

# Senate Journal

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

**Forty-third Legislative Day, Tuesday, April 25, 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 2072, 2077, 2121, 2157, 2355, 2366, 2367, 2373, 2561, 2604, 2608, 2649, 2688, 2704, 2712, 2753, 2755, 2812, 2867, 2910, 2911, 2940, 2958, 3009, 3037 and 3078 and HJR 1057** were each correctly engrossed and, together with engrossed **SAs**, properly signed and ordered returned to the Honorable House.

**SB 1557** and **SJR 32** and **64** were each correctly enrolled and after fourth reading, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

**SRs 89, 97** and **98** were each correctly enrolled, properly signed and ordered transmitted to the Secretary of State.

**GENERAL ORDER**

**HB 2909** by Peterson (Ron) and Rousselot of the House and Aldridge of the Senate was called up for consideration.

Senator Aldridge moved that **HB 2909** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 2909** 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, 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, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Riley, Shurden, Taylor, Wilcoxson, Williamson, Wilson and Wyrick.--43.

Excused: Adelson, Coffee, Mazzei and Pruitt.--4.

Vacancy: District 38.--1.

The bill passed.

**HB 2909** was referred for engrossment.

**GENERAL ORDER**

**HB 2845** by Calvey et al of the House and Gumm and Coffee of the Senate was called up for consideration.

Senator Gumm moved that **HB 2845** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 2845** 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, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Riley, Shurden, Taylor, Wilcoxson, Williamson, Wilson and Wyrick.--43.

Excused: Adelson, Coffee, Mazzei and Pruitt.--4.

Vacancy: District 38.--1.

The bill and emergency passed.

**HB 2845** was referred for engrossment.

**MESSAGE FROM THE HOUSE  
HAS TO SENATE BILLS**

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

**SB 973**

**SB 1359** - coauthored by Worthen, Dank, Miller (Ken), DePue and Terrill of the House

**SB 1500**

**SB 1568**

**SB 1581** - coauthored by Duncan of the House

**SB 1601** - coauthored by Bingman, Liebmann, Rousselot, Billy, Hyman, Jackson, Kiesel, Roan, Shoemake, Terrill, Walker and Worthen of the House

**SB 1606**

**SB 1663**

**SB 1675** - coauthored by Braddock, Askins, Banz, Case, Deutschendorf, Dorman, Duncan, Ingmire, McCarter, McMullen, Nance, Terrill, Worthen and Wright of the House

**SB 1683**

**SB 1693** - remove Carey and substitute Dank as principal House author and add the following House coauthors Adkins, Terrill and Nance and coauthored by Mazzei of the Senate

**SB 1713** - coauthored by Roan, Terrill and DePue of the House

**SB 1858** - coauthored by Nance, Dank, Terrill, DePue and Martin of the House

**SB 1894** - coauthored by DePue, Terrill and Worthen of the House

**SB 1964** - coauthored by Perry, Balkman, Brannon, Coody, Cooksey, DePue, Duncan, Kiesel, Martin, Nance, Peters, Peterson (Ron), Smithson, Terrill, Tibbs, Wesselhoft, Winchester and Worthen of the House

**SJR 52** - coauthored by Jackson and Askins of the House

House amendments were read on the above-numbered bills.

**MESSAGES FROM THE HOUSE**

Advising rejection of **SAs** to the following bills, requesting conference and naming conferees later:

**HB 2421**  
**HB 2485**  
**HB 2490**  
**HB 2512**  
**HB 2516**  
**HB 2517**  
**HB 2552**  
**HB 2554**  
**HB 2559**  
**HB 2565**  
**HB 2749**  
**HB 2960**  
**HB 3115**  
**HB 3116**  
**HJR 1010**

Advising fourth reading of and transmitting for signature Enrolled **HBs 2458, 2756, 2878** and **2967**.

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

**GENERAL ORDER**

**HB 2357** by DePue et al of the House and Nichols of the Senate was called up for consideration.

Senator Nichols moved that **HB 2357** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 2357** 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, 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, Rabon, Reynolds, Riley, Shurden, Taylor, Wilcoxson, Williamson, Wilson and Wyrick.--45.

Excused: Coffee and Pruitt.--2.

Vacancy: District 38.--1.

The bill and emergency passed.

**HB 2357** was referred for engrossment.

### **GENERAL ORDER**

**HB 2810** by Denney et al of the House and Morgan and Branan of the Senate was called up for consideration.

Senator Lawler asked to coauthor **HB 2810**, which was the order.

Senator Morgan moved that **HB 2810** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 2810** 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, 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, Rabon, Reynolds, Riley, Shurden, Taylor, Wilcoxson, Williamson, Wilson and Wyrick.--45.

Excused: Coffee and Pruitt.--2.

Vacancy: District 38.--1.

The bill and emergency passed.

**HB 2810** was referred for engrossment.

**GENERAL ORDER**

**HB 2628** by Pruett et al of the House and Rabon of the Senate, previously considered on Page 1293, was called up for further consideration.

Senator Rabon asked that his previous amendment be withdrawn, which was the order.

Senator Rabon moved to amend **HB 2628**, Page 5, Lines 9 through 18, after the word “exceeds” on Line 9 and before the second word “one” on Line 18, by restoring all stricken language; Page 5, Lines 18 and 19, after the percentage “(110%)” on Line 18 and before the word “of” on Line 19, by deleting the words “one hundred percent (100%)”; Page 5, Line 23, after the word “this” by restoring the stricken word “subparagraph” and by deleting the word “paragraph”; Page 6, Line 2, after the word “shall” by restoring the stricken word “not”; and Page 6, Line 3, after the semicolon “;” by inserting the following:

“or c. one hundred percent (100%) of the average county wage, excluding health care premiums paid by the applicant for individuals in new direct jobs if the county in which the new jobs are located has:

- (1) according to the most recent determination by the Oklahoma Employment Security Commission, a county unemployment rate more than ten percent (10%) higher than the state unemployment rate; and
- (2) according to the most recent federal decennial census, a county median household income fifteen percent (15%) or more below the federal poverty level.”, which amendment was declared adopted.

Senator Rabon moved that **HB 2628** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 2628** 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, 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, Rabon, Reynolds, Riley, Shurden, Taylor, Wilcoxson, Williamson, Wilson and Wyrick.--45.

Excused: Coffee and Pruitt.--2.

Vacancy: District 38.--1.

The bill and emergency passed.

**HB 2628** was referred for engrossment.

## **GENERAL ORDER**

**HB 2615** by Calvey et al of the House and Coates et al of the Senate was called up for consideration.

Senators Gumm, Branan, Riley, Aldridge, Justice, Wilcoxson, Nichols, Lamb, Williamson, Johnson (Mike), Myers, Reynolds, Laughlin, Coffee, Brogdon, Mazzei, Jolley and Barrington asked to coauthor **HB 2615**, which was the order.

Senator Crain moved to amend **HB 2615**, Page 4, Line 6, by deleting all language after the word “includes” and before the word “charging”, which amendment was declared adopted.

Senator Crain moved to amend **HB 2615**, Page 4, Line 1 through Page 4, Line 3, by deleting all language after the word “force” on Line 1 and before the word “for” on Line 3, and by inserting in lieu thereof the words “and may offer as an affirmative defense in a criminal or civil action”, which amendment failed of adoption upon roll call as follows:

Aye: Anderson, Cain, Crain, Fisher, Hobson, Johnson (C), Laster, Lerblance and Wilson.--9.

Nay: Adelson, Aldridge, Barrington, Bass, Branan, Brogdon, Capps, Coates, Corn, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Harrison, Johnson (M), Jolley, Justice, Lamb, Laughlin, Lawler, Leftwich, Mazzei, Myers, Nichols, Paddack, Rabon, Reynolds, Riley, Shurden, Taylor, Wilcoxson, Williamson and Wyrick.--35.

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

Vacancy: District 38.--1.

Senator Coates moved to amend **HB 2615**, Page 1, by restoring the title.

Senator Fisher moved to table the Coates amendment, which tabling motion failed of adoption upon division of the question.

Senator Coates pressed his previous amendment to restore the title, which amendment was declared adopted.

Senator Coates moved that **HB 2615** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 2615** 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, Capps, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Fisher, Ford, Garrison, Gumm, Harrison, Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Myers, Nichols, Paddack, Rabon, Reynolds, Riley, Shurden, Wilcoxson, Williamson and Wyrick.--39.

Nay: Cain, Eason McIntyre, Hobson, Johnson (C) and Wilson.--5.

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

Vacancy: District 38.--1.

The bill passed.

Pursuant to Rule 12-23, Senator Coates served notice that the vote be reconsidered whereby **HB 2615** passed.

**PENDING SENATE ACTION  
HOUSE REQUEST FOR CONFERENCE**

Upon motion of Senator Fisher, the request of the Honorable House for conference on **HBs 2421, 2485, 2490, 2512, 2516, 2517, 2552, 2554, 2559, 2565, 2749, 2960, 3115, 3116** and **HJR 1010** was ordered granted and Senate conferees to be named later.

**MESSAGES FROM THE HOUSE**

Advising passage of and transmitting for consideration Engrossed **HJR 1071**.

**HJR 1071** – By Reynolds of the House and Laughlin of the Senate.

A Joint Resolution relating to permanent rules of the State Election Board; approving as amended permanent rule OAC 230:35-3-99, which relates to disposing of Precinct Registries; changing the retention time period; and directing publication and distribution.

The above-numbered measure was read the first time.



Advising passage of and returning the following Engrossed bill:

**SCR 39**

The above-numbered measure was referred for enrollment.

**Senator Gumm presiding.**

**GENERAL ORDER**

**HB 2986** by Jones et al of the House and Paddack of the Senate was called up for consideration.

Senator Paddack moved to amend **HB 2986**, 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 Mazzei moved to amend the floor substitute to **HB 2986**, Page 13, Line 10, by deleting before the word "of" the language "eight percent (8%)" and inserting in lieu thereof the language "eight and seventy-four one hundredths percent (8.74%)", which amendment was declared adopted.

Senator Paddack asked that **HB 2986** be laid over temporarily, which was the order.

**HB 2986** remains on General Order.

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 Corn presiding.

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

**GENERAL ORDER**

**HB 2819** by Banz et al of the House and Capps and Aldridge of the Senate was called up for consideration.

Senator Capps moved to amend **HB 2819**, Page 3, Lines 11 and 12, by deleting all language following the word “the” on Line 11 through the word “Excellence” on Line 12 and inserting in lieu thereof the words “Center of Excellence for Aerospace Technology (COEAT)”, and by amending the title to conform, which amendment was declared adopted.

Senator Capps moved to amend **HB 2819**, Page 1, by striking the title, which amendment was declared adopted.

Senator Capps moved that **HB 2819** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 2819** 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, Corn, Crain, Crutchfield, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson (C), Johnson (M), Jolley, Justice, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Riley, Shurden, Wilcoxson, Williamson, Wilson and Wyrick.--42.

Excused: Coffee, Easley, Lamb, Pruitt and Taylor.--5.

Vacancy: District 38.--1.

The bill and emergency passed.

**HB 2819** was referred for engrossment.

**Senator Gumm presiding.**

### **PENDING SENATE ACTION HOUSE REQUEST FOR CONFERENCE**

Upon motion of Senator Fisher, the request of the Honorable House for conference on **HBs 2469** and **2588** was ordered granted and Senate conferees to be named later.

**MESSAGE FROM THE HOUSE**

Advising fourth reading of and returning Enrolled **SB 1557** and **SJR**s **32** and **64**.

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

**GENERAL ORDER**

**HB 3011** by Morgan (Fred) of the House and Laster of the Senate was called up for consideration.

Senator Laster moved that **HB 3011** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 3011** was read for the third time at length.

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

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

Excused: Lamb, Morgan, Nichols and Pruitt.--4.

Vacancy: District 38.--1.

The bill passed.

**HB 3011** was referred for engrossment.

**GENERAL ORDER**

**HB 3012** by Morgan (Fred) of the House and Laster of the Senate was called up for consideration.

Senator Laster moved that **HB 3012** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 3012** was read for the third time at length.

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

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

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

Vacancy: District 38.--1.

The bill passed.

**HB 3012** was referred for engrossment.

**GENERAL ORDER**

**HB 2379** by Wilt of the House and Myers of the Senate was called up for consideration.

Senator Myers moved to amend **HB 2379**, 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 Myers moved that **HB 2379** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 2379** was read for the third time at length.

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

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

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

Vacancy: District 38.--1.

The bill passed.

**HB 2379** was referred for engrossment.

### **GENERAL ORDER**

**HB 2578** by Jones et al of the House and Eason McIntyre of the Senate was called up for consideration.

Senator Eason McIntyre moved that **HB 2578** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 2578** 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, Eason McIntyre, Fisher, Ford, 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 and Wyrick.--43.

Nay: Easley, Garrison and Wilson.--3.

Excused: Morgan.--1.

Vacancy: District 38.--1.

The bill and emergency passed.

**HB 2578** was referred for engrossment.

### **GENERAL ORDER**

**HB 2809** by Trebilcock et al of the House and Corn of the Senate was called up for consideration.

Senator Corn moved that **HB 2809** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 2809** was read for the third time at length.

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

Aye: Adelson, Aldridge, Anderson, Barrington, Bass, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Taylor, Wilcoxson, Williamson, Wilson and Wyrick.--47.

Vacancy: District 38.--1.

The bill and emergency passed.

**HB 2809** was referred for engrossment.

**GENERAL ORDER**

**HB 2986** by Jones et al of the House and Paddack of the Senate was called up for further consideration.

Senator Corn moved to amend the floor substitute to **HB 2986**, Page 41, Lines 6 through 10, by deleting all language after the stricken number "1." on Line 6 through the word "year" on Line 8 and by restoring on Line 8 all of the stricken language after the stricken number "2." through the word "years" on Line 10, which amendment was declared adopted.

Senator Rabon moved to amend the floor substitute to **HB 2986**, Page 47, Line 12 ½, by inserting new Sections 6 and 7 to read as follows:

"SECTION 6. AMENDATORY 74 O.S. 2001, Section 1316.3, as last amended by Section 3, Chapter 198, O.S.L. 2005 (74 O.S. Supp. 2005, Section 1316.3), is amended to read as follows:

Section 1316.3. A. Any person who retires pursuant to the provisions of the Teachers' Retirement System of Oklahoma with at least ten (10) years of creditable service or who has a vested benefit with at least ten (10) years of creditable service, pursuant to the provisions of the Teachers' Retirement System of Oklahoma may continue in force the health and dental insurance benefits authorized by the provisions of the State and Education Employees Group Insurance Act if such election to continue in force or begin is made within thirty (30) days from the date of termination of service. Except as provided in subsection E of Sections 5-117.5 and 14-108.1 of Title 70 of the Oklahoma Statutes and Section 840-2.27I of this title and subsection K of this section, health and dental insurance

coverage may not be reinstated at a later time if the election to continue in force or begin coverage is declined. Vested persons who have terminated service and are not receiving benefits and effective July 1, 1996, nonvested persons who have terminated service with more than ten (10) years of participating service with a qualifying employer, who within thirty (30) days from the date of termination of service, elect to continue such coverage, shall pay the full cost of said insurance premium at the rate and pursuant to the terms and conditions established by the Board.

B. 1. Health insurance benefit plans offered pursuant to this section shall include:

- a. indemnity plans offered through the State and Education Employees Group Insurance Board,
- b. managed care plans offered as alternatives to the indemnity plans,
- c. Medicare supplements offered through the State and Education Employees Group Insurance Board,
- d. Medicare risk-sharing contracts offered as alternatives to the Medicare supplements offered through the State and Education Employees Group Insurance Board, and
- e. any other employer-provided health insurance benefit plans if the employer does not participate in the plans offered pursuant to the State and Education Employees Group Insurance Act.

2. Health insurance benefit plans offered pursuant to this section shall provide prescription drug benefits, except for plans designed pursuant to the Medicare Prescription Drug Improvement and Modernization Act of 2003, which may or may not contain prescription drug benefits, for which provision of prescription drug benefits is optional, and except for plans offered pursuant to subparagraph e of paragraph 1 of this subsection.

C. A retired person who:

1. Is receiving benefits from the Teachers' Retirement System of Oklahoma after September 30, 1988, is under sixty-five (65) years of age and is not otherwise eligible for Medicare and pursuant to subsection A of this section elects to begin or to continue the health insurance plan;

2. Is receiving benefits from the Teachers' Retirement System of Oklahoma after June 30, 1993, is under sixty-five (65) years of age and is not otherwise eligible for Medicare and participates in a health insurance plan provided by a participating education employer of the Teachers' Retirement System of Oklahoma other than a health insurance plan offered pursuant to the State and Education Employees Group Insurance Act or an alternative health plan offered pursuant to the Oklahoma State Employees Benefits Act;

3. Is receiving benefits from the Teachers' Retirement System of Oklahoma after September 30, 1988, made contributions to the system and is sixty-five (65) years of age or older, or who is under sixty-five (65) years of age and is eligible for Medicare and is a participant in the State and Education Employees Group Insurance Act and elects coverage under the Medicare supplement offered by the State and Education Employees Group Insurance Board; or

4. Is receiving benefits from the Teachers' Retirement System of Oklahoma after June 30, 1993, made contributions to the system and is sixty-five (65) years of age or older, or who is under sixty-five (65) years of age and is eligible for Medicare and participates in a health insurance plan provided by a participating education employer of the Teachers' Retirement System of Oklahoma other than a health insurance plan offered pursuant to the

State and Education Employees Group Insurance Act or an alternative health plan offered pursuant to the Oklahoma State Employees Benefits Act and elects coverage under the Medicare supplement offered by the State and Education Employees Group Insurance Board,

shall have the amount determined pursuant to subsection E of this section, or the premium rate of the health insurance benefit plan, whichever is less, paid by the Teachers' Retirement System of Oklahoma. If the amount paid by the Teachers' Retirement System of Oklahoma does not cover the full cost of the health insurance premium, the retired person shall pay the remaining amount if the retired person wants to continue the coverage.

D. The Teachers' Retirement System shall pay the amount due pursuant to the provisions of subsection C of this section as follows:

1. For those individuals participating in plans provided through the State and Education Employees Group Insurance Act, payment shall be made to the Board pursuant to the provisions of subsection I of this section; or

2. For those individuals participating in plans provided through a participating education employer of the Teachers' Retirement System of Oklahoma other than a health insurance plan offered pursuant to the State and Education Employees Group Insurance Act, payment shall be made to the education employer.

E. 1. Beginning July 1, 2000, the maximum benefit payable by the Teachers' Retirement System of Oklahoma on behalf of a retired person toward said person's monthly premium for health insurance shall be determined in accordance with the following schedule:

AVERAGE SALARY USED FOR DETERMINING RETIREMENT ALLOWANCE	LESS THAN 15 YEARS OF CREDITABLE SERVICE	LESS THAN 25 YEARS BUT GREATER THAN 14.99 YEARS OF CREDITABLE SERVICE	GREATER THAN 24.99 YEARS OF CREDITABLE SERVICE
Less than \$20,000.00	\$103.00	\$104.00	\$105.00
Less than \$30,000.00 but greater than \$19,999.99	\$102.00	\$103.00	\$104.00
Less than \$40,000.00 but greater than \$29,999.99	\$101.00	\$102.00	\$103.00
\$40,000.00 or greater	\$100.00	\$101.00	\$102.00

2. Beginning July 1, 2006, there shall be an additional One Hundred Dollars (\$100.00) benefit payable by the Teachers' Retirement System of Oklahoma from funds appropriated pursuant to subsection L of this section on behalf of a retired person toward said person's monthly premium for health insurance.

For plans offered by the State and Education Employees Group Insurance Board, the amount paid pursuant to this subsection shall first be applied to the prescription drug coverage premium, if any. Any remaining amounts shall be applied towards the medical coverage premium.

F. If a person retires and begins to receive benefits from the Teachers' Retirement System of Oklahoma or terminates service and has a vested benefit with the Teachers'



Retirement System of Oklahoma, the person may elect, in the manner provided in subsection A of this section, to participate in the dental insurance plan offered through the State and Education Employees Group Insurance Act. The person shall pay the full cost of the dental insurance.

G. Those persons who are receiving benefits from the Teachers' Retirement System of Oklahoma and have health insurance coverage which on the operative date of this section is being paid by the education entity from which the person retired shall make the election required in subsection A of this section within thirty (30) days of the termination of said health insurance coverage. The person making the election shall give the Board certified documentation satisfactory to the Board of the termination date of the other health insurance coverage.

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

I. The amounts required to be paid by the Teachers' Retirement System of Oklahoma pursuant to this section shall be forwarded no later than the tenth day of each month following the month for which payment is due by the Board of Trustees of the Teachers' Retirement System of Oklahoma to the State and Education Employees Group Insurance Board for deposit in the Education Employees Group Insurance Reserve Fund.

J. The Teachers' Retirement System of Oklahoma shall provide the State and Education Employees Group Insurance Board information concerning the employers of retired and vested members necessary to allow the State and Education Employees Group Insurance Board to track eligibility for continued coverage.

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

L. The Legislature shall appropriate for the fiscal year beginning July 1, 2006 and for each fiscal year thereafter, monies to the Teachers' Retirement System of Oklahoma for the purpose of making the additional health insurance benefit payments on behalf of retired

persons as provided in subsection C of this section. The funding shall be based on the number of eligible retired persons as determined pursuant to this section multiplied by One Hundred Dollars (\$100.00) per eligible retired person.”

SECTION 7. AMENDATORY 74 O.S. 2001, Section 1316.2, as last amended by Section 2, Chapter 198, O.S.L. 2005 (74 O.S. Supp. 2005, Section 1316.2), is amended to read as follows:

Section 1316.2. §74-1316.2. Noneducation employees who have retired or otherwise terminated service - Law enforcement retirement system members killed, injured in line of duty - Continuance of health and dental insurance benefits.

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

- B. 1. Health insurance benefit plans offered pursuant to this section shall include:
- a. indemnity plans offered through the State and Education Employees Group Insurance Board,
  - b. managed care plans offered as alternatives to the indemnity plans offered through the State and Education Employees Group Insurance Board,
  - c. Medicare supplements offered pursuant to the State and Education Employees Group Insurance Act,

- d. Medicare risk-sharing contracts offered as alternatives to the Medicare supplements offered through the State and Education Employees Group Insurance Board. All Medicare risk-sharing contracts shall be subject to a risk adjustment factor, based on generally accepted actuarial principles for adverse selection which may occur, and
- e. for the Oklahoma Public Employee Retirement System, other employer-provided health insurance benefit plans if the employer does not participate in the plans offered pursuant to the State and Education Employees Group Insurance Act.

2. Health insurance benefit plans offered pursuant to this section shall provide prescription drug benefits, except for plans designed pursuant to the Medicare Prescription Drug Improvement and Modernization Act of 2003, for which provision of prescription drug benefits is optional, and except for plans offered pursuant to subparagraph e of paragraph 1 of this subsection.

C. 1. Designated public retirement systems shall contribute a monthly amount towards the health insurance premium of certain individuals receiving benefits from the public retirement system as follows:

- a. 1. a retired employee other than an education employee who is receiving benefits from the Oklahoma Public Employees Retirement System after September 30, 1988, shall have One Hundred Five Dollars (\$105.00), or the premium rate of the health insurance benefit plan, whichever is less, paid by the Oklahoma Public Employees Retirement System to the Board or other insurance carrier of the employer if the employer does not participate in the plans offered by the State and Education Employees Group Insurance Board in the manner specified in subsection G of this section,  
2. Beginning July 1, 2006, there shall be an additional One Hundred Dollars (\$100.00) benefit payable by the Oklahoma Public Employees Retirement System from funds appropriated pursuant to subsection I of this section on behalf of a retired employee toward said employee's monthly premium for health insurance.
- b. a retired employee or surviving spouse other than an education employee who is receiving benefits from the Oklahoma Law Enforcement Retirement System after September 30, 1988, is under sixty-five (65) years of age and is not otherwise eligible for Medicare shall have the premium rate for the health insurance benefit plan or One Hundred Five Dollars (\$105.00), whichever is less, paid by the Oklahoma Law Enforcement Retirement System to the Board in the manner specified in subsection G of this section,
- c. a retired employee other than an education employee who is receiving benefits from the Oklahoma Law Enforcement Retirement System after September 30, 1988, is sixty-five (65) years of age or older or who is under sixty-five (65) years of age and is eligible for Medicare shall have One Hundred Five Dollars (\$105.00), or the premium rate of the health insurance benefit plan, whichever is less, paid by the

Oklahoma Law Enforcement Retirement System to the Board in the manner specified in subsection G of this section, and

- d. a retired employee other than an education employee who is receiving benefits from the Uniform Retirement System for Justices and Judges after September 30, 1988, shall have One Hundred Five Dollars (\$105.00), or the premium rate of the health insurance plan, whichever is less, paid by the Uniform Retirement System for Justices and Judges to the Board in the manner specified in subsection G of this section.

2. Premium payments made pursuant to this section shall be made subject to the following conditions:

- a. the health plan shall be authorized by the provisions of the State and Education Employees Group Insurance Act, except that if an employer from which an employee retired or with a vested benefit pursuant to the provisions of the Oklahoma Public Employees Retirement System does not participate in the plans authorized by the provisions of the State and Education Employees Group Insurance Act, the health plan will be the health insurance benefits of the employer from which the individual retired or vested,
- b. for plans offered by the State and Education Employees Group Insurance Act, the amount to be paid shall be determined pursuant to the provisions of this subsection and shall first be applied in whole or in part to the prescription drug coverage premium. Any remaining amount shall be applied toward the medical coverage premium,
- c. for all plans, if the amount paid by the public retirement system does not cover the full cost of the elected coverage, the individual shall pay the remaining premium amount, and
- d. payment shall be made by the retirement systems in the manner specified under subsection G of this section.

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

E. Effective July 1, 2004, a retired member of the Oklahoma Law Enforcement Retirement System who retired from the System by means of a personal and traumatic injury of a catastrophic nature and in the line of duty and any surviving spouse of such retired member and any surviving spouse of a member who was killed in the line of duty shall have one hundred percent (100%) of the retired member's or surviving spouse's health care premium cost, whether the member or surviving spouse elects coverage under the Medicare supplement or Medicare risk-sharing contract, paid by the Oklahoma Law Enforcement Retirement System to the Board in the manner specified in subsection H of this section. For plans offered by the State and Education Employees Group Insurance

Board, such contributions will first be applied in whole or in part to the prescription drug coverage premium, if any.

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

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

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

I. The Legislature shall appropriate for the fiscal year beginning July 1, 2006 and for each fiscal year thereafter, monies to the Oklahoma Public Employees Retirement System for the purpose of making the additional health insurance benefit payments on behalf of retired employees as described in subparagraph a of paragraph 1 of subsection C of this section. The funding shall be based on the number of eligible retired employees as determined pursuant to division 1 of subparagraph a of paragraph 1 of subsection C of this section multiplied by One Hundred Dollars (\$100.00) per eligible retired employee.”, and by renumbering subsequent sections, which amendment was declared adopted.

Senator Paddack moved that **HB 2986** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 2986** was read for the third time at length.

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

Aye: Adelson, Aldridge, Anderson, Barrington, Bass, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Riley, Shurden, Taylor, Wilcoxson, Williamson, Wilson and Wyrick.--46.

Excused: Pruitt.--1.

Vacancy: District 38.--1.

The bill and emergency passed.

**HB 2986** was referred for engrossment.

**MOTION TO RECONSIDER VOTE**

Senator Garrison moved to reconsider the vote whereby **HB 2807** failed, which motion was declared adopted upon roll call as follows:

Aye: Adelson, Anderson, Barrington, Bass, Branan, Brogdon, Capps, Coates, Coffee, Crutchfield, Easley, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson (M), Jolley, Justice, Lamb, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Riley, Shurden, Taylor, Williamson and Wyrick.--37.

Nay: Aldridge, Cain, Corn, Crain, Eason McIntyre, Johnson (C), Laster, Reynolds, Wilcoxson and Wilson.--10.

Vacancy: District 38.--1.

**THIRD READING**

**HB 2807** was read for the third time at length.

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

Aye: Barrington, Bass, Brogdon, Capps, Coates, Easley, Fisher, Ford, Garrison, Harrison, Hobson, Jolley, Justice, Lamb, Laughlin, Mazzei, Morgan, Nichols, Shurden and

Taylor.--20.

Nay: Adelson, Aldridge, Anderson, Branan, Cain, Coffee, Corn, Crain, Crutchfield, Eason McIntyre, Gumm, Johnson (C), Johnson (M), Laster, Lawler, Leftwich, Lerblance, Myers, Paddack, Rabon, Reynolds, Riley, Wilcoxson, Williamson, Wilson and Wyrick.--26.

Excused: Pruitt.--1.

Vacancy: District 38.--1.

The bill failed.

### **GENERAL ORDER**

**HB 2470** by Peterson (Pam) and Nance of the House and Jolley of the Senate was called up for consideration.

Senator Jolley moved that **HB 2470** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 2470** 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 (M), Jolley, Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Morgan, Myers, Paddack, Rabon, Reynolds, Shurden, Taylor, Wilcoxson, Williamson, Wilson and Wyrick.--43.

Nay: Johnson (C) and Riley.--2.

Excused: Nichols and Pruitt.--2.

Vacancy: District 38.--1.

The bill and emergency passed.

**HB 2470** was referred for engrossment.

## GENERAL ORDER

**HB 3084** by Morgan (Fred) of the House and Laster of the Senate was called up for consideration.

Senator Coffee moved to amend **HB 3084**, Page 1, Line 9 ½, by inserting a new Section 1 to read as follows:

### “Section 1-304 Obligation of Good Faith

Every contract ~~of or~~ duty within the Uniform Commercial Code imposes an obligation of good faith in its performance and enforcement. The obligation of good faith does not support an independent cause of action in tort or otherwise for a failure to perform or enforce in good faith. Rather, the obligation means that a failure to perform or enforce in good faith a specific duty or obligation under the contract, constitutes a breach of that contract or makes unavailable, under the particular circumstances, a remedial right or power.

Section 1-103 Construction of Uniform Commercial Code to Promote Its Purposes and Policies; Applicability of Supplemental Principles of Law.

(a) The Uniform Commercial Code shall be liberally construed and applied to promote its underlying purposes and policies, which are:

- (1) to simplify, clarify and modernize the law governing commercial transactions;
- (2) to permit the continued expansion of commercial practices through custom, usage and agreement of the parties; and
- (3) to make uniform the law among the various jurisdictions.

(b) Unless displaced by the particular provisions of the Uniform Commercial Code, the principles of law and equity, including the law merchant and the law relative to capacity to contract, principal and agent, estoppel, fraud, misrepresentation, duress, coercion, mistake, bankruptcy, or other validating or invalidating cause shall supplement its provisions. The obligation of good faith in section 1-304 of this act displaces any common law or other statutory obligation or duty of good faith with respect to each contract or duty within this act.”

Senator Laster moved to table the Coffee amendment, which tabling motion was adopted upon division of the question.

Senator Laster moved that **HB 3084** be advanced, which motion was declared adopted.

## THIRD READING

**HB 3084** 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, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Taylor, Wilcoxson, Williamson, Wilson and Wyrick.--46.

Excused: Lawler.--1.

Vacancy: District 38.--1.

The bill passed.

**HB 3084** was referred for engrossment.

**PENDING CONSIDERATION OF HAS**

**HAS** to **SB 1485** were rejected upon motion of Senator Fisher, conference requested, and Senate conferees to be named later.

**GENERAL ORDER**

**HB 2514** by Young of the House and Eason McIntyre of the Senate was called up for consideration.

Senator Jolley moved to amend **HB 2514**, Page 1, Line 11 ½, by inserting a new Section 1 to read as follows:

“SECTION 1. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

A. On or before December 1, 2006, the Oklahoma Public Employees Retirement System shall conduct an actuarial study pursuant to this section.

B. The study shall focus on the feasibility of implementing a sliding scale system for the health insurance benefits for the retired members of the Oklahoma Public Employees Retirement System based on years of service instead of the One Hundred Five Dollars (\$105.00) per month supplement that is currently provided in law. The study would specifically look at a sliding scale system with the following schedule:

<u>Years of Service</u>	<u>Monthly Amount</u>
8-14	\$100.00
15-19	\$150.00
20-24	\$200.00
25 or more	\$250.00

The study shall determine whether such a system could be designed at an actuarial neutral cost to the Oklahoma Public Employees Retirement System or if there would be additional costs associated with such a system.

C. The Oklahoma Public Employees System shall issue a report based upon the findings of the study and shall include any recommendations for the implementation of a sliding scale system for retirees health insurance benefits. The report shall be delivered to the President Pro Tempore of the Senate, The Speaker of the House of Representatives, the Chair of the Retirement and Group Health Committee of the Senate and the Chair of the Retirement Laws Committee of the House.”, and by renumbering subsequent sections, which amendment was declared adopted.

Senator Corn moved to amend **HB 2514**, Page 40, Line 5 ½, by inserting a new Section 17 to read as follows:

“SECTION 17. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 46 of Title 62, unless there is created a duplication in numbering, reads as follows:

- A. 1. In the event any legislation becomes effective on or after January 1, 2007, which results in a reduction in funds apportioned to the Teachers’ Retirement System Dedicated Revenue Revolving Fund pursuant to Sections 1353, 1403 or 2352 of Title 68 of the Oklahoma Statutes, a sum of money equal to the State Board of Equalization estimate of such reduction shall be apportioned annually by the Oklahoma Tax Commission to the Teachers’ Retirement System Dedicated Revenue Revolving Fund from the revenues which would otherwise be apportioned to the General Revenue Fund pursuant to subparagraph a of paragraph 1 of Section 2352 of Title 68 of the Oklahoma Statutes.
- 2. The State Board of Equalization shall meet not later than sixty days after the end of a legislative session to determine if any legislation has been enacted which will result in a reduction of funds described in paragraph 1 of this subsection. The State Board of Equalization shall notify the Oklahoma Tax Commission in writing of the amount of the reduction to the Teachers’ Retirement System Dedicated Revenue Revolving Fund estimated to occur as a result of such legislation.
- B. 1. In the event any legislation becomes effective on or after January 1, 2007, which results in a reduction in funds apportioned to the Oklahoma Law Enforcement Retirement Fund pursuant to Section 312.1 of Title 36 of the Oklahoma Statutes or Section 1104 of Title 47 of the Oklahoma Statutes, a sum of money equal to the State Board of Equalization estimate of such reduction shall be apportioned annually by the Oklahoma Tax Commission to the Oklahoma Law Enforcement Retirement Fund from the revenues which would otherwise be apportioned to the General Revenue Fund pursuant to subparagraph a of paragraph 1 of Section 2352 of Title 68 of the Oklahoma Statutes.
- 2. The State Board of Equalization shall meet not later than sixty days after the end of a legislative session to determine if any legislation has been enacted which will result in a reduction of funds described in paragraph 1 of this subsection. The State Board of Equalization shall notify the Oklahoma Tax Commission in writing of the amount of the reduction to the Oklahoma Law Enforcement Retirement Fund estimated to occur as a result of such legislation.

- C. 1. In the event any legislation becomes effective on or after January 1, 2007, which results in a reduction in funds apportioned to the Oklahoma Firefighters Pension and Retirement Fund pursuant to Section 312.1 of Title 36 of the Oklahoma Statutes, a sum of money equal to the State Board of Equalization estimate of such reduction shall be apportioned annually by the Oklahoma Tax Commission to the Oklahoma Firefighters Pension and Retirement Fund from the revenues which would otherwise be apportioned to the General Revenue Fund pursuant to subparagraph a of paragraph 1 of Section 2352 of Title 68 of the Oklahoma Statutes.
2. The State Board of Equalization shall not meet not later than sixty days after the end of a legislative session to determine if any legislation has been enacted which will result in a reduction of funds described in paragraph 1 of this subsection. The State Board of Equalization shall notify the Oklahoma Tax Commission in writing of the amount of the reduction to the Oklahoma Firefighters Pension and Retirement Fund estimated to occur as a result of such legislation.
- D. 1. In the event any legislation becomes effective on or after January 1, 2007, which results in a reduction in funds apportioned to the Oklahoma Police Pension and Retirement System pursuant to Section 312.1 of Title 36 of the Oklahoma Statutes, a sum of money equal to the State Board of Equalization estimate of such reduction shall be apportioned annually by the Oklahoma Tax Commission to the Oklahoma Police Pension and Retirement System from the revenues which would otherwise be apportioned to the General Revenue Fund pursuant to subparagraph a of paragraph 1 of Section 2352 of Title 68 of the Oklahoma Statutes.
2. The State Board of Equalization shall meet not later than sixty days after the end of a legislative session to determine if any legislation has been enacted which will result in a reduction of funds described in paragraph 1 of this subsection. The State Board of Equalization shall notify the Oklahoma Tax Commission in writing of the amount of the reduction to the Oklahoma Police Pension and Retirement System estimated to occur as a result of such legislation.”, and by renumbering subsequent sections, which amendment was declared adopted.

Senator Eason McIntyre moved that **HB 2514** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 2514** was read for the third time at length.

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

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

Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Taylor, Wilcoxson, Williamson, Wilson and Wyrick.--47.

Vacancy: District 38.--1.

The bill and emergency passed.

**HB 2514** was referred for engrossment.

#### **MESSAGES FROM THE HOUSE**

Advising rejection of **SAs** to the following bills, requesting conference and House conferees to be named later:

**HB 1580**  
**HB 2367**  
**HB 2376**  
**HB 2397**  
**HB 2461**  
**HB 2587**  
**HB 2604**  
**HB 2653**  
**HB 2655**  
**HB 2691**  
**HB 2763**  
**HB 2788**  
**HB 2929**  
**HB 2999**  
**HJR 1042**

Advising passage of and returning the following Engrossed bill:

**SB 1311**

The above-numbered measure was referred for enrollment.

#### **PENDING SENATE ACTION HOUSE REQUEST FOR CONFERENCE**

Upon motion of Senator Fisher, the request of the Honorable House for conference on **HBs 1580, 2367, 2376, 2397, 2461, 2587, 2604, 2653, 2655, 2691, 2763, 2788, 2929** and **2999** and **HJR 1042** was ordered granted and Senate conferees to be named later.

**GENERAL ORDER**

**HB 2176** by Bengé and Newport of the House and Crutchfield and Rabon of the Senate was called up for consideration.

Senator Crutchfield moved that **HB 2176** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 2176** was read for the third time at length.

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

Aye: Adelson, Aldridge, Anderson, Barrington, Bass, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Taylor, Wilcoxson, Williamson, Wilson and Wyrick.--47.

Vacancy: District 38.--1.

The bill and emergency passed.

Pursuant to Rule 12-23, Senator Crutchfield served notice that the vote be reconsidered whereby **HB 2176** and emergency passed.

**MOTION TO RECONSIDER VOTE**

Senator Crutchfield asked unanimous consent, which was granted, to reconsider the vote whereby **HB 2176** and emergency passed.

**GENERAL ORDER**

**HB 2176** by Bengé and Newport of the House and Crutchfield and Rabon of the Senate was called up for consideration.

Senator Crutchfield moved to amend **HB 2176**, Page 1, by striking the enacting clause and the emergency, which amendment was declared adopted.

Senator Crutchfield moved that **HB 2176** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 2176** 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.

**HB 2176** was referred for engrossment.

**GENERAL ORDER**

**HB 2223** by Benge and Newport of the House and Crutchfield and Rabon of the Senate was called up for consideration.

Senator Crutchfield moved to amend **HB 2223**, Page 1, by striking the enacting clause and the emergency, which amendment was declared adopted.

Senator Crutchfield moved that **HB 2223** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 2223** 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.

**HB 2223** was referred for engrossment.

### **GENERAL ORDER**

**HB 2253** by Bengé and Newport of the House and Crutchfield and Rabon of the Senate was called up for consideration.

Senator Crutchfield moved to amend **HB 2253**, Page 1, by striking the enacting clause and the emergency, which amendment was declared adopted.

Senator Crutchfield moved that **HB 2253** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 2253** 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.

**HB 2253** was referred for engrossment.

### **GENERAL ORDER**

**HB 2289** by Bengé and Newport of the House and Crutchfield and Rabon of the Senate was called up for consideration.

Remove Kerr as Senate coauthor and Senator Rabon asked to be named Senate coauthor on **HB 2289**, which was the order.

Senator Crutchfield moved to amend **HB 2289**, Page 1, by striking the enacting clause and the emergency, which amendment was declared adopted.

Senator Crutchfield moved that **HB 2289** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 2289** 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.

**HB 2289** was referred for engrossment.

### **GENERAL ORDER**

**HB 2308** by Bengé and Newport of the House and Crutchfield and Rabon of the Senate was called up for consideration.

Remove Kerr as Senate coauthor and Senator Rabon asked to be named Senate coauthor on **HB 2308**, which was the order.

Senator Crutchfield moved to amend **HB 2308**, Page 1, by striking the enacting clause and the emergency, which amendment was declared adopted.

Senator Crutchfield moved that **HB 2308** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 2308** 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.

**HB 2308** was referred for engrossment.

### **GENERAL ORDER**

**HB 2334** by Bengé and Newport of the House and Crutchfield and Rabon of the Senate was called up for consideration.

Senator Crutchfield moved to amend **HB 2334**, Page 1, by striking the enacting clause and the emergency, which amendment was declared adopted.

Senator Crutchfield moved that **HB 2334** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 2334** 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.

**HB 2334** was referred for engrossment.

**GENERAL ORDER**

**HB 2239** by Bengé and Newport of the House and Crutchfield and Rabon of the Senate was called up for consideration.

Senator Crutchfield moved to amend **HB 2239**, Page 1, by striking the enacting clause and the emergency, which amendment was declared adopted.

Senator Crutchfield moved that **HB 2239** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 2239** 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.

**HB 2239** was referred for engrossment.

**EXECUTIVE NOMINATIONS**

The following executive nominations were read and referred to committee as indicated:

Elliott, Cliff, Jr., Enid, as a member of the Council of Bond Oversight - Commerce

Holland, Robert B., Jr., Edmond, as a member of the Council of Bond Oversight - Commerce

Jackson, Harold, Chickasha, as a member of the Board of Regents of Oklahoma Colleges - Education

Jones, Justin, Oklahoma City, as Director of Corrections - General Government

Keller, Ed, Tulsa, as a member of the Board of Trustees for Oklahoma State University/Tulsa - Education

Mason, Steve, Oklahoma City, as a member of the Environmental Quality Board - Energy and Environment

Renegar, Brian, D.V.M., McAlester, as a member of the State Board of Veterinary Medical Examiners - Agriculture and Rural Development

Sublette, Kerry, Ph.D., Tulsa, as a member of the Environmental Quality Board - Energy and Environment

**BILL RELEASED  
TIME EXPIRED TO RECONSIDER**

**HB 2766** was referred for engrossment.

Senator Fisher moved that when the clerk's desk is clear, the Senate stand adjourned to convene Wednesday, April 26, 2006, at 9:30 a.m., which motion prevailed.

**SECOND READING**

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

**HJR 1072** – Energy and Environment

**MESSAGE FROM THE GOVERNOR**

Advising his approval April 25, 2006, of Enrolled **SBs 1355, 1637, 1803, 1860, 1897** and **1929**.

Pursuant to the Fisher motion, the Senate adjourned at 3:00 p.m. to meet Wednesday, April 26, 2006, at 9:30 a.m.