 983** was called up for further consideration.

Senator Williamson moved to amend **SB 983**, Page 3, Line 13, by inserting after the period the following language “For purposes of this Act, “health care services” does not include abortion, abortion referral, or abortion counseling. This subsection shall be inseverable from this section.”, and by amending the title to conform, which amendment was declared adopted.

Senator Cain moved that **SB 983** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 983** 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, Crain, Crutchfield, Easley, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson, Jolley, Justice, Kerr, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Taylor, Wilcoxson, Williamson, Wilson and Wyrick.--44.

Nay: Eason McIntyre.--1.

Excused: Capps, Corn and Monson.--3.

The bill passed.

**SB 983** was referred for engrossment.

### **GENERAL ORDER**

**SB 913** by Wilcoxson of the Senate and Billy of the House was called up for consideration.

Senator Wilcoxson moved to amend **SB 913**, Page 3, Line 6, by inserting after the word "education" and before the semicolon the language ", or designee", and by amending the title to conform, which amendment was declared adopted.

Senator Wilcoxson moved that **SB 913** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 913** 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, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Johnson, Jolley, Justice, Kerr, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Taylor, Wilcoxson, Williamson, Wilson and Wyrick.--44.

Excused: Capps, Corn, Hobson and Monson.--4.

The bill and emergency passed.

**SB 913** was referred for engrossment.

**Senator Rabon presiding.**

### **GENERAL ORDER**

**SB 777** by Barrington et al of the Senate and Coody of the House was called up for consideration.

Senator Jolley and Representative McCarter asked to coauthor **SB 777**, which was the order.

Senator Jolley moved to amend **SB 777**, Page 1, Line 19, by inserting after the word “knowingly” and before the word “wears” the language “with intent to impersonate a member or veteran of the United States Armed Forces”, and by amending the title to conform, which amendment was declared adopted.

Senator Shurden moved to amend **SB 777**, Page 1, by striking the title, which amendment was declared adopted.

Senator Barrington moved that **SB 777** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 777** 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, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson, Jolley, Justice, Kerr, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Taylor, Wilcoxson, Wilson and Wyrick.--44.

Excused: Capps, Corn, Monson and Williamson.--4.

The bill passed.

**SB 777** was referred for engrossment.

### **GENERAL ORDER**

**SB 448** by Morgan of the Senate and Winchester and Blackburn of the House was called up for consideration.

Senator Morgan moved that **SB 448** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 448** was read for the third time at length.

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

Aye: Aldridge, Anderson, Barrington, Bass, Branan, Brogdon, Coates, Coffee, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Jolley, Justice, Kerr, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Morgan, Nichols, Paddack, Rabon, Reynolds, Riley, Shurden, Taylor, Wilson and Wyrick.-38.

Nay: Adelson, Cain, Johnson, Myers, Pruitt, Wilcoxson and Williamson.--7.

Excused: Capps, Corn and Monson.--3.

The bill passed.

**SB 448** was referred for engrossment.

### **GENERAL ORDER**

**SB 886** by Gumm of the Senate and Calvey of the House was called up for consideration.

Senator Gumm moved that **SB 886** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 886** 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, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson, Jolley, Justice, Kerr, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Taylor, Wilcoxson, Williamson, Wilson and Wyrick.--45.

Excused: Capps, Corn and Monson.--3.

The bill and emergency passed.

**SB 886** was referred for engrossment.

**MOTION TO RECONSIDER VOTE**

Senator Garrison moved to reconsider the vote whereby **SB 29** failed, which motion was declared adopted upon roll call as follows:

Aye: Adelson, Anderson, Barrington, Bass, Branan, Brogdon, Cain, Coates, Coffee, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson, Justice, Kerr, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Morgan, Myers, Paddack, Pruitt, Rabon, Riley, Shurden, Taylor, Wilcoxson, Williamson, Wilson and Wyrick.--41.

Nay: Aldridge, Jolley, Nichols and Reynolds.--4.

Excused: Capps, Corn and Monson.--3.

**SB 29** was placed on Third Reading.

**GENERAL ORDER**

**SB 927** by Wilcoxson of the Senate and Peterson (Pam) of the House was called up for consideration.

Senator Wilcoxson asked that **SB 927** be laid over for this legislative day, which was the order.

**SB 927** remains on General Order.

**GENERAL ORDER**

**SB 320** by Reynolds of the Senate and Nance of the House was called up for consideration.

Senator Reynolds moved that **SB 320** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 320** was read for the third time at length.

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

Aye: Aldridge, Anderson, Barrington, Branan, Brogdon, Coates, Coffee, Crain, Ford, Hobson, Johnson, Jolley, Justice, Lamb, Laughlin, Mazzei, Myers, Nichols, Pruitt,

Reynolds, Riley, Wilcoxson and Williamson.--23.

Nay: Adelson, Bass, Cain, Crutchfield, Easley, Eason McIntyre, Fisher, Garrison, Gumm, Harrison, Kerr, Laster, Lawler, Leftwich, Lerblance, Morgan, Paddack, Rabon, Shurden, Taylor, Wilson and Wyrick.--22.

Excused: Capps, Corn and Monson.--3.

The bill failed.

Pursuant to Rule 12-23, Senator Reynolds served notice that the vote be reconsidered whereby **SB 320** failed.

### **UNANIMOUS CONSENT REQUEST DIRECT TO CALENDAR**

Senator Coffee asked unanimous consent to suspend Rule 5-4 and refer **SR 6** direct to the Calendar for consideration, which was the order.

### **GENERAL ORDER**

**SR 6** by Coffee was called up for consideration.

**SR 6** was adopted upon motion of Senator Coffee and referred for enrollment.

### **GENERAL ORDER**

**SB 939** by Wilcoxson of the Senate and Billy of the House was called up for consideration.

Senator Wilcoxson moved that **SB 939** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 939** 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, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson, Jolley, Justice, Kerr, Lamb, Laster, Laughlin, Lawler,

Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Taylor, Wilcoxson, Wilson and Wyrick.--44.

Nay: Williamson.--1.

Excused: Capps, Corn and Monson.--3.

The bill passed.

**SB 939** was referred for engrossment.

Senator Fisher moved that when the clerk's desk is clear, the Senate stand adjourned to convene Wednesday, March 2, 2005, at 9:30 a.m., which motion prevailed.

## **SECOND READING**

The following were read for the second time and referred to committee as indicated:

**HB 1207** – Sunset Review  
**HB 1208** – Sunset Review  
**HB 1209** – Sunset Review  
**HB 1210** – Sunset Review  
**HB 1227** – Judiciary  
**HB 1238** – Energy and Environment  
**HB 1243** – Judiciary  
**HB 1247** – Business and Labor  
**HB 1272** – Public Safety and Homeland Security  
**HB 1275** – Finance  
**HB 1285** – Education  
**HB 1286** – Finance  
**HB 1301** – Finance  
**HB 1318** – Judiciary  
**HB 1334** – Business and Labor  
**HB 1346** – Judiciary  
**HB 1351** – Appropriations  
**HB 1352** – Judiciary  
**HB 1355** – Appropriations  
**HB 1384** – Finance  
**HB 1402** – General Government  
**HB 1430** – Judiciary  
**HB 1432** – Judiciary  
**HB 1535** – Business and Labor  
**HB 1536** – Business and Labor

- HB 1561** – Judiciary
- HB 1562** – Finance
- HB 1586** – Energy and Environment
- HB 1606** – Appropriations
- HB 1613** – Judiciary
- HB 1645** – General Government
- HB 1655** – General Government
- HB 1658** – Transportation
- HB 1716** – Finance
- HB 1722** – Tourism and Wildlife
- HB 1747** – Appropriations
- HB 1756** – Finance
- HB 1773** – Appropriations
- HB 1780** – Appropriations
- HB 1814** – Tourism and Wildlife
- HB 1845** – Health and Human Resources
- HB 1911** – Judiciary
- HB 1969** – Transportation

Pursuant to the Fisher motion, the Senate adjourned at 5:45 p.m. to meet Wednesday, March 2, 2005, at 9:30 a.m.