

# Senate Journal

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

**Forty-fourth Legislative Day, Wednesday, April 26, 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 2176, 2223, 2239, 2253, 2289, 2308, 2334, 2357, 2379, 2470, 2514, 2578, 2628, 2766, 2809, 2810, 2819, 2845, 2909, 2986, 3011, 3012 and 3084** were each correctly engrossed and, together with engrossed **SAs**, properly signed and ordered returned to the Honorable House.

**SB 1311** were each correctly enrolled and after fourth reading, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

**SCR 39** was correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

**INTRODUCTION**

Senator Reynolds introduced his grandson, Joe Reynolds, to the Senate. The Chair asked unanimous consent, which was granted, that Joe be named Honorary President Pro Tempore for this legislative day.

**UNANIMOUS CONSENT REQUEST  
DIRECT TO CALENDAR**

Senator Crutchfield asked unanimous consent to suspend Rule 5-4 and refer **SCR 46** direct to the Calendar for consideration, which was the order.

**GENERAL ORDER**

**SCR 46** by Crutchfield of the Senate and Hyman of the House was called up for consideration.

**SCR 46** was adopted upon motion of Senator Crutchfield and referred for engrossment.

**GENERAL ORDER**

**HB 2656** by Winchester and Roggow of the House and Laster of the Senate was called up for consideration.

Senator Laster moved to amend **HB 2656**, by striking the title, the enacting clause and the entire body of the bill and substituting the floor substitute, which amendment was declared adopted. (Copies were provided for all Senators.)

Senator Laughlin moved to amend the floor substitute to **HB 2656**, Page 8, Lines 8 through 10, by deleting all language except for “or” on Line 10, and by relettering subsequent subparagraph, and by amending the title to conform.

Senator Laster asked that **HB 2656** be laid over temporarily, which was the order.

**HB 2656** remains on General Order pending consideration of the Laughlin amendment.

**GENERAL ORDER**

**HB 2926** by Tibbs et al of the House and Reynolds of the Senate was called up for consideration.

Senator Reynolds moved to amend **HB 2926**, 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 Reynolds moved to amend the floor substitute to **HB 2926**, Page 1, by restoring the title, which amendment was declared adopted.

Senator Reynolds moved that **HB 2926** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 2926** was read for the third time at length.

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

Aye: Adelson, Aldridge, Anderson, Barrington, Bass, Branan, Cain, Capps, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, 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 and Wilson.--43.

Nay: Garrison.--1.

Excused: Brogdon, Pruitt and Wyrick.--3.

Vacancy: District 38.--1.

The bill and emergency passed.

**HB 2926** was referred for engrossment.

### **GENERAL ORDER**

**HB 2412** by Jackson and Braddock of the House and Bass of the Senate was called up for consideration.

Senator Bass moved to amend **HB 2412**, 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 Bass moved that **HB 2412** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 2412** was read for the third time at length.

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

Aye: Adelson, Aldridge, Anderson, Barrington, Bass, Branan, Cain, Capps, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, 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.--44.

Excused: Brogdon, Harrison and Pruitt.--3.

Vacancy: District 38.--1.

The bill passed.

**HB 2412** was referred for engrossment.

**PENDING CONSIDERATION OF HAS**

**HAs** to **SBs 267** and **756** were rejected upon motion of Senator Fisher, conference requested, and Senate conferees to be named later.

**UNANIMOUS CONSENT REQUEST  
MOTION TO RECONSIDER VOTES**

Senator Fisher asked unanimous consent, which was granted, to suspend certain provisions of Rule 12-23B and that all motions to reconsider votes on Third Reading of House bills and joint resolutions served this week be disposed of before the close of business on Thursday, April 27, 2006.

**GENERAL ORDER**

**HB 2656** by Winchester and Roggow of the House and Laster of the Senate was called up for further consideration.

Senator Laughlin pressed the adoption of his previous amendment.

Senator Laster offered a substitute amendment to the Laughlin amendment, Page 8, Line 10, by inserting after the word "case" and before the comma the language "and the

conditions which led to the children being removed from the home have not been corrected”, and by amending the title to conform.

Senator Laughlin moved to table the Laster substitute amendment, which tabling motion failed of adoption upon division of the question.

Senator Laster pressed adoption of the substitute amendment, which amendment was declared adopted.

Senator Jolley moved to amend the floor substitute to **HB 2656**, Page 8, Line 12, by inserting after the word “been” and before the word “terminated” the word “involuntarily”, and by amending the title to conform, which amendment was declared adopted.

Senator Nichols moved to amend the floor substitute to **HB 2656**, Page 47, Line 14 ½, by inserting a new subsection B to read as follows:

“B. Any organization whose primary purpose is to represent the interests of the Child Advocacy Centers shall be subject to the Open Records and Public Meeting Act to the same extent as are the Child Advocacy Centers”, and by relettering subsequent subsections and amending the title to conform, which amendment was declared 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, Hobson, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Taylor, Wilcoxson, Williamson, Wilson and Wyrick.--45.

Excused: Harrison and Shurden.--2.

Vacancy: District 38.--1.

Senator Riley moved to amend the floor substitute to **HB 2656**, Page 1, by striking the title, which amendment was declared adopted.

Senator Laster moved that **HB 2656** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 2656** was read for the third time at length.

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

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

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

Excused: Harrison.--1.

Vacancy: District 38.--1.

The bill and emergency passed.

**HB 2656** was referred for engrossment.

### **GENERAL ORDER**

**HB 2411** by Adkins and DePue of the House and Gumm of the Senate was called up for consideration.

Senators Crutchfield and Bass asked to coauthor **HB 2411**, which was the order.

Senator Gumm moved to amend **HB 2411**, 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 Gumm moved to amend the floor substitute to **HB 2411**, Page 1, by restoring the title and enacting clause, which amendment was declared adopted.

Senator Gumm moved that **HB 2411** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 2411** was read for the third time at length.

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

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

Excused: Harrison.--1.

Vacancy: District 38.--1.

The bill and emergency passed.

**HB 2411** was referred for engrossment.

### **GENERAL ORDER**

**HB 2352** by Bengé and Newport of the House and Crutchfield and Kerr of the Senate was called up for consideration.

Remove Kerr as Senate coauthor and Senator Rabon asked to coauthor **HB 2352**, which was the order.

Senator Crutchfield moved to amend **HB 2352**, Page 1, by striking the title and the enacting clause, which amendment was declared adopted.

Senator Crutchfield moved that **HB 2352** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 2352** 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, 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: Harrison.--1.

Vacancy: District 38.--1.

The bill passed.

**HB 2352** was referred for engrossment.

### **GENERAL ORDER**

**HB 2351** 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 2351**, 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 Crutchfield moved that **HB 2351** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 2351** was read for the third time at length.

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

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

Nay: Aldridge, Anderson, Branan, Brogdon, Coffee, Crain, Ford, Johnson (M), Jolley, Justice, Lamb, Laughlin, Mazzei, Myers, Nichols, Pruitt, Reynolds, Wilcoxson and Williamson.--19.

Excused: Harrison.--1.

Vacancy: District 38.--1.

The bill passed.

**HB 2351** 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 1268**  
**HB 2612**  
**HB 2688**  
**HB 2753**  
**HB 2844**  
**HB 2906**  
**HB 2955**  
**HB 2983**  
**HB 3009**  
**HJR 1058**



Advising passage of and returning the following Engrossed bills:

**SB 1706** - remove Miller (Ray) and substitute Billy as principal House author and show Miller (Ray) as first House coauthor and coauthored by Bingman of the House

**SB 1726** - coauthored by Nance of the House

**SJR 55**

The above-numbered measures were referred for enrollment.

Advising the signing of and returning Enrolled **SCR 39**.

The above-numbered enrolled measure was transmitted to the Secretary of State.

Advising fourth reading of and returning Enrolled **SB 1311**.

The above-numbered enrolled measure was referred to the Governor.

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

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

**SB 334** - coauthored by Terrill, Adkins, Dorman, Nance, Rousselot, Dank, Denney, Benge, Braddock, Calvey, Covey, Cox, DePue, Duncan, Johnson, Liotta, Martin, McMullen, Peterson (Pam), Richardson, Sullivan and Winchester of the House, remove Leftwich as Senate coauthor

**SB 511**

**SB 558**

**SB 559** - coauthored by Bingman, Liebmann and Jackson of the House

**SB 752** - coauthored by Jackson, Banz and Liebmann of the House

**SB 990** - coauthored by Toure and Shelton of the House

**SB 1056** - coauthored by Askins, Blackwell, Dorman, Hickman, Braddock, Jones, Peters, Roggow, Winchester, Shelton, Cooksey, Shumate, Sherrer, Terrill and Rousselot of the House

**SB 1058** - remove Askins and substitute Shoemake as principal House author and show Askins as first House coauthor

**SB 1337**

**SB 1361** - coauthored by Duncan, Coody, Steele, Hilliard, Wesselhoft, Roan, Hyman, Shoemake, Walker, Balkman, Case and Rousselot of the House

**SB 1366** - coauthored by Shelton, Jackson, Smithson and Brannon of the House

**SB 1397**

**SB 1460****SB 1539****SB 1598****SB 1624****SB 1686**

**SB 1691** - coauthored by Wesselhoft, Shoemake, Jett, Cooksey, Calvey, Duncan, DePue, Terrill, Banz, Liebmann, Hilliard, Sherrer, Smithson and Brannon of the House

**SB 1800** - coauthored by Askins, Staggs and Dank of the House and coauthored by Corn of the Senate

**SB 1831**

**SB 1878** - remove Worthen and substitute Calvey as principal House author and show Worthen as first House coauthor and coauthored by Balkman, Blackwell, Peters, Roggow, Sullivan, Trebilcock, Winchester, Nance, Terrill, DePue, Duncan, Morgan (Fred) and Wesselhoft of the House

**SB 1915** - coauthored by Balkman, Sherrer and Hilliard of the House

**SB 1938** - coauthored by Walker, Sullivan, Hilliard, Sherrer and Smithson of the House

**SB 1991****SB 2005**

**SJR 43** - coauthored by Cooksey and Martin of the House

**SJR 48**

House amendments were read on the above-numbered bills.

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

Upon motion of Senator Fisher, the request of the Honorable House for conference on **HBs 1268, 2612, 2688, 2753, 2844, 2906, 2955, 2983** and **3009** and **HJR 1058** was ordered granted and Senate conferees to be named later.

#### **GENERAL ORDER**

**HB 2842** by Steele et al of the House and Adelson and Johnson (Constance) of the Senate was called up for consideration.

Senator Adelson moved to amend **HB 2842**, 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 Adelson moved that **HB 2842** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 2842** was read for the third time at length.

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

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

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

Vacancy: District 38.--1.

The bill and emergency passed.

**HB 2842** was referred for engrossment.

### **PENDING CONSIDERATION OF HAS**

**HAs** to **SB 1601** and **1713** were rejected upon motion of Senator Fisher, conference requested, and Senate conferees to be named later.

### **GENERAL ORDER**

**HB 2984** by Jett et al of the House and Shurden of the Senate, previously considered on Page 1294, was called up for further consideration.

Senator Lawler asked that her previous amendment be withdrawn, which was the order.

Senator Shurden moved to amend **HB 2984**, Page 8, Line 13 ½, by inserting a new Section 4 to read as follows:

“SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1835.2 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Notwithstanding the provisions of Section 1835 of Title 21 of the Oklahoma Statutes, the following provisions apply to private land that is primarily devoted to farming, ranching, or forestry purposes:

1. Except as provided in this section, whoever willfully enters private land of another that is primarily devoted to farming, ranching, or forestry purposes without permission by the owner or lawful occupant thereof shall be deemed guilty of trespass and upon

conviction thereof shall be fined in any sum not to exceed Two Hundred Fifty Dollars (\$250.00).

2. This provision shall not apply to peace officers as defined in Section 99 of Title 21 of the Oklahoma Statutes, fire fighters and emergency medical personnel, or any federal, state, or local government employees or public utility employees engaged in addressing an emergency that presents an imminent danger to health, safety, or the environment, in the performance of their duties.

3. The following persons may enter such land of another unless forbidden to do so, either orally or in writing, by the owner or lawful occupier thereof: registered land surveyors and registered professional engineers for the purpose of land surveying in the performance of their professional services; utility employees or contractors while acting in the scope of their employment; persons in the sole process of retrieving their domestic livestock or other animals; persons making a delivery, selling a product or service, conducting a survey or poll, working on behalf of a candidate for political office, or who otherwise have a legitimate reason for entering and who, immediately upon entering, seek to conduct said business.

4. Anyone who willfully or maliciously enters any such land of another and therein commits or attempts to commit waste, theft, or damage shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00), or by confinement in the county jail for not less than thirty (30) days nor more than six (6) months, or both such fine and imprisonment.

B. This section shall not be construed to prohibit acts that are permitted pursuant to Section 5-202 or 6-304 of Title 29 of the Oklahoma Statutes.

C. It shall be an affirmative defense to prosecution under paragraph 1 of subsection A of this section that the accused had express or implied permission or legal authority to be on the property.”, and by renumbering subsequent section, which amendment was declared adopted.

Senator Shurden moved that **HB 2984** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 2984** was read for the third time at length.

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

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

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

Vacancy: District 38.--1.

The bill passed.

**HB 2984** was referred for engrossment.

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

\*

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.

#### **MESSAGE FROM THE HOUSE**

Advising the Honorable Senate that the House of Representatives is ready to convene in Joint Session.

Senator Fisher moved that the Senate meet with the House in Joint Session, and that the Senate recess to the call of the Chair, which motion was declared adopted.

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#### **JOINT SESSION**

The Fourth Joint Session of the Second Regular Session of the Fiftieth Legislature was called to order by the President of the Senate, Lieutenant Governor Mary Fallin.

Senator Gumm moved that the attendance roll call of the Senate be considered the attendance roll call of the Senate in Joint Session, which motion was declared adopted.

Representative Sullivan moved that the attendance roll call of the House of Representatives be considered the attendance roll call of the House in Joint Session, which motion was declared adopted.

President Fallin declared quorums of the Senate and House present and Joint Session duly assembled.

The invocation was offered by Representative Nance.

President Fallin introduced the Honorable Governor of the State of Oklahoma, Governor Brad Henry.

President Fallin also welcomed the Government Ministers of Rwanda to the Joint Session.

Senator Gumm moved that the President and Speaker appoint a committee of three members from the Senate and House of Representatives, respectively, as a Joint Committee to notify His Excellency Paul Kagame, President of The Republic of Rwanda that the Second Regular Session of the Fiftieth Legislature is now in Joint Session and ready to receive him and hear his message, which motion was declared adopted.

President Fallin appointed for the Senate the following: Senators Myers, Eason McIntyre and Bass.

Speaker Hiatt appointed for the House of Representatives the following: Representatives Jett, Cargill and Nations.

President Fallin recognized Sergeant at Arms, Bob Craig, who announced the arrival of the His Excellency Paul Kagame, President of The Republic of Rwanda.

President Kagame was escorted to the Speaker's rostrum by the Joint Committee and presented to the Joint Session by President Fallin where he delivered his message.

His Excellency Paul Kagame, President of The Republic of Rwanda addressed the Joint Session.

Representative Jett presented President Kagame with a Citation and an Oklahoma Flag.

President Fallin thanked President Kagame for his visit to the Oklahoma Legislature.

Upon motion of Representative Sullivan, the Joint Session was ordered dissolved at the hour of 2:40 p.m.

\*

The Senate reconvened with Senator Bass presiding.

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

## **GENERAL ORDER**

**HB 2453** by Banz et al of the House and Eason McIntyre of the Senate was called up for consideration.

Senator Eason McIntyre moved that **HB 2453** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 2453** 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), Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Taylor, Wilcoxson, Williamson, Wilson and Wyrick.--43.

Excused: Coffee, Easley, Jolley and Mazzei.--4.

Vacancy: District 38.--1.

The bill and emergency passed.

**HB 2453** was referred for engrossment.

**Senator Rabon presiding.**

### **GENERAL ORDER**

**HB 2387** by Benge of the House and Crutchfield of the Senate was called up for consideration.

Senator Crutchfield moved that **HB 2387** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 2387** 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, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Lawler, Leftwich,

Lerblance, Morgan, Nichols, Paddack, Rabon, Riley, Shurden, Taylor, Wilcoxson, Wilson and Wyrick.--38.

Nay: Branan, Brogdon, Laughlin, Myers, Pruitt, Reynolds and Williamson.--7.

Excused: Coffee and Mazzei.--2.

Vacancy: District 38.--1.

The bill passed.

**HB 2387** was properly signed and ordered returned to the Honorable House.

### **GENERAL ORDER**

**HB 2618** by Benge et al of the House and Crutchfield and Rabon of the Senate was called up for consideration.

Senator Crutchfield moved that **HB 2618** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 2618** 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, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Taylor, Wilcoxson, Williamson, Wilson and Wyrick.--45.

Excused: Coffee and Mazzei.--2.

Vacancy: District 38.--1.

The bill and emergency passed.

**HB 2618** was referred for engrossment.



**GENERAL ORDER**

**HB 2982** by Jett of the House and Corn of the Senate was called up for consideration.

Senator Corn moved to amend **HB 2982**, by striking the title, the enacting clause and the entire body of the bill and substituting the floor substitute, which amendment was declared adopted. (Copies were provided for all Senators.)

Senator Corn moved that **HB 2982** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 2982** 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, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Taylor, Wilcoxson, Williamson, Wilson and Wyrick.--45.

Excused: Coffee and Mazzei.--2.

Vacancy: District 38.--1.

The bill passed.

**HB 2982** was referred for engrossment.

**GENERAL ORDER**

**HB 2068** by Martin of the House and Ford of the Senate was called up for consideration.

Senator Fisher moved to amend **HB 2068**, Page 1, by striking the title, which amendment was declared adopted.

Senator Laughlin moved to amend **HB 2068**, Page 1, Line 12 ½, by inserting new Sections 1 through 4 to read as follows:

“SECTION 1. AMENDATORY 26 O.S. 2001, Section 7-114, is amended to read as follows:

Section 7-114. Each person ~~presenting himself~~ appearing to vote shall announce ~~his~~ that person's name to the judge of the precinct and shall provide proof of identity, whereupon the judge shall determine whether ~~said~~ the person's name is in the precinct registry. The voter's valid voter identification card, driver license, passport, state identification card, a photocopy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the voter's name and address may be used as proof of identity.

SECTION 2. AMENDATORY 26 O.S. 2001, Section 14-113.2, as last amended by Section 11, Chapter 485, O.S.L. 2003 (26 O.S. Supp. 2005, Section 14-113.2), is amended to read as follows:

Section 14-113.2 A. The voter shall be responsible for marking the ballots or directing a person chosen by the voter to mark the ballots in accordance with the provisions of Section 7-123.3 of this title and as prescribed by the Secretary of the State Election Board; provide proof of identity; seal the ballots in the plain opaque envelope; fill out completely and sign the affidavit or direct a person chosen by the voter to sign the affidavit, such signature to be witnessed by two persons, who did not sign the affidavit, whose signature and address shall appear on the affidavit; seal the plain opaque envelope inside the envelope bearing the affidavit and return both envelopes, sealed inside the return envelope, by United States mail or by a private mail service, provided such service has delivery documentation, to the county election board. A photocopy of the voter's valid voter identification card, driver license, passport, state identification card, current utility bill, bank statement, government check, paycheck, or other government document that shows the voter's name and address may be used as proof of identity.

B. No person, except members of absentee voting boards, shall witness the signature of more than five affidavits of persons who swear they are physically incapacitated and unable to vote in person at their precinct on election day. No person who is a candidate for an office on the ballot or who is related within the third degree of consanguinity or affinity to a candidate on the ballot may witness any absentee ballot affidavit.

SECTION 3. AMENDATORY 26 O.S. 2001, Section 14-115.1, is amended to read as follows:

Section 14-115.1 A registered voter who becomes incapacitated after 5:00 p.m. on Tuesday preceding an election, is unable to vote in person at the appropriate precinct on the day of the election may make a written request for an absentee ballot. The request shall be signed by the voter, or signed by a witness at the voter's direction if the voter is unable to sign his or her name, and shall be transmitted to the secretary of the county election board. The person transmitting ~~said~~ the request on behalf of the voter may be anyone of the voter's choosing at least sixteen (16) years of age; provided, ~~said~~ the person is not employed by nor related within the third degree of consanguinity or affinity to any person whose name appears on the ballot. The person becomes the voter's agent for purposes of voting by absentee ballot. The voter's request must be accompanied by a sworn statement by a duly licensed physician. Expected or likely confinement for childbirth on election day is sufficient cause to entitle a voter to vote absentee pursuant to this section. The statement must attest to the fact that the voter is in fact unable to vote in person at the appropriate precinct on the day of the election because of a physical incapacity and that ~~said~~ the physical incapacity originated after 5:00 p.m. on Tuesday preceding an election. Upon receipt of the voter's request and accompanying sworn statement, the secretary of the

county election board shall issue to the voter's agent the appropriate ballots and envelopes required for voting by incapacitated voters. The ballots and proof of identification must be returned by the agent to the secretary of the county election board no later than 7:00 p.m. on the day of the election. No person may be the agent for more than one voter at any election. Upon return of the absentee ballots, the secretary of the county election board shall cause ~~said~~ such ballots to be processed in the same manner as is prescribed for other absentee ballots. A photocopy of the voter's valid voter identification card, driver license, passport, state identification card, current utility bill, bank statement, government check, paycheck, or other government document that shows the voter's name and address may be used as proof of identity.

SECTION 4. AMENDATORY 26 O.S. 2001, Section 14-115.4, as last amended by Section 8, Chapter 307, O.S.L. 2004 (26 O.S. Supp. 2005, Section 14-115.4), is amended to read as follows:

Section 14-115.4 A. A registered voter may apply for an in-person absentee ballot at a location designated by the secretary of the county election board from 8 a.m. to 6 p.m. on Friday and Monday immediately preceding any election and from 8 a.m. to 1 p.m. on Saturday immediately preceding a state or federal election. As part of the application for an in-person absentee ballot such registered voter shall swear or affirm that the voter has not voted a regular mail absentee ballot and that the voter will not vote at the regular polling place in the election for which the in-person absentee ballot is requested. The voter also shall provide proof of identity. A photocopy of the voter's valid voter identification card, driver license, passport, state identification card, current utility bill, bank statement, government check, paycheck, or other government document that shows the voter's name and address may be used as proof of identity.

B. One or more absentee voting boards shall be on duty from 8 a.m. to 6 p.m. at the in-person absentee polling place on Friday and Monday immediately preceding any election and from 8 a.m. to 1 p.m. on Saturday immediately preceding a state or federal election. If the secretary of a county election board receives an application from a registered voter requesting to vote by in-person absentee ballot the secretary shall cause to be implemented the following procedures:

1. An absentee voting board shall provide to each registered voter who applies for an in-person absentee ballot appropriate ballots and materials as may be necessary to vote;

2. The voter must sign an in-person absentee voter record, and the signature of the voter on such record must be certified by both members of the absentee voting board, except that the secretary of the county election board and one other member of the absentee voting board may certify the signature of another member of the absentee voting board;

3. The voter must mark the ballots of the voter in the manner provided by law in the presence of the absentee voting board, but in such a manner as to make it impossible for any person other than the voter to ascertain how ~~said~~ such ballots are marked. Insofar as is possible, the voting procedure shall be the same as if the voter were casting a vote in person at a precinct;

4. The voter shall then deposit the ballot in a voting device designated for in-person absentee voting by the secretary of the county election board;

5. When the in-person polling place is closed on each day of in-person absentee voting the in-person absentee voting board shall, without obtaining a printout of results, remove the vote data pack from the voting device and seal ballots counted that day in a

transfer case which shall be secured by the sheriff of the county in the same manner as provided in Section 8-110 of this title. The vote data pack shall be sealed in a container prescribed by the Secretary of the State Election Board. The sheriff shall secure the sealed vote data pack container and return it to the in-person absentee voting board no later than 7:45 a.m. on the next day of in-person absentee voting or to the secretary of the county election board at the time of the county election board meeting to count absentee ballots on election day;

6. The vote data pack or packs used for in-person absentee voting shall be used by the county election board to count absentee ballots on election day as provided in Section 14-125 of this title; and

7. If there is a malfunction in such a way that the vote data pack used for in-person absentee voting will not function, the sheriff is authorized to return the transfer cases containing in-person absentee ballots to the county election board to be recounted as provided in Section 7-134.1 of this title.”.

Senator Garrison moved to table the Laughlin amendment, which tabling motion was declared adopted upon roll call as follows:

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

Nay: Aldridge, Anderson, Barrington, Branan, Brogdon, Coates, Crain, Ford, Johnson (M), Jolley, Justice, Lamb, Laughlin, Myers, Nichols, Pruitt, Reynolds, Riley, Wilcoxson and Williamson.--20.

Excused: Coffee and Mazzei.--2.

Vacancy: District 38.--1.

Senator Ford moved that **HB 2068** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 2068** 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, Pruitt, Rabon, Reynolds, Riley, Shurden, Taylor, Wilcoxson, Williamson, Wilson and Wyrick.--46.

Excused: Coffee.--1.

Vacancy: District 38.--1.

The bill and emergency passed.

**HB 2068** was referred for engrossment.

### **GENERAL ORDER**

**HB 2708** by Jackson of the House and Laughlin of the Senate was called up for consideration.

Senator Laughlin moved to amend **HB 2708**, Page 43, Line 14, by deleting after the word “reflects” and before the word “prior” the word “a” and inserting in lieu thereof the words “two or more” and by deleting after the word “prior” and before the word “in” the word “conviction” and inserting the word “convictions”; Page 45, Line 10, by deleting after the word “reflects” and before the word “prior” the word “a” and inserting the words “two or more” and by deleting after the word “prior” the word “conviction” and inserting the word “convictions”; and Page 1, Line 8 by restoring the title.

Senator Laughlin asked that **HB 2708** be laid over temporarily, which was the order.

**HB 2708** remains on General Order pending consideration of the Laughlin amendment.

### **GENERAL ORDER**

**HB 2577** by Jones and Kern of the House and Jolley of the Senate was called up for consideration.

Senator Riley moved to amend **HB 2577**, Page 11, Lines 7 and 8 and Page 12, Lines 18 and 19, by deleting after the word “time” and before the word “shall”, the words “in the area that is professionally relevant to their Master’s or Doctor’s degree”, which amendment was declared adopted.

Senator Jolley moved that **HB 2577** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 2577** 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, Pruitt, Rabon, Reynolds, Riley, Shurden, Taylor, Wilcoxson, Wilson and Wyrick.--45.

Nay: Williamson.--1.

Excused: Coffee.--1.

Vacancy: District 38.--1.

The bill and emergency passed.

**HB 2577** was referred for engrossment.

### **MESSAGE FROM THE HOUSE**

Advising passage of and transmitting for consideration Engrossed **HCR 1064**.

**HCR 1064** – By Nations of the House and Garrison of the Senate.

A Concurrent Resolution recalling from the Office of the Governor Enrolled House Bill No. 2796, passed by the 2<sup>nd</sup> Session of the 50<sup>th</sup> Oklahoma Legislature.

The above-numbered measure was read the first time.

**Senator Gumm presiding.**

### **GENERAL ORDER**

**HB 2762** by Perry et al of the House and Pruitt of the Senate was called up for consideration.

Senator Pruitt moved to amend **HB 2762**, Page 2, Line 3 ½, by inserting a new Section 2 to read as follows:

“SECTION 2 AMENDATORY 63 O.S. 2001, Section 938, is amended to read as follows:

Section 938. A. All human deaths of the types listed herein shall be investigated as provided by law:

1. Violent deaths, whether apparently homicidal, suicidal, or accidental, including but not limited to, deaths due to thermal, chemical, electrical, or radiational injury, and deaths due to criminal abortion, whether apparently self-induced or not;
2. Deaths under suspicious, unusual or unnatural circumstances;
3. Deaths related to disease which might constitute a threat to public health;

4. Deaths unattended by a licensed medical or osteopathic physician for a fatal or potentially-fatal illness;
5. Deaths of persons after unexplained coma;
6. Deaths that are medically unexpected and that occur in the course of a therapeutic procedure;
7. Deaths of persons under the age of twenty-one (21) under circumstances that appear to be due to consumption of any intoxicating substance;
8. Deaths of any inmates occurring in any place of penal incarceration; and
- ~~8.~~ 9. Deaths of persons whose bodies are to be cremated, buried at sea, transported out of the state, or otherwise made ultimately unavailable for pathological study.

B. No autopsy shall be performed on the body of an executed inmate unless requested by the immediate family of the inmate prior to the execution or unless directed by the Department of Corrections or the Chief Medical Examiner. The Chief Medical Examiner shall not automatically authorize or perform an autopsy in conjunction with an investigation of death of an inmate that resulted from a scheduled execution due to a death sentence imposed pursuant to Title 21 of the Oklahoma Statutes. The Chief Medical Examiner may authorize or perform such an autopsy only when the public interest requires it. The provisions of this subsection shall not prohibit an inmate from donating, in writing, his or her body to a teaching medical institution for scientific or research purposes.

C. The Chief Medical Examiner shall state on the certificate of death of all persons whose death was caused by execution pursuant to a lawful court order that the cause of death was the execution of such order.” and Page 1 by restoring the title and renumbering subsequent section and amending to conform, which amendment failed of adoption upon roll call as follows:

Aye: Aldridge, Anderson, Barrington, Branan, Brogdon, Capps, Coates, Crain, Fisher, Ford, Gumm, Johnson (M), Jolley, Justice, Lamb, Laughlin, Mazzei, Myers, Nichols, Pruitt, Reynolds and Wilcoxson.--22.

Nay: Adelson, Bass, Cain, Corn, Crutchfield, Easley, Eason McIntyre, Garrison, Harrison, Hobson, Johnson (C), Laster, Lawler, Leftwich, Lerblance, Morgan, Paddack, Rabon, Riley, Shurden, Taylor, Williamson, Wilson and Wyrick.--24.

Excused: Coffee.--1.

Vacancy: District 38.--1.

Senator Pruitt moved that **HB 2762** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 2762** 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, Mazzei, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Taylor, Wilcoxson, Williamson, Wilson and Wyrick.--44.

Nay: Lerblance and Shurden.--2.

Excused: Coffee.--1.

Vacancy: District 38.--1.

The bill passed.

**HB 2762** was referred for engrossment.

#### **UNANIMOUS CONSENT REQUEST DIRECT TO CALENDAR**

Senator Garrison asked unanimous consent to suspend Rule 5-4 and refer **HCR 1064** direct to the Calendar for consideration, which was the order.

#### **GENERAL ORDER**

**HCR 1064** by Nations of the House and Garrison of the Senate was called up for consideration.

**HCR 1064** was adopted upon motion of Senator Garrison and properly signed and ordered returned to the Honorable House.

#### **GENERAL ORDER**

**HB 2083** by Liebmann et al of the House and Jolley of the Senate was called up for consideration.

Senator Jolley moved to amend **HB 2083**, by striking the title, the enacting clause and the entire body of the bill and substituting the floor substitute, which amendment was declared adopted. (Copies were provided for all Senators.)

Senator Wilson moved to amend the floor substitute to **HB 2083**, Page 8, Line 20 through Page 9, Line 20, by deleting Section 7; and Page 11, Line 27 through Page 12, Line 24, by deleting Section 9, and by renumbering subsequent sections.



Senator Jolley moved to amend the Wilson amendment, by striking the portion of the amendment deleting Section 7, which amendment was declared adopted.

Senator Wilson pressed the adoption of his previous amendment as amended, which amendment was declared adopted.

Senator Jolley moved that **HB 2083** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 2083** 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, Capps, Coates, Crain, Ford, Gumm, Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Myers, Nichols, Riley, Shurden, Wilcoxson and Williamson.--23.

Nay: Bass, Corn, Crutchfield, Easley, Eason McIntyre, Fisher, Garrison, Harrison, Hobson, Johnson (C), Lawler, Leftwich, Lerblance, Mazzei, Morgan, Paddack, Rabon, Reynolds, Taylor, Wilson and Wyrick.--21.

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

Vacancy: District 38.--1.

The bill failed.

Pursuant to Rule 12-23, Senator Jolley served notice that the vote be reconsidered whereby **HB 2083** failed.

### **MESSAGE FROM THE HOUSE**

Advising the signing of and transmitting for signature Enrolled **HCR 1064**.

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

### **GENERAL ORDER**

**HB 2840** by Steele et al of the House and Coates of the Senate was called up for consideration.

Senators Nichols, Leftwich, Garrison, Branan and Eason McIntyre asked to coauthor **HB 2840**, which was the order.

Senator Coates moved that **HB 2840** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 2840** 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, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Riley, Shurden, Taylor, Wilcoxson, Williamson, Wilson and Wyrick.--44.

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

Vacancy: District 38.--1.

The bill passed.

**HB 2840** was referred for engrossment.

### **PENDING CONSIDERATION OF HAS**

**HAs to SB 1255** were concurred in upon motion of Senator Corn.

**SB 1255**, as amended by the Honorable House, was read 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, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Riley, Shurden, Taylor, Wilcoxson, Williamson, Wilson and Wyrick.--44.

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

Vacancy: District 38.--1.

The bill and emergency passed.

House amendments were properly signed and the above-numbered bill was referred for enrollment.

**Senator Rabon presiding.**

**GENERAL ORDER**

**HB 2905** by Peterson (Ron) et al of the House and Laster of the Senate was called up for consideration.

Senator Laster moved to amend **HB 2905**, by striking the title, the enacting clause and the entire body of the bill and substituting the floor substitute, which amendment was declared adopted. (Copies were provided for all Senators.)

Senator Laster moved that **HB 2905** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 2905** 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, Bass, Branan, Cain, Capps, Coates, Corn, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson (C), Johnson (M), Jolley, Justice, Laster, Lawler, Leftwich, Lerblance, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Riley, Taylor, Wilcoxson, Williamson, Wilson and Wyrick.--36.

Nay: Anderson, Barrington, Brogdon, Crain, Lamb, Laughlin, Mazzei and Shurden.--8.

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

Vacancy: District 38.--1.

The bill and emergency passed.

**HB 2905** was referred for engrossment.

**GENERAL ORDER**

**HJR 1035** by Benge et al of the House and Crutchfield of the Senate was called up for consideration.

Senator Gumm asked to coauthor **HJR 1035**, which was the order.

Senator Gumm moved to amend **HJR 1035**, Page 9, Line 23 ½, by inserting new Sections 4, 5 and 6 to read as follows:

“SECTION 4. The Secretary of State shall refer to the people for their approval or rejection, as and in the manner provided by law, the following proposed amendment to Article XIII of the Constitution of the State of Oklahoma by adding a new Section 9 to read as follows:

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

SECTION 5. The Ballot Title for the proposed Constitutional amendment as set forth in SECTION 4 of this resolution shall be in the following form:

BALLOT TITLE

Legislative Referendum No. \_\_\_\_\_

State Question No. \_\_\_\_\_

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

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

SHALL THIS AMENDMENT BE APPROVED BY THE PEOPLE?

YES, FOR THE AMENDMENT

NO, AGAINST THE AMENDMENT

SECTION 6. The Chief Clerk of the House of Representatives, immediately after the passage of this resolution, shall prepare and file one copy thereof, including the Ballot Title set forth in SECTION 5 hereof, with the Secretary of State and one copy with the Attorney General.”, which amendment was declared adopted.

Senator Gumm moved that **HJR 1035** be advanced, which motion was declared adopted.

### **THIRD READING**

**HJR 1035** was read for the third time at length.

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

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

Nay: Aldridge, Brogdon and Wilcoxson.--3.

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

Vacancy: District 38.--1.

The resolution passed.

**HJR 1035** was referred for engrossment.

### **GENERAL ORDER**

**HB 3024** by Roggow and Balkman of the House and Laster of the Senate was called up for consideration.

Senator Laster moved to amend **HB 3024**, 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 Gumm moved to amend the floor substitute to **HB 3024**, Page 6, Line 25 ½, by inserting a new Section 3 to read as follows:

“SECTION 3. AMENDATORY 82 O.S. 2001, Section 1452, as amended by Section 2, Chapter 305, O.S.L. 2003 (82 O.S. Supp. 2005, Section 1452), is amended to read as follows:

Section 1452. A. The Oklahoma Legislature finds that some of the free-flowing streams and rivers of Oklahoma possess such unique natural scenic beauty, water conservation, fish, wildlife and outdoor recreational values of present and future benefit to the people of the state that it is the policy of the Legislature to preserve these areas for the benefit of the people of Oklahoma. For this purpose there are hereby designated certain "scenic river areas" to be preserved as a part of Oklahoma's diminishing resource of free-flowing rivers and streams.

B. The areas of the state designated as "scenic river areas" shall include:

1. The Flint Creek and the Illinois River above the confluence of the Barren Fork Creek in Cherokee, Adair and Delaware Counties;
  2. The Barren Fork Creek in Adair and Cherokee Counties from the present alignment of Highway 59 West to the Illinois River;
  3. The Upper Mountain Fork River above the 600-foot elevation level of Broken Bow Reservoir in McCurtain and LeFlore Counties;
  4. Big Lee's Creek, sometimes referred to as Lee Creek, located in Sequoyah County, above the 420-foot MSL elevation, excluding that portion necessary for a dam to be built in the State of Arkansas with a crest elevation of no more than the 420-foot MSL elevation. The Oklahoma Water Resources Board shall make such classifications, designations or adjustments to Oklahoma's water quality standards as required to allow the impoundment of water by said dam; ~~and~~
  5. Little Lee's Creek, sometimes referred to as Little Lee Creek, located in Adair and Sequoyah Counties, beginning approximately four (4) miles east-southeast of Stilwell, Oklahoma, and ending at its conjunction with Big Lee's Creek approximately two (2) miles southwest of Short, Oklahoma; and
  6. The Blue River and tributaries located in Johnston County from the Pontotoc/Johnston county line ending where Blue River passes under State Highway 48A.
- C. The term "scenic river area" as used in the Scenic Rivers Act is defined as the stream or river and the public use and access areas located within the area designated." and by renumbering subsequent section and amending title to conform, which amendment was declared adopted.

Senator Laster moved to amend **HB 3024**, Page 1, by striking the title, which amendment was declared adopted.

Senator Laster moved that **HB 3024** be advanced, which motion was declared adopted.

### THIRD READING

**HB 3024** 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, 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, Taylor, Wilcoxson, Wilson and Wyrick.--43.

Nay: Shurden.--1.

Excused: Adelson, Pruitt and Williamson.--3.

Vacancy: District 38.--1.

The bill and emergency passed.

**HB 3024** was referred for engrossment.

### **GENERAL ORDER**

**HB 2708** by Jackson of the House and Laughlin of the Senate was called up for further consideration.

Senator Laughlin moved to amend his previous amendment by striking the language to restore the title, which motion was declared adopted.

Senator Laughlin pressed adoption of his previous amendment as amended, which amendment was declared adopted.

Senator Laughlin moved that **HB 2708** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 2708** 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, 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, Nichols, Paddack, Rabon, Reynolds, Riley, Shurden, Taylor, Wilcoxson, Wilson and Wyrick.--43.

Nay: Johnson (C).--1.

Excused: Adelson, Pruitt and Williamson.--3.

Vacancy: District 38.--1.

The bill passed.

**HB 2708** was referred for engrossment.

**MESSAGES FROM THE HOUSE**

Advising passage of and returning the following Engrossed bill:

**SCR 47**

The above-numbered measure was referred for enrollment.

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

**HB 1672**

**HB 1757**

**HB 2072**

**HB 2077**

**HB 2121**

**HB 2608**

**HB 2619**

**HB 2649**

**HB 2812**

**HB 2867**

**HB 3037**

**MOTION TO RECONSIDER VOTE**

Senator Jolley moved to reconsider the vote whereby **HB 2083** failed, which motion was declared adopted upon roll call as follows:

Aye: Aldridge, Anderson, Barrington, Branan, Brogdon, Cain, Capps, Coates, Coffee, Crain, Crutchfield, Eason McIntyre, Ford, Gumm, Hobson, Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Mazzei, Myers, Nichols, Paddack, Rabon, Reynolds, Riley, Shurden, Taylor and Wilcoxson.--31.

Nay: Bass, Corn, Easley, Fisher, Garrison, Harrison, Johnson (C), Lawler, Leftwich, Lerblance, Morgan, Wilson and Wyrick.--13.

Excused: Adelson, Pruitt and Williamson.--3.

Vacancy: District 38.--1.

**THIRD READING**

**HB 2083** 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, Capps, Coates, Coffee, Crain, Crutchfield, Ford, Gumm, Hobson, Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Mazzei, Myers, Nichols, Reynolds, Riley, Shurden, Taylor and Wilcoxson.--28.

Nay: Bass, Corn, Easley, Eason McIntyre, Fisher, Garrison, Harrison, Johnson (C), Lawler, Leftwich, Lerblance, Morgan, Paddack, Rabon, Wilson and Wyrick.--16.

Excused: Adelson, Pruitt and Williamson.--3.

Vacancy: District 38.--1.

The bill passed.

**HB 2083** was referred for engrossment.

#### **EXECUTIVE NOMINATIONS**

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

Ferguson, Clint "Ken", Altus, as a member of the Oklahoma Turnpike Authority -  
Transportation

Sherrer, Gary, Stillwater, as a member of the Arkansas-Oklahoma Arkansas River  
Compact Commission - Energy and Environment

#### **MOTION EXPIRED**

Time expired for consideration of the motion to reconsider whereby **HB 2563** failed.

#### **BILLS RELEASED TIME EXPIRED TO RECONSIDER**

**HBs 2615** and **3004** were referred for engrossment.

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

Pursuant to the Fisher motion, the Senate adjourned at 5:00 p.m. to meet Monday, May 1, 2006, at 1:30 p.m.

**JOURNAL CORRECTION**

Page 1374, Line 1, by inserting the following language:

**GENERAL ORDER**

**HB 2239** 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 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.