

Senate Journal

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

Nineteenth Legislative Day, Thursday, March 9, 2006

The Senate was called to order by Senator Gumm.

Roll Call:

Present: Adelson, Aldridge, Anderson, Barrington, Bass, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddock, Rabon, Reynolds, Riley, Shurden, Wilcoxson, Williamson, Wilson and Wyrick.—45.

Excused: Pruitt and Taylor.—2.

Vacancy: District 38.—1.

Senator Gumm declared a quorum present.

The prayer was offered by Reverend John McClemore, Central Christian Church, Enid, the guest of Senator Anderson.

REPORT OF ENGROSSED AND ENROLLED MEASURES

SBs 756, 1026, 1030, 1031, 1074, 1076, 1097, 1292, 1297, 1301, 1333, 1350, 1357, 1394, 1412, 1420, 1422, 1457, 1459, 1461, 1467, 1472, 1481, 1500, 1505, 1508, 1557, 1570, 1581, 1586, 1592, 1597, 1627, 1632, 1636, 1663, 1678, 1708, 1735, 1755, 1765, 1780, 1783, 1803, 1825, 1826, 1827, 1860, 1870, 1871, 1887, 1897, 1926, 1944 and 1964 were each correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

SR 70 was correctly enrolled, properly signed and ordered transmitted to the Secretary of State.

INTRODUCTION

Senator Laster introduced his son, Luke, to the Senate.

GENERAL ORDER

SB 1405 by Morgan and Wilson of the Senate and Hiett and Liotta of the House was called up for consideration.

Senator Wilson moved that **SB 1405** be advanced, which motion was declared adopted.

THIRD READING

SB 1405 was read for the third time at length.

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

Aye: Adelson, Aldridge, Anderson, Barrington, Bass, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Reynolds, Riley, Shurden, Wilcoxson, Williamson, Wilson and Wyrick.--43.

Excused: Hobson, Pruitt, Rabon and Taylor.--4.

Vacancy: District 38.--1.

The bill passed.

SB 1405 was referred for engrossment.

UNANIMOUS CONSENT REQUEST DIRECT TO CALENDAR

Senator Garrison asked unanimous consent to suspend Rule 5-4 and refer **SCR 42** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SCR 42 by Garrison et al of the Senate and Shoemake et al of the House was called up for consideration.

SCR 42 was adopted upon motion of Senator Garrison and referred for engrossment.

GENERAL ORDER

SB 1491 by Anderson of the Senate and Case of the House was called up for consideration.

Senator Anderson moved that **SB 1491** be advanced, which motion was declared adopted.

THIRD READING

SB 1491 was read for the third time at length.

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

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

Excused: Morgan, Pruitt and Taylor.--3.

Vacancy: District 38.--1.

The bill passed.

SB 1491 was referred for engrossment.

GENERAL ORDER

SB 1795 by Paddack et al of the Senate and Miller (Doug) of the House was called up for consideration.

Senator Paddack moved to amend **SB 1795**, Page 1, Lines 15 and 16, by deleting all language after the word "provide" on Line 15 and before the word "certification" on Line 16; Page 1, Line 18, by inserting after the word "months" and before the period the language "or during the school year"; and Page 1, Line 24, by deleting after the word "previous" the language "six (6)" and inserting in lieu thereof the language "twelve (12)", which amendment was declared adopted.

Senator Paddack moved to amend **SB 1795**, Page 1, by restoring the title, which amendment was declared adopted.

Senator Paddack asked that **SB 1795** be laid over temporarily, which was the order.

SB 1795 remains on General Order.

GENERAL ORDER

SB 1789 by Coates of the Senate and Morgan (Danny) of the House was called up for consideration.

Senator Coates moved that **SB 1789** be advanced, which motion was declared adopted.

THIRD READING

SB 1789 was read for the third time at length.

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

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

Excused: Anderson, Coffee, Morgan, Pruitt and Taylor.--5.

Vacancy: District 38.--1.

The bill passed.

SB 1789 was referred for engrossment.

GENERAL ORDER

SB 1683 by Lerblance of the Senate and Adkins of the House was called up for consideration.

Senator Lerblance moved that **SB 1683** be advanced, which motion was declared adopted.

THIRD READING

SB 1683 was read for the third time at length.

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

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

Excused: Anderson, Coffee, Morgan, Pruitt and Taylor.--5.

Vacancy: District 38.--1.

The bill passed.

SB 1683 was referred for engrossment.

GENERAL ORDER

SB 1521 by Leftwich of the Senate and Nance of the House was called up for consideration.

Senator Leftwich moved to amend **SB 1521**, 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 Leftwich moved that **SB 1521** be advanced, which motion was declared adopted.

THIRD READING

SB 1521 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, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Myers, Nichols, Paddack, Rabon, Reynolds, Riley, Shurden, Wilcoxson, Williamson, Wilson and Wyrick.--43.

Excused: Anderson, Morgan, Pruitt and Taylor.--4.

Vacancy: District 38.--1.

The bill and emergency passed.

SB 1521 was referred for engrossment.

GENERAL ORDER

SB 1741 by Barrington of the Senate and McCarter of the House was called up for consideration.

Senator Barrington moved that **SB 1741** be advanced, which motion was declared adopted.

THIRD READING

SB 1741 was read for the third time at length.

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

Aye: Adelson, Aldridge, Barrington, Bass, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson (C), Johnson (M), Jolley, Justice, Laster, Lawler, Leftwich, Lerblance, Mazzei, Myers, Nichols, Paddack, Reynolds, Riley, Shurden, Wilcoxson, Wilson and Wyrick.--39.

Nay: Lamb, Laughlin, Rabon and Williamson.--4.

Excused: Anderson, Morgan, Pruitt and Taylor.--4.

Vacancy: District 38.--1.

The bill passed.

SB 1741 was referred for engrossment.

GENERAL ORDER

SB 1032 by Corn of the Senate and Roggow of the House was called up for consideration.

Senator Corn moved that **SB 1032** be advanced, which motion was declared adopted.

THIRD READING

SB 1032 was read for the third time at length.

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

Aye: Adelson, Cain, Capps, Corn, Crutchfield, Easley, Eason McIntyre, Fisher, Gumm, Harrison, Hobson, Johnson (C), Laster, Lawler, Leftwich, Paddack, Rabon, Wilson and Wyrick.--19.

Nay: Aldridge, Barrington, Bass, Branan, Brogdon, Coates, Coffee, Crain, Ford, Garrison, Johnson (M), Jolley, Justice, Lamb, Laughlin, Lerblance, Mazzei, Nichols, Reynolds, Riley, Shurden, Wilcoxson and Williamson.--23.

Excused: Anderson, Morgan, Myers, Pruitt and Taylor.--5.

Vacancy: District 38.--1.

The bill failed.

Pursuant to Rule 12-23, Senator Corn served notice that the vote be reconsidered whereby **SB 1032** failed.

GENERAL ORDER

SB 1795 by Paddack et al of the Senate and Miller (Doug) of the House was called up for further consideration.

Senator Paddack moved that **SB 1795** be advanced, which motion was declared adopted.

THIRD READING

SB 1795 was read for the third time at length.

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

Aye: Adelson, Aldridge, Barrington, Bass, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Nichols, Paddack, Rabon, Reynolds, Riley, Shurden,

Wilcoxson, Williamson, Wilson and Wyrick.--42.

Excused: Anderson, Morgan, Myers, Pruitt and Taylor.--5.

Vacancy: District 38.--1.

The bill passed.

SB 1795 was referred for engrossment.

GENERAL ORDER

SB 1552 by Leftwich of the Senate and Armes of the House was called up for consideration.

Senator Leftwich moved that **SB 1552** be advanced, which motion was declared adopted.

THIRD READING

SB 1552 was read for the third time at length.

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

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

Excused: Anderson, Morgan, Myers, Pruitt and Taylor.--5.

Vacancy: District 38.--1.

The bill passed.

SB 1552 was referred for engrossment.

GENERAL ORDER

SB 1793 by Justice et al of the Senate and Richardson of the House was called up for consideration.

Senator Johnson (Constance) asked to coauthor **SB 1793**, which was the order.

Senator Justice moved that **SB 1793** be advanced, which motion was declared adopted.

THIRD READING

SB 1793 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, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Nichols, Paddack, Rabon, Reynolds, Riley, Shurden, Wilcoxson, Williamson, Wilson and Wyrick.--42.

Excused: Anderson, Morgan, Myers, Pruitt and Taylor.--5.

Vacancy: District 38.--1.

The bill and emergency passed.

SB 1793 was referred for engrossment.

GENERAL ORDER

SB 1493 by Paddack of the Senate and Dank of the House was called up for consideration.

Senator Paddack moved that **SB 1493** be advanced, which motion was declared adopted.

THIRD READING

SB 1493 was read for the third time at length.

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

Aye: Adelson, Aldridge, Anderson, Barrington, Bass, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson (C), Johnson (M), Jolley, Justice, Laster, Lawler, Leftwich, Lerblance, Mazzei, Morgan, Nichols, Paddack, Rabon, Reynolds, Riley, Shurden,

Wilson and Wyrick.--40.

Nay: Lamb, Laughlin, Wilcoxson and Williamson.--4.

Excused: Myers, Pruitt and Taylor.--3.

Vacancy: District 38.--1.

The bill passed.

SB 1493 was referred for engrossment.

GENERAL ORDER

SB 1071 by Crain of the Senate and Peters of the House was called up for consideration.

Senator Crain moved to amend **SB 1071**, Page 1, Lines 14 and 15, by deleting subsection A and by relettering subsequent subsections, which amendment was declared adopted.

Senator Crain moved that **SB 1071** be advanced, which motion was declared adopted.

THIRD READING

SB 1071 was read for the third time at length.

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

Aye: Adelson, Aldridge, Anderson, Barrington, Bass, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Nichols, Paddack, Rabon, Reynolds, Riley, Shurden, Wilcoxson, Williamson and Wyrick.--42.

Excused: Morgan, Myers, Pruitt, Taylor and Wilson.--5.

Vacancy: District 38.--1.

The bill passed.

SB 1071 was referred for engrossment.

GENERAL ORDER

SB 1900 by Corn of the Senate and Askins of the House was called up for consideration.

Senator Corn moved that **SB 1900** be advanced, which motion was declared adopted.

THIRD READING

SB 1900 was read for the third time at length.

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

Aye: Adelson, Aldridge, Anderson, Barrington, Bass, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Nichols, Paddack, Rabon, Reynolds, Riley, Shurden, Wilcoxson, Williamson, Wilson and Wyrick.--43.

Excused: Morgan, Myers, Pruitt and Taylor.--4.

Vacancy: District 38.--1.

The bill and emergency passed.

SB 1900 was referred for engrossment.

GENERAL ORDER

SB 1779 by Rabon of the Senate and Blackwell of the House was called up for consideration.

Senator Rabon moved that **SB 1779** be advanced, which motion was declared adopted.

THIRD READING

SB 1779 was read for the third time at length.

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

Aye: Adelson, Aldridge, Anderson, Barrington, Bass, Branan, Brogdon, Cain, Capps, Coates, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin,

Lawler, Leftwich, Lerblance, Mazzei, Nichols, Paddack, Rabon, Reynolds, Riley, Shurden, Wilcoxson, Williamson, Wilson and Wyrick.--42.

Excused: Coffee, Morgan, Myers, Pruitt and Taylor.--5.

Vacancy: District 38.--1.

The bill passed.

SB 1779 was referred for engrossment.

GENERAL ORDER

SB 1613 by Lamb of the Senate and Liebmann of the House was called up for consideration.

Senator Rabon moved to amend **SB 1613**, Page 1, Line 16 ½ , 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 98.12 of Title 25, unless there is created a duplication in numbering, reads as follows:

The dinosaur *Acrocanthosaurus atokensis* is hereby designated and adopted as the State Dinosaur of Oklahoma.”, and by renumbering subsequent section and amending the title to conform, which amendment was declared adopted.

Senator Lamb moved that **SB 1613** be advanced, which motion was declared adopted.

THIRD READING

SB 1613 was read for the third time at length.

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

Aye: Adelson, Aldridge, Anderson, Barrington, Bass, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Morgan, Nichols, Rabon, Reynolds, Riley, Shurden, Wilcoxson, Williamson, Wilson and Wyrick.--43.

Excused: Myers, Paddack, Pruitt and Taylor.--4.

Vacancy: District 38.--1.

The bill and emergency passed.

SB 1613 was referred for engrossment.

GENERAL ORDER

SB 1785 by Wyrick of the Senate and Rousselot of the House was called up for consideration.

Senator Wilson moved to amend **SB 1785**, Page 8, Line 17 ½, by inserting new Sections 3 and 4 to read as follows:

“SECTION 3. AMENDATORY 82 O.S. 2001, Section 1461, as amended by Section 1, Chapter 192, O.S.L. 2003 (82 O.S. Supp. 2005, Section 1461), is amended to read as follows:

Section 1461.

A. 1. A Scenic Rivers Commission may be created pursuant to the Scenic Rivers Act for each designated scenic river area or combination of areas for which operating areas for planning and management have been delineated. Each Scenic Rivers Commission shall be organized in cooperation with local governments in accordance with procedures provided for in the Scenic Rivers Act.

2. Each Commission shall be an agency of the state and shall be named to reflect the area or areas subject to its jurisdiction.

3. State funds for each Commission shall be provided for by a separate line-item appropriation through the state agency specifically named or by direct appropriation. If funded through the named state agency, said state agency shall disburse the funds to the appropriate Scenic Rivers Commission in the amount and pursuant to the conditions prescribed by the Legislature.

~~B. 1. There is hereby re-created, to continue until July 1, 2009, in accordance with the provisions of the Oklahoma Sunset Law, a Scenic Rivers Commission for the Illinois River and Flint Creek Scenic River Areas within Adair, Cherokee and Delaware Counties and those portions of Barren Fork Creek within Cherokee County.~~

~~2. The operating area for the Scenic Rivers Commission for the Illinois River and Flint Creek will be limited to areas within Adair, Cherokee and Delaware Counties, and to areas within Cherokee County for Barren Fork Creek.~~

C. Each Commission shall consist of not less than seven (7) ~~nor more than fifteen (15)~~ members. The term of office for each member shall be four (4) years. Each Commission shall be composed of the following members:

1. a. The Governor shall appoint three members, one of whom shall be a representative of the Oklahoma Conservation Commission or the Oklahoma Tourism and Recreation Commission.
- b. The President Pro Tempore of the Senate shall appoint two members who shall each be a member of a statewide citizens' conservation or environmental group.
- c. The Speaker of the House of Representatives shall appoint two members who shall each be a resident of one of the counties

containing the scenic river area, and one of whom shall be a representative of the agriculture industry; and

2. a. ~~The Two~~ additional members of the Scenic Rivers Commission created pursuant to this subsection and as authorized by subsection A of this section shall be elected in a nonpartisan election to represent the following:

(1) ~~the registered voters who reside, own real property, or own permanent residential structures within six hundred sixty (660) feet of the Illinois River or Flint Creek within in Delaware County, shall elect one member~~ two members to represent them;

(2) ~~the registered voters who reside, own real property, or own permanent residential structures within six hundred sixty (660) feet of the Illinois River in Adair County, Oklahoma, shall elect one member~~ two members to represent them, ~~and~~

(3) ~~the registered voters who reside, own real property, or own permanent residential structures within six hundred sixty (660) feet of the Illinois River above its confluence with the Barren Fork Creek or those portions of the Barren Fork Creek in Cherokee County shall elect one member~~ two members to represent them;

(4) ~~the registered voters who reside, own real property, or own permanent residential structures within six hundred sixty (660) feet of:~~

(a) ~~the Illinois River, above its confluence with the Barren Fork Creek located in Adair, Cherokee and Delaware Counties, or~~

(b) ~~Flint Creek located within Delaware County or Barren Fork Creek within Cherokee County;~~

~~shall elect two at large members to represent them, and~~

(5) ~~no person shall be eligible to vote in more than one of the jurisdictional areas outlined in divisions (1), (2) and (3) of subparagraph a of this paragraph.~~

- b. ~~All members elected under divisions (1), (2) and (3) of subparagraph a of this paragraph shall reside or own property within the county they represent. All at large members elected under division (4) of subparagraph a of this paragraph shall reside or own property within Adair, Cherokee or Delaware Counties.~~

~~D. The Scenic Rivers Commission shall promulgate rules governing the procedure and conduct of elections for Commission members. Such rules shall be consistent with the purposes of general election laws except where otherwise provided for by this act. citizens in each county containing any portion of a scenic river area.. Candidates for such office must be a resident of the county for at least six months prior to the date of the election and candidates shall file for election at the same time and in the same manner as county officers.~~

~~E C.~~ 1. Vacancies on each Commission shall be filled, as applicable, by the appointing authority or by election, pursuant to the provisions of this section. Members shall serve until their respective successors shall be appointed and qualify, or be elected, unless terminated by death or resignation.

2. Each Scenic Rivers Commission shall promulgate rules consistent with the requirements of this section for replacing members who fail to attend meetings or otherwise become unable to function due to disability, death, or resignation. The replacement shall serve for the remainder of the unexpired term of the member being replaced.

~~F D.~~ 1. Each Commission shall be organized in cooperation with local governments in accordance with procedures provided for in the Scenic Rivers Act.

2. An interim commission consisting of the members appointed by the Governor, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives shall provide for the election of two additional members as provided for in paragraph 2 of subsection C of this section to represent each county which contains any portion of a scenic river area as required by this section.

~~G E.~~ 1. Each Scenic Rivers Commission shall be invested with the power to:

- a. prepare and establish minimum standards for planning and other ordinances and rules for the implementation of the Scenic Rivers Act by counties, municipalities, or any other local authorities in the Commissions' operating area, and
- b. promulgate such rules and issue such orders as necessary to protect the public interest and to achieve the purposes of the Scenic Rivers Act.

2. The standards shall be developed and executed in such manner as to protect and enhance the values which caused the area to be named a scenic river area without, insofar as is consistent with said protection and enhancement, limiting other uses that do not substantially interfere with the protection, public use, and enjoyment of these values.

3. Primary emphasis in the standards shall be given to protecting the aesthetic, scenic, historic, archeologic, and scientific features of the scenic river area with due consideration being given to the orderly development of the lands adjacent and contiguous to the scenic river area.

4. Standards set pursuant to the provisions of the Scenic Rivers Act shall not be less rigid or exacting than those established by any other federal or state agency having jurisdiction in respect to the subject covered by the particular standard.

~~H F.~~ Each Scenic Rivers Commission may engage in or supervise the conduct of studies, make a plan or plans, receive, disburse, and allocate monies granted or appropriated to it, and do all things, whether expressly enumerated in the Scenic Rivers Act or not, which may be lawful and necessary and proper for the accomplishment of the purposes of the Scenic Rivers Act. Nothing in this section shall be interpreted as giving any Commission the power of eminent domain.

I. Each Scenic Rivers Commission, in addition, shall have the following powers and responsibilities:

1. Appoint and fix the salary of an administrator experienced in land resource planning and management who shall serve at the pleasure of the Commission and in accordance with its policies, budgets, powers, and responsibilities. Such administrator may be commissioned as a peace officer. The administrator may select, appoint, and employ

individuals to fill personnel positions authorized, budgeted, and deemed necessary by the Commission to implement the purposes of the Scenic Rivers Act;

2. Act in cooperation with all federal, state, and local governments and agencies thereof to implement the purposes of the Scenic Rivers Act;

3. Elect from the Commission membership a chair and such other officers as the Commission deems necessary to conduct the affairs of the Commission. The officers shall be permitted to succeed themselves once for a total of two (2) consecutive years of service in any office. The Commission shall hold meetings not less than once each quarter, at such times as may be fixed by call of its chair or as determined by majority vote in advance of the meeting. It is the responsibility of the Commissioners to encourage general public participation in the formation and adoption of plans, standards, procedures, and regulations. The meetings of the Commission shall be open to the public. Minutes of each meeting shall be kept and filed in the office of the Commission and shall be available for public inspection during reasonable office hours;

4. Promulgate rules and issue orders necessary to the exercise of the powers of the Commission and to achieve the purposes of the Scenic Rivers Act;

5. Prepare and adopt a management plan or plans to guide and control private activities and public programs and to include varying degrees of protection and development based on the special attributes of the area;

6. Provide, where appropriate in the discretion of the Commission, for the review and consideration by the Commission of the impact on the natural and aesthetic environment within the Commission's operating area related to any existing or proposed action by public agencies, private individuals or any other activity;

7. Accept, in the name of and through the Commission, real and personal property that is granted, bequeathed, devised, or conveyed to the Commission to implement the purposes of the Scenic Rivers Act, upon such trusts and conditions as may be prescribed by the grantors or divisors, upon approval of the Commission;

8. Enter into contracts on behalf of the Commission to implement the purposes of the Scenic Rivers Act and may accept gifts and grants, whether the grants be of federal or other funds or real or personal property;

9. Identify public and private nuisances which are adverse to the purposes of the Scenic Rivers Act and take such action as permitted by law to remove the public nuisances;

10. Own and control public access points to the scenic river area, issue use permits, and purchase easements and fee title to land within the Commission's operating area. Legal title to property shall be held in the name of the individual Scenic Rivers Commission as an agency of the State of Oklahoma;

11. Review any action taken by any local, municipal, or county authority within the operating area of the Commission in an administrative adjudicatory proceeding brought upon the petition of any officer or agency of this state, including the administrator, or of any person acting in behalf of the public interest, to determine whether such action conforms to the standards promulgated by the Commission or has an adverse effect upon the proper achievement of the purposes of the Scenic Rivers Act. Upon a finding that such action does not so conform or does have such adverse effect, order that the action be nullified, superseded, or amended to the extent necessary to produce such conformity or eliminate such adverse effect, the Commission may issue such orders as may be necessary and proper to effectuate its primary order;

12. Hire an attorney or request legal assistance from the district attorney or the State Attorney General when appropriate and if there is no conflict in the legal interest of the parties;

13. Bring an action in the district court of any county of the state where service can be obtained on one or more of the defendants, to enjoin the acts or practices which appear to constitute a violation of any provision of the Scenic Rivers Act or any rule or order promulgated and to enforce compliance with the provisions of the Scenic Rivers Act or any rule or order. Upon a proper showing, a restraining order, permanent or temporary injunction, writ of mandamus, or other appropriate remedies including damages shall be granted. The court may not require the administrator or Commission to post a bond; and

14. Suspend the effectiveness of any action taken by a municipality or county within the designated operating area of such Commission when, in the exercise of alleged local functions, it appears the action has or may have an adverse effect upon the proper achievement of the purposes of the Scenic Rivers Act, whereupon all proceedings thereunder shall be held in abeyance upon receipt of written notice from the administrator pending a final determination of the Commission in regard to such action. If it is determined that such adverse effects exist, the Commission may nullify, supersede, or amend said action only to the extent necessary to achieve the purposes of the Scenic Rivers Act.

¶ G. A Commission member to whom some private benefit, direct or indirect, financial or otherwise, may come as the result of some public action should not be a participant in that action. The possibility, not the actuality, of a conflict of interest should govern. A Commission member experiencing a conflict of interest should declare his or her interest publicly, abstain from voting on the matter should he or she have a vote, and refrain from deliberation on the matter. In addition, the Commission member should not discuss the matter with any fellow member for the purpose of influencing a decision thereon.

¶ H. The rules and orders of the Commission shall be promulgated in compliance with all applicable provisions of the Administrative Procedures Act.

¶ I. 1. The administrator may appoint commissioned peace officers certified by the Council on Law Enforcement Education and Training to secure such scenic river area, including all roadways and adjacent areas to the Illinois River and Flint Creek within Adair, Cherokee and Delaware Counties, and those portions of the Barren Fork Creek within Cherokee County. All persons appointed by the administrator as peace officers shall be and have the full powers and authority of peace officers of the State of Oklahoma in securing such scenic river area, including all roadways and adjacent areas to the Illinois River and Flint Creek within Adair, Delaware and Cherokee Counties, and those portions of the Barren Fork Creek within Cherokee County. All peace officers appointed by the administrator shall be in the unclassified service.

2. Peace officers who become employed under this subsection or who are transferred to the Scenic Rivers Commission pursuant to this act who have service credit in the Oklahoma Law Enforcement Retirement System may, within thirty (30) days after becoming employed or transferred, elect to continue membership in the Oklahoma Law Enforcement Retirement System; otherwise they may be eligible to enroll only in the Oklahoma Public Employees Retirement System.

3. Any peace officer who has completed twenty (20) years of service or retires from the Scenic Rivers Commission may maintain possession of his or her badge and assigned firearm.

4. The administrator is authorized to employ seasonal personnel, including commissioned peace officers certified by the Council on Law Enforcement Education and Training throughout the calendar year to secure such scenic river area, including all roadways and adjacent areas to the Illinois River and Flint Creek within Adair, Cherokee and Delaware Counties, and those portions of the Barren Fork Creek within Cherokee County. Project labor employed by the Scenic Rivers Commission for a period of time necessary to complete a project shall be in the unclassified service of the state as provided by the Oklahoma Personnel Act. Such employees shall not be entitled to paid leave, paid holidays, retirement, health, dental or life insurance, and shall be exempt from any laws, rules or practices providing such benefits. The administrator shall submit in its annual budget reporting a summary of the use of project labor that shall include the number of workers employed under the provisions of this section and the total wages paid to these employees.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1461.1 of Title 82, unless there is created a duplication in numbering, reads as follows:

A. 1. There is hereby re-created, to continue until July 1, 2009, in accordance with the provisions of the Oklahoma Sunset Law, a Scenic Rivers Commission for the Illinois River and Flint Creek Scenic River Areas within Adair, Cherokee and Delaware Counties and those portions of Barren Fork Creek within Cherokee County.

2. The operating area for the Scenic Rivers Commission for the Illinois River and Flint Creek will be limited to areas within Adair, Cherokee and Delaware Counties, and to areas within Cherokee County for Barren Fork Creek.

B. This Scenic Rivers Commission shall be composed of thirteen (13) members, seven members appointed and six members elected pursuant to the provisions of Section 1461 of Title 82 of the Oklahoma Statutes.

C. Members of this Scenic Rivers Commission serving on the effective date of this act may serve the remainder of their terms as follows:

1. Members representing Adair, Cherokee and Delaware counties whose term of office expire December 7, 2007, shall serve until the General Election in November 2006; and

2. At-large members whose term of office expire December 1, 2009, may serve until the General Election in November 2008, at which time the voters of Adair, Cherokee and Delaware counties shall elect one member per county to serve a four year term of office;

D. Members serving on the effective date of this act shall be eligible to run for re-election if they are otherwise qualified pursuant to the provisions of Section 1461 of Title 82 of the Oklahoma Statutes.

E. The State Election Board shall develop procedures for Adair, Cherokee and Delaware counties to comply with the requirements of this act and may be authorized to grant exceptions to election requirements as necessary to allow candidates to file for the General Election in November 2006 pursuant to subsection C of this section.”, and by renumbering subsequent sections, which amendment was declared adopted.

Senator Wyrick moved that **SB 1785** be advanced, which motion was declared adopted.

THIRD READING

SB 1785 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, Bass, Cain, Capps, Coates, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Gumm, Harrison, Hobson, Johnson (C), Johnson (M), Laster, Lawler, Leftwich, Lerblance, Morgan, Paddack, Rabon, Shurden, Wilson and Wyrick.--28.

Nay: Aldridge, Barrington, Branan, Brogdon, Coffee, Garrison, Jolley, Justice, Lamb, Laughlin, Mazzei, Nichols, Reynolds, Riley, Wilcoxson and Williamson.--16.

Excused: Myers, Pruitt and Taylor.--3.

Vacancy: District 38.--1.

The bill passed and the emergency failed.

SB 1785 was referred for engrossment.

GENERAL ORDER

SB 1614 by Lawler of the Senate and McMullen of the House was called up for consideration.

Senator Lawler moved that **SB 1614** be advanced, which motion was declared adopted.

THIRD READING

SB 1614 was read for the third time at length.

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

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

Excused: Myers, Pruitt and Taylor.--3.

Vacancy: District 38.--1.

The bill passed.

SB 1614 was referred for engrossment.

GENERAL ORDER

SB 1698 by Lawler and Johnson (Constance) of the Senate and Terrill of the House was called up for consideration.

Senator Lawler asked that **SB 1698** be laid over temporarily, which was the order.

SB 1698 remains on General Order.

Senator Fisher presiding.

GENERAL ORDER

SB 1879 by Adelson and Rabon of the Senate and Morgan (Danny) of the House was called up for consideration.

Senator Adelson moved to amend **SB 1879**, Page 1, by striking the title, which amendment was declared adopted.

Senator Adelson moved to amend **SB 1879**, Page 1, Line 22 through Page 2, Line 2, by striking all language after the letter "A." on Page 1, Line 22 through the period on Page 2, Line 2; Page 4, Lines 8, 9, 17 and 19, by deleting the word "policyholder" and inserting in lieu thereof the word ""carrier"; and Page 4, Line 20, by deleting the word "policyholder's" and inserting in lieu thereof the word "carrier's", which amendment was declared adopted.

Senator Adelson moved that **SB 1879** be advanced, which motion was declared adopted.

THIRD READING

SB 1879 was read for the third time at length.

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

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

Excused: Myers, Pruitt and Taylor.--3.

Vacancy: District 38.--1.

The bill and emergency passed.

Pursuant to Rule 12-23, Senator Adelson served notice that the vote be reconsidered whereby **SB 1879** passed.

GENERAL ORDER

SB 1324 by Crain of the Senate and Peters of the House was called up for consideration.

Senator Crain moved that **SB 1324** be advanced, which motion was declared adopted.

THIRD READING

SB 1324 was read for the third time at length.

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

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

Excused: Myers, Pruitt and Taylor.--3.

Vacancy: District 38.--1.

The bill and emergency passed.

SB 1324 was referred for engrossment.

MESSAGE FROM THE HOUSE

Advising passage of and transmitting for consideration Engrossed **HBs 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2381, 2487, 2559, 2560, 2585, 2588, 2605, 2617, 2618, 2661, 2907 and 3015** and **HCR 1048**.

HB 2226 – By Bengé and Newport of the House and Crutchfield and Rabon of the Senate.

(State Department of Health – appropriation - effective date – emergency)

HB 2227 – By Bengé and Newport of the House and Crutchfield and Rabon of the Senate.

(State Department of Health – appropriation - effective date - emergency)

HB 2228 – By Bengé and Newport of the House and Crutchfield and Rabon of the Senate.

(Department of Mental Health and Substance Abuse Services – appropriation - effective date – emergency)

HB 2229 – By Bengé and Newport of the House and Crutchfield and Rabon of the Senate.

(Department of Mental Health and Substance Abuse Services – appropriation – effective date – emergency)

HB 2230 – By Bengé, Newport and Wesselhoft of the House and Crutchfield and Rabon of the Senate.

(Oklahoma Department of Veterans Affairs - appropriation - effective date - emergency)

HB 2231 – By Bengé, Newport and Wesselhoft of the House and Crutchfield and Rabon of the Senate.

(Oklahoma Department of Veterans Affairs – appropriation - effective date – emergency)

HB 2232 – By Bengé and Newport of the House and Crutchfield and Rabon of the Senate.

(Oklahoma Health Care Authority - appropriation - effective date – emergency)

HB 2233 – By Bengé and Newport of the House and Crutchfield and Rabon of the Senate.

(Oklahoma Health Care Authority - appropriation - effective date - emergency)

HB 2234 – By Bengé and Newport of the House and Crutchfield and Rabon of the Senate.

(J.D. McCarty Center for Children with Developmental Disabilities – appropriation – effective date – emergency)

HB 2235 – By Bengel and Newport of the House and Crutchfield and Rabon of the Senate.

(J.D. McCarty Center for Children with Developmental Disabilities – appropriation - effective date - emergency)

HB 2236 – By Bengel and Newport of the House and Crutchfield and Rabon of the Senate.

(University Hospitals Authority – appropriation – effective date - emergency)

HB 2237 – By Bengel and Newport of the House and Crutchfield and Rabon of the Senate.

(University Hospitals Authority – appropriation – effective date – emergency)

HB 2381 – By Cargill, Wesselhoft, Wright, Nance, Terrill and Dank of the House and Coates of the Senate.

An Act relating to schools; stating right of student victims to be separated from student offenders at school and during school transportation; requiring the Office of Juvenile Affairs to notify school districts when a student is adjudicated for certain sex offenses; providing for notification of certain requirements; requiring school districts to notify the victims; allowing victims to elect to be separated from the offender; prohibiting an offender from attending school or riding a school bus with a victim or a sibling of a victim upon request of the victim; allowing offender to transfer to another school within the district or another school district; making an offender responsible for certain costs in certain circumstances; providing for codification; providing an effective date; and declaring an emergency.

HB 2487 – By Nance of the House and Barrington of the Senate.

An Act relating to Oklahoma State Bureau of Investigation; amending 74 O.S. 2001, Sections 150.2, as last amended by Section 15, Chapter 461, O.S.L. 2003 and 150.7a (74 O.S. Supp. 2005, Section 150.2), which relate to powers, duties and motor vehicle theft unit; modifying statutory reference; deleting requirement for establishment of certain unit within Bureau; deleting investigator qualifications requirement; modifying scope of vehicle theft investigators; and providing an effective date.

HB 2559 – By Peters and McDaniel of the House and Crain of the Senate.

(cities and towns – amending 11 O.S., Section 44-104 – board of adjustment - effective date – emergency)

HB 2560 – By Peters of the House and Crain of the Senate.

An Act relating to public health and safety; amending 63 O.S. 2001, Section 1-218, which relates to the annual budget for local health services; adding requirement for a sinking fund levy under certain circumstances; requiring filing of certain copy; and providing an effective date.

HB 2585 – By Duncan, DePue, Walker, Dorman, Pruett and Harrison of the House and Wyrick of the Senate.

An Act relating to the Oklahoma Emergency Management Act of 2003; amending 63 O.S. 2001, Section 683.2, as amended by Section 4, Chapter 329, O.S.L. 2003 (63 O.S. Supp. 2005, Section 683.2), which relates to findings and declarations; specifying the incident management standard and incident command system for Oklahoma; amending 63 O.S. 2001, Section 683.14, as amended by Section 13, Chapter 329, O.S.L. 2003 (63 O.S. Supp. 2005, Section 683.14), which relates to exemption from civil liability; protecting owners of facilities used for certain purposes; establishing the Oklahoma Intrastate Mutual Aid Compact; stating purpose; defining terms; providing for intergovernmental coordination and assistance; specifying responsibilities; limiting certain immunities; requiring qualifications for certain license; providing for tort liability and immunity; allowing jurisdictions not to participate; providing for supplementary agreements among certain jurisdictions; specifying acknowledgements of member jurisdictions; providing certain duties of jurisdictional officials; specifying jurisdictional responsibility; providing procedures for report of assistance; allowing chief elected official to make certain decisions regarding assistance; encouraging jurisdictions to provide assistance; providing exception; affording certain powers; providing for command and control; providing for treatment of professional licenses; defining agents for certain purposes; providing certain immunity; providing for supplementary agreements; requiring certain reimbursements; requiring plans for civilian population evacuation between jurisdictions and providing certain requirements; repealing 63 O.S. 2001, Sections 688.1, 688.2, 688.3, 688.4 and 688.5, which relate to the Civil Defense Shelter Incentive Act; providing for codification; and declaring an emergency.

HB 2588 – By Duncan, Dorman, Liotta, McDaniel, Perry, Pruett, Rousselot, Sherrer and Terrill of the House and Myers of the Senate.

An Act relating to motor vehicles; amending Section 14, Chapter 504, O.S.L. 2004, as amended by Section 5, Chapter 416, O.S.L. 2005 (47 O.S. Supp. 2005, Section 1135.5), which relates to special license plates; creating the Operation Enduring Freedom and Operation Iraqi Freedom License Plate; allowing for personalization of license plate; designating use of funds; creating the Boys and Girls Clubs of America Supporter License Plate; allowing for personalization of license plate; authorizing licensing agreement; and providing an effective date.

HB 2605 – By DeWitt of the House and Wyrick of the Senate.

An Act relating to agriculture; amending Section 1, Chapter 544, O.S.L. 2004 (2 O.S. Supp. 2005, Section 4-20), which relates to animal identification; expanding scope of authority of the Oklahoma Department of Agriculture, Food, and Forestry in certain matters; and providing an effective date.

HB 2617 – By Cox, Terrill and Liotta of the House and Jolley of the Senate.

(revenue and taxation – income tax credit – higher learning – codification – effective date)

HB 2618 – By Bengé, Smithson and Brannon of the House and Crutchfield of the Senate.

(revenue and taxation - amending 68 O.S., Section 1004 - apportionment of gross production taxes - effective date – emergency)

HB 2661 – By Roan of the House and Rabon of the Senate.

An Act relating to Oklahoma Correctional Industries; amending 74 O.S. 2001, Section 85.12, as last amended by Section 1, Chapter 156, O.S.L. 2005 (74 O.S. Supp. 2005, Section 85.12), which relates to The Oklahoma Central Purchasing Act; exempting certain acquisitions made by certain agencies; and providing an effective date.

HB 2907 – By Peterson (Ron) and Terrill of the House and Leftwich of the Senate.

An Act relating to nursing homes; creating the Task Force on Nursing Home Insurance Access; providing for membership; providing for appointment of cochairs; providing for travel reimbursement; providing for administrative support; providing for duties; requiring certain report; providing for codification; and declaring an emergency.

HB 3015 – By Armes, Denney, DeWitt, Blackwell, Ellis, Glenn, Billy, Roggow, Hickman, Pruett, Walker, Brannon and Smithson of the House and Lerblance of the Senate.

An Act relating to agriculture; amending 2 O.S. 2001, Section 9-205.3, as renumbered by Section 25, Chapter 292, O.S.L. 2005 (2 O.S. Supp. 2005, Section 20-10), which relates to the Oklahoma Concentrated Animal Feeding Operations Act; updating language; limiting certain liability; and providing an effective date.

HCR 1048 – By Coody, Kern, Tibbs and Dank of the House and Riley of the Senate.

A Concurrent Resolution honoring the Association of Professional Oklahoma Educators; praising their dedication to children and teachers; and directing distribution.

The above-numbered measures were read the first time.

GENERAL ORDER

SB 1624 by Lamb and Leftwich of the Senate and Ingmire of the House was called up for consideration.

Senator Aldridge asked to coauthor **SB 1624**, which was the order.

Senator Lamb moved that **SB 1624** be advanced, which motion was declared adopted.

THIRD READING

SB 1624 was read for the third time at length.

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

Aye: Adelson, Aldridge, Anderson, Barrington, Bass, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Hobson, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Morgan, Nichols, Paddack, Rabon, Reynolds, Riley, Shurden, Wilcoxson, Williamson, Wilson and Wyrick.--43.

Excused: Harrison, Myers, Pruitt and Taylor.--4.

Vacancy: District 38.--1.

The bill and emergency passed.

SB 1624 was referred for engrossment.

GENERAL ORDER

SB 1970 by Corn of the Senate and Sullivan of the House was called up for consideration.

Senator Corn moved that **SB 1970** be advanced, which motion was declared adopted.

THIRD READING

SB 1970 was read for the third time at length.

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

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

Excused: Myers, Pruitt and Taylor.--3.

Vacancy: District 38.--1.

The bill and emergency passed.

SB 1970 was referred for engrossment.

Senator Corn presiding.

GENERAL ORDER

SJR 35 by Gumm of the Senate and Carey of the House was called up for consideration.

Senator Gumm moved to amend **SJR 35**, Page 1, by restoring the title, which amendment was declared adopted.

Senator Gumm moved that **SJR 35** be advanced, which motion was declared adopted.

THIRD READING

SJR 35 was read for the third time at length.

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

Aye: Adelson, Aldridge, Anderson, Barrington, Bass, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Morgan, Nichols, Paddack, Rabon, Reynolds, Riley, Shurden, Williamson, Wilson and Wyrick.--43.

Nay: Wilcoxson.--1.

Excused: Myers, Pruitt and Taylor.--3.

Vacancy: District 38.--1.

The resolution passed.

SJR 35 was referred for engrossment and printed at length as follows:

SJR 35 – By Gumm of the Senate and Carey of the House

A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection a proposed amendment to the Oklahoma Constitution by adding a new section to Article XIII to be designated as Section 9; requiring majority vote of all affected school district electors prior to annexation or consolidation; prohibiting subsequent election for period of one year if such election fails; providing ballot title; and directing filing.

BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE 2ND SESSION OF THE 50TH OKLAHOMA LEGISLATURE:

SECTION 1. The Secretary of State shall refer to the people for their approval or rejection, as and in the manner provided by law, the following proposed amendment to

Article XIII of the Constitution of the State of Oklahoma by adding a new Section 9 to read as follows:

Section 9. Any annexation of an entire school district by another school district or consolidation of a school district with another school district shall be void and unenforceable unless approved by a majority vote of all affected school district electors in each affected school district voting at an election for such purpose. Any annexation or consolidation proposal which does not receive approval may not be reconsidered for at least one year after the election in which it failed.

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

BALLOT TITLE

Legislative Referendum No. _____

State Question No. _____

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

This measure adds a new section of law to the State Constitution. It adds Section 9 to Article 13. The measure relates to annexation and consolidation of school districts. It would require an election to be held for that purpose. It would require approval of a majority of all affected school district electors in each affected school district. If the election fails, it would prohibit elections for the same proposal for a period of one year.

SHALL THIS AMENDMENT BE APPROVED BY THE PEOPLE?

- YES, FOR THE AMENDMENT
- NO, AGAINST THE AMENDMENT

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

GENERAL ORDER

SB 1698 by Lawler and Johnson (Constance) of the Senate and Terrill of the House was called up for further consideration.

Senator Johnson (Constance) moved to amend **SB 1698**, Page 9, Line 10, by inserting after the word "property." the following language "The rules shall also provide that no organization or entity receiving funds under this section shall discriminate in hiring or

provision of services on the account of religion, national origin, age, race, or gender.”, which amendment was declared adopted.

Senator Lawler moved that **SB 1698** be advanced, which motion was declared adopted.

THIRD READING

SB 1698 was read for the third time at length.

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

Aye: Adelson, Capps, Corn, Crutchfield, Easley, Eason McIntyre, Fisher, Garrison, Gumm, Harrison, Hobson, Johnson (C), Lawler, Leftwich, Lerblance, Morgan, Rabon, Shurden, Williamson, Wilson and Wyrick.--21.

Nay: Aldridge, Anderson, Barrington, Bass, Branan, Brogdon, Cain, Coates, Coffee, Crain, Ford, Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Mazzei, Nichols, Paddack, Reynolds, Riley and Wilcoxson.--23.

Excused: Myers, Pruitt and Taylor.--3.

Vacancy: District 38.--1.

The bill failed.

Pursuant to Rule 12-23, Senator Lawler served notice that the vote be reconsidered whereby **SB 1698** failed.

UNANIMOUS CONSENT REQUEST DIRECT TO CALENDAR

Senator Capps asked unanimous consent to suspend Rule 5-4 and refer **SR 68** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SR 68 by Capps and Bass was called up for consideration.

All other members of the Senate asked to coauthor **SR 68**, which was the order.

SR 68 was adopted upon motion of Senator Capps and referred for enrollment.

GENERAL ORDER

SB 1542 by Jolley of the Senate and Nance of the House was called up for consideration.

Senator Hobson moved to amend **SB 1542**, Page 1, by restoring the title, which amendment was declared adopted.

Senator Jolley asked that **SB 1542** be laid over temporarily, which was the order.

SB 1542 remains on General Order.

GENERAL ORDER

SB 1956 by Crutchfield of the Senate and Ingmire of the House was called up for consideration.

Senator Crutchfield moved that **SB 1956** be advanced, which motion was declared adopted.

THIRD READING

SB 1956 was read for the third time at length.

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

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

Excused: Myers, Pruitt and Taylor.--3.

Vacancy: District 38.--1.

The bill and emergency passed.

SB 1956 was referred for engrossment.

GENERAL ORDER

SB 1549 by Lerblance of the Senate and Sweeden of the House was called up for consideration.

Senator Lerblance moved that **SB 1549** be advanced, which motion was declared adopted.

THIRD READING

SB 1549 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, Capps, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Morgan, Nichols, Paddack, Rabon, Reynolds, Riley, Shurden, Wilcoxson, Williamson, Wilson and Wyrick.--42.

Excused: Brogdon, Cain, Myers, Pruitt and Taylor.--5.

Vacancy: District 38.--1.

The bill and emergency passed.

SB 1549 was referred for engrossment.

GENERAL ORDER

SB 2017 by Johnson (Constance) of the Senate and Balkman of the House was called up for consideration.

Senator Johnson (Constance) moved that **SB 2017** be advanced, which motion was declared adopted.

THIRD READING

SB 2017 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, Capps, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Morgan, Nichols, Paddack, Rabon, Reynolds, Riley, Shurden, Wilcoxson, Williamson, Wilson and Wyrick.--43.

Excused: Brogdon, Myers, Pruitt and Taylor.--4.

Vacancy: District 38.--1.

The bill passed.

SB 2017 was referred for engrossment.

GENERAL ORDER

SB 1877 by Rabon of the Senate and Piatt of the House was called up for consideration.

Senator Rabon moved to amend **SB 1877**, Page 1, by striking the title, which amendment was declared adopted.

Senator Rabon moved to amend **SB 1877**, Page 1, Line 29, by striking after the word "originators" and before the word "be" the word "shall" and inserting in lieu thereof the word "may", which amendment was declared adopted.

Senator Rabon moved that **SB 1877** be advanced, which motion was declared adopted.

THIRD READING

SB 1877 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, Capps, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Nichols, Paddack, Rabon, Reynolds, Riley, Shurden, Wilcoxson, Williamson, Wilson and Wyrick.--42.

Excused: Brogdon, Morgan, Myers, Pruitt and Taylor.--5.

Vacancy: District 38.--1.

The bill passed.

SB 1877 was referred for engrossment.

Senator Fisher presiding.

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

Senator Wilcoxson asked unanimous consent to suspend Rule 5-4 and refer **SCR 43** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SCR 43 by Wilcoxson of the Senate and Peterson (Pam) of the House was called up for consideration.

SCR 43 was adopted upon motion of Senator Wilcoxson and referred for engrossment.

GENERAL ORDER

SB 1974 by Corn of the Senate and Blackwell of the House was called up for consideration.

Senator Corn moved that **SB 1974** be advanced, which motion was declared adopted.

THIRD READING

SB 1974 was read for the third time at length.

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

Aye: Adelson, Aldridge, Anderson, Barrington, Bass, Branan, Cain, Capps, Coates, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Lawler, Leftwich, Lerblance, Mazzei, Nichols, Paddack, Rabon, Reynolds, Riley, Shurden, Wilcoxson, Wilson and Wyrick.--39.

Nay: Coffee, Laughlin and Williamson.--3.

Excused: Brogdon, Morgan, Myers, Pruitt and Taylor.--5.

Vacancy: District 38.--1.

The bill and emergency passed.

SB 1974 was referred for engrossment.

GENERAL ORDER

SB 1300 by Shurden of the Senate and Turner of the House was called up for consideration.

Senator Shurden moved that **SB 1300** be advanced, which motion was declared adopted.

THIRD READING

SB 1300 was read for the third time at length.

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

Aye: Adelson, Capps, Coates, Crutchfield, Eason McIntyre, Fisher, Garrison, Harrison, Hobson, Johnson (C) and Shurden.--11.

Nay: Aldridge, Anderson, Barrington, Bass, Branan, Cain, Coffee, Corn, Crain, Easley, Ford, Gumm, Jolley, Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Nichols, Paddack, Rabon, Reynolds, Riley, Wilcoxson, Williamson, Wilson and Wyrick.--30.

Excused: Brogdon, Johnson (M), Morgan, Myers, Pruitt and Taylor.--6.

Vacancy: District 38.--1.

The bill failed.

GENERAL ORDER

SB 1572 by Lerblance of the Senate and Walker of the House was called up for consideration.

Senator Lerblance moved that **SB 1572** be advanced, which motion was declared adopted.

THIRD READING

SB 1572 was read for the third time at length.

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

Aye: Adelson, Aldridge, Anderson, Barrington, Bass, Branan, Cain, Capps, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson (C), Jolley, Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Nichols, Paddack, Rabon, Reynolds, Riley, Shurden, Wilcoxson, Williamson, Wilson and Wyrick.--41.

Excused: Brogdon, Johnson (M), Morgan, Myers, Pruitt and Taylor.--6.

Vacancy: District 38.--1.

The bill and emergency passed.

SB 1572 was referred for engrossment.

GENERAL ORDER

SB 1542 by Jolley of the Senate and Nance of the House was called up for further consideration.

Senator Jolley moved to amend **SB 1542**, Page 2, Line 17, by inserting after the word "who" and before the word "has" the word "only"; and Page 2, Line 22, by deleting the words "engaging in a call and the cellular telephone is equipped with a" and inserting in lieu thereof the words "operating the cellular telephone through use of", and by amending the title to conform, which amendment was declared adopted.

Senator Johnson (Constance) moved to amend **SB 1542**, Page 2, Line 19, by inserting after the word "Statutes," and before the word "shall" the words "and any person who is a licensed operator"; and Page 2, Line 21, by deleting all language after the word "telephone" and before the word "unless", and by amending title to conform.

Senator Jolley moved to table the Johnson (Constance) amendment, which tabling motion was declared adopted upon roll call as follows:

Aye: Aldridge, Bass, Branan, Capps, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Jolley, Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Paddack, Rabon, Reynolds, Riley, Wilcoxson, Williamson, Wilson and Wyrick.--34.

Nay: Adelson, Anderson, Barrington, Cain, Johnson (C), Nichols and Shurden.--7.

Excused: Brogdon, Johnson (M), Morgan, Myers, Pruitt and Taylor.--6.

Vacancy: District 38.--1.

Senator Reynolds moved to amend **SB 1542**, Page 4, Line 8 ½, by inserting a new subsection D to read as follows:

“D. No law enforcement officer shall make routine stops of motorists for the purpose of enforcing this act.”, and by amending the title to conform, which amendment was declared adopted.

Senator Hobson moved to amend **SB 1542**, Page 1, by striking the title, which amendment was declared adopted.

Senator Jolley moved that **SB 1542** be advanced, which motion was declared adopted.

THIRD READING

SB 1542 was read for the third time at length.

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

Aye: Aldridge, Anderson, Bass, Branan, Cain, Capps, Coates, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Gumm, Harrison, Hobson, Jolley, Lamb, Laster, Lawler, Leftwich, Mazzei, Nichols, Paddack, Rabon, Reynolds, Wilcoxson, Williamson, Wilson and Wyrick.--31.

Nay: Adelson, Barrington, Coffee, Garrison, Johnson (C), Justice, Laughlin, Lerblance, Riley and Shurden.--10.

Excused: Brogdon, Johnson (M), Morgan, Myers, Pruitt and Taylor.--6.

Vacancy: District 38.--1.

The bill passed.

SB 1542 was referred for engrossment.

Senator Rabon moved that when the clerk's desk is clear, the Senate stand adjourned to convene Monday, March 13, 2006, at 10:00 a.m., which motion prevailed.

FIRST READING

The following was introduced and read the first time:

SCR 45 – By Hobson and Coates of the Senate and Balkman and Dank of the House.
A Concurrent Resolution authorizing the use of earnings from investment of construction funds for completed projects funded by the Oklahoma Capitol Improvement Authority Series 1999A Bonds for purposes of settling litigation related to J.D. McCarty Center for Children with Developmental Disabilities; authorizing settlement expenditure in excess of \$250,000.00 and directing distribution.

**BILLS RELEASED
TIME EXPIRED TO RECONSIDER**

SB 1096 and **SB 1925** (emergency failed) were referred for engrossment.

MOTION EXPIRED

Time expired for consideration of the motion to reconsider whereby **SB 1862** and **SJR 47** failed.

Pursuant to the Rabon motion, the Senate adjourned at 12:10 p.m. to meet Monday, March 13, 2006, at 10:00 a.m.