

Senate Journal

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

Twenty-second Legislative Day, Wednesday, March 15, 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, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Wilcoxson, Williamson, Wilson and Wyrick.—46.

Excused: Taylor.—1.

Vacancy: District 38.—1.

Senator Gumm declared a quorum present.

The prayer was offered by Chaplain Major Ted Wilson, Oklahoma Army National Guard/OKC Fire Department, Edmond, the guest of Senator Jolley.

REPORT OF ENGROSSED AND ENROLLED MEASURES

SBs 876, 1064, 1133, 1233, 1243, 1247, 1255, 1262, 1266, 1268, 1277, 1302, 1308, 1397, 1577, 1579, 1594, 1748, 1807, 1850, 1881, 1894, 1919, 2005, 2022, 2024 and 2049 were each correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

SRs 74 and 75 were each correctly enrolled, properly signed and ordered transmitted to the Secretary of State.

MESSAGE FROM THE HOUSE

Advising rejection of **CCR** to **SB 7**, requesting further conference and House conferees to be named later.

**PENDING SENATE ACTION
HOUSE REQUEST FOR CONFERENCE**

Upon motion of Senator Fisher, the request of the Honorable House for further conference on **SB 7** was ordered granted and Senate conferees to be named later.

INTRODUCTION

Senator Lerblance introduced his grandchildren, Lexie and Zach Lerblance, and his wife, Francis, to the Senate.

GENERAL ORDER

SB 1858 by Morgan and Corn of the Senate and Hiett of the House was called up for consideration.

Senator Corn moved that **SB 1858** be advanced, which motion was declared adopted.

THIRD READING

SB 1858 was read for the third time at length.

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

Aye: 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, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Wilcoxson, Williamson, Wilson and Wyrick.--44.

Excused: Adelson, Aldridge and Taylor.--3.

Vacancy: District 38.--1.

The bill and emergency passed.

SB 1858 was referred for engrossment.

GENERAL ORDER

SB 1629 by Johnson (Constance) of the Senate and McCarter of the House was called up for consideration.

Senator Shurden moved to amend **SB 1629**, Page 3, Line 12, by inserting after the numeral "7." and before the word "Reporting" the words "A person who is", which amendment was declared adopted.

Senator Johnson (Constance) moved that **SB 1629** be advanced, which motion was declared adopted.

THIRD READING

SB 1629 was read for the third time at length.

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

Aye: Cain, Capps, Eason McIntyre, Fisher, Gumm, Harrison, Hobson, Johnson (C), Leftwich, Morgan, Nichols, Paddock, Rabon, Reynolds, Shurden and Wyrick.--16.

Nay: Adelson, Aldridge, Barrington, Bass, Branan, Brogdon, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Ford, Garrison, Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Lawler, Lerblance, Mazzei, Myers, Pruitt, Riley, Wilcoxson, Williamson and Wilson.--29.

Excused: Anderson and Taylor.--2.

Vacancy: District 38.--1.

The bill failed.

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

Senator Jolley asked unanimous consent to suspend Rule 5-4 and refer **SR 73** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SR 73 by Jolley was called up for consideration.

All other members of the Senate asked to coauthor **SR 73**, which was the order.

SR 73 was adopted upon motion of Senator Jolley and referred for enrollment.

UNANIMOUS CONSENT REQUEST DIRECT TO CALENDAR

Senator Lerblance asked unanimous consent to suspend Rule 5-4 and refer **SR 71** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SR 71 by Lerblance was called up for consideration.

All other members of the Senate asked to coauthor **SR 71**, which was the order.

SR 71 was adopted upon motion of Senator Lerblance and referred for enrollment.

GENERAL ORDER

SB 1772 by Laster and Crain of the Senate and Sullivan of the House was called up for consideration.

Senators Jolley, Lerblance, Lawler, Shurden, Gumm, Garrison, Eason McIntyre, Wilson and Crutchfield asked to coauthor **SB 1772**, which was the order.

Senator Laster moved to amend **SB 1772**, 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 Laster moved that **SB 1772** be advanced, which motion was declared adopted.

THIRD READING

SB 1772 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, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Wilcoxson, Williamson, Wilson and Wyrick.--45.

Excused: Anderson and Taylor.--2.

Vacancy: District 38.--1.

The bill and emergency passed.

SB 1772 was referred for engrossment.

Senator Corn presiding.

GENERAL ORDER

SB 1372 by Wilcoxson and Jolley of the Senate and Kern of the House was called up for consideration.

Senator Wilcoxson moved that **SB 1372** be advanced, which motion was declared adopted.

THIRD READING

SB 1372 was read for the third time at length.

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

Aye: Aldridge, Anderson, Branan, Brogdon, Coates, Coffee, Crain, Ford, Johnson (M), Jolley, Justice, Lamb, Laughlin, Mazzei, Myers, Nichols, Pruitt, Reynolds, Riley, Wilcoxson, Williamson and Wilson.--22.

Nay: Adelson, Barrington, Bass, Cain, Capps, Corn, Crutchfield, Easley, Eason McIntyre, Garrison, Gumm, Harrison, Hobson, Johnson (C), Laster, Lawler, Leftwich, Lerblance, Morgan, Paddack, Rabon, Shurden and Wyrick.--23.

Excused: Fisher and Taylor.--2.

Vacancy: District 38.--1.

The bill failed.

MESSAGE FROM THE HOUSE

Advising passage of and transmitting for consideration Engrossed **HBs 2087, 2102, 2370, 2421, 2463, 2489, 2538, 2548, 2577, 2578, 2589, 2592, 2608, 2609, 2614, 2615, 2643, 2646, 2681, 2693, 2696, 2698, 2709, 2741, 2749, 2754, 2756, 2758, 2760, 2810, 2823, 2827, 2830, 2831, 2865, 2884, 2909, 2927, 3040 and 3044** and **HJR 1028 and 1061**.

HB 2087 – By Terrill and Kern of the House and Lawler of the Senate.
(education - amending 68 O.S., Section 1004 – amending 70 O.S., Sections 2603 and 2605 - Oklahoma Higher Learning Access Program – emergency)

HB 2102 – By Cox of the House and Paddock of the Senate.
An Act relating to public health and safety; amending 63 O.S. 2001, Section 5030.1, which relates to the Medicaid Drug Utilization Review Board; modifying status of certain member; and providing an effective date.

HB 2370 – By Dank, Blackwell, Duncan, Nance, Balkman, Billy, Coody, Denney, Jackson, Peters, Peterson (Pam), Terrill, Tibbs and Wesselhoft of the House and Lamb of the Senate.

An Act relating to crimes and punishments; amending 10 O.S. 2001, Section 7115, as amended by Section 7, Chapter 455, O.S.L. 2002 (10 O.S. Supp. 2005, Section 7115), which relates to child abuse; providing separate penalties for certain crimes; amending 21 O.S. 2001, Section 843.1, as amended by Section 8, Chapter 22, O.S.L. 2002, and Section 1, Chapter 195, O.S.L. 2003 (21 O.S. Supp. 2005, Sections 843.1 and 843.3), which relate to malicious offenses against the person; modifying penalties for certain crimes; amending 21 O.S. 2001, Sections 886, as amended by Section 8, Chapter 460, O.S.L. 2002, and 888, as amended by Section 9, Chapter 460, O.S.L. 2002 (21 O.S. Supp. 2005, Sections 886 and 888), which relate to crime against nature and forcible sodomy; modifying penalties; amending 21 O.S. 2001, Sections 1021, as last amended by Section 1, Chapter 308, O.S.L. 2003, 1021.2, 1021.3, and 1040.13a, as amended by Section 1, Chapter 110, O.S.L. 2002 (21 O.S. Supp. 2005, Sections 1021 and 1040.13a), which relate to obscenity and child pornography; modifying penalties for certain crimes; amending 21 O.S. 2001, Sections 1087 and 1088, which relate to pandering; modifying penalties for certain crimes; amending 21 O.S. 2001, Sections 1115, as amended by Section 10, Chapter 460, O.S.L. 2002, and 1123, as last amended by Section 1, Chapter 159, O.S.L. 2003 (21 O.S. Supp. 2005, Sections 1115 and 1123), which relate to rape, abduction, carnal abuse of children and seduction; modifying penalties for certain crimes; establishing time limitation for issuance of driver licenses for certain persons; providing time limitation for initial and renewal licenses; directing compliance with certain driver license and renewal requirements; amending 57 O.S. 2001, Section 583, as last amended by Section 2, Chapter 123, O.S.L. 2005 (57 O.S. Supp. 2005, Section 583), which relates to registration requirements for Sex Offenders Registration Act; directing certain entities to inform offenders of driver license requirements; providing for codification; and providing an effective date.

HB 2421 – By Bingman of the House and Fisher of the Senate.

An Act relating to cities and towns; amending 11 O.S. 2001, Section 13-111, which relates to municipal charters; clarifying notice procedures; and providing an effective date.

HB 2463 – By Coody, Adkins, Dorman, Terrill and Dank of the House and Barrington of the Senate.

(revenue and taxation – amending 68 O.S., Section 2358 – Oklahoma income tax – exemption – effective date)

HB 2489 – By Nance.

An Act relating to education; amending 70 O.S. 2001, Section 6-104, which relates to sick leave; updating and clarifying statutory language; authorizing school districts to allow teachers to receive payment for or carryover unused sick leave; providing an effective date; and declaring an emergency.

HB 2538 – By Peterson (Pam) of the House and Mazzei of the Senate.

An Act relating to adoption; amending 10 O.S. 2001, Sections 7503-3.1 and 7505-2.1, which relate to adoption of minors; modifying method of in-hand service; clarifying certain term; adding certain person for applicability of act; requiring certain waiver be in writing; amending 21 O.S. 2001, Sections 865 and 866, which relate to trafficking in children; adding certain definitions; modifying certain definition; adding certain conduct considered to be the crime of trafficking in children; providing penalty; classifying person subject to certain compliance; providing an effective date; and declaring an emergency.

HB 2548 – By Liotta, Trebilcock, Auffet and McMullen of the House and Lamb of the Senate.

(revenue and taxation - interns - income tax credit – codification - effective date)

HB 2577 – By Jones and Kern of the House and Jolley of the Senate.

(schools - amending 70 O.S., Section 18-114.12 - teacher minimum salary schedule - effective date – codification - emergency)

HB 2578 – By Jones, Dank and Shumate of the House and Eason McIntyre of the Senate.

(schools - amending 70 O.S., Sections 3-132, 3-133 and 3-134 - Oklahoma Charter Schools Act - charter school sponsor - effective date – emergency)

HB 2589 – By Duncan, Dank, Denney, Peterson (Pam), Balkman, Jones, Trebilcock, Calvey, Kiesel, Liotta, Morgan (Fred), Nations, Roan, Terrill, Walker and Worthen of the House and Hobson of the Senate.

An Act relating to granting to students enrolled in certain institutions who are called to active military service certain rights; allowing student to withdraw from courses and receive a credit; making credit subject to financial aid program requirements; providing for an incomplete grade; allowing student to complete courses with certain conditions; providing for a refund for payment of room and board; making refund subject to financial aid program requirements; allowing student to be readmitted and reenroll without penalty; making rights

contingent upon giving advance notice to the institution; making an exception if notice is precluded by military necessity or circumstances; providing for written verification of active service; authorizing an institution to grant additional options or protections to students called or ordered to active service; clarifying term; providing for codification; providing an effective date; and declaring an emergency.

HB 2592 – By Peters of the House and Cain of the Senate.

An Act relating to developmental disabilities services; amending 10 O.S. 2001, Sections 1430.1, 1430.2, 1430.3, 1430.8, 1430.11, 1430.12, 1430.14, 1430.15, 1430.17, 1430.18, 1430.19, 1430.20, 1430.22, 1430.23, 1430.24, 1430.25, 1430.26, 1430.27, 1430.31, 1430.33, 1430.34, 1430.35, 1430.36, 1430.40 and 1430.41, which relate to the Group Homes for Persons with Developmental or Physical Disabilities Act; updating citation; adding, deleting, and modifying definitions; modifying and clarifying certain powers of the Department of Human Services; modifying liability requirements; providing procedure for revocation or denial of certain licenses; expanding content of certain standards; adding requirement that certain inspection reports be made available to the Department of Human Services; modifying content of certain application forms; modifying conditions under which operation of a group home may be transferred; modifying information providers must make available to certain persons and for public inspection; requiring the Department of Human Services to promulgate certain rules; modifying content of certain contracts; deleting authorization for certain persons to have access to residents; modifying prohibition involving insurable interest or insurance benefits; modifying certain inspection procedures; modifying a prohibition; clarifying scope of provisions; repealing 10 O.S. 2001, Sections 1430.5, 1430.7, 1430.9, 1430.10, 1430.13, 1430.16, 1430.21, 1430.28, 1430.29 and 1430.30, which relate to the Group Homes for Persons with Developmental or Physical Disabilities Act; providing for codification; and providing an effective date.

HB 2608 – By Dank of the House and Paddack and Wilcoxson of the Senate.

(schools – amending six sections in Title 70 – Oklahoma School Testing Program Act – amending 47 O.S., Sections 6-107.3 and 6-107.4 – driver license or permit – effective date)

HB 2609 – By Case, Askins, Ingmire, Braddock, Nance and Harrison of the House and Laster of the Senate.

An Act relating to criminal procedure; amending 22 O.S. 2001, Sections 60.4, as last amended by Section 15, Chapter 348, O.S.L. 2005 and 60.6, as last amended by Section 16, Chapter 348, O.S.L. 2005 (22 O.S. Supp. 2005, Sections 60.4 and 60.6), which relate to Protection from Domestic Abuse Act; authorizing use of certain device; requiring collection of fee by court clerk; expanding scope of penalties for violation of certain orders; requiring collection of fee by court clerk; modifying liability exemptions; and providing an effective date.

HB 2614 – By Calvey, Balkman, Dank, Adkins, Braddock, Johnson, Terrill, Peterson (Pam), Thompson, Liotta, Benge, Wesselhoft, Nance, Reynolds, Armes, Banz, Bingman, DePue, Duncan, Jett, Kern, Martin and Tibbs of the House and Brogdon of the Senate.

An Act relating to public health and safety; amending Section 7, Chapter 200, O.S.L. 2005 and Section 8, Chapter 200, O.S.L. 2005 (63 O.S. Supp. 2005, Sections 1-738.2 and 1-738.3), which relate to abortions; requiring notification of certain information; modifying list of printed materials; and providing an effective date.

HB 2615 – By Calvey, Ellis, Billy, Blackwell, Duncan, Case, Cooksey, Ingmire, Nance, Perry, Adkins, Braddock, Dank, Johnson, Jones, Liotta, Martin, Miller (Doug), Morgan (Fred), Richardson, Smaligo, Sullivan, Terrill, Tibbs, Trebilcock and Worthen of the House and Coates of the Senate.

An Act relating to firearms; creating the Stand Your Ground Law; amending 21 O.S. 2001, Section 1289.25, which relates to physical or deadly force against intruder; creating presumption that reasonable fear of death or great bodily harm exists under certain circumstances; providing exceptions; authorizing the use of certain force under certain circumstances; creating presumption that a person acts with intent to use force or violence under specified circumstances; clarifying scope of criminal and civil immunity; defining term; authorizing use of certain investigative procedures; prohibiting arrest for use of force unless probable cause determined; requiring certain costs be awarded upon a finding of immunity; defining terms; providing for noncodification; and providing an effective date.

HB 2643 – By Brown, Duncan, Blackwell, Turner, Roan, Askins, Ingmire, Kiesel, Nance, DePue, Hilliard, Hyman, Morgan (Danny), Shoemake, Terrill, Walker and Wesselhoft of the House and Wilson of the Senate.

An Act relating to crimes and punishments; prohibiting certain uses of the names or pictures of service members of the United States Armed Forces; providing penalty; providing for codification; and providing an effective date.

HB 2646 – By DeWitt, Armes, Denney, Blackwell, Glenn, Ellis, Hickman, Pruett, Walker, Roggow and Billy of the House and Garrison of the Senate.

An Act relating to agriculture; enacting the CAFO Rural Economic Development Initiative Act; amending 2 O.S. 2001, Section 9-205.1, as renumbered by Section 25, Chapter 292, O.S.L. 2005 (2 O.S. Supp. 2005, Section 20-8), which relates to concentrated animal feeding operations; modifying notice and hearing requirements for licenses; providing for noncodification; and providing an effective date.

HB 2681 – By Blackwell, Carey, Nance, Duncan and Roan of the House and Gumm of the Senate.

An Act relating to crimes and punishments; amending 21 O.S. 2001, Section 650.7, which relates to assault, battery, or assault and battery upon school employee or student; modifying penalties; amending 70 O.S. 2001, Sections 24-131 and 24-131.2, which relate to orders to leave school buildings and grounds and orders to leave athletic events; modifying penalties; and providing an effective date.

HB 2693 – By Jones, Cargill, Peters, Smaligo, Trebilcock, Sullivan, Peterson (Pam), Dank and Kern of the House and Williamson of the Senate.

(schools - amending 70 O.S., Section 3-152.1 - Academic Achievement Award (AAA) program - awards - effective date - emergency)

HB 2696 – By Worthen, Duncan, Calvey, Smithson, Lamons, Balkman, Sullivan, Coody, Banz, Martin, Adkins, Bingman, Braddock, DeWitt, Harrison, Jackson, Jett, McPeak, Morrissette, Peterson (Ron), Reynolds, Smaligo, Sweeden, Terrill and Wesselhoft of the House and Gumm and Lamb of the Senate.

An Act relating to crimes and punishments; amending 21 O.S. 2001, Section 1321.4, which relates to state of emergency; removing ability of Governor to restrict certain weapon possession; and declaring an emergency.

HB 2698 – By Johnson, Roan, Nance, Banz, Brannon, Smithson, Martin, Duncan, McDaniel, Coody, Peterson (Pam), Terrill, Dorman and Pruett of the House and Johnson (Mike) of the Senate.

An Act relating to motor vehicles; amending 47 O.S. 2001, Section 1127, which relates to registration of vehicles by military personnel; expanding classes of military personnel; and providing an effective date.

HB 2709 – By Jackson of the House and Corn of the Senate.

(professions and occupations – amending 59 O.S., Sections 887.2, 887.4, 887.5 and 887.16 – Physical Therapy Practice Act – repealing 59 O.S., Section 887.13 – licenses – codification – effective date)

HB 2741 – By Peterson (Pam), Denney, Billy, Trebilcock, Balkman, Adkins, Banz, Coody, Johnson, Kern, Liebmann, Liotta, Nance, Perry, Tibbs, Wesselhoft and Worthen of the House and Wilcoxson of the Senate.

An Act relating to crimes and punishments; amending 21 O.S. 2001, Sections 691 and 715, as amended by Section 4, Chapter 200, O.S.L. 2005 (21 O.S. Supp. 2005, Section 715), which relate to definition of homicide and manslaughter in the first degree; expanding scope of certain definition; deleting penalty for certain prohibited act; repealing 21 O.S. 2001, Section 713, as amended by Section 3, Chapter 200, O.S.L. 2005 (21 O.S. Supp. 2005, Section 713), which relates to killing an unborn child; and providing an effective date.

HB 2749 – By Thompson of the House and Coffee of the Senate.

An Act relating to consumer credit code; amending 14A O.S. 2001, Section 3-508B, which relates to supervised loans; extending term of certain loans; and providing an effective date.

HB 2754 – By Thompson and Denney of the House and Coffee of the Senate.

An Act relating to landlord and tenant; enacting the Property Rights Protection Act; amending 41 O.S. 2001, Section 126, which relates to the Residential Landlord and Tenant Act; providing method of adopting a rule or regulation after entering a rental agreement

upon the occurrence of a certain event; providing for noncodification; and providing an effective date.

HB 2756 – By Blackwell and Dank of the House and Laughlin of the Senate.

An Act relating to schools; amending 70 O.S. 2001, Sections 6-101.22 and 6-101.26, as amended by Section 9, Chapter 434, O.S.L. 2003 (70 O.S. Supp. 2003, Section 6-101.26), which relate to the Teacher Due Process Act of 1990; modifying cause for dismissal of career teacher; establishing abandonment of contract as cause for termination; adding definition; modifying process by which recommendation may be delivered; modifying criteria for setting hearing date; clarifying statutory language; providing an effective date; and declaring an emergency.

HB 2758 – By Blackwell of the House and Jolley of the Senate.

(schools - amending 70 O.S., Sections 1-109, 1-110, 1-112 and 4516 - school calendar – noncodification - effective date - emergency)

HB 2760 – By Perry, Askins, Braddock, Morgan (Fred), Terrill and Sullivan of the House and Laster of the Senate.

(Council on Judicial Complaints - amending 20 O.S., Sections 1651, 1653, 1654, 1655, 1658 and 1659 – membership - Administrative Director - effective date)

HB 2810 – By Denney, Adkins, Armes, Bingman, Billy, Blackwell, Braddock, Covey, DePue, DeWitt, Dorman, Ellis, Glenn, Hickman, Johnson, Lamons, Liebmann, McCarter, Miller (Ken), Morgan (Fred), Peters, Pruett, Roggow, Tibbs, Turner, Walker, Duncan, Hiatt, Hilliard, Morrissette, Peterson (Pam), Sherrer and Sullivan of the House and Morgan of the Senate.

An Act relating to energy; creating the Oklahoma Refinery Revitalization Act; stating purpose of the act; providing definitions; requiring the Governor to request the Environmental Protection Agency to negotiate with the Department of Environmental Quality for a Refinery Permitting Cooperative Agreement (RPCA); directing the Executive Director to designate staff for certain purposes; authorizing the Executive Director and certain Indian tribes to sign the RPCA; stipulating that certain actions occur upon signing the RPCA; authorizing the Executive Director to accept consolidated applications and enter into certain memoranda of agreements; authorizing the Executive Director to request financial, technical, legal, and other assistance from the federal government for certain purposes; requiring the RPCA to designate each state and federal agency with certain expertise; designating the Department of Environmental Quality as the lead agency for certain purposes; directing the Executive Director to coordinate all state, federal, tribal, and local authorizations and reviews; directing the Executive Director to establish a schedule and preapplication process for refinery facility applications; requiring draft permits to be completed within certain time period; allowing applicant to stop process; allowing an applicant to pursue certain remedies if schedule is not met; stipulating the RPCA address the National Environmental Policy Act of 1969 compliance actions; providing for the preparation of a single environmental impact statement; requiring state agencies to cooperate with the Department in preparing an environmental impact statement; requiring the Department to maintain a consolidated record of administrative decisions; making the

record the exclusive record for state administrative proceedings; providing for the appeal of state agency decisions or actions to a certain panel; establishing panel; establishing guidelines for the panel; providing for judicial appeal; providing for application of environmental laws and rules; directing the Corporation Commission to cooperate with the Federal Energy Regulatory Commission on authorizations for crude oil or refined petroleum product pipeline facilities; authorizing the Commission to establish a schedule for state pipeline authorizations; listing certain guidelines; providing for judicial appeal; directing the Commission to issue an order authorizing certain actions relating to the pipeline facility; authorizing the holder of a Commission order to acquire property through eminent domain in certain circumstances; allowing a taxpayer to treat certain costs of a qualified refinery property as a nonchargeable expense to a capital account; limiting deduction to certain year; providing for how election is taken; prohibiting revocation of election; defining terms; providing for compliance with provisions if total output of an existing qualified refinery is increased by a certain percentage; prohibiting deduction for certain types of refinery property; allowing allocation of the deduction to certain qualified persons; establishing guidelines for allocating the deduction; requiring taxpayers to file a certain report in order to claim the deduction; limiting application of law to certain qualified refinery properties; allowing certain refiners to take a deduction for certain sulfur regulation compliance costs; providing for calculation of allocation amount; providing filing criteria for election; requiring certain written notice for allocations to owners; limiting application of law to certain refinery properties; providing for codification; providing an effective date; and declaring an emergency.

HB 2823 – By Perry of the House and Hobson of the Senate.

An Act relating to roads, bridges and ferries; enacting the Transportation Enhancement Act of 2006; providing for codification; and providing an effective date.

HB 2827 – By Young of the House and Bass of the Senate.

(revenue and taxation - amending 68 O.S., Section 1357 - exemptions from sales tax - effective date – emergency)

HB 2830 – By Billy, Blackwell, Nance, Roan, Richardson, Terrill, Thompson and Wesselhoft of the House and Eason McIntyre of the Senate.

An Act relating to sex offenders; amending Section 4, Chapter 457, O.S.L. 2005 and 47 O.S. 2001, Section 6-115, as last amended by Section 40, Chapter 5, O.S.L. 2004 (47 O.S. Supp. 2005, Sections 6-105.3 and 6-115), which relate to identification cards and driver licenses; providing time limitation and fee for issuance and renewal of identification cards and driver licenses for certain persons; and providing an effective date.

HB 2831 – By Billy, Liotta, Wesselhoft and Terrill of the House and Williamson of the Senate.

An Act relating to roads; limiting outdoor advertising of certain businesses; defining terms; providing for enforcement; providing for codification; and providing an effective date.

HB 2865 – By Worthen of the House and Cain of the Senate.

An Act relating to mental health; amending 43A O.S. 2001, Sections 1-103, as last amended by Section 1, Chapter 195, O.S.L. 2005 and 1-109, as last amended by Section 3, Chapter 195, O.S.L. 2005 (43A O.S. Supp. 2005, Sections 1-103 and 1-109), which relate to the Mental Health Law; modifying certain definitions; placing limitation on disclosure requirement; amending Section 14, Chapter 488, O.S.L. 2002, 43A O.S. 2001, Sections 3-315, as amended by Section 16, Chapter 46, O.S.L. 2003, 3-317, as amended by Section 17, Chapter 488, O.S.L. 2002, Section 19, Chapter 488, O.S.L. 2002, Section 16, Chapter 195, O.S.L. 2005 and Section 18, Chapter 195, O.S.L. 2005 (43A O.S. Supp. 2005, Sections 3-306.1, 3-315, 3-317, 3-319, 3-320 and 3-322), which relate to Unified Community Mental Health Services Act; authorizing establishment and collection of certain fees for certain programs; restricting amount for application and renewal fees; authorizing contracts with public and private entities for certain services; amending 43A O.S. 2001, Sections 3-403, as last amended by Section 4, Chapter 196, O.S.L. 2003 and 3-415, as last amended by Section 20, Chapter 195, O.S.L. 2005 (43A O.S. Supp. 2005, Sections 3-403 and 3-415), which relate to the Oklahoma Alcohol and Drug Abuse Services Act; modifying scope of certain definition; authorizing postponement, denial, revocation or suspension of certificates under certain circumstances; authorizing establishment and collection of certain fees for certain programs; amending 43A O.S. 2001, Sections 3-601, as last amended by Section 22, Chapter 150, O.S.L. 2005 and 3-602, as last amended by Section 25, Chapter 46, O.S.L. 2003 (43A O.S. Supp. 2005, Sections 3-601 and 3-602), which relate to narcotic treatment programs; clarifying requirements for use of Class II controlled dangerous substances; providing for promulgation of rules and standards for certain programs; requiring entities be certified to provide certain treatment; providing certain penalties for noncompliance with rules and standards; clarifying certain approval requirement; amending 43A O.S. 2001, Sections 5-206, as last amended by Section 16, Chapter 113, O.S.L. 2004, 5-207, as last amended by Section 26, Chapter 195, O.S.L. 2005 and 5-208, as last amended by Section 38, Chapter 150, O.S.L. 2005 (43A O.S. Supp. 2005, Sections 5-206, 5-207 and 5-208), which relate to emergency detention and protective custody; modifying scope of certain definitions; modifying emergency detention procedures; requiring initial assessments under certain circumstances; amending 43A O.S. 2001, Sections 5-410, as last amended by Section 1, Chapter 191, O.S.L. 2004, 5-411, as amended by Section 38, Chapter 488, O.S.L. 2002, 5-412, as amended by Section 39, Chapter 488, O.S.L. 2002, 5-414, as amended by Section 41, Chapter 488, O.S.L. 2002, 5-415, as last amended by Section 48, Chapter 150, O.S.L. 2005 and 5-416, as last amended by Section 49, Chapter 150, O.S.L. 2005 (43A O.S. Supp. 2005, Sections 5-410, 5-411, 5-412, 5-414, 5-415 and 5-416), which relate to involuntary commitment procedures; deleting certain references; providing for mental health evaluations; providing for substance abuse treatment; deleting certificate of evaluation requirements; deleting certain form; providing for initial assessments; amending 43A O.S. 2001, Sections 5-501, as last amended by Section 50, Chapter 150, O.S.L. 2005, 5-502, as last amended by Section 2, Chapter 110, O.S.L. 2005, 5-503, as last amended by Section 3, Chapter 110, O.S.L. 2005, Section 4, Chapter 110, O.S.L. 2005, 43A O.S. 2001, Sections 5-506, as last amended by Section 5, Chapter 110, O.S.L. 2005, 5-507, as last amended by Section 7, Chapter 130, O.S.L. 2003, 5-508, as last amended by Section 6, Chapter 110, O.S.L. 2005, 5-509, as last amended by Section 9, Chapter 130, O.S.L. 2003 and 5-512, as last amended by Section 12, Chapter 130, O.S.L.

2003 (43A O.S. Supp. 2005, Sections 5-501, 5-502, 5-503, 5-505.1, 5-506, 5-507, 5-508, 5-509 and 5-512), which relate to Inpatient Mental Health Substance Abuse Treatment of Minors Act; allowing admittance of minors under certain circumstances; modifying scope of certain definition; providing for initial assessments; providing statutory references; requiring certain notification by district attorney; providing for mental health evaluations; clarifying mental health evaluation requirements; providing limitation for commitment of minors for treatment; repealing 43A O.S. 2001, Sections 3-312, as amended by Section 1, Chapter 28, O.S.L. 2003 and 3-314.1, as last amended by Section 14, Chapter 195, O.S.L. 2005 (43A O.S. Supp. 2005, Sections 3-312 and 3-314.1), which relate to domestic violence and sexual assault; repealing 43A O.S. 2001, Sections 3-501 and 3-502, which relate to Oklahoma Comprehensive Mental Health Services for the Deaf and Hard-of-Hearing Act; repealing 43A O.S. 2001, Sections 9-102, as last amended by Section 70, Chapter 150, O.S.L. 2005, 9-103, as last amended by Section 71, Chapter 150, O.S.L. 2005, and 9-104 (43A O.S. Supp. 2005, Sections 9-102 and 9-103), which relate to commitment of alcohol- or drug-dependent persons; providing for codification; providing effective dates; and declaring an emergency.

HB 2884 – By Balkman and Terrill of the House and Williamson of the Senate.

An Act relating to professions and occupations; authorizing specific actions of pharmacists; providing remedy under certain circumstances; providing for codification; and providing an effective date.

HB 2909 – By Peterson (Ron) and Rousselot of the House and Aldridge of the Senate.

An Act relating to insurance; amending 36 O.S. 2001, Section 6535; as amended by Section 3, Chapter 439, O.S.L. 2002 (36 O.S. Supp. 2005, Section 6535), which relates to the Health Insurance High Risk Pool Act; modifying the Board of Directors; and providing an effective date.

HB 2927 – By Richardson of the House and Johnson (Mike) of the Senate.

An Act relating to schools; amending 70 O.S. 2001, Sections 6-101.22, 6-101.24 and 6-101.26, as amended by Section 9, Chapter 434, O.S.L. 2003 (70 O.S. Supp. 2005, Section 6-101.26), which relate to the Teacher Due Process Act of 1990; adding certain grounds for dismissal or nonreemployment; modifying responsibility of administrator when poor performance is identified; modifying ground for which compliance with section of law is required for probationary teachers; modifying process by which recommendation may be delivered; modifying criteria for setting hearing date; and providing an effective date.

HB 3040 – By Hastings and Duncan of the House and Pruitt of the Senate.

An Act relating to damages; providing an exemption from punitive damages for certain organizations; providing for codification; and providing an effective date.

HB 3044 – By Hastings of the House and Laughlin of the Senate.

An Act relating to insurance; amending 36 O.S. 2001, Section 607.1, which relates to entities that are considered insurers; modifying applicability; clarifying certain terms; amending 51 O.S. 2001, Section 167, which relates to The Governmental Tort Claims Act; modifying applicability; and providing an effective date.

HJR 1028 – By Perry, Askins, Braddock, Morgan (Fred), Sullivan and Terrill of the House and Laster of the Senate.

A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection proposed amendments to Sections 1, 2, 3, 4, 5 and 6 of Article VII-A of the Constitution of the State of Oklahoma; expanding membership and providing for composition; expanding disciplinary authority of the Court on the Judiciary; defining term; providing ballot title; and directing filing.

HJR 1061 – By Calvey, Terrill, Dorman, Balkman, Peterson (Pam) and Sullivan of the House and Reynolds of the Senate.

A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection a proposed amendment to the Constitution of the State of Oklahoma by adding a new Section 2A to Article X; prohibiting certain actions by courts of original or appellate jurisdiction; providing exceptions; prohibiting orders directed to the Legislature or to the Governor; authorizing judicial actions with respect to civil actions requesting money damages for certain breaches of duty; providing ballot title; and directing filing.

The above-numbered measures were read the first time.

MOTION TO RECONSIDER VOTE

Senator Johnson (Constance) moved to reconsider the vote whereby **SB 1625** failed, which motion was declared adopted upon roll call as follows:

Aye: Adelson, Bass, Cain, Capps, Corn, Crutchfield, Easley, Eason McIntyre, Fisher, Garrison, Gumm, Harrison, Hobson, Johnson (C), Laster, Lawler, Leftwich, Lerblance, Morgan, Paddack, Rabon, Riley, Shurden, Wilson and Wyrick.--25.

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

Excused: Taylor.--1.

Vacancy: District 38.--1.

THIRD READING

Senator Johnson (Constance) moved to reconsider the vote whereby **SB 1625** was advanced, which motion was declared adopted.

GENERAL ORDER

SB 1625 by Johnson (Constance) of the Senate and Billy of the House was called up for consideration.

Senator Johnson (Constance) moved to amend **SB 1625**, Page 3, Line 21 ½, by inserting new subparagraphs d and e to read as follows:

- “d. The Executive Director of the Oklahoma Department of Commerce shall appoint:
 - (1) an owner of a small business located in the northeast quadrant of the state; and
 - (2) an owner of a small business located in the southeast quadrant of the state.
- e. The Director of the Department of Central Services shall appoint:
 - (1) an owner of a small business located in the northwest quadrant of the state; and
 - (2) an owner of a small business located in the southwest quadrant of the state.

For purposes of this section, a small business shall mean a business with twenty-five (25) or fewer employees.”, which amendment was declared adopted.

Senator Johnson (Constance) moved that **SB 1625** be advanced, which motion was declared adopted.

THIRD READING

SB 1625 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, Bass, Cain, Capps, Corn, Crutchfield, Easley, Eason McIntyre, Fisher, Garrison, Gumm, Harrison, Hobson, Johnson (C), Laster, Lawler, Leftwich, Lerblance, Morgan, Paddack, Rabon, Riley, Shurden, Wilson and Wyrick.--25.

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

Excused: Taylor.--1.

Vacancy: District 38.--1.

The bill passed and the emergency failed.

SB 1625 was referred for engrossment.

MOTION TO RECONSIDER VOTE

Senator Lerblance moved to reconsider the vote whereby **SB 1816** failed, which motion was declared adopted upon roll call as follows:

Aye: Adelson, Anderson, Barrington, Bass, Cain, Capps, Coates, Corn, Crutchfield, Easley, Eason McIntyre, Fisher, Garrison, Gumm, Harrison, Hobson, Johnson (C), Johnson (M), Justice, Laster, Lawler, Leftwich, Lerblance, Morgan, Myers, Paddack, Rabon, Shurden, Wilson and Wyrick.--30.

Nay: Aldridge, Branan, Brogdon, Coffee, Crain, Ford, Jolley, Lamb, Laughlin, Mazzei, Nichols, Pruitt, Reynolds, Riley, Wilcoxson and Williamson.--16.

Excused: Taylor.--1.

Vacancy: District 38.--1.

THIRD READING

SB 1816 was read for the third time at length.

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

Aye: Adelson, Anderson, Bass, Cain, Capps, Corn, Crutchfield, Easley, Eason McIntyre, Fisher, Garrison, Gumm, Harrison, Hobson, Johnson (C), Johnson (M), Justice, Laster, Lawler, Leftwich, Lerblance, Morgan, Paddack, Rabon, Shurden, Wilson and Wyrick.--27.

Nay: Aldridge, Barrington, Branan, Brogdon, Coates, Coffee, Crain, Ford, Jolley, Lamb, Laughlin, Mazzei, Myers, Nichols, Pruitt, Reynolds, Riley, Wilcoxson and Williamson.--19.

Excused: Taylor.--1.

Vacancy: District 38.--1.

The bill passed.

Senators Myers, Ford, Coates, Jolley, Riley and Branan desired to vote Aye on the emergency.

On the question of passage of the emergency, the vote resulted as follows: Aye: 33; Nay: 13; Excused: 1; Vacancy: 1.

The emergency passed.

SB 1816 was referred for engrossment.

GENERAL ORDER

SB 1832 by Johnson (Constance) of the Senate and Toure of the House was called up for consideration.

Senator Johnson (Constance) moved to amend **SB 1832**, 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 Johnson (Constance) moved that **SB 1832** be advanced, which motion was declared adopted.

THIRD READING

SB 1832 was read for the third time at length.

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

Aye: Adelson, Barrington, Bass, Cain, Capps, Coates, Corn, Crutchfield, Easley, Eason McIntyre, Fisher, Garrison, Gumm, Harrison, Hobson, Johnson (C), Laster, Lawler, Leftwich, Lerblance, Morgan, Myers, Paddack, Rabon, Reynolds, Shurden, Wilcoxson, Wilson and Wyrick.--29.

Nay: Aldridge, Anderson, Branan, Brogdon, Coffee, Crain, Ford, Johnson (M), Jolley, Justice, Lamb, Laughlin, Mazzei, Nichols, Pruitt, Riley and Williamson.--17.

Excused: Taylor.--1.

Vacancy: District 38.--1.

The bill passed.

Senators Branan, Mazzei, Nichols and Crain desired to vote Aye on the emergency.

On the question of passage of the emergency, the vote resulted as follows: Aye: 33; Nay: 13; Excused: 1; Vacancy: 1.

The emergency passed.

SB 1832 was referred for engrossment.

Senator Rabon moved that when the clerk's desk is clear, the Senate stand adjourned to convene Monday, March 20, 2006, at 1:30 p.m., which motion prevailed.

SECOND READING

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

- HB 1268** – Appropriations
- HB 2097** – Education
- HB 2107** – Appropriations
- HB 2134** – Appropriations
- HB 2145** – Appropriations
- HB 2270** – Direct To Calendar
- HB 2271** – Direct To Calendar
- HB 2272** – Direct To Calendar
- HB 2273** – Direct To Calendar
- HB 2274** – Direct To Calendar
- HB 2275** – Direct To Calendar
- HB 2276** – Direct To Calendar
- HB 2277** – Direct To Calendar
- HB 2278** – Direct To Calendar
- HB 2279** – Direct To Calendar
- HB 2280** – Direct To Calendar
- HB 2281** – Direct To Calendar
- HB 2282** – Direct To Calendar
- HB 2283** – Direct To Calendar
- HB 2284** – Direct To Calendar
- HB 2285** – Direct To Calendar
- HB 2320** – Direct To Calendar
- HB 2321** – Direct To Calendar
- HB 2323** – Direct To Calendar
- HB 2324** – Direct To Calendar
- HB 2325** – Direct To Calendar
- HB 2326** – Direct To Calendar
- HB 2327** – Direct To Calendar
- HB 2328** – Direct To Calendar
- HB 2329** – Direct To Calendar
- HB 2330** – Direct To Calendar
- HB 2331** – Direct To Calendar
- HB 2332** – Direct To Calendar
- HB 2333** – Direct To Calendar
- HB 2334** – Direct To Calendar
- HB 2335** – Direct To Calendar

HB 2336 – Direct To Calendar
HB 2337 – Direct To Calendar
HB 2338 – Direct To Calendar
HB 2339 – Direct To Calendar
HB 2340 – Direct To Calendar
HB 2341 – Direct To Calendar
HB 2342 – Direct To Calendar
HB 2343 – Direct To Calendar
HB 2344 – Direct To Calendar
HB 2345 – Direct To Calendar
HB 2346 – Direct To Calendar
HB 2347 – Direct To Calendar
HB 2348 – Direct To Calendar
HB 2349 – Direct To Calendar
HB 2350 – Direct To Calendar
HB 2351 – Direct To Calendar
HB 2363 – Education
HB 2364 – Appropriations
HB 2365 – Judiciary
HB 2379 – Business and Labor
HB 2381 – Education
HB 2430 – Judiciary
HB 2472 – Finance
HB 2473 – Aerospace, Communications and Technology
HB 2476 – Judiciary
HB 2480 – Judiciary
HB 2513 – Appropriations
HB 2514 – Retirement and Group Health
HB 2528 – Appropriations
HB 2586 – Appropriations
HB 2607 – Judiciary
HB 2621 – Tourism and Wildlife
HB 2626 – Finance
HB 2635 – Business and Labor
HB 2650 – Finance
HB 2655 – Appropriations
HB 2662 – Judiciary
HB 2676 – Retirement and Group Health
HB 2712 – Education
HB 2771 – Public Safety and Homeland Security
HB 2774 – Appropriations
HB 2789 – Finance
HB 2813 – Appropriations
HB 2839 – Appropriations

HB 2840 – Judiciary
HB 2891 – Business and Labor
HB 2904 – Finance
HB 2929 – Agriculture and Rural Development
HB 2932 – Appropriations
HB 2962 – Judiciary
HB 2963 – Judiciary
HB 2967 – Judiciary
HB 3056 – Appropriations
HB 3139 – Direct To Calendar

BILL RELEASED
TIME EXPIRED TO RECONSIDER

SB 1879 was referred for engrossment.

MOTION EXPIRED

Time expired for consideration of the motion to reconsider whereby **SBs 1698, 1823, 1984** and **2046** failed.

Pursuant to the Rabon motion, the Senate adjourned at 11:15 a.m. to meet Monday, March 20, 2006, at 1:30 p.m.