

Senate Journal

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

Forty-second Legislative Day, Monday, April 24, 2006

The Senate was called to order by Senator Corn.

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, Taylor, Wilcoxson, Williamson, Wilson and Wyrick.—47.

Vacancy: District 38.—1.

Senator Corn declared a quorum present.

The prayer was offered by Reverend Jason Helmbacher, Immanuel Baptist Church, Sallisaw, the guest of Senator Corn.

REPORT OF ENGROSSED AND ENROLLED MEASURES

HBs 1231, 1757, 2362, 2376, 2397, 2513, 2587, 2691, 2749, 2763, 2844, 2906, 2955, 2980, 2983, 2999 and 3079 and HJR 1058 were each correctly engrossed and, together with engrossed **SAs**, properly signed and ordered returned to the Honorable House.

SBs 1593, 1640, 1741 and 1749 were each correctly enrolled and after fourth reading, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

GENERAL ORDER

HB 2458 by Peterson (Pam) and Auffet of the House and Lamb of the Senate was called up for consideration.

Senator Lamb moved that **HB 2458** be advanced, which motion was declared adopted.

THIRD READING

HB 2458 was read for the third time at length.

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

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

Excused: Adelson, Capps, Coffee, Eason McIntyre, Ford, Morgan, Pruitt and Wilcoxson.--8.

Vacancy: District 38.--1.

The bill passed.

HB 2458 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 2072 by Cargill et al of the House and Laster of the Senate was called up for consideration.

Senator Laster moved that **HB 2072** be advanced, which motion was declared adopted.

THIRD READING

HB 2072 was read for the third time at length.

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

Aye: Aldridge, Anderson, Barrington, Bass, Branan, Brogdon, Cain, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Fisher, Garrison, Gumm, Harrison, Hobson, Johnson (C),

Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Myers, Nichols, Paddack, Rabon, Reynolds, Riley, Shurden, Taylor, Williamson, Wilson and Wyrick.--40.

Excused: Adelson, Capps, Eason McIntyre, Ford, Morgan, Pruitt and Wilcoxson.--7.

Vacancy: District 38.--1.

The bill passed.

HB 2072 was referred for engrossment.

MOTION TO RECONSIDER VOTE

Senator Paddack moved to reconsider the vote whereby **HB 2561** passed, which motion was declared adopted upon roll call as follows:

Aye: Aldridge, Anderson, Barrington, Bass, Branan, Brogdon, Cain, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Fisher, Garrison, Gumm, Harrison, Hobson, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Myers, Nichols, Paddack, Rabon, Reynolds, Riley, Shurden, Taylor, Williamson, Wilson and Wyrick.--40.

Excused: Adelson, Capps, Eason McIntyre, Ford, Morgan, Pruitt and Wilcoxson.--7.

Vacancy: District 38.--1.

THIRD READING

Senator Paddack moved to reconsider the vote whereby **HB 2561** was advanced, which motion was declared adopted.

GENERAL ORDER

HB 2561 by Peters et al of the House and Paddack of the Senate was called up for consideration.

Senator Paddack moved to amend **HB 2561**, Page 7, Line 19 ½, by inserting a new Section 2 to read as follows:

“SECTION 2. AMENDATORY 10 O.S. 2001, Section 40.4, is amended to read as follows:

Section 40.4. In all Indian child custody proceedings of the Oklahoma Indian Child Welfare Act, including voluntary court proceedings and review hearings, the court shall ensure that the district attorney or other person initiating the proceeding shall send notice to the parents or to the Indian custodians, if any, and to the tribe that is or may be the tribe of the Indian child, and to the appropriate Bureau of Indian Affairs area office, by ~~registered~~ certified mail return receipt requested. The notice shall be written in clear and understandable language and include the following information:

1. The name and tribal affiliation of the Indian child;
2. A copy of the petition by which the proceeding was initiated;
3. A statement of the rights of the biological parents or Indian custodians, and the Indian tribe:
 - a. to intervene in the proceeding,
 - b. to petition the court to transfer the proceeding to the tribal court of the Indian child, and
 - c. to request an additional twenty (20) days from receipt of notice to prepare for the proceeding; further extensions of time may be granted with court approval;
4. A statement of the potential legal consequences of an adjudication on the future custodial rights of the parents or Indian custodians;
5. A statement that if the parents or Indian custodians are unable to afford counsel, counsel will be appointed to represent them; and
6. A statement that tribal officials should keep confidential the information contained in the notice.”, and by renumbering subsequent sections, which amendment was declared adopted.

Senator Paddack moved to amend **HB 2561**, Page 1, by restoring the title, which amendment was declared adopted.

Senator Paddack moved that **HB 2561** be advanced, which motion was declared adopted.

THIRD READING

HB 2561 was read for the third time at length.

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

Aye: Aldridge, Anderson, Barrington, Bass, Branan, Brogdon, Cain, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Fisher, Garrison, Gumm, Harrison, Hobson, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Myers, Nichols, Paddack, Rabon, Reynolds, Riley, Shurden, Taylor, Williamson, Wilson and Wyrick.--40.

Excused: Adelson, Capps, Eason McIntyre, Ford, Morgan, Pruitt and Wilcoxson.--7.

Vacancy: District 38.--1.

The bill passed.

HB 2561 was referred for engrossment.

GENERAL ORDER

HB 3009 by Morgan (Fred) of the House and Crain of the Senate was called up for consideration.

Senator Crain moved to amend **HB 3009**, 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 Crain moved that **HB 3009** be advanced, which motion was declared adopted.

THIRD READING

HB 3009 was read for the third time at length.

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

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

Excused: Capps, Ford, Harrison, Morgan, Pruitt and Wilcoxson.--6.

Vacancy: District 38.--1.

The bill passed.

HB 3009 was referred for engrossment.

GENERAL ORDER

HB 2910 by Peterson (Ron) of the House and Coffee of the Senate was called up for consideration.

Senator Coffee moved that **HB 2910** be advanced, which motion was declared adopted.

THIRD READING

HB 2910 was read for the third time at length.

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

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

Excused: Capps, Ford, Morgan, Pruitt and Wilcoxson.--5.

Vacancy: District 38.--1.

The bill passed.

HB 2910 was referred for engrossment.

MOTION TO RECONSIDER VOTE

Senator Laughlin moved to reconsider the vote whereby **HB 2756** passed, which motion was declared adopted upon roll call as follows:

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

Excused: Capps, Ford, Morgan, Pruitt and Wilcoxson.--5.

Vacancy: District 38.--1.

THIRD READING

Senator Laughlin moved to reconsider the vote whereby **HB 2756** was advanced, which motion was declared adopted.

GENERAL ORDER

HB 2756 by Blackwell and Dank of the House and Laughlin of the Senate was called up for consideration.

Senator Laughlin moved to amend **HB 2756**, Page 1, by restoring the title, which amendment was declared adopted.

The above amendment restores **HB 2756** to the engrossed version of the bill.

Senator Laughlin moved that **HB 2756** be advanced, which motion was declared adopted.

THIRD READING

HB 2756 was read for the third time at length.

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

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

Excused: Capps, Ford, Morgan, Pruitt and Wilcoxson.--5.

Vacancy: District 38.--1.

The bill and emergency passed.

HB 2756 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 2704 by Hickman et al of the House and Gumm of the Senate was called up for consideration.

Senator Gumm moved that **HB 2704** be advanced, which motion was declared adopted.

THIRD READING

HB 2704 was read for the third time at length.

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

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

Excused: Capps, Ford, Morgan, Pruitt and Wilcoxson.--5.

Vacancy: District 38.--1.

The bill and emergency passed.

HB 2704 was referred for engrossment.

GENERAL ORDER

HB 2366 by Jett of the House and Riley of the Senate was called up for consideration.

Senator Riley moved to amend **HB 2366**, Page 1, by restoring the title, which amendment was declared adopted.

Senator Riley moved that **HB 2366** be advanced, which motion was declared adopted.

THIRD READING

HB 2366 was read for the third time at length.

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

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

Excused: Capps, Ford, Morgan, Pruitt and Wilcoxson.--5.

Vacancy: District 38.--1.

The bill passed.

HB 2366 was referred for engrossment.

GENERAL ORDER

HB 2940 by Liotta et al of the House and Shurden et al of the Senate was called up for consideration.

Senators Jolley and Laughlin asked to coauthor **HB 2940**, which was the order.

Senator Shurden moved that **HB 2940** be advanced, which motion was declared adopted.

THIRD READING

HB 2940 was read for the third time at length.

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

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

Excused: Cain, Capps, Ford, Pruitt and Wilcoxson.--5.

Vacancy: District 38.--1.

The bill and emergency passed.

HB 2940 was referred for engrossment.

UNANIMOUS CONSENT REQUEST WITHDRAWN FROM CALENDAR

Senator Fisher asked unanimous consent, which was granted, that **HB 2680** be stricken from the Calendar.

GENERAL ORDER

HB 2355 by Cooksey of the House and Jolley of the Senate was called up for consideration.

Senator Hobson asked to coauthor **HB 2355**, which was the order.

Senator Jolley moved to amend **HB 2355**, Page 1, by restoring the title, which amendment was declared adopted.

Senator Jolley moved that **HB 2355** be advanced, which motion was declared adopted.

THIRD READING

HB 2355 was read for the third time at length.

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

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

Excused: Capps, Ford, Pruitt and Wilcoxson.--4.

Vacancy: District 38.--1.

The bill passed.

HB 2355 was referred for engrossment.

GENERAL ORDER

HB 2157 by Piatt of the House and Lerblance of the Senate was called up for consideration.

Senator Lerblance moved that **HB 2157** be advanced, which motion was declared adopted.

THIRD READING

HB 2157 was read for the third time at length.

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

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

Excused: Capps, Fisher, Ford, Pruitt and Wilcoxson.--5.

Vacancy: District 38.--1.

The bill and emergency passed.

HB 2157 was referred for engrossment.

GENERAL ORDER

HB 2121 by Sherrer et al of the House and Paddack of the Senate was called up for consideration.

Senator Johnson (Constance) asked to coauthor **HB 2121**, which was the order.

Senator Paddack moved to amend **HB 2121**, Page 1, Line 21 through Page 2, Line 3, by deleting all language after the word “be” on Page 1, Line 21 through the period on Page 2, Line 3, and by inserting in lieu thereof the following language “equal to any increase in the amount of ad valorem property tax paid on the property and improvements the first year after the residence is completely or fully repaired or rebuilt over and above the amount of ad valorem property tax paid on the property and improvements in the year immediately prior to the wildfire damage or destruction, subject to a limitation in the first year of Five Hundred Dollars (\$500.00).”, which amendment was declared adopted.

Senator Paddack moved that **HB 2121** be advanced, which motion was declared adopted.

THIRD READING

HB 2121 was read for the third time at length.

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

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

Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Riley, Shurden, Taylor, Williamson, Wilson and Wyrick.--42.

Nay: Anderson.--1.

Excused: Capps, Ford, Pruitt and Wilcoxson.--4.

Vacancy: District 38.--1.

The bill passed.

HB 2121 was referred for engrossment.

GENERAL ORDER

HB 2649 by Steele et al of the House and Laughlin of the Senate was called up for consideration.

Senator Laughlin moved that **HB 2649** be advanced, which motion was declared adopted.

THIRD READING

HB 2649 was read for the third time at length.

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

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

Excused: Capps, Ford, Pruitt and Wilcoxson.--4.

Vacancy: District 38.--1.

The bill and emergency passed.

HB 2649 was referred for engrossment.

GENERAL ORDER

HB 2958 by Calvey et al of the House and Coffee of the Senate was called up for consideration.

Senator Williamson asked to coauthor **HB 2958**, which was the order.

Senator Coffee moved that **HB 2958** be advanced, which motion was declared adopted.

THIRD READING

HB 2958 was read for the third time at length.

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

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

Excused: Capps, Ford, Pruitt and Wilcoxson.--4.

Vacancy: District 38.--1.

The bill passed.

HB 2958 was referred for engrossment.

GENERAL ORDER

HB 2634 by Balkman of the House and Lamb of the Senate was called up for consideration.

Senator Williamson moved to amend **HB 2634**, Page 1, Line 11 ½, by inserting new Sections 1 through 9 (Sections 1 and 2 – New Law not to be codified in the Oklahoma Statutes; Sections 3 through 9 – Amending 21 O.S. 2001, Section 1550.42; 26 O.S. Supp 2005, Section 4-112; New Law 26 O.S. Section 4-112.1 and 56 O.S. Sections 71 and 72 and 70 O.S. Section 3242.2; Repealer 70 O.S. Supp 2005, Section 3242.)

Senator Gumm moved to amend the Williamson amendment.

Senator Williamson pressed adoption of his amendment.

Senator Gumm raised a point of order that his amendment was in order and should be considered at this time. Senator Williamson challenged that his motion to adopt the amendment was a prior motion.

The Chair advised that pursuant to Senate Rule 13-5 that the motion to adopt the Williamson amendment was in order.

Senator Cain questioned the ruling of the Chair that the Williamson amendment was distributed with the wrong bill number.

The Chair ruled that the amendment had been distributed in a timely manner and was in order.

Senator Lamb asked that **HB 2634** be laid over temporarily, which was the order.

HB 2634 remains on General Order pending consideration of the Williamson amendment.

GENERAL ORDER

HB 3078 by Armes et al of the House and Gumm and Lawler of the Senate was called up for consideration.

Senator Gumm moved that **HB 3078** be advanced, which motion was declared adopted.

THIRD READING

HB 3078 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, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Garrison, Gumm, Harrison, Hobson, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Riley, Shurden, Taylor, Williamson, Wilson and Wyrick.--41.

Nay: Brogdon and Cain.--2.

Excused: Capps, Ford, Pruitt and Wilcoxson.--4.

Vacancy: District 38.--1.

The bill passed.

HB 3078 was referred for engrossment.

GENERAL ORDER

HB 2753 by Thompson et al of the House and Jolley of the Senate was called up for consideration.

Senator Jolley moved that **HB 2753** be advanced, which motion was declared adopted.

THIRD READING

HB 2753 was read for the third time at length.

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

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

Excused: Capps, Ford, Pruitt, Taylor and Wilcoxson.--5.

Vacancy: District 38.--1.

The bill and emergency passed.

HB 2753 was referred for engrossment.

GENERAL ORDER

HB 2608 by Dank of the House and Paddack and Wilcoxson of the Senate was called up for consideration.

Senator Paddack moved that **HB 2608** be advanced, which motion was declared adopted.

THIRD READING

HB 2608 was read for the third time at length.

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

Aye: Adelson, Aldridge, Branan, Brogdon, Cain, Coates, Coffee, Corn, Crain, Crutchfield, Fisher, Garrison, Gumm, Harrison, Hobson, Johnson (M), Jolley, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Reynolds, Williamson and Wilson.--30.

Nay: Anderson, Barrington, Bass, Easley, Eason McIntyre, Johnson (C), Justice, Lawler, Rabon, Riley, Shurden and Wyrick.--12.

Excused: Capps, Ford, Pruitt, Taylor and Wilcoxson.--5.

Vacancy: District 38.--1.

The bill passed.

Senators Rabon, Johnson (Constance) and Shurden desired to vote Aye on the emergency.

On the question of passage of the emergency, the vote resulted as follows: Aye: 33; Nay: 9; Excused: 5; Vacancy: 1.

The emergency passed.

HB 2608 was referred for engrossment.

GENERAL ORDER

HB 2604 by DeWitt of the House and Shurden of the Senate was called up for consideration.

Senator Shurden moved that **HB 2604** be advanced, which motion was declared adopted.

THIRD READING

HB 2604 was read for the third time at length.

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

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

Riley, Shurden, Williamson, Wilson and Wyrick.--42.

Excused: Capps, Ford, Pruitt, Taylor and Wilcoxson.--5.

Vacancy: District 38.--1.

The bill passed.

HB 2604 was referred for engrossment.

GENERAL ORDER

HJR 1057 by Liotta et al of the House and Jolley of the Senate was called up for consideration.

Senator Jolley moved that **HJR 1057** be advanced, which motion was declared adopted.

THIRD READING

HJR 1057 was read for the third time at length.

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

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

Excused: Capps, Ford, Pruitt, Taylor, Wilcoxson and Williamson.--6.

Vacancy: District 38.--1.

The resolution passed.

HJR 1057 was referred for engrossment.

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

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The Senate reconvened with Senator Gumm presiding.

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

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

Senator Jolley asked unanimous consent to suspend Rule 5-4 and refer **SR 97** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SR 97 by Jolley was called up for consideration.

All other members of the Senate asked to coauthor **SR 97**, which was the order.

SR 97 was adopted upon motion of Senator Jolley and referred for enrollment.

GENERAL ORDER

HB 2373 by Newport et al of the House and Myers of the Senate was called up for consideration.

Senator Myers moved that **HB 2373** be advanced, which motion was declared adopted.

THIRD READING

HB 2373 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, Ford, Garrison, Gumm, Harrison, Hobson, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Lawler, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Riley, Shurden, Taylor, Wilcoxson, Williamson, Wilson and Wyrick.--44.

Excused: Fisher, Leftwich and Pruitt.--3.

Vacancy: District 38.--1.

The bill passed.

HB 2373 was referred for engrossment.

GENERAL ORDER

HB 2755 by Blackwell et al of the House and Laughlin and Garrison of the Senate was called up for consideration.

Senator Laughlin moved that **HB 2755** be advanced, which motion was declared adopted.

THIRD READING

HB 2755 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, 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, Taylor, Wilcoxson, Williamson, Wilson and Wyrick.--46.

Excused: Fisher.--1.

Vacancy: District 38.--1.

The bill and emergency passed.

HB 2755 was referred for engrossment.

GENERAL ORDER

HB 2688 by Ellis et al of the House and Shurden of the Senate was called up for consideration.

Representative Deutschendorf asked to coauthor **HB 2688**, which was the order.

Senator Corn moved to amend **HB 2688**, Page 1, Line 11 ½, by inserting a new Section 1 to read as follows:

“SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2357.95 of Title 68, unless there is created a duplication in numbering, reads as follows:

A. For taxable years beginning after December 31, 2004, there shall be allowed a credit against the tax imposed pursuant to Section 2355 or Section 2370 of Title 68 of the Oklahoma Statutes or against the tax imposed pursuant to Section 624 or 628 of Title 36 of the Oklahoma Statutes or against the tax imposed pursuant to Section 1001 of Title 68 of the Oklahoma Statutes for tax credits originally issued to a qualified housing component manufacturing facility located in Oklahoma. The credit may be used in the payment of estimated tax payments for the tax imposed by Section 624 or 628 of Title 36 of the Oklahoma Statutes.

B. The amount of the credit shall be freely transferable to subsequent Oklahoma transferees. The credit authorized by this section shall be in the amount of Two Thousand Five Hundred Dollars (\$2,500.00) for each residence for which the initial recipient has provided components. The owner of any credit claimed shall present with each credit an affidavit or certificate, in such form as may be prescribed for such purpose by the Oklahoma Tax Commission, indicating that the credit is based upon providing components from the facility. The credits authorized by this section may be claimed by any taxpayer on a quarterly basis for any tax as provided by subsection A of this section that is paid on a quarterly basis.

C. The total amount of credits authorized to be claimed pursuant to this section shall not exceed Four Million Dollars (\$4,000,000.00). Credits in the amount of Four Million Dollars (\$4,000,000.00) shall be issued directly to a qualified housing component manufacturing facility upon certification by the Oklahoma Tax Commission that the applicant for such credits is a qualified initial recipient.

D. As used in this section:

1. “Qualified housing component manufacturing facility” means real property and related personal property used exclusively for the manufacture of components or systems to be incorporated into the structure of residential dwellings, including, but not limited to, wooden house frame components or sections, plumbing assemblies, electrical wiring systems, roof assemblies or subassemblies or such other assemblies, components or systems that are designed to be mass-produced by the facility to achieve cost efficiencies for builders of residences. As used in this paragraph, “qualified housing component manufacturing facility” does not mean a facility engaged in the production of manufactured homes as defined by 42 U.S.C., Section 5401 et seq., and rules promulgated pursuant thereto; and

2. “Qualified initial recipient” means a person, firm, partnership, corporation, limited liability company or other legal entity organized pursuant to the laws of the State of Oklahoma that has as its principal business purpose and activity the manufacture of components, assemblies, structures or systems for the incorporation in the final structure consisting of a residential dwelling and which, after the sale of the credits authorized by this section, will own real property in the state to be used for the manufacture of such components, assemblies, structures or systems.

E. For purposes of this section, the qualified housing component manufacturing facility may receive the tax credits authorized by subsection A of this section prior to the date as of which actual manufacturing activity at a qualified facility begins. In order for the

Oklahoma Tax Commission to issue credits to a qualified initial recipient, the applicant shall be required to demonstrate that it is a legally recognized business entity authorized to do business in the state and that its principal business purpose meets the requirements of paragraph 1 of subsection D of this section.

F. In order to be eligible for receipt of any tax credits authorized by this section, the entity making application shall present to the Oklahoma Tax Commission, in the form of an affidavit executed by a principal representing the applicant, whether a member of the board of directors or officer of a corporation, or a manager or member of a limited liability company, stating that the person executing the affidavit is either a member of the board of directors or an officer of the applicant or both, in the case of a corporation, or a manager or member or both, in the case of a limited liability company, and that the affiant is an individual who has at least ten (10) years of experience in the business of producing, within the State of Oklahoma, wall panels, plumbing assemblies and electrical wiring components, or any such combination of subassembly components that will be manufactured by the applicant. The presentation of a duly executed affidavit pursuant to this subsection shall be sufficient documentation of the requirements for the principal acting on behalf of the applicant for receipt of the tax credits and no further documentation related to the factual recitations of the affidavit shall be required.

G. The credits authorized by this section shall not be sold for less than eighty percent (80%) of their face or par value.

H. The credits authorized by this section shall not be claimed against any income tax, bank privilege tax or insurance premium tax liability prior to July 1, 2006.

I. The Oklahoma Tax Commission shall:

1. Certify, upon request of an authorized agent or representative of a qualified initial recipient that the qualified initial recipient is authorized to receive the tax credits and transfer such credits to a subsequent purchaser. The certification shall be in writing and signed by an authorized representative of the Tax Commission and, for purposes of determining qualifications of an establishment which may be eligible for the credit authorized by this section, shall be binding upon the Tax Commission; and

2. Issue a certificate to tax credit transferees that provides adequate documentation of qualification for the credit authorized by this section even if the credit may not be claimed until after the date upon which the certificate is requested. Upon issuance, the certificate shall be evidence that a transferee of the qualified initial recipient submitting the certificate, or a certified copy thereof, with the relevant tax return or other form, has the legal right to exercise the credit in order to reduce the relevant tax liability for the period authorized by this section.”, and by renumbering subsequent sections, which amendment was declared adopted.

Senator Shurden moved that **HB 2688** be advanced, which motion was declared adopted.

THIRD READING

HB 2688 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, Cain, Capps, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Harrison, Hobson, Johnson (C), Johnson (M), Justice, Laster, Laughlin, Lawler, Leftwich, Lerblance, Morgan, Myers, Nichols, Paddack, Rabon, Riley, Shurden, Taylor, Wilcoxson, Williamson, Wilson and Wyrick.--39.

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

Excused: Fisher.--1.

Vacancy: District 38.--1.

The bill passed.

HB 2688 was referred for engrossment.

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

*

The Senate reconvened with Senator Gumm presiding.

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

PENDING CONSIDERATION OF HAS

HAs to SB 1842 were rejected upon motion of Senator Rabon, conference requested, and Senate conferees to be named later.

GENERAL ORDER

HB 3004 by Morgan (Fred) et al of the House and Coffee of the Senate was called up for consideration.

Senator Williamson moved to amend **HB 3004**, Page 1, Line 10 ½, by inserting a new Section 1 to read as follows:

“SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1040.55 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. As used in this section:

1. “Adult cabaret” means a nightclub, bar, restaurant, or similar establishment in which persons appear in a state of nudity in the performance of their duties;
2. “Sexually-oriented business” means any business which offers its patrons goods of which a substantial portion are sexually-oriented materials. Any business where more than ten percent (10%) of display space is used for sexually-oriented materials shall be presumed to be a sexually-oriented business;
3. “Sexually-oriented materials” means any textual, pictorial, or three-dimensional material that depicts nudity, sexual conduct, sexual excitement, or sadomasochistic abuse in a way that is patently offensive to the average person applying contemporary adult community standards with respect to what is suitable for minors; and
4. “State of nudity” means the showing of either:
 - a. the human male or female genitals or pubic area with less than a fully opaque covering, or
 - b. the female breast with less than a fully opaque covering or any part of the nipple.

B. Except as otherwise provided in this subsection, no billboard or other exterior advertising sign for an adult cabaret or sexually-oriented business shall be located within one (1) mile of any state highway. If such a business is located within one (1) mile of a state highway, the business may display a maximum of two exterior signs on the premises of the business, consisting of one identification sign and one sign solely giving notice that minors are not permitted on the premises. The identification sign shall be no more than forty (40) square feet in size and shall include no more than the following information: name, street address, telephone number, and operating hours of the business.

C. Signs existing at the time of the adoption of this section, which do not conform to the requirements of this section, may be allowed to continue as a nonconforming use, but shall be made to conform not later than November 1, 2009.

D. The Attorney General shall represent the state in all actions and proceedings arising from this section. In addition, all costs incurred by the Attorney General to defend or prosecute this section, including payment of all court costs, civil judgments, and, if necessary, any attorney fees, shall be paid from the General Revenue Fund.

E. Any owner of a business who violates the provisions of this section shall be guilty of a misdemeanor.”, and by renumbering subsequent sections, and Page 1, by restoring the title and enacting clause.

Senator Cain moved to amend the Williamson amendment by striking the portion of the amendment to restore the title and the enacting clause.

Senator Williamson moved to table the Cain amendment to the Williamson amendment, which tabling motion failed of adoption upon roll call as follows:

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

Riley, Wilcoxson and Williamson.--22.

Nay: Adelson, Bass, Cain, Capps, Corn, Crutchfield, Easley, Eason McIntyre, Fisher, Garrison, Gumm, Harrison, Hobson, Laster, Lawler, Leftwich, Lerblance, Morgan, Paddack, Rabon, Shurden, Taylor, Wilson and Wyrick.--24.

Excused: Johnson (C).--1.

Vacancy: District 38.--1.

Senator Cain pressed adoption of his previous amendment to the Williamson amendment, which amendment failed of adoption upon roll call as follows:

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

Nay: Aldridge, Anderson, Barrington, Branan, Brogdon, Coates, Coffee, Crain, Ford, Gumm, Johnson (M), Jolley, Justice, Lamb, Laughlin, Mazzei, Myers, Nichols, Pruitt, Reynolds, Riley, Wilcoxson and Williamson.--23.

Excused: Johnson (C).--1.

Vacancy: District 38.--1.

Senator Williamson pressed the adoption of his previous amendment, which amendment was declared adopted upon roll call 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, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Taylor, Wilcoxson, Williamson, Wilson and Wyrick.--47.

Vacancy: District 38.--1.

Senator Coffee moved that **HB 3004** be advanced, which motion was declared adopted.

THIRD READING

HB 3004 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, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Taylor, Wilcoxson, Williamson, Wilson and Wyrick.--47.

Vacancy: District 38.--1.

The bill passed.

Pursuant to Rule 12-23, Senator Cain served notice that the vote be reconsidered whereby **HB 3004** passed.

FIRST READING

The following was introduced and read the first time:

SR 98 – By Taylor.

A Resolution thanking Ken Levit for his service as President of the University of Oklahoma - Tulsa; wishing him well as Executive Director of the George Kaiser Family Foundation; and directing distribution.

UNANIMOUS CONSENT REQUEST DIRECT TO CALENDAR

Senator Taylor asked unanimous consent to suspend Rule 5-4 and refer **SR 98** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SR 98 by Taylor was called up for consideration.

All other members of the Senate asked to coauthor **SR 98**, which was the order.

SR 98 was adopted upon motion of Senator Taylor and referred for enrollment.

PENDING CONSIDERATION OF HAS

HAs to **SB 1765** were rejected upon motion of Senator Rabon, conference requested, and Senate conferees to be named later.

**PENDING SENATE ACTION
HOUSE REQUEST FOR CONFERENCE**

Upon motion of Senator Rabon, the request of the Honorable House for conference on **HBs 2454, 2529, 2597, 2611, 2793 and 2794** was ordered granted and Senate conferees to be named later.

GENERAL ORDER

HB 2634 by Balkman of the House and Lamb of the Senate was called up for consideration.

Senator Corn offered a substitute amendment to the Williamson amendment to **HB 2634**, Page 1, Line 11 ½, by inserting new Sections 1 through 9 (Section 1 – New Law, not to be codified in the Oklahoma Statutes; Sections 2 through 14 – New Law 74 O.S., Sections 51.4, 52, 52.1 and 52.2; 21 O.S., Sections 748 and 748.1; 57 O.S., Section 16b; 59 O.S., Sections 1345, 1345.1, 1345.2, 1345.3; and 68 O.S., Sections 2358.8 and 2385.32)

Senator Lamb asked that **HB 2634** be laid over temporarily, which was the order.

HB 2634 remains on General Order pending consideration of the Corn substitute amendment.

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

Senator Jolley asked unanimous consent to suspend Rule 5-4 and refer **SR 89** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SR 89 by Pruitt was called up for consideration.

All other members of the Senate asked to coauthor **SR 89**, which was the order.

SR 89 was adopted upon motion of Senator Jolley and referred for enrollment.

GENERAL ORDER

HB 2967 by Sullivan et al of the House and Laster of the Senate was called up for consideration.

Senator Laster moved that **HB 2967** be advanced, which motion was declared adopted.

THIRD READING

HB 2967 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, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Taylor, Wilcoxson, Williamson, Wilson and Wyrick.--46.

Excused: Coffee.--1.

Vacancy: District 38.--1.

The bill passed.

HB 2967 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 2712 by Kern of the House and Wilcoxson of the Senate was called up for consideration.

Senator Wilcoxson moved that **HB 2712** be advanced, which motion was declared adopted.

THIRD READING

HB 2712 was read for the third time at length.

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

Aye: Aldridge, Anderson, Barrington, Bass, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Fisher, Ford, Gumm, Harrison, Hobson, Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Myers, Nichols, Paddack, Pruitt, Reynolds, Taylor, Wilcoxson and Williamson.--37.

Nay: Adelson, Eason McIntyre, Garrison, Johnson (C), Rabon, Riley, Wilson and Wyrick.--8.

Excused: Morgan and Shurden.--2.

Vacancy: District 38.--1.

The bill and emergency passed.

HB 2712 was referred for engrossment.

MESSAGES FROM THE HOUSE

Advising fourth reading of and returning Enrolled **SBs 1593, 1640, 1741** and **1749**.

The above-numbered enrolled measures were referred to the Governor.

Advising the signing of and transmitting for signature Enrolled **HCR 1062**.

The above-numbered enrolled measure was properly signed and ordered returned to the Honorable House.

Advising fourth reading of and transmitting for signature Enrolled **HBs 2139** and **3085**.

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

MESSAGE FROM THE HOUSE HAS TO SENATE BILLS

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

SB 1091 - coauthored by Askins of the House

SB 1399 - coauthored by Hyman, Shoemake and Brown of the House

SB 1485 - coauthored by Calvey of the House

SB 1497

SB 1549

SB 1613 - remove Lamb and substitute Laster as principal Senate author

SB 1614

SB 1680

SB 1709

SB 1717

SB 1755 - coauthored by Duncan, Nance, Ingmire, Brannon, Dank, DePue, Hamilton, Miller (Doug), Smithson, Terrill and Wesselhoft of the House

SB 1780

SB 1807

SB 1815

SB 1816

SB 1870 - coauthored by Shelton of the House

House amendments were read on the above-numbered bills.

GENERAL ORDER

HB 2878 by Glenn et al of the House and Johnson (Mike) of the Senate was called up for consideration.

Senator Johnson (Mike) moved that **HB 2878** be advanced, which motion was declared adopted.

THIRD READING

HB 2878 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, Pruitt, Rabon, Reynolds, Riley, Shurden, Taylor, Wilcoxson, Williamson, Wilson and Wyrick.--46.

Excused: Morgan.--1.

Vacancy: District 38.--1.

The bill passed.

HB 2878 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 2911 by Peterson (Ron) of the House and Laster of the Senate, last considered on Page 1058, was called up for further consideration.

Senator Rabon moved to amend **HB 2911**, Page 31, Line 2 ½, by inserting a new Section 16 to read as follows:

“SECTION 16. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

The Legislature hereby directs the Oklahoma Real Estate Appraiser Board to develop a program which provides for progress monitoring, supervising certified appraiser qualifications, and supervision and oversight requirements for supervising appraisers, in compliance with the requirements of the Trainee Real Property Appraiser Qualification Criteria effective January 1, 2008, of the Appraiser Qualifications Board of The Appraisal Foundation. Upon development of such a program, there shall be no limitation on the number of appraisers which may be supervised by a single supervising appraiser.”, and by renumbering subsequent section and amending the title to conform, which amendment was declared adopted.

Senator Aldridge moved to amend **HB 2911**, by restoring the stricken language on Page 15, Lines 6 through 12; Page 15, Lines 19 through 23; Page 16, Lines 1 and 2; Page 16, Lines 9 through 15; and Page 17, Lines 2 through 10, and by amending the title to conform, which amendment was declared adopted.

Senator Laster moved that **HB 2911** be advanced, which motion was declared adopted.

THIRD READING

HB 2911 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, Lawler, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Taylor, Wilcoxson, Williamson, Wilson and Wyrick.--46.

Excused: Laughlin.--1.

Vacancy: District 38.--1.

The bill passed.

HB 2911 was referred for engrossment.

GENERAL ORDER

HB 3037 by Cargill et al of the House and Johnson (Constance) of the Senate was called up for consideration.

Senator Johnson (Constance) moved that **HB 3037** be advanced, which motion was declared adopted.

THIRD READING

HB 3037 was read for the third time at length.

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

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

Nay: Brogdon, Jolley, Lamb, Mazzei, Wilcoxson and Williamson.--6.

Excused: Anderson and Laughlin.--2.

Vacancy: District 38.--1.

The bill and emergency passed.

HB 3037 was referred for engrossment.

GENERAL ORDER

HB 2077 by Ellis et al of the House and Shurden of the Senate was called up for consideration.

Senator Shurden moved that **HB 2077** be advanced, which motion was declared adopted.

THIRD READING

HB 2077 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, Lawler, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds,

Riley, Shurden, Taylor, Wilcoxson, Williamson, Wilson and Wyrick.--46.

Excused: Laughlin.--1.

Vacancy: District 38.--1.

The bill and emergency passed.

HB 2077 was referred for engrossment.

PENDING CONSIDERATION OF HAS

HAs to SB 1755 were rejected upon motion of Senator Rabon, conference requested, and Senate conferees to be named later.

MESSAGE FROM THE HOUSE

Advising passage of and returning the following Engrossed resolutions:

SJR 32

SJR 64

The above-numbered measures were referred for enrollment.

GENERAL ORDER

HB 2367 by Kern et al of the House and Branan of the Senate was called up for consideration.

Senator Branan moved to amend **HB 2367**, by striking the title, the enacting clause and the entire body of the bill and substituting the floor substitute, which amendment was declared adopted. (Copies were provided for all Senators.)

Senator Wilcoxson moved to amend the floor substitute to **HB 2367**, Page 3, Line 10, by inserting after the word "achievement" and before the word "and" the words "as determined by the academic performance index score", which amendment was declared adopted.

Senator Hobson moved to amend the floor substitute to **HB 2367**, Page 3, Line 18, by inserting after the period the language "Such program shall require students to participate or serve in an education-oriented capacity for themselves or other students on the school premises or other school-owned or contracted properties in activities such as tutors,

classroom assistants, counselor assistants, or other education-oriented activity approved by the school district.”, which amendment was declared adopted.

Senator Branan moved that **HB 2367** be advanced, which motion was declared adopted.

THIRD READING

HB 2367 was read for the third time at length.

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

Aye: Adelson, Aldridge, Anderson, Barrington, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crain, Ford, Harrison, Hobson, Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Mazzei, Morgan, Myers, Nichols, Pruitt, Reynolds, Riley, Shurden, Taylor, Wilcoxson, Williamson and Wilson.--33.

Nay: Bass, Crutchfield, Easley, Eason McIntyre, Fisher, Garrison, Gumm, Johnson (C), Lawler, Lerblance, Paddock, Rabon and Wyrick.--13.

Excused: Laughlin.--1.

Vacancy: District 38.--1.

The bill and emergency passed.

HB 2367 was referred for engrossment.

GENERAL ORDER

HB 2634 by Balkman of the House and Lamb of the Senate was called up for further consideration.

Senator Corn pressed the adoption of his previous substitute amendment.

Senator Williamson moved to table the Corn amendment, which tabling motion failed of adoption upon roll call as follows:

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

Nay: Adelson, Bass, Cain, Capps, Corn, Crutchfield, Easley, Eason McIntyre, Fisher, Garrison, Gumm, Harrison, Hobson, Johnson (C), Laster, Lawler, Leftwich, Lerblance, Morgan, Paddock, Rabon, Shurden, Wilson and Wyrick.--24.

Excused: Laughlin and Taylor.--2.

Vacancy: District 38.--1.

Senator Corn pressed adoption of his previous substitute amendment.

Senator Lamb asked that **HB 2634** be laid over temporarily.

Senator Corn raised a point of order that his motion to adopt his amendment was a prior motion.

Senator Lamb raised a point of order that he was the Senate author and was in order to lay the bill over.

The Chair ruled that Senator Lamb was in order.

Senator Lamb asked that **HB 2634** be laid over for this legislative day, which was the order.

HB 2634 remains on General Order pending consideration of the Corn substitute amendment.

GENERAL ORDER

HB 2812 by Denney et al of the House and Johnson (Mike) of the Senate was called up for consideration.

Senator Johnson (Mike) moved that **HB 2812** be advanced, which motion was declared adopted.

THIRD READING

HB 2812 was read for the third time at length.

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

Aye: Aldridge, Anderson, Barrington, Branan, Brogdon, Cain, Coates, Coffee, Crain, Ford, Gumm, Johnson (M), Jolley, Justice, Lamb, Leftwich, Mazzei, Morgan, Myers, Nichols, Pruitt, Reynolds, Riley, Shurden, Wilcoxson and Williamson.--26.

Nay: Adelson, Bass, Corn, Crutchfield, Easley, Eason McIntyre, Fisher, Garrison, Harrison, Hobson, Johnson (C), Laster, Lawler, Lerblance, Paddack, Rabon, Taylor, Wilson and Wyrick.--19.

Excused: Capps and Laughlin.--2.

Vacancy: District 38.--1.

The bill passed.

HB 2812 was referred for engrossment.

MOTION TO RECONSIDER VOTE

Senator Aldridge moved to reconsider the vote whereby **HB 2867** passed, which motion was declared adopted upon roll call as follows:

Aye: Adelson, Aldridge, Anderson, Barrington, Bass, Branan, Brogdon, 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, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Taylor, Wilcoxson, Wilson and Wyrick.--42.

Excused: Cain, Capps, Lamb, Laughlin and Williamson.--5.

Vacancy: District 38.--1.

THIRD READING

Senator Aldridge moved to reconsider the vote whereby **HB 2867** was advanced, which motion was declared adopted.

GENERAL ORDER

HB 2867 by Worthen of the House and Gumm of the Senate was called up for consideration.

Senator Aldridge moved to amend **HB 2867**, Page 1, by striking the title and the enacting clause, which amendment was declared adopted.

Senator Aldridge moved that **HB 2867** be advanced, which motion was declared adopted.

THIRD READING

HB 2867 was read for the third time at length.

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

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

Excused: Capps and Laughlin.--2.

Vacancy: District 38.--1.

The bill and emergency passed.

HB 2867 was referred for engrossment.

MESSAGE FROM THE HOUSE

Advising passage of and returning the following Engrossed bill:

SB 1557

The above-numbered measure was referred for enrollment.

Senator Rabon moved that when the clerk's desk is clear, the Senate stand adjourned to convene Tuesday, April 25, 2006, at 10:00 a.m., which motion prevailed.

MESSAGES FROM THE GOVERNOR

Advising his approval April 21, 2006, of Enrolled **SB 1131**.

Advising his approval April 24, 2006, of Enrolled **SBs 1318, 1405, 1453 and 1459**.

Pursuant to the Rabon motion, the Senate adjourned at 3:50 p.m. to meet Tuesday, April 25, 2006, at 10:00 a.m.