

Senate Journal

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

Twenty-third Legislative Day, Tuesday, March 15, 2005

The Senate was called to order by Senator Corn.

Roll Call:

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

Excused: Capps, Harrison, Taylor and Williamson.—4.

Senator Corn declared a quorum present.

The prayer was offered by Reverend Wanda Johnson, Eastern Oklahoma Presbyterian, Durant, the guest of Senator Gumm.

REPORT OF ENGROSSED AND ENROLLED MEASURES

SBs 5, 15, 49, 286, 296, 314, 351, 361, 367, 377, 378, 430, 451, 479, 539, 561, 575, 596, 597, 634, 646, 651, 682, 686, 687, 688, 690, 695, 703, 705, 801, 816, 823, 919, 922, 931, 973, 974, 1006 and 1010 and SJRs 4, 13 and 23 were each correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

SR 9 was correctly enrolled, properly signed and ordered transmitted to the Secretary of State.

GENERAL ORDER

SB 896 by Nichols of the Senate and Peters of the House was called up for consideration.

Senator Nichols moved that **SB 896** be advanced, which motion was declared adopted.

THIRD READING

SB 896 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, Cain, Coates, Corn, Crutchfield, Easley, Eason McIntyre, Fisher, Garrison, Gumm, Johnson, Justice, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Shurden, Wilcoxson, Wilson and Wyrick.--32.

Nay: Aldridge, Branan, Brogdon, Crain, Ford, Jolley, Lamb and Mazzei.--8.

Excused: Capps, Coffee, Harrison, Hobson, Monson, Riley, Taylor and Williamson.--8.

The bill and emergency passed.

SB 896 was referred for engrossment.

GENERAL ORDER

SB 400 by Gumm of the Senate and Johnson of the House was called up for consideration.

Senator Gumm moved that **SB 400** be advanced, which motion was declared adopted.

THIRD READING

SB 400 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, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Johnson, Jolley, Justice, Kerr, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Wilcoxson, Wilson and Wyrick.--41.

Excused: Capps, Coffee, Harrison, Hobson, Monson, Taylor and Williamson.--7.

The bill passed.

SB 400 was referred for engrossment.

GENERAL ORDER

SB 374 by Bass of the Senate and Dorman of the House was called up for consideration.

Senator Bass moved that **SB 374** be advanced, which motion was declared adopted.

THIRD READING

SB 374 was read for the third time at length.

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

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

Excused: Aldridge, Capps, Coffee, Harrison, Hobson, Monson, Taylor and Williamson.--8.

The bill passed.

SB 374 was referred for engrossment.

GENERAL ORDER

SB 537 by Adelson of the Senate and Balkman of the House was called up for consideration.

Senator Adelson moved that **SB 537** be advanced, which motion was declared adopted.

THIRD READING

SB 537 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, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Johnson, Jolley, Justice, Kerr, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Wilcoxson, Wilson and Wyrick.--41.

Excused: Capps, Coffee, Harrison, Hobson, Monson, Taylor and Williamson.--7.

The bill passed.

Pursuant to Rule 12-23, Senator Pruitt served notice that the vote be reconsidered whereby **SB 537** passed.

GENERAL ORDER

SB 684 by Laughlin of the Senate and Nance of the House was called up for consideration.

Senator Laughlin moved to amend **SB 684**, 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 Laughlin moved that **SB 684** be advanced, which motion was declared adopted.

THIRD READING

SB 684 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, Coffee, Corn, Crain, Crutchfield, Fisher, Ford, Gumm, Hobson, Johnson, Jolley, Justice, Kerr, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Wilcoxson and Wyrick.--36.

Nay: Cain, Coates, Easley, Eason McIntyre, Garrison, Lawler, Monson and Wilson.--8.

Excused: Capps, Harrison, Taylor and Williamson.--4.

The bill passed.

SB 684 was referred for engrossment.

GENERAL ORDER

SB 409 by Gumm of the Senate and Miller (Doug) of the House was called up for consideration.

Senator Gumm moved that **SB 409** be advanced, which motion was declared adopted.

THIRD READING

SB 409 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, Cain, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Hobson, Johnson, Jolley, Justice, Kerr, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Monson, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Wilcoxson, Wilson and Wyrick.--42.

Nay: Brogdon.--1.

Excused: Capps, Harrison, Morgan, Taylor and Williamson.--5.

The bill passed.

SB 409 was referred for engrossment.

GENERAL ORDER

SB 294 by Johnson of the Senate and Rousselot of the House was called up for consideration.

Senator Johnson moved that **SB 294** be advanced, which motion was declared adopted.

THIRD READING

SB 294 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, Hobson, Johnson, Jolley, Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance,

Mazzei, Monson, Morgan, Myers, Nichols, Paddack, Pruitt, Reynolds, Riley, Shurden, Wilcoxson, Wilson and Wyrick.--42.

Excused: Capps, Harrison, Kerr, Rabon, Taylor and Williamson.--6.

The bill passed.

SB 294 was referred for engrossment.

GENERAL ORDER

SB 722 by Bass of the Senate and Worthen of the House was called up for consideration.

Senator Bass moved that **SB 722** be advanced, which motion was declared adopted.

THIRD READING

SB 722 was read for the third time at length.

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

Aye: Adelson, Bass, Cain, Coates, Corn, Crutchfield, Easley, Eason McIntyre, Fisher, Garrison, Gumm, Hobson, Laster, Lawler, Leftwich, Lerblance, Monson, Paddack, Rabon, Shurden, Wilson and Wyrick.--22.

Nay: Aldridge, Anderson, Barrington, Branan, Brogdon, Coffee, Crain, Ford, Johnson, Jolley, Justice, Lamb, Laughlin, Mazzei, Myers, Nichols, Pruitt, Reynolds, Riley and Wilcoxson.--20.

Excused: Capps, Harrison, Kerr, Morgan, Taylor and Williamson.--6.

The bill failed.

Pursuant to Rule 12-23, Senator Bass served notice that the vote be reconsidered whereby **SB 722** failed.

GENERAL ORDER

SB 729 by Lamb of the Senate and Staggs of the House was called up for consideration.

Senators Leftwich, Garrison and Lawler asked to coauthor **SB 729**, which was the order.

Senator Lamb moved that **SB 729** be advanced, which motion was declared adopted.

THIRD READING

SB 729 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, Brogdon, Cain, Coates, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Hobson, Johnson, Jolley, Justice, Lamb, Laster, Lawler, Leftwich, Lerblance, Mazzei, Monson, Morgan, Myers, Paddack, Rabon, Reynolds, Riley, Shurden, Wilcoxson, Wilson and Wyrick.--37.

Nay: Barrington, Branan, Coffee, Laughlin, Nichols and Pruitt.--6.

Excused: Capps, Harrison, Kerr, Taylor and Williamson.--5.

The bill passed.

Pursuant to Rule 12-23, Senator Lamb served notice that the vote be reconsidered whereby **SB 729** passed.

GENERAL ORDER

SB 20 by Riley of the Senate and Bengé of the House was called up for consideration.

Senator Riley moved to amend **SB 20**, Page 10, Line 3, by inserting after the period the following language “In addition, this section shall not be applicable to any future operation on property directly adjacent to property on which a permitted operation is located, provided that such operation is permitted and such adjacent property is owned by said operator on the effective date of this act.”, which amendment was declared adopted.

Senator Riley moved that **SB 20** be advanced, which motion was declared adopted.

THIRD READING

SB 20 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, Branan, Brogdon, Cain, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Gumm, Hobson, Johnson, Jolley, Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Monson, Morgan, Myers, Nichols, Pruitt, Rabon, Reynolds, Riley, Shurden, Wilcoxson and Wilson.--39.

Nay: Bass, Garrison, Paddack and Wyrick.--4.

Excused: Capps, Harrison, Kerr, Taylor and Williamson.--5.

The bill and emergency passed.

SB 20 was referred for engrossment.

GENERAL ORDER

SB 3 by Shurden of the Senate and Turner of the House was called up for consideration.

Senator Shurden moved that **SB 3** be advanced, which motion was declared adopted.

THIRD READING

SB 3 was read for the third time at length.

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

Aye: Adelson, Bass, Cain, Corn, Crutchfield, Easley, Eason McIntyre, Fisher, Garrison, Gumm, Hobson, Laster, Lawler, Leftwich, Lerblance, Monson, Morgan, Paddack, Rabon, Shurden, Wilson and Wyrick.--22.

Nay: Aldridge, Anderson, Barrington, Branan, Brogdon, Coates, Coffee, Crain, Ford, Johnson, Jolley, Justice, Lamb, Laughlin, Mazzei, Myers, Nichols, Pruitt, Reynolds, Riley and Wilcoxson.--21.

Excused: Capps, Harrison, Kerr, Taylor and Williamson.--5.

The bill failed.

Pursuant to Rule 12-23, Senator Shurden served notice that the vote be reconsidered whereby **SB 3** failed.

GENERAL ORDER

SB 629 by Wyrick of the Senate and Ingmire of the House was called up for consideration.

Senator Wyrick moved that **SB 629** be advanced, which motion was declared adopted.

THIRD READING

SB 629 was read for the third time at length.

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

Aye: Adelson, Anderson, Barrington, Bass, Branan, Coates, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Hobson, Justice, Laster, Lawler, Leftwich, Lerblance, Monson, Myers, Nichols, Paddack, Rabon, Riley, Shurden, Wilcoxson, Wilson and Wyrick.--30.

Nay: Aldridge, Brogdon, Cain, Coffee, Johnson, Jolley, Lamb, Laughlin, Mazzei, Pruitt and Reynolds.--11.

Excused: Capps, Fisher, Harrison, Kerr, Morgan, Taylor and Williamson.--7.

The bill passed.

Senator Jolley desired to vote Aye on the emergency.

On the question of passage of the emergency, the vote resulted as follows: Aye: 31; Nay: 10; Excused: 7.

The emergency failed.

SB 629 was referred for engrossment.

GENERAL ORDER

SB 647 by Cain of the Senate and Steele of the House was called up for consideration.

Senator Cain moved that **SB 647** be advanced, which motion was declared adopted.

THIRD READING

SB 647 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, Johnson, Jolley, Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Monson, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Wilcoxson, Wilson and Wyrick.--42.

Excused: Capps, Harrison, Hobson, Kerr, Taylor and Williamson.--6.

The bill passed.

SB 647 was referred for engrossment.

GENERAL ORDER

SB 937 by Monson of the Senate and Shelton of the House was called up for consideration.

Senator Monson moved that **SB 937** be advanced, which motion was declared adopted.

THIRD READING

SB 937 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, Cain, Coates, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Hobson, Johnson, Justice, Laster, Laughlin, Lawler, Leftwich, Lerblance, Monson, Myers, Nichols, Paddack, Rabon, Riley, Shurden, Wilcoxson, Wilson and Wyrick.--34.

Nay: Brogdon, Coffee, Jolley, Lamb, Mazzei, Pruitt and Reynolds.--7.

Excused: Capps, Fisher, Harrison, Kerr, Morgan, Taylor and Williamson.--7.

The bill passed.

SB 937 was referred for engrossment.

Senator Gumm presiding.

GENERAL ORDER

SB 755 by Leftwich and Gumm of the Senate and Nance of the House was called up for consideration.

Senator Corn asked to coauthor **SB 755**, which was the order.

Senator Leftwich moved that **SB 755** be advanced, which motion was declared adopted.

THIRD READING

SB 755 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, Barrington, Bass, Branan, Cain, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Hobson, Johnson, Jolley, Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Monson, Nichols, Paddack, Rabon, Reynolds, Riley, Shurden, Wilcoxson, Wilson and Wyrick.--37.

Nay: Anderson, Brogdon, Myers and Pruitt.--4.

Excused: Capps, Fisher, Harrison, Kerr, Morgan, Taylor and Williamson.--7.

The bill and emergency passed.

SB 755 was referred for engrossment.

GENERAL ORDER

SB 861 by Monson of the Senate and Peters of the House was called up for consideration.

Senator Monson moved that **SB 861** be advanced, which motion was declared adopted.

THIRD READING

SB 861 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, Ford, Garrison, Gumm, Hobson, Johnson, Jolley, Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Monson, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Wilcoxson, Wilson and Wyrick.--41.

Excused: Capps, Fisher, Harrison, Kerr, Morgan, Taylor and Williamson.--7.

The bill passed.

SB 861 was referred for engrossment.

GENERAL ORDER

SB 627 by Laster of the Senate and Jett of the House was called up for consideration.

Senator Laster moved to amend **SB 627**, 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 Aldridge moved to amend the floor substitute to **SB 627**, Page 7, Line 10½, by inserting a new Section 2 to read as follows:

“SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1090 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. No person shall willfully allow, cause, induce, persuade, encourage, solicit, offer, procure, secure, keep, hold, detain, restrain, or compel, any child under eighteen (18) years of age who is an adjudicated delinquent, a child in need of supervision, a deprived or neglected child, a runaway child, an endangered runaway child, or a child who is voluntarily absent from the home of his or her parent or legal guardian without such parent’s or legal guardian’s consent, to:

1. Engage in sexual intercourse or lewd acts with such person;
2. Remain in any house, place, building, other structure; vehicle, trailer or other conveyance for the purpose of consuming any alcoholic beverage or low-point beer or using, selling, procuring, furnishing, distributing or manufacturing any controlled dangerous substance or any other intoxicating substance;
3. Remain in any house, place, building, other structure; vehicle, trailer or other conveyance for the purpose of sexual intercourse or any lewd act with such person or any other person; or
4. Remain in a house of prostitution or other place where prostitution or any lewd act is practiced or allowed or where any person uses, sells, procures, furnishes, distributes or manufactures any controlled dangerous substance in the presence of the child.

B. The provisions of this section shall not apply unless the accused is at least three (3) years older than the victim and shall not apply if the persons are married.

C. Any person convicted of any violation of the provisions of this section shall be punishable by imprisonment in the custody of the Department of Corrections for a term not more than twenty (20) years, by a fine not exceeding Twenty-Five Thousand Dollars (\$25,000.00), or by both such fine and imprisonment.”, and by renumbering subsequent sections, which amendment was declared adopted.

Senator Laster moved that **SB 627** be advanced, which motion was declared adopted.

THIRD READING

SB 627 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, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Hobson, Johnson, Jolley, Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Monson, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Wilcoxson, Wilson and Wyrick.--40.

Nay: Crain and Mazzei.--2.

Excused: Capps, Harrison, Kerr, Morgan, Taylor and Williamson.--6.

The bill and emergency passed.

Pursuant to Rule 12-23, Senator Nichols served notice that the vote be reconsidered whereby **SB 627** passed.

GENERAL ORDER

SB 712 by Corn of the Senate and Blackwell of the House was called up for consideration.

Senator Corn moved that **SB 712** be advanced, which motion was declared adopted.

THIRD READING

SB 712 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, Johnson, Jolley, Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Monson, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Wilcoxson, Wilson and Wyrick.--42.

Excused: Capps, Harrison, Hobson, Kerr, Taylor and Williamson.--6.

The bill and emergency passed.

SB 712 was referred for engrossment.

GENERAL ORDER

SB 467 by Wilson and Easley of the Senate and Turner of the House was called up for consideration.

Senator Wilson moved to amend **SB 467**, 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 Wilson moved that **SB 467** be advanced, which motion was declared adopted.

THIRD READING

SB 467 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, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Hobson, Johnson, Jolley, Justice, Lamb, Laster, Laughlin, Lawler, Lerblance, Mazzei, Monson, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Wilcoxson, Wilson and Wyrick.--41.

Excused: Capps, Coffee, Harrison, Kerr, Leftwich, Taylor and Williamson.--7.

The bill passed.

SB 467 was referred for engrossment.

GENERAL ORDER

SB 620 by Wyrick of the Senate and Cox of the House was called up for consideration.

Senator Wyrick moved to amend **SB 620**, Page 1, by striking the title, which amendment was declared adopted.

Senator Wyrick moved to amend **SB 620**, Page 2, Line 4 through Page 4, Line 22, by deleting Section 2, and by renumbering subsequent section, which amendment was declared adopted.

Senator Wyrick moved that **SB 620** be advanced, which motion was declared adopted.

THIRD READING

SB 620 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, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Hobson, Johnson, Jolley, Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Monson, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Wilcoxson, Wilson and Wyrick.--42.

Excused: Capps, Coffee, Harrison, Kerr, Taylor and Williamson.--6.

The bill and emergency passed.

SB 620 was referred for engrossment.

GENERAL ORDER

SB 758 by Jolley of the Senate and Morgan (Fred) of the House was called up for consideration.

Senator Mazzei asked to coauthor **SB 758**, which was the order.

Senator Jolley moved to amend **SB 758**, Page 6, Line 21, by restoring the stricken word "or" and by adding after the stricken number "6" and before the word "of" the number "15", which amendment was declared adopted.

Senator Jolley moved that **SB 758** be advanced, which motion was declared adopted.

THIRD READING

SB 758 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, Hobson, Johnson, Jolley, Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Monson, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Wilcoxson, Wilson and Wyrick.--43.

Excused: Capps, Harrison, Kerr, Taylor and Williamson.--5.

The bill passed.

SB 758 was referred for engrossment.

GENERAL ORDER

SB 711 by Corn of the Senate and Roan et al of the House was called up for consideration.

Senator Fisher moved to amend **SB 711**, Page 52, Line 16½, by inserting a new Section 6 to read as follows:

“SECTION 6. AMENDATORY 74 O.S. 2001, Section 1316.2, as last amended by Section 5, Chapter 345, O.S.L. 2004 (74 O.S. Supp. 2004, Section 1316.2), is amended to read as follows:

Section 1316.2.(1) Any employee other than an education employee who retires pursuant to the provisions of the Oklahoma Public Employees Retirement System or who has a vested benefit pursuant to the provisions of the Oklahoma Public Employees Retirement System may continue in force the health and dental insurance benefits authorized by the provisions of the State and Education Employees Group Insurance Act, or other employer insurance benefits if the employer does not participate in the plans offered by the State and Education Employees Group Insurance Board, if such election to continue in force is made within thirty (30) days from the date of termination of service. Health insurance benefits offered pursuant to this section shall include the state indemnity plan, managed care plans offered in alternative to the state indemnity plan, Medicare supplements offered by the State and Education Employees Group Insurance Board which shall include prescription drug coverage, other employer plans if the employer does not participate in the plans offered by the State and Education Employees Group Insurance Board, and Medicare risk-sharing contracts offered in alternative to the Board’s Medicare supplement. Provided, all Medicare risk-sharing contracts shall be subject to a risk adjustment factor, based on generally accepted actuarial principals for adverse selection

which may occur. Except as otherwise provided for in Section 840-2.27I of this title, health and dental insurance coverage may not be reinstated at a later time if the election to continue in force is declined. Vested employees other than education employees who have terminated service and are not receiving benefits and effective July 1, 1996, nonvested persons who have terminated service with more than eight (8) years of participating service with a participating employer, who within thirty (30) days from the date of termination of service elect to continue such coverage, shall pay the full cost of said insurance premium at the rate and pursuant to the terms and conditions established by the Board. Provided also, any employee other than an education employee who commences employment with a participating employer on or after September 1, 1991, who terminates service with such employer on or after July 1, 1996, but who otherwise has insufficient years of service to retire or terminate service with a vested benefit pursuant to the provisions of the Oklahoma Public Employees Retirement System or to elect to continue coverage as a nonvested employee as provided in this section, but who, immediately prior to employment with the participating employer was covered as a dependent on the health and dental insurance policy of a spouse who was an active employee other than an education employee, may count as part of his or her credited service for the purpose of determining eligibility to elect to continue coverage under this section, the time during which said terminating employee was covered as such a dependent.

(2) A retired employee other than an education employee who is receiving benefits from the Oklahoma Public Employees Retirement System after September 30, 1988, is under sixty-five (65) years of age and is not otherwise eligible for Medicare and pursuant to subsection (1) of this section elects to continue the health insurance plan shall pay the premium rate for the health insurance minus an amount equal to the premium rate of the Medicare supplement offered by the State and Education Employees Group Insurance Board or One Hundred Five Dollars (\$105.00), whichever is less, which shall be paid by the Oklahoma Public Employees Retirement System to the Board or other insurance carrier if the employer does not participate in the plans offered by the State and Education Employees Group Insurance Board in the manner specified in subsection ~~(9)~~ (10) of this section.

(3) A retired employee other than an education employee who is receiving benefits from the Oklahoma Public Employees Retirement System after September 30, 1988, is sixty-five (65) years of age or older or who is under sixty-five (65) years of age and is eligible for Medicare and pursuant to subsection (1) of this section elects to continue the health insurance plan and elects coverage under the Medicare supplement offered by the State and Education Employees Group Insurance Board or other employer plan if the employer does not participate in the plans offered by the State and Education Employees Group Insurance Board shall have One Hundred Five Dollars (\$105.00), or the premium rate of the Medicare supplement, whichever is less, paid by the Oklahoma Public Employees Retirement System to the Board or other insurance carrier of the employer if the employer does not participate in the plans offered by the State and Education Employees Group Insurance Board in the manner specified in subsection ~~(9)~~ (10) of this section. If the amount paid by the Oklahoma Public Employees Retirement System does not cover the full cost of the Medicare supplement, the retired employee shall pay to the Board or other insurance carrier of the employer if the employer does not participate in the plans offered by the State and Education Employees Group Insurance Board the remaining amount if the

retired employee wants to continue coverage. If such retiree elects coverage under any Medicare risk-sharing contract, the retiree shall have One Hundred Five Dollars (\$105.00) or the premium rate of the Medicare risk-sharing contract selected by the retiree, whichever is less, paid by the Oklahoma Public Employees Retirement System to the Board or other insurance carrier of the employer if the employer does not participate in the plans offered by the State and Education Employees Group Insurance Board in the manner specified in subsection ~~(9)~~ (10) of this section. If the amount paid by the Oklahoma Public Employees Retirement System does not cover the full cost of the Medicare risk-sharing contract, the retired employee shall pay to the Board or other insurance carrier of the employer if the employer does not participate in the plans offered by the State and Education Employees Group Insurance Board the remaining amount if the retired employee wants to continue coverage.

(4) A sheriff or deputy sheriff who is a member of the Oklahoma Public Employees Retirement System and who becomes one hundred percent (100%) disabled as a result of an on-duty incident, a spouse or dependant children of such disabled sheriff or deputy sheriff, or a surviving spouse or surviving dependent children of a member of the Oklahoma Public Employees Retirement System who was a sheriff or deputy sheriff and who was killed in the line of duty during the performance of duties as a law enforcement officer, whether the death occurred prior to the effective date of this act or on or after the effective date of this act, shall have one hundred percent (100%) of the health care premium cost of the disabled sheriff, disabled deputy sheriff, spouse or dependent children of the disabled sheriff or disabled deputy sheriff, surviving spouse or surviving dependent children, as defined in this subsection, paid by the Oklahoma Public Employees Retirement System to the Board in the manner specified in subsection (10) of this section for health and dental insurance benefits authorized by the provisions of the State and Education Employees Group Insurance Act, and Medicare risk-sharing contracts offered in alternative to the Board's Medicare supplement. For purposes of this subsection, dependent children shall mean all dependent children of the disabled sheriff, disabled deputy sheriff or deceased member until each such child graduates from high school or upon attaining the age of nineteen (19) years, whichever comes first.

(5) (a) A retired employee or surviving spouse other than an education employee who is receiving benefits from the Oklahoma Law Enforcement Retirement System after September 30, 1988, is under sixty-five (65) years of age and is not otherwise eligible for Medicare and pursuant to subsection (1) of this section elects to continue the health insurance plan shall pay the premium rate for the health insurance minus an amount equal to the premium rate of the Non-Medicare offered by the State and Education Employees Group Insurance Board or One Hundred Five Dollars (\$105.00), whichever is less, which shall be paid by the Oklahoma Law Enforcement Retirement System to the Board in the manner specified in subsection ~~(9)~~ (10) of this section.

(b) For any member of the System killed in the line of duty, whether the member was killed in the line of duty prior to the effective date of this act or on or after the effective date of this act, or if the member was on a disability leave status at the time of death, the surviving spouse or dependents of such deceased member of the Oklahoma Law Enforcement Retirement System may elect to continue or commence health and dental insurance benefits provided said dependents pay the full cost of such insurance and for deaths occurring on or after July 1, 2002, such election is made within thirty (30) days of

the date of death. The eligibility for said benefits shall terminate for the surviving children when said children cease to qualify as dependents.

~~(5)~~ (6) A retired employee other than an education employee who is receiving benefits from the Oklahoma Law Enforcement Retirement System after September 30, 1988, is sixty-five (65) years of age or older or who is under sixty-five (65) years of age and is eligible for Medicare and pursuant to subsection (1) of this section elects to continue the health insurance plan and elects coverage under the Medicare supplement offered by the State and Education Employees Group Insurance Board shall have One Hundred Five Dollars (\$105.00), or the premium rate of the Medicare supplement, whichever is less, paid by the Oklahoma Law Enforcement Retirement System to the Board in the manner specified in subsection ~~(9)~~ (10) of this section. If the amount paid by the Oklahoma Law Enforcement Retirement System does not cover the full cost of the Medicare supplement, the retired employee shall pay to the Board the remaining amount if the retired employee wants to continue coverage. If such retiree elects coverage under any Medicare risk-sharing contract, the retiree shall have One Hundred Five Dollars (\$105.00) or the premium rate of the Medicare risk-sharing contract selected by the retiree, whichever is less, paid by the Oklahoma Law Enforcement Retirement System to the Board in the manner specified in subsection ~~(9)~~ (10) of this section. If the amount paid by the Oklahoma Law Enforcement Retirement System does not cover the full cost of the Medicare risk-sharing contract, the retired employee shall pay to the Board the remaining amount if the retired employee wants to continue coverage. Effective July 1, 2004, a retired member of the Oklahoma Law Enforcement Retirement System who retired from the System by means of a personal and traumatic injury of a catastrophic nature and in the line of duty and any surviving spouse of such retired member and any surviving spouse of a member who was killed in the line of duty shall have one hundred percent (100%) of the retired member's or surviving spouse's health care premium cost, whether the member or surviving spouse elects coverage under the Medicare supplement or Medicare risk-sharing contract, paid by the Oklahoma Law Enforcement Retirement System to the Board in the manner specified in subsection ~~(9)~~ (10) of this section.

~~(6)~~ (7) A retired employee other than an education employee who is receiving benefits from the Uniform Retirement System for Justices and Judges after September 30, 1988, is under sixty-five (65) years of age and is not otherwise eligible for Medicare and pursuant to subsection (1) of this section elects to continue the health insurance plan shall pay the premium rate for the health insurance minus an amount equal to the premium rate of the Medicare supplement offered by the State and Education Employees Group Insurance Board or One Hundred Five Dollars (\$105.00), whichever is less, which shall be paid by the Uniform Retirement System for Justices and Judges to the Board in the manner specified in subsection ~~(9)~~ (10) of this section.

~~(7)~~ (8) A retired employee other than an education employee who is receiving benefits from the Uniform Retirement System for Justices and Judges after September 30, 1988, is sixty-five (65) years of age or older or who is under sixty-five (65) years of age and is eligible for Medicare and pursuant to subsection (1) of this section elects to continue the health insurance plan and elects coverage under the Medicare supplement offered by the State and Education Employees Group Insurance Board shall have One Hundred Five Dollars (\$105.00), or the premium rate of the Medicare supplement, whichever is less, paid by the Uniform Retirement System for Justices and Judges to the Board in the manner

specified in subsection ~~(9)~~ (10) of this section. If the amount paid by the Uniform Retirement System for Justices and Judges does not cover the full cost of the Medicare supplement, the retired employee shall pay to the Board the remaining amount if the retired employee wants to continue coverage. If such retiree elects coverage under any Medicare risk-sharing contract, the retiree shall have One Hundred Five Dollars (\$105.00) or the premium rate of the Medicare risk-sharing contract selected by the retiree, whichever is less, paid by the Uniform Retirement System for Justices and Judges to the Board in the manner specified in subsection ~~(9)~~ (10) of this section. If the amount paid by the Uniform Retirement System for Justices and Judges does not cover the full cost of the Medicare risk-sharing contract, the retired employee shall pay to the Board the remaining amount if the retired employee wants to continue coverage.

~~(8)~~ (9) Dependents of a deceased employee who was on active work status or on a disability leave at the time of death or of a participating retirant or of any person who has elected to receive a vested benefit under the Oklahoma Public Employees Retirement System, the Uniform Retirement System for Justices and Judges or the Oklahoma Law Enforcement Retirement System may continue the health and dental insurance benefits in force provided said dependents pay the full cost of such insurance and they were covered as eligible dependents at the time of such death and such election is made within thirty (30) days of date of death. The eligibility for said benefits shall terminate for the surviving children when said children cease to qualify as dependents.

~~(9)~~ (10) The amounts required to be paid by the Oklahoma Public Employees Retirement System, the Uniform Retirement System for Justices and Judges and the Oklahoma Law Enforcement Retirement System pursuant to this section shall be forwarded no later than the tenth day of each month following the month for which payment is due by the Oklahoma Public Employees Retirement System Board of Trustees or the Oklahoma Law Enforcement Retirement Board to the State and Education Employees Group Insurance Board for deposit in the Health, Dental and Life Insurance Reserve Fund or to another insurance carrier as provided for in subsection H of Section 1315 of this title.

~~(10)~~ (11) Upon retirement from employment of the Board of Regents of the University of Oklahoma, any person who was or is employed at the George Nigh Rehabilitation Institute and who transferred employment pursuant to Section 3427 of Title 70 of the Oklahoma Statutes, any person who was employed at the Medical Technology and Research Authority and who transferred employment pursuant to Section 7068 of this title, and any person who is a member of the Oklahoma Law Enforcement Retirement System pursuant to the authority of Section 2-314 of Title 47 of the Oklahoma Statutes may participate in the benefits authorized by the provisions of the State and Education Employees Group Insurance Act for retired participants, including health, dental and life insurance benefits, if such election to participate is made within thirty (30) days from the date of termination of service. Life insurance benefits for any such person who transferred employment shall not exceed the coverage the person had at the time of such transfer. Retirees who transferred employment and who participate pursuant to this paragraph shall pay the premium for elected benefits less any amounts paid by a state retirement system pursuant to this section.”, and by renumbering subsequent section, which amendment was declared adopted.

Senator Corn moved that **SB 711** be advanced, which motion was declared adopted.

THIRD READING

SB 711 was read for the third time at length.

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

Aye: Adelson, Anderson, Barrington, Bass, Branan, Cain, Coates, Coffee, Corn, Crutchfield, Easley, Eason McIntyre, Fisher, Garrison, Gumm, Hobson, Johnson, Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Monson, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Riley, Shurden, Wilcoxson, Wilson and Wyrick.--36.

Nay: Aldridge, Brogdon, Crain, Ford, Jolley, Mazzei and Reynolds.--7.

Excused: Capps, Harrison, Kerr, Taylor and Williamson.--5.

The bill passed.

SB 711 was referred for engrossment.

GENERAL ORDER

SB 538 by Adelson of the Senate and Balkman of the House was called up for consideration.

Senator Adelson moved that **SB 538** be advanced, which motion was declared adopted.

THIRD READING

SB 538 was read for the third time at length.

On the question of passage of the bill, 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, Hobson, Johnson, Jolley, Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Monson, Morgan, Myers, Paddack, Pruitt, Rabon, Reynolds, Shurden, Wilson and Wyrick.-39.

Nay: Aldridge, Nichols, Riley and Wilcoxson.--4.

Excused: Capps, Harrison, Kerr, Taylor and Williamson.--5.

The bill passed.

SB 538 was referred for engrossment.

UNANIMOUS CONSENT REQUEST MOTION TO RECONSIDER VOTES

Senator Fisher asked unanimous consent, which was granted, to suspend the provisions of Rule 12-23B and that all motions to reconsider votes on Third Reading of Senate bills and joint resolutions served this week be disposed of before the close of business on Thursday, March 17, 2005.

GENERAL ORDER

SB 873 by Laster of the Senate and Cargill of the House was called up for consideration.

Senator Laster moved that **SB 873** be advanced, which motion was declared adopted.

THIRD READING

SB 873 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, Hobson, Johnson, Jolley, Justice, Kerr, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Monson, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Wilcoxson and Wyrick.--43.

Excused: Capps, Harrison, Taylor, Williamson and Wilson.--5.

The bill passed.

SB 873 was referred for engrossment.

MOTION TO RECONSIDER VOTE

Senator Lamb moved to reconsider the vote whereby **SB 729** passed.

Senator Fisher moved to table the Lamb motion, which motion was declared adopted.

SB 729 was referred for engrossment.

GENERAL ORDER

SB 706 by Monson of the Senate and Toure of the House was called up for consideration.

Senator Monson moved to amend **SB 706**, Page 1, by striking the title, which amendment was declared adopted.

Senator Monson moved that **SB 706** be advanced, which motion was declared adopted.

THIRD READING

SB 706 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, Coates, Coffee, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Hobson, Johnson, Justice, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Monson, Morgan, Myers, Paddack, Pruitt, Rabon, Reynolds, Shurden, Wilcoxson, Wilson and Wyrick.--37.

Nay: Cain, Corn, Jolley, Lamb, Mazzei, Nichols and Riley.--7.

Excused: Capps, Harrison, Taylor and Williamson.--4.

The bill and emergency passed.

SB 706 was referred for engrossment.

MESSAGE FROM THE HOUSE

Advising passage of and transmitting for consideration Engrossed **HBs 1116, 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, 1262, 1293, 1378, 1410, 1425, 1467, 1539, 1541, 1566, 1581, 1605, 1610, 1650, 1853, 1889, 1961, 1963 and 2054.**

HB 1116 – By Benge and Newport of the House and Morgan and Crutchfield of the Senate.

An Act relating to the Oklahoma Horse Racing Commission; amending Section 1, Chapter 487, O.S.L. 2004 (3A O.S. Supp. 2004, Section 282), which relates to Oklahoma Horse Racing Commission fees; modifying provisions related to certain assessments;

amending Section 2, Chapter 487, O.S.L. 2004, which relates to budget limits for the Oklahoma Horse Racing Commission; modifying budget limits; and declaring an emergency.

HB 1119 – By Bengt and Newport of the House and Morgan and Crutchfield of the Senate.

(Insurance Department – appropriation – effective date – emergency)

HB 1120 – By Bengt and Newport of the House and Morgan and Crutchfield of the Senate.

(Department of Mines – appropriation - effective date – emergency)

HB 1121 – By Bengt and Newport of the House and Morgan and Crutchfield of the Senate.

(Department of Mines – appropriation – effective date – emergency)

HB 1122 – By Bengt and Newport of the House and Morgan and Crutchfield of the Senate.

(Oklahoma Tourism and Recreation Department - appropriation - effective date – emergency)

HB 1123 – By Bengt and Newport of the House and Morgan and Crutchfield of the Senate.

(Oklahoma Tourism and Recreation Department – appropriation – effective date – emergency)

HB 1124 – By Bengt and Newport of the House and Morgan and Crutchfield of the Senate.

(Oklahoma Capitol Complex and Centennial Commemoration Commission – appropriation – effective date – emergency)

HB 1125 – By Bengt and Newport of the House and Morgan and Crutchfield of the Senate.

(Oklahoma Capitol Complex and Centennial Commemoration Commission – appropriation - effective date - emergency)

HB 1126 – By Bengt and Newport of the House and Morgan and Crutchfield of the Senate.

(Oklahoma Department of Commerce – appropriation - effective date – emergency)

HB 1127 – By Bengt and Newport of the House and Morgan and Crutchfield of the Senate.

(Oklahoma Department of Commerce – appropriation – effective date - emergency)

HB 1128 – By Bengé and Newport of the House and Morgan and Crutchfield of the Senate.

(Oklahoma Conservation Commission – appropriation – effective date – emergency)

HB 1129 – By Bengé and Newport of the House and Morgan and Crutchfield of the Senate.

(Oklahoma Conservation Commission – appropriation – effective date – emergency)

HB 1130 – By Bengé and Newport of the House and Morgan and Crutchfield of the Senate.

(Oklahoma Historical Society – appropriations - effective date – emergency)

HB 1131 – By Bengé and Newport of the House and Morgan and Crutchfield of the Senate.

(Oklahoma Historical Society – appropriations – effective date – emergency)

HB 1132 – By Bengé, Newport and Duncan of the House and Morgan and Crutchfield of the Senate.

(J.M. Davis Memorial Commission – appropriation – effective date – emergency)

HB 1133 – By Bengé, Newport and Duncan of the House and Morgan and Crutchfield of the Senate.

(J.M. Davis Memorial Commission – appropriation – employees – effective date – emergency)

HB 1134 – By Bengé and Newport of the House and Morgan and Crutchfield of the Senate.

(Department of Labor – appropriation - effective date – emergency)

HB 1135 – By Bengé and Newport of the House and Morgan and Crutchfield of the Senate.

(Department of Labor – appropriation – effective date – emergency)

HB 1136 – By Bengé and Newport of the House and Morgan and Crutchfield of the Senate.

(Scenic Rivers Commission – appropriation – effective date – emergency)

HB 1137 – By Bengé and Newport of the House and Morgan and Crutchfield of the Senate.

(Scenic Rivers Commission – appropriation – effective date – emergency)

HB 1138 – By Bengé and Newport of the House and Morgan and Crutchfield of the Senate.

(Oklahoma Water Resources Board – appropriations – effective date – emergency)

HB 1139 – By Bengé and Newport of the House and Morgan and Crutchfield of the Senate.

(Oklahoma Water Resources Board – appropriations – effective date – emergency)

HB 1140 – By Bengé and Newport of the House and Morgan and Crutchfield of the Senate.

(Will Rogers Memorial Commission – appropriations – effective date – emergency)

HB 1141 – By Bengé and Newport of the House and Morgan and Crutchfield of the Senate.

(Will Rogers Memorial Commission – appropriations – effective date – emergency)

HB 1142 – By Bengé and Newport of the House and Morgan and Crutchfield of the Senate.

(Alcoholic Beverage Laws Enforcement Commission – budgetary limitations – effective date – emergency)

HB 1143 – By Bengé and Newport of the House and Morgan and Crutchfield of the Senate.

(Alcoholic Beverage Laws Enforcement Commission – appropriations – effective date – emergency)

HB 1144 – By Bengé and Newport of the House and Morgan and Crutchfield of the Senate.

(Department of Corrections – appropriation – effective date – emergency)

HB 1145 – By Bengé and Newport of the House and Morgan and Crutchfield of the Senate.

(Department of Corrections - budgetary limitations - effective date – emergency)

HB 1146 – By Bengé and Newport of the House and Morgan and Crutchfield of the Senate.

(Office of the State Fire Marshal – appropriation – effective date – emergency)

HB 1147 – By Bengé and Newport of the House and Morgan and Crutchfield of the Senate.

(Office of the State Fire Marshal - budgetary limitations - effective date – emergency)

HB 1148 – By Bengé, Newport and Wesselhoft of the House and Morgan and Crutchfield of the Senate.

(Oklahoma State Bureau of Investigation – appropriation - effective date –emergency)

HB 1149 – By Bengé, Newport and Wesselhoft of the House and Morgan and Crutchfield of the Senate.

(Oklahoma State Bureau of Investigation - budgetary limitations - effective date – emergency)

HB 1150 – By Bengé, Newport and Wesselhoft of the House and Morgan and Crutchfield of the Senate.

(Council on Law Enforcement Education and Training - budgetary limitations - effective date – emergency)

HB 1151 – By Bengé, Newport and Wesselhoft of the House and Morgan and Crutchfield of the Senate.

(Council on Law Enforcement Education and Training – appropriations – effective date – emergency)

HB 1152 – By Bengé and Newport of the House and Morgan and Crutchfield of the Senate.

(Board of Medicolegal Investigations – appropriation - effective date – emergency)

HB 1153 – By Bengé and Newport of the House and Morgan and Crutchfield of the Senate.

(Board of Medicolegal Investigations – compensation of employees – effective date – emergency)

HB 1154 – By Bengé, Newport and Wesselhoft of the House and Morgan and Crutchfield of the Senate.

(Oklahoma State Bureau of Narcotics and Dangerous Drugs Control - appropriation - effective date – emergency)

HB 1155 – By Bengé and Newport of the House and Morgan and Crutchfield of the Senate.

(Oklahoma State Bureau of Narcotics and Dangerous Drugs Control – budgeting – effective date – emergency)

HB 1156 – By Bengé and Newport of the House and Morgan and Crutchfield of the Senate.

(Pardon and Parole Board – appropriation – effective date – emergency)

HB 1157 – By Bengé and Newport of the House and Morgan and Crutchfield of the Senate.

(Pardon and Parole Board - budgetary limitations - effective date – emergency)

HB 1158 – By Bengé, Newport and Wesselhoft of the House and Morgan and Crutchfield of the Senate.

(Department of Public Safety - appropriations - effective date – emergency)

HB 1159 – By Bengé and Newport of the House and Morgan and Crutchfield of the Senate.

(Department of Public Safety – budgeting – effective date – emergency)

HB 1160 – By Benge and Newport of the House and Morgan and Crutchfield of the Senate.

(Office of the Attorney General – appropriation – effective date – emergency)

HB 1161 – By Benge and Newport of the House and Morgan and Crutchfield of the Senate.

(Office of the Attorney General – budgetary limitations – effective date – emergency)

HB 1162 – By Benge and Newport of the House and Morgan and Crutchfield of the Senate.

(Court of Criminal Appeals – appropriation – effective date – emergency)

HB 1262 – By Plunk, Adkins, Armes, Askins, Auffet, Balkman, Banz, Benge, Billy, Bingman, Blackburn, Blackwell, Braddock, Brannon, Brown, Calvey, Carey, Cargill, Case, Coody, Cooksey, Covey, Cox, Dank, DePue, DeWitt, Denney, Deutschendorf, Dorman, Duncan, Eddins, Ellis, Gilbert, Glenn, Hamilton, Harrison, Hastings, Hickman, Hiatt, Hilliard, Hyman, Ingmire, Jackson, Jett, Johnson, Jones, Kern, Kiesel, Lamons, Liebmann, Lindley, Liotta, Martin, Mass, McCarter, McDaniel, McMullen, McPeak, Miller (Doug), Miller (Ken), Miller (Ray), Morgan (Danny), Morgan (Fred), Morrissette, Nance, Nations, Newport, Perry, Peters, Peterson (Pam), Peterson (Ron), Piatt, Pruett, Reynolds, Richardson, Roan, Roggow, Rousselot, Shelton, Sherrer, Shoemake, Shumate, Smaligo, Smithson, Staggs, Steele, Sullivan, Sweeden, Terrill, Thompson, Tibbs, Toure, Trebilcock, Turner, Walker, Wesselhoft, Wilt, Winchester, Worthen, Wright and Young of the House and Shurden of the Senate.

An Act relating to roads, bridges and ferries; designating a certain section of highway the Randy Littlefield Memorial Highway; requiring placement of markers; limiting naming or renaming sections of certain highway; designating a certain section of highway Harrah Road; designating a certain section of highway the Billy Fairl Morgan Memorial Highway; removing existing name on certain section of highway; requiring placement of markers; providing for codification; and providing an effective date.

HB 1293 – By Benge, Lamons, Trebilcock and Nance of the House and Morgan of the Senate.

(public health and safety - Board of Medicolegal Investigations - clarifying language - Alzheimer's Research Advisory Council - effective date)

HB 1378 – By Liebmann, Wesselhoft and Nance of the House and Jolley of the Senate.

An Act relating to elections; amending 26 O.S. 2001, Section 3-101, as amended by Section 5, Chapter 485, O.S.L. 2003 and Section 18, Chapter 545, O.S.L. 2004 (26 O.S. Supp. 2004, Sections 3-101 and 13-101.1), which relate to scheduling elections; modifying months for holding special elections; specifying when certain special elections shall be held; modifying required time-period between municipal primary and general elections; providing an effective date; and declaring an emergency.

HB 1410 – By Cox of the House and Wyrick of the Senate.

An Act relating to the Oklahoma Public Employees Retirement System; amending 74 O.S. 2001, Section 902, as last amended by Section 2, Chapter 539, O.S.L. 2004 (74 O.S. Supp. 2004, Section 902), which relates to definitions; modifying definition; providing for election by certain participating employers of the Oklahoma Public Employees Retirement System to cease participation; providing for irrevocable and binding nature of election; prescribing procedures related to election; providing for effect of election upon employer and employee contributions; requiring payment of actuarial cost by withdrawing municipality; providing for codification; providing an effective date; and declaring an emergency.

HB 1425 – By Jones and Nance of the House and Riley of the Senate.

An Act relating to mental health; amending 43A O.S. 2001, Sections 5-501, as last amended by Section 1, Chapter 130, O.S.L. 2003, 5-502, as last amended by Section 1, Chapter 394, O.S.L. 2003, and 5-503, 5-506, 5-508 and 5-513, as last amended by Sections 3, 6, 8 and 13, Chapter 130, O.S.L. 2003 (43A O.S. Supp. 2004, Sections 5-501, 5-502, 5-503, 5-506, 5-508 and 5-513), which relate to Inpatient Mental Health and Substance Abuse Treatment of Minors Act; expanding legislative intent; modifying definitions; modifying voluntary admission; providing for emergency detention; modifying involuntary admission of minors; deleting obsolete language; modifying individualized treatment plans; amending Section 7, Chapter 313, O.S.L. 2004 (59 O.S. Supp. 2004, Section 1876), which relates to licensed alcohol and drug counselors; modifying certain dates; repealing 43A O.S. 2001, Section 5-505, as last amended by Section 5, Chapter 130, O.S.L. 2003 (43A O.S. Supp. 2004, Section 5-505), which relates to admission to mental health facility; providing for codification; and providing an effective date.

HB 1467 – By DeWitt of the House and Shurden of the Senate.

An Act relating to agriculture; creating the Oklahoma Agriculture Pollutant Discharge Elimination System Act; stating purpose; providing for jurisdiction; defining terms; authorizing the promulgation of rules; providing for content of rules; granting authority to Oklahoma Department of Agriculture, Food, and Forestry for certain purposes; providing for certain acts for certain permits; requiring disclosure of certain financial information by certain persons; providing for certain appointments; providing for certain qualifications and restrictions for certain employees; specifying powers and duties of Director and the Department; providing for certain jurisdiction over certain water programs; providing for compliance; establishing certain duties of Director; providing for renewal of certain license or permit; setting penalty for failure to renew; authorizing certain persons to enter certain property to obtain certain information; requiring certain recordkeeping; requiring promulgation of certain rules; providing for certain authority under the Administrative Procedures Act; granting opportunity for hearing to certain interested parties; allowing issuance of certain orders; authorizing the Department to serve notice of certain violation; stating penalty; providing for notice to be served; providing for administrative hearings; providing for assessment of certain penalties; allowing certain civil actions; providing for assessment of certain penalties; establishing jurisdiction of certain action; providing for certain violations of law and fines; providing for certain appeals; providing for filing of certain applications; providing for review of certain applications; creating the Oklahoma

Agriculture Environmental Permitting Act; defining terms; providing for submission of certain applications; providing for review of certain applications; authorizing promulgation of certain rules; providing for content of certain rules; authorizing Oklahoma Department of Agriculture, Food, and Forestry to enforce and implement certain laws; granting certain additional powers to Department; requiring certain applicants to provide notice; providing for certain meetings; requiring preparation of certain reports; providing for certain notice; requiring certain formal public meeting; establishing certain public comment periods; granting opportunity for hearing; providing for certain hearing process; providing for default judgments; providing for appeals of certain orders; establishing expedited permitting processes; amending 2 O.S. 2001, Sections 9-200, 9-201, 9-202, 9-203, 9-204, 9-204.1, 9-205, 9-205.1, 9-205.2, 9-205.3, 9-205.3a, 9-205.4, 9-205.5, 9-206, 9-208, 9-209, 9-209.1, 9-210, 9-210.1, 9-210.2, 9-210.3, 9-211, 9-212.1 and 9-214, which relate to the Oklahoma Concentrated Animal Feeding Operations Act; modifying legislative intent; clarifying purpose of act; modifying definitions; clarifying language; revising composition of rule advisory committee; providing for termination of certain committee; adding duty to obtain certain permits; deleting obsolete language; establishing certain application requirements; establishing duty to obtain certain permit; providing exceptions; modifying certain application requirements; modifying certain deadlines; clarifying language; clarifying burden of proof for administrative hearing; clarifying notice requirements; modifying evidentiary standards; modifying certain burden of proof; establishing certain deadlines; requiring nutrient management plans; requiring certain approvals; clarifying language; modifying criteria for Best Management Practices; modifying new source requirements; modifying land application rates; modifying requirements for odor abatement plans; requiring certain data; deleting certain references relating to concentrated animal feeding operations; modifying irrigation system requirements; deleting references to concentrated animal feeding operations; authorizing certain inspections and access to certain facilities; providing for certain examinations of records; allowing certain employees who obtain warrants to perform certain inspections; clarifying certain jurisdiction; modifying annual fees for concentrated animal feeding operations; modifying surety requirements; clarifying language; providing for certain federal laws; modifying certain hydrologic connections; modifying certain setback requirements; providing for restrictions on operations at certain locations; modifying violation points system; establishing penalties for certain operations; clarifying language; amending Section 2, Chapter 94, O.S.L. 2002 (2 O.S. Supp. 2004, Section 10-9), which relates to acceptance or approval of concentrated animal feeding operations; modifying scope of restrictions; providing for promulgation of emergency rules; amending 2 O.S. 2001, Section 1-3, as last amended by Section 1, Chapter 3, O.S.L. 2003 (2 O.S. Supp. 2004, Section 1-3), which relates to Oklahoma Agricultural Code; modifying definitions; repealing 2 O.S. 2001, Section 9-212, which relates to penalties; repealing Section 1, Chapter 31, O.S.L. 2004 (2 O.S. Supp. 2004, Section 20-24), which relates to managed feeding operations; providing for codification; providing for noncodification; providing for recodification; providing an effective date; and declaring an emergency.

HB 1539 – By Peterson (Ron) of the House and Corn of the Senate.

(insurance - amending fifteen sections in Title 36 - Service Warranty Insurance Act - exemptions - repealing 36 O.S., Section 6606 - effective date)

HB 1541 – By Peterson (Ron), Duncan, Nance, Wright and Tibbs of the House and Coates of the Senate.

An Act relating to the Compulsory Insurance Law; limiting recovery for damages or claims against insurer for liability for motor vehicle accidents in certain circumstances; providing exceptions; providing who may assert limitation; providing for codification; and providing an effective date.

HB 1566 – By Sullivan, Terrill and Shelton of the House and Paddock of the Senate.

An Act relating to insurance; amending 36 O.S. 2001, Section 1509, as amended by Section 56, Chapter 368, O.S.L. 2004 (36 O.S. Supp. 2004, Section 1509), which relates to assets and liabilities of insurers; extending moratorium on applicability of certain reserve requirements; amending 36 O.S. 2001, Section 1530, as amended by Section 57, Chapter 368, O.S.L. 2004 (36 O.S. Supp. 2004, Section 1530), which relates to risk-based capital for insurers; extending time insurer is exempt from certain surplus requirements; and providing an effective date.

HB 1581 – By Piatt of the House and Crain of the Senate.

An Act relating to professions and occupations; amending 59 O.S. 2001, Sections 2082 and 2083, as amended by Sections 1 and 2, Chapter 469, O.S.L. 2002 (59 O.S. Supp. 2004, Sections 2082 and 2083), which relate to mortgage brokers; defining term; modifying licensing exemptions to include mortgage broker; providing an effective date; and declaring an emergency.

HB 1605 – By Miller (Doug), Covey, McMullen, Nations, Rousselot, Dorman, Nance, Adkins, Terrill, Balkman, Blackwell, Worthen, Hilliard and Sherrer of the House and Wilson, Barrington, Kerr, Wilcoxson, Bass and Easley of the Senate.

(revenue and taxation – amending 68 O.S., Section 2357.32B – income tax credit – manufacturers – emergency)

HB 1610 – By Roggow and Nance of the House and Anderson of the Senate.

(landlord and tenant – amending 41 O.S., Section 132 – rights and duties – penalty – effective date)

HB 1650 – By Hilliard and Sherrer of the House and Paddock of the Senate.

An Act relating to state government; amending 74 O.S. 2001, Sections 4117 and 4118, which relate to the Incentive Awards for State Employees Act; modifying method of payment of incentive compensation under certain circumstances; clarifying requirements to qualify for an award; and providing an effective date.

HB 1853 – By Steele, Balkman, Shelton, Hickman, Jackson, Cox, Sherrer, Adkins, Auffet, Brannon, Cooksey, DePue, DeWitt, Duncan, Hilliard, Kern, Kiesel, Martin, McMullen, Morrisette, Nance, Nations, Peterson (Ron), Smithson, Terrill and Thompson of the House and Paddock and Adelson of the Senate.

(public health and safety – Rx for Oklahoma Act – rules – codification - emergency)

HB 1889 – By Morgan (Fred) and Nance of the House and Laster of the Senate.

An Act relating to courts; amending 12 O.S. 2001, Section 3230, as amended by Section 74, Chapter 468, O.S.L. 2002 (12 O.S. Supp. 2004, Section 3230), which relates to depositions; changing who is responsible for expenses of taking deposition; amending 20 O.S. 2001, Sections 1503, as amended by Section 2, Chapter 183, O.S.L. 2003 and 1505 (20 O.S. Supp. 2004, Section 1503), which relate to certified shorthand reporters; modifying acceptable alternative credentials for enrollment as an Oklahoma certified court reporter; modifying testing component; and providing an effective date.

HB 1961 – By Liotta of the House and Laster of the Senate.

An Act relating to insurance; amending 36 O.S. 2001, Section 1250.2, as last amended by Section 7, Chapter 274, O.S.L. 2004 (36 O.S. Supp. 2004, Section 1250.2), which relates to the Unfair Claims Settlement Practices Act; modifying definition to include certain insurer; deleting obsolete language; and providing an effective date.

HB 1963 – By Steele, Hamilton, DePue, Duncan, Morrissette, Nance, Thompson and Wesselhoft of the House and Crutchfield of the Senate.

An Act relating to public health and safety; creating Long-term Care Security Act; providing short title; defining terms; providing for Department of Corrections to provide certain notifications; requiring State Department of Health to promulgate certain rules; providing for removal of certain persons from long-term care facilities; requiring Department of Corrections to provide certain notice; requiring State Department of Health to perform certain background checks; prohibiting employment of certain persons; requiring State Long-Term Care Ombudsman to perform certain background checks; prohibiting employment of certain persons; requiring certain recommendations from the State Long-Term Care Advisory Board; requiring ombudspersons to perform certain actions; requiring certain documentation and reports; providing for codification; and declaring an emergency.

HB 2054 – By Trebilcock, Balkman, Cargill, Denney, Nance, Peterson (Pam), Sullivan and Wesselhoft of the House and Coffee of the Senate.

An Act relating to the Affordable Access to Health Care Act; amending Section 1, Chapter 390, O.S.L. 2003, as amended by Section 20, Chapter 368, O.S.L. 2004 (63 O.S. Supp. 2004, Section 1-1708.1A), which relates to the short title for the Affordable Access to Health Care Act; providing immunity from liability in civil actions to health care providers who refuse to perform certain services; validating certain sections of law; providing for codification; and providing an effective date.

The above-numbered measures were read the first time.

Senator Fisher moved that the Senate recess until 1:30 p.m., which motion was declared adopted.

The Senate reconvened with Senator Rabon presiding.

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

GENERAL ORDER

SB 542 by Adelson of the Senate and Lamons of the House was called up for consideration.

Senator Lawler asked to coauthor **SB 542**, which was the order.

Senator Adelson asked that **SB 542** be laid over temporarily, which was the order.

SB 542 remains on General Order.

GENERAL ORDER

SB 661 by Nichols and Gumm of the Senate and Balkman of the House was called up for consideration.

Senator Nichols moved that **SB 661** be advanced, which motion was declared adopted.

THIRD READING

SB 661 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, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Johnson, Jolley, Justice, Kerr, Lamb, Laster, Lawler, Leftwich, Lerblance, Mazzei, Monson, Myers, Nichols, Paddack, Rabon, Reynolds, Riley, Shurden, Wilcoxson, Wilson and Wyrick.--38.

Excused: Capps, Coffee, Fisher, Harrison, Hobson, Laughlin, Morgan, Pruitt, Taylor and Williamson.--10.

The bill passed.

SB 661 was referred for engrossment.

GENERAL ORDER

SB 727 by Bass of the Senate and Worthen of the House was called up for consideration.

Senator Bass moved that **SB 727** be advanced, which motion was declared adopted.

THIRD READING

SB 727 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, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Johnson, Jolley, Justice, Kerr, Lamb, Laster, Lawler, Leftwich, Lerblance, Mazzei, Monson, Myers, Paddack, Rabon, Reynolds, Shurden, Wilcoxson, Wilson and Wyrick.--36.

Nay: Nichols and Riley.--2.

Excused: Capps, Coffee, Fisher, Harrison, Hobson, Laughlin, Morgan, Pruitt, Taylor and Williamson.--10.

The bill passed.

SB 727 was referred for engrossment.

GENERAL ORDER

SB 926 by Shurden et al of the Senate and Turner of the House was called up for consideration.

Senators Lawler, Ford, Myers and Justice asked to coauthor **SB 926**, which was the order.

Senator Shurden moved that **SB 926** be advanced, which motion was declared adopted.

THIRD READING

SB 926 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, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Johnson, Jolley, Justice, Kerr, Lamb, Laster, Lawler, Leftwich, Lerblance, Mazzei, Monson, Myers, Nichols, Paddack, Rabon, Reynolds, Riley, Shurden, Wilcoxson, Wilson and Wyrick.--38.

Excused: Capps, Coffee, Fisher, Harrison, Hobson, Laughlin, Morgan, Pruitt, Taylor and Williamson.--10.

The bill passed.

SB 926 was referred for engrossment.

GENERAL ORDER

SB 613 by Wilcoxson of the Senate and Kern of the House was called up for consideration.

Senator Wilcoxson moved to amend **SB 613**, 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 Wilcoxson moved that **SB 613** be advanced, which motion was declared adopted.

THIRD READING

SB 613 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, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Hobson, Johnson, Jolley, Justice, Kerr, Lamb, Laster, Lawler, Leftwich, Lerblance, Mazzei, Monson, Myers, Nichols, Paddack, Pruitt, Reynolds, Riley, Shurden, Wilcoxson, Wilson and Wyrick.--38.

Nay: Corn and Rabon.--2.

Excused: Capps, Coffee, Fisher, Harrison, Laughlin, Morgan, Taylor and Williamson.-
-8.

The bill and emergency passed.

SB 613 was referred for engrossment.

GENERAL ORDER

SB 962 by Monson and Gumm of the Senate and Winchester of the House was called up for consideration.

Senator Monson moved that **SB 962** be advanced, which motion was declared adopted.

THIRD READING

SB 962 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, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Johnson, Jolley, Justice, Kerr, Lamb, Laster, Lawler, Leftwich, Lerblance, Mazzei, Monson, Myers, Nichols, Paddack, Rabon, Reynolds, Riley, Shurden, Wilcoxson, Wilson and Wyrick.--38.

Excused: Capps, Coffee, Fisher, Harrison, Hobson, Laughlin, Morgan, Pruitt, Taylor and Williamson.--10.

The bill and emergency passed.

SB 962 was referred for engrossment.

GENERAL ORDER

SB 1015 by Cain of the Senate and Steele et al of the House was called up for consideration.

Senator Cain moved to amend **SB 1015**, 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 Cain moved that **SB 1015** be advanced, which motion was declared adopted.

THIRD READING

SB 1015 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, Cain, Coates, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Johnson, Jolley, Justice, Kerr, Lamb, Laster, Lawler, Lerblance, Mazzei, Monson, Myers, Nichols, Paddack, Pruitt, Reynolds, Riley, Shurden, Wilcoxson, Wilson and Wyrick.--36.

Nay: Brogdon.--1.

Excused: Capps, Coffee, Fisher, Harrison, Hobson, Laughlin, Leftwich, Morgan, Rabon, Taylor and Williamson.--11.

The bill passed.

SB 1015 was referred for engrossment.

INTRODUCTIONS

Senator Rabon introduced his wife, Dana, and his children, Jeff, Berrie and Jackson, to the Senate.

GENERAL ORDER

SB 765 by Eason McIntyre of the Senate and Brannon of the House was called up for consideration.

Senator Eason McIntyre moved that **SB 765** be advanced, which motion was declared adopted.

THIRD READING

SB 765 was read for the third time at length.

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

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

Nay: Aldridge, Anderson, Barrington, Branan, Brogdon, Coates, Coffee, Crain, Ford, Jolley, Justice, Lamb, Laughlin, Mazzei, Myers, Nichols, Pruitt, Reynolds, Riley and Wilcoxson.--20.

Excused: Capps, Harrison, Morgan, Taylor and Williamson.--5.

The bill failed.

Pursuant to Rule 12-23, Senator Eason McIntyre served notice that the vote be reconsidered whereby **SB 765** failed.

Senator Gumm presiding.

GENERAL ORDER

SB 741 by Bass of the Senate and Worthen of the House was called up for consideration.

Senator Bass moved that **SB 741** be advanced, which motion was declared adopted.

THIRD READING

SB 741 was read for the third time at length.

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

Aye: Adelson, Bass, Cain, Corn, Crutchfield, Easley, Eason McIntyre, Fisher, Garrison, Gumm, Hobson, Kerr, Laster, Lawler, Leftwich, Lerblance, Monson, Paddack, Rabon, Shurden, Wilson and Wyrick.--22.

Nay: Aldridge, Anderson, Barrington, Branan, Brogdon, Coates, Coffee, Crain, Ford, Johnson, Jolley, Justice, Lamb, Laughlin, Mazzei, Myers, Nichols, Pruitt, Reynolds, Riley and Wilcoxson.--21.

Excused: Capps, Harrison, Morgan, Taylor and Williamson.--5.

The bill failed.

Pursuant to Rule 12-23, Senator Bass served notice that the vote be reconsidered whereby **SB 741** failed.

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 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 720 by Adelson of the Senate and Peters of the House was called up for consideration.

Senator Adelson moved that **SB 720** be advanced, which motion was declared adopted.

THIRD READING

SB 720 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, Cain, Coates, Corn, Crutchfield, Easley, Eason McIntyre, Fisher, Garrison, Gumm, Johnson, Laster, Lawler, Leftwich, Lerblance, Monson, Myers, Paddack, Rabon, Riley, Shurden, Wilcoxson, Wilson and Wyrick.--27.

Nay: Aldridge, Branan, Brogdon, Crain, Ford, Jolley, Justice, Lamb, Mazzei, Nichols and Reynolds.--11.

Excused: Capps, Coffee, Harrison, Hobson, Kerr, Laughlin, Morgan, Pruitt, Taylor and Williamson.--10.

The bill passed and the emergency failed.

SB 720 was referred for engrossment.

GENERAL ORDER

SB 935 by Leftwich of the Senate and Hamilton of the House was called up for consideration.

Senator Leftwich moved that **SB 935** be advanced, which motion was declared adopted.

THIRD READING

SB 935 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, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Johnson, Jolley, Justice, Kerr, Lamb, Laster, Lawler, Leftwich, Lerblance, Mazzei, Monson, Myers, Nichols, Paddack, Rabon, Reynolds, Riley, Shurden, Wilcoxson, Wilson and Wyrick.--39.

Excused: Capps, Coffee, Harrison, Hobson, Laughlin, Morgan, Pruitt, Taylor and Williamson.--9.

The bill passed.

SB 935 was referred for engrossment.

GENERAL ORDER

SB 997 by Eason McIntyre and Rabon of the Senate and Shumate of the House was called up for consideration.

Senator Riley asked to coauthor **SB 997**, which was the order.

Senator Eason McIntyre moved that **SB 997** be advanced, which motion was declared adopted.

THIRD READING

SB 997 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, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Johnson, Jolley, Justice, Kerr, Lamb, Laster, Lawler, Leftwich, Lerblance, Mazzei, Monson, Myers, Nichols, Paddack, Rabon, Reynolds, Riley, Shurden, Wilcoxson, Wilson and Wyrick.--39.

Excused: Capps, Coffee, Harrison, Hobson, Laughlin, Morgan, Pruitt, Taylor and Williamson.--9.

The bill and emergency passed.

SB 997 was referred for engrossment.

NOTIFICATION OF ELECTRONIC AVAILABILITY

Pursuant to Senate Rule 5-7(B.2), Senator Laster made notification that the electronic copies of the floor substitute to **SB 914** were available to Senate members.

GENERAL ORDER

SB 975 by Laster of the Senate and Morgan (Fred) of the House was called up for consideration.

Senator Laster moved to amend **SB 975**, Page 96, Line 8, by inserting after the numeral “2005” and before the semi-colon the words “, but no provision of this act shall make invalid a trust created before November 1, 2005, prejudice the interests of the beneficiaries of a trust created before November 1, 2005, or contravene the terms of a trust created before November 1, 2005”, which amendment was declared adopted.

Senator Laster moved that **SB 975** be advanced, which motion was declared adopted.

THIRD READING

SB 975 was read for the third time at length.

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

Aye: Adelson, Anderson, Barrington, Bass, Branan, Cain, Coates, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Johnson, Justice, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Monson, Paddack, Rabon, Riley, Shurden, Wilcoxson, Wilson and Wyrick.--33.

Nay: Aldridge, Brogdon, Jolley, Lamb, Myers, Nichols, Pruitt and Reynolds.--8.

Excused: Capps, Coffee, Harrison, Hobson, Morgan, Taylor and Williamson.--7.

The bill passed.

SB 975 was referred for engrossment.

GENERAL ORDER

SB 891 by Corn of the Senate and Miller (Ray) of the House was called up for consideration.

Senator Rabon asked to coauthor **SB 891**, which was the order.

Representative Miller (Ray) asked to be removed and Representative Roan asked to be named principal House author on **SB 891**, which was the order.

Senator Corn moved that **SB 891** be advanced, which motion was declared adopted.

THIRD READING

SB 891 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, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Johnson, Jolley, Justice, Kerr, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Monson, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Wilcoxson, Wilson and Wyrick.--41.

Excused: Capps, Coffee, Harrison, Hobson, Morgan, Taylor and Williamson.--7.

The bill passed.

SB 891 was referred for engrossment.

GENERAL ORDER

SB 966 by Wilcoxson of the Senate and Coody of the House was called up for consideration.

Senator Wilcoxson moved to amend **SB 966**, 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 Wilcoxson moved that **SB 966** be advanced, which motion was declared adopted.

THIRD READING

SB 966 was read for the third time at length.

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

Aye: Adelson, Branan, Brogdon, Cain, Coates, Crain, Eason McIntyre, Fisher, Ford, Johnson, Jolley, Justice, Lamb, Laughlin, Lawler, Mazzei, Monson, Nichols, Paddack,

Pruitt, Reynolds and Wilcoxson.--22.

Nay: Aldridge, Anderson, Barrington, Bass, Corn, Crutchfield, Easley, Garrison, Gumm, Laster, Leftwich, Lerblance, Myers, Rabon, Riley, Shurden, Wilson and Wyrick.--18.

Excused: Capps, Coffee, Harrison, Hobson, Kerr, Morgan, Taylor and Williamson.--8.

The bill failed.

Pursuant to Rule 12-23, Senator Wilcoxson served notice that the vote be reconsidered whereby **SB 966** failed.

Senator Paddack presiding.

GENERAL ORDER

SB 763 by Leftwich of the Senate and Wilt of the House was called up for consideration.

Senator Leftwich moved to amend **SB 763**, Page 1, by striking the title, which amendment was declared adopted.

Senator Leftwich moved that **SB 763** be advanced, which motion was declared adopted.

THIRD READING

SB 763 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, Hobson, Johnson, Jolley, Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Monson, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Wilcoxson, Wilson and Wyrick.--43.

Excused: Capps, Harrison, Kerr, Taylor and Williamson.--5.

The bill passed.

SB 763 was referred for engrossment.

GENERAL ORDER

SB 841 by Pruitt of the Senate and Jones of the House was called up for consideration.

Senator Pruitt moved that **SB 841** be advanced, which motion was declared adopted.

THIRD READING

SB 841 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, Hobson, Johnson, Jolley, Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Monson, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Wilcoxson, Wilson and Wyrick.--43.

Excused: Capps, Harrison, Kerr, Taylor and Williamson.--5.

The bill and emergency passed.

SB 841 was referred for engrossment.

MOTION TO RECONSIDER VOTE

Senator Johnson moved to reconsider the vote whereby **SB 50** failed, which motion was declared adopted upon roll call as follows:

Aye: Adelson, Aldridge, Anderson, Branan, Brogdon, Cain, Coffee, Crain, Crutchfield, Eason McIntyre, Fisher, Ford, Gumm, Hobson, Johnson, Jolley, Lamb, Laster, Laughlin, Mazzei, Monson, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley and Wilcoxson.--30.

Nay: Barrington, Bass, Coates, Corn, Easley, Garrison, Justice, Lawler, Leftwich, Lerblance, Shurden, Wilson and Wyrick.--13.

Excused: Capps, Harrison, Kerr, Taylor and Williamson.--5.

THIRD READING

SB 50 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, Branan, Brogdon, Cain, Coffee, Crain, Crutchfield, Ford, Gumm, Hobson, Johnson, Jolley, Lamb, Laster, Laughlin, Mazzei, Monson, Morgan, Nichols, Pruitt, Reynolds, Riley and Wilcoxson.--25.

Nay: Barrington, Bass, Coates, Corn, Easley, Eason McIntyre, Fisher, Garrison, Justice, Lawler, Leftwich, Lerblance, Myers, Paddack, Rabon, Shurden, Wilson and Wyrick.--18.

Excused: Capps, Harrison, Kerr, Taylor and Williamson.--5.

The bill passed and the emergency failed.

SB 50 was referred for engrossment.

GENERAL ORDER

SB 880 by Morgan of the Senate and Morgan (Danny) of the House was called up for consideration.

Senator Morgan moved to amend **SB 880**, Page 1, by restoring the title, which amendment was declared adopted.

Senator Morgan moved that **SB 880** be advanced, which motion was declared adopted.

THIRD READING

SB 880 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, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Hobson, Jolley, Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Monson, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Riley, Shurden, Wilcoxson, Wilson and Wyrick.--40.

Excused: Capps, Coffee, Harrison, Johnson, Kerr, Pruitt, Taylor and Williamson.--8.

The bill and emergency passed.

SB 880 was referred for engrossment.

GENERAL ORDER

SB 554 by Gumm of the Senate and Balkman of the House was called up for consideration.

Senator Gumm moved that **SB 554** be advanced, which motion was declared adopted.

THIRD READING

SB 554 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, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Hobson, Johnson, Jolley, Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Monson, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Riley, Shurden, Wilcoxson, Wilson and Wyrick.--41.

Excused: Capps, Coffee, Harrison, Kerr, Pruitt, Taylor and Williamson.--7.

The bill passed.

SB 554 was referred for engrossment.

GENERAL ORDER

SB 460 by Morgan of the Senate and Ingmire of the House was called up for consideration.

Senator Morgan moved that **SB 460** be advanced, which motion was declared adopted.

THIRD READING

SB 460 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, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Hobson, Johnson, Jolley, Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Monson, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Riley, Shurden, Wilcoxson,

Wilson and Wyrick.--41.

Excused: Capps, Coffee, Harrison, Kerr, Pruitt, Taylor and Williamson.--7.

The bill and emergency passed.

SB 460 was referred for engrossment.

GENERAL ORDER

SB 542 by Adelson and Lawler of the Senate and Lamons of the House was called up for further consideration.

Senator Adelson moved that **SB 542** be advanced, which motion was declared adopted.

THIRD READING

SB 542 was read for the third time at length.

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

Aye: Adelson, Bass, Cain, Corn, Crutchfield, Easley, Eason McIntyre, Fisher, Garrison, Gumm, Hobson, Laster, Lawler, Leftwich, Lerblance, Monson, Morgan, Paddack, Rabon, Shurden, Wilson and Wyrick.--22.

Nay: Aldridge, Anderson, Barrington, Branan, Brogdon, Coates, Coffee, Crain, Ford, Johnson, Jolley, Justice, Lamb, Laughlin, Mazzei, Myers, Nichols, Pruitt, Reynolds, Riley and Wilcoxson.--21.

Excused: Capps, Harrison, Kerr, Taylor and Williamson.--5.

The bill failed.

Pursuant to Rule 12-23, Senator Adelson served notice that the vote be reconsidered whereby **SB 542** failed.

GENERAL ORDER

SB 930 by Morgan of the Senate and Nations of the House was called up for consideration.

Senator Morgan moved that **SB 930** be advanced, which motion was declared adopted.

THIRD READING

SB 930 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, Hobson, Johnson, Jolley, Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Monson, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Wilcoxson, Wilson and Wyrick.--43.

Excused: Capps, Harrison, Kerr, Taylor and Williamson.--5.

The bill and emergency passed.

SB 930 was referred for engrossment.

GENERAL ORDER

SB 929 by Corn of the Senate and Wilt of the House was called up for consideration.

Senators Leftwich and Lawler asked to coauthor **SB 929**, which was the order.

Senator Corn moved to amend **SB 929**, 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 **SB 929** be advanced, which motion was declared adopted.

THIRD READING

SB 929 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, Cain, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Hobson, Justice, Laster, Lawler, Leftwich, Lerblance, Monson, Morgan, Myers, Paddack, Rabon, Shurden, Wilson and Wyrick.--30.

Nay: Anderson, Branan, Brogdon, Johnson, Jolley, Lamb, Laughlin, Mazzei, Nichols, Pruitt, Reynolds, Riley and Wilcoxson.--13.

Excused: Capps, Harrison, Kerr, Taylor and Williamson.--5.

The bill passed.

Senators Branan, Jolley and Wilcoxson desired to vote Aye on the emergency.

On the question of passage of the emergency, the vote resulted as follows: Aye: 33; Nay: 10; Excused: 5.

The emergency passed.

SB 929 was referred for engrossment.

GENERAL ORDER

SB 932 by Nichols of the Senate and Balkman of the House was called up for consideration.

Senator Nichols moved that **SB 932** be advanced, which motion was declared adopted.

THIRD READING

SB 932 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, Cain, Coates, Coffee, Corn, Crain, Eason McIntyre, Fisher, Ford, Gumm, Hobson, Johnson, Jolley, Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Monson, Morgan, Myers, Nichols, Paddack, Reynolds, Riley, Shurden, Wilcoxson, Wilson and Wyrick.--36.

Nay: Branan, Brogdon, Crutchfield, Easley, Garrison and Pruitt.--6.

Excused: Capps, Harrison, Kerr, Rabon, Taylor and Williamson.--6.

The bill and emergency passed.

SB 932 was referred for engrossment.

GENERAL ORDER

SB 642 by Adelson of the Senate and Balkman of the House was called up for consideration.

Senator Adelson moved that **SB 642** be advanced, which motion was declared adopted.

THIRD READING

SB 642 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, Hobson, Johnson, Jolley, Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Monson, Morgan, Myers, Nichols, Paddack, Pruitt, Reynolds, Riley, Shurden, Wilcoxson, Wilson and Wyrick.--42.

Excused: Capps, Harrison, Kerr, Rabon, Taylor and Williamson.--6.

The bill passed.

SB 642 was referred for engrossment.

Senator Fisher moved that when the clerk's desk is clear, the Senate stand adjourned to convene Wednesday, March 16, 2005, at 9:30 a.m., which motion prevailed.

COMMITTEE REPORTS

The following were reported by the committees named, ordered printed and placed on the Calendar:

DO PASS:

HB 1207 – Sunset Review

HB 1208 – Sunset Review

HB 1209 – Sunset Review

HB 1210 – Sunset Review

HB 1211 – Sunset Review

HB 1212 – Sunset Review

DO PASS, As Amended:

HB 1253 – Sunset Review

SECOND READING

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

- HB 1004** – Business and Labor
- HB 1077** – Direct To Calendar
- HB 1078** – Direct To Calendar
- HB 1079** – Direct To Calendar
- HB 1080** – Direct To Calendar
- HB 1081** – Direct To Calendar
- HB 1082** – Direct To Calendar
- HB 1083** – Direct To Calendar
- HB 1084** – Direct To Calendar
- HB 1085** – Direct To Calendar
- HB 1086** – Direct To Calendar
- HB 1087** – Direct To Calendar
- HB 1088** – Direct To Calendar
- HB 1089** – Direct To Calendar
- HB 1090** – Direct To Calendar
- HB 1091** – Direct To Calendar
- HB 1092** – Direct To Calendar
- HB 1093** – Direct To Calendar
- HB 1094** – Direct To Calendar
- HB 1095** – Direct To Calendar
- HB 1096** – Direct To Calendar
- HB 1178** – Direct To Calendar
- HB 1179** – Direct To Calendar
- HB 1181** – Direct To Calendar
- HB 1185** – Direct To Calendar
- HB 1188** – Direct To Calendar
- HB 1267** – Appropriations
- HB 1288** – Appropriations
- HB 1321** – Finance
- HB 1325** – Appropriations
- HB 1380** – Appropriations
- HB 1468** – Appropriations
- HB 1482** – Appropriations
- HB 1500** – Appropriations
- HB 1508** – Appropriations
- HB 1510** – Business and Labor
- HB 1516** – Judiciary
- HB 1518** – Judiciary
- HB 1540** – Judiciary
- HB 1623** – Judiciary

HB 1720 – Public Safety and Homeland Security

HB 1803 – Finance

HB 1804 – Appropriations

HB 1878 – Appropriations

HB 2047 – Judiciary

FIRST READING

The following were introduced and read the first time:

SCR 11 – By Jolley of the Senate and Dorman of the House.

A Concurrent Resolution supporting the National Anthem Project; commending the National Association for Music Education and the First Lady of the United States; calling upon all Oklahomans to respect the lyrics of the National Anthem; and directing distribution.

SCR 12 – By Williamson and Mazzei of the Senate and Sullivan of the House.

A Concurrent Resolution praising the courage of Medal of Honor recipient Colonel Robert J. Modrzejewski, USMC (Ret.); designating Saturday, March 26, 2005, “Colonel Robert J. Modrzejewski Day” in the State of Oklahoma; and directing distribution.

Pursuant to the Fisher motion, the Senate adjourned at 5:45 p.m. to meet Wednesday, March 16, 2005, at 9:30 a.m.

JOURNAL CORRECTION

Page 790, Line 5, by deleting “**615**” and inserting in lieu thereof “**651**”