

# Senate Journal

## Second Regular Session of the Forty-ninth Legislature of the State of Oklahoma Twentieth Legislative Day, Thursday, March 4, 2004

The Senate was called to order by Senator Rozell.

Roll Call:

Present: Aldridge, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crutchfield, Dunlap, Fair, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Littlefield, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Wilcoxson, Wilkerson, Williams and Williamson.—46.

Excused: Taylor.—1.

Vacancy: District 18.—1.

Senator Rozell declared a quorum present.

The prayer was offered by Pastor Clark Mitchell, Journey Church, Norman, the guest of Senator Nichols.

### REPORT OF ENGROSSED AND ENROLLED MEASURES

**SBs 1108, 1118, 1121, 1150, 1165, 1168, 1169, 1172, 1203, 1208, 1212, 1216, 1224, 1227, 1247, 1255, 1256, 1263, 1272, 1280, 1284, 1299, 1310, 1311, 1328, 1335, 1340, 1342, 1354, 1360, 1372, 1373, 1381, 1385, 1401, 1406, 1419, 1435, 1460, 1461, 1470, 1472, 1473, 1509, 1522, 1570, 1578, 1597 and 1598 and SJR 41 and SCR 38** were each correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

**HB 2192** was correctly engrossed and, together with engrossed **SAs**, properly signed and ordered returned to the Honorable House.

**GENERAL ORDER**

**SB 1483** by Fisher of the Senate and Askins of the House was called up for consideration.

Senator Fisher moved that **SB 1483** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 1483** 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, Branan, Brogdon, Cain, Capps, Coates, Corn, Crutchfield, Dunlap, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Maddox, Milacek, Monson, Myers, Nichols, Price, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Wilkerson and Williamson.--37.

Excused: Coffee, Fair, Johnson, Littlefield, Morgan, Pruitt, Snyder, Taylor, Wilcoxson and Williams.--10.

Vacancy: District 18.--1.

The bill and emergency passed.

**SB 1483** was referred for engrossment.

**MESSAGE FROM THE HOUSE**

Advising passage of and returning the following Engrossed bill:

**SCR 45** - coauthored by all other House members

The above-numbered measure was referred for enrollment.

**GENERAL ORDER**

**SB 840** by Coates of the Senate and Ferguson of the House was called up for consideration.

Representative Staggs asked to coauthor **SB 840**, which was the order.

Senator Coates moved that **SB 840** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 840** 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, Branan, Brogdon, Cain, Capps, Coates, Corn, Crutchfield, Dunlap, Fair, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Maddox, Milacek, Monson, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Wilkerson and Williamson.--40.

Excused: Coffee, Johnson, Littlefield, Morgan, Taylor, Wilcoxson and Williams.--7.

Vacancy: District 18.--1.

The bill and emergency passed.

**SB 840** was referred for engrossment.

**UNANIMOUS CONSENT REQUEST  
WITHDRAWN FROM CALENDAR**

Senator Cain asked unanimous consent, which was granted, that **SBs 1591** and **1616** be stricken from the Calendar.

**MOTION TO RECONSIDER VOTE**

Senator Lerblance moved to reconsider the vote whereby **SB 1357** failed, which motion was declared adopted upon roll call as follows:

Aye: Branan, Cain, Capps, Coates, Corn, Crutchfield, Fair, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Laster, Lawler, Leftwich, Lerblance, Maddox, Monson, Nichols, Price, Rabon, Robinson, Shurden, Snyder, Wilkerson and Williamson.--27.

Nay: Aldridge, Brogdon, Dunlap, Fisher, Ford, Kerr, Laughlin, Milacek, Myers, Pruitt, Reynolds, Riley and Rozell.--13.

Excused: Coffee, Littlefield, Morgan, Smith, Taylor, Wilcoxson and Williams.--7.

Vacancy: District 18.--1.

**SB 1357** was placed on Third Reading.

**GENERAL ORDER**

**SB 1233** by Crutchfield of the Senate and Pope of the House was called up for consideration.

Senator Crutchfield moved to amend **SB 1233**, 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 **SB 1233** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 1233** 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, Branan, Brogdon, Cain, Capps, Coates, Corn, Crutchfield, Dunlap, Fair, Fisher, Gumm, Harrison, Helton, Hobson, Horner, Kerr, Laster, Laughlin, Lawler, Lerblance, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Wilkerson and Williams.--38.

Nay: Ford, Leftwich, Snyder and Wilcoxson.--4.

Excused: Coffee, Johnson, Littlefield, Taylor and Williamson.--5.

Vacancy: District 18.--1.

The bill and emergency passed.

**SB 1233** was referred for engrossment.

**GENERAL ORDER**

**SB 1270** by Crutchfield of the Senate and Pope of the House was called up for consideration.

Senator Crutchfield moved to amend **SB 1270**, 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 **SB 1270** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 1270** 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, Branan, Brogdon, Cain, Capps, Coates, Corn, Crutchfield, Dunlap, Fair, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Lerblance, Maddox, Milacek, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Wilcoxson and Wilkerson.--40.

Nay: Leftwich and Monson.--2.

Excused: Coffee, Littlefield, Taylor, Williams and Williamson.--5.

Vacancy: District 18.--1.

The bill and emergency passed.

**SB 1270** was referred for engrossment.

**GENERAL ORDER**

**SB 1457** by Kerr of the Senate and Covey of the House was called up for consideration.

Senator Kerr moved that **SB 1457** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 1457** was read for the third time at length.

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

Aye: Aldridge, Branan, Brogdon, Cain, Capps, Coates, Corn, Crutchfield, Dunlap, Fair, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Wilcoxson and Wilkerson.--42.

Excused: Coffee, Littlefield, Taylor, Williams and Williamson.--5.

Vacancy: District 18.--1.

The bill passed.

**SB 1457** was referred for engrossment.

**Senator Gumm presiding.**

### **GENERAL ORDER**

**SJR 37** by Lerblance of the Senate and Braddock of the House was called up for consideration.

Senator Horner asked to coauthor **SJR 37**, which was the order.

Senator Lerblance moved to amend **SJR 37**, Page 1, by restoring the title, which amendment failed of adoption upon roll call as follows:

Aye: Cain, Capps, Crutchfield, Fisher, Harrison, Hobson, Horner, Kerr, Leftwich, Lerblance, Littlefield, Maddox, Monson, Morgan, Price, Rabon, Robinson, Rozell, Shurden, Wilkerson and Williams.--21.

Nay: Aldridge, Branan, Brogdon, Coates, Corn, Dunlap, Fair, Ford, Gumm, Helton, Johnson, Laster, Laughlin, Lawler, Milacek, Myers, Nichols, Pruitt, Reynolds, Riley, Snyder and Wilcoxson.--22.

Excused: Coffee, Smith, Taylor and Williamson.--4.

Vacancy: District 18.--1.

Senator Lerblance moved that **SJR 37** be advanced, which motion was declared adopted.

### **THIRD READING**

**SJR 37** was read for the third time at length.

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

Aye: Cain, Capps, Crutchfield, Fisher, Harrison, Hobson, Horner, Kerr, Laster, Leftwich, Lerblance, Littlefield, Maddox, Monson, Morgan, Price, Robinson, Rozell, Shurden, Smith, Wilkerson and Williams.--22.

Nay: Aldridge, Branan, Brogdon, Coates, Corn, Dunlap, Fair, Ford, Gumm, Helton, Johnson, Laughlin, Lawler, Milacek, Myers, Nichols, Pruitt, Rabon, Reynolds, Riley, Snyder and Wilcoxson.--22.

Excused: Coffee, Taylor and Williamson.--3.

Vacancy: District 18.--1.

The resolution failed.

Pursuant to Rule 12-23, Senator Lerblance served notice that the vote be reconsidered whereby **SJR 37** failed.

### **GENERAL ORDER**

**SB 1307** by Shurden of the Senate and Lindley of the House was called up for consideration.

Senator Shurden moved that **SB 1307** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 1307** was read for the third time at length.

Senator Kerr moved to reconsider the vote whereby **SB 1307** was advanced, which motion was declared adopted.

### **GENERAL ORDER**

**SB 1307** by Shurden of the Senate and Lindley of the House was called up for further consideration.

Senator Kerr moved to amend **SB 1307**, Page 3, Line 21, by inserting after the word "Health" and before the period the language "or if the person requesting a tattoo appears to be intoxicated or under the influence of alcohol or drugs", and by amending the title to conform, which amendment was declared adopted.

Senator Shurden moved that **SB 1307** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 1307** was read for the third time at length.

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

Aye: Cain, Crutchfield, Dunlap, Fisher, Harrison, Hobson, Horner, Leftwich, Lerblance, Maddox, Monson, Morgan, Robinson, Rozell, Shurden, Wilkerson and Williams.--17.

Nay: Aldridge, Branan, Brogdon, Capps, Coates, Corn, Fair, Ford, Gumm, Helton, Johnson, Kerr, Laster, Laughlin, Lawler, Littlefield, Milacek, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Smith, Snyder and Wilcoxson.--27.

Excused: Coffee, Taylor and Williamson.--3.

Vacancy: District 18.--1.

The bill failed.

**GENERAL ORDER**

**SB 844** by Snyder of the Senate and Phillips of the House was called up for consideration.

Senator Snyder moved that **SB 844** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 844** 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, Branan, Brogdon, Cain, Capps, Coates, Corn, Crutchfield, Dunlap, Fair, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Littlefield, Maddox, Morgan, Myers, Nichols, Price, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Snyder, Wilcoxson, Wilkerson and Williams.--40.

Nay: Monson, Pruitt and Smith.--3.

Excused: Coffee, Milacek, Taylor and Williamson.--4.

Vacancy: District 18.--1.

The bill and emergency passed.

**SB 844** was referred for engrossment.

### **GENERAL ORDER**

**SCR 39** by Maddox and Helton of the Senate and Deutschendorf of the House was called up for consideration.

Senator Maddox moved to amend **SCR 39**, by striking the title, the enacting clause and the entire body of the resolution and substituting the floor substitute, which amendment was declared adopted. (Copies were provided for all Senators.)

**SCR 39** was adopted upon motion of Senator Maddox.

Pursuant to Rule 12-23, Senator Maddox served notice that the vote be reconsidered whereby **SCR 39** was adopted..

### **GENERAL ORDER**

**SB 1110** by Cain of the Senate and Gilbert and Eddins of the House was called up for consideration.

Senator Cain moved to amend **SB 1110**, 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 Cain moved to amend the floor substitute on **SB 1110**, Page 1, by restoring the title, which amendment was declared adopted.

Senator Cain moved that **SB 1110** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 1110** 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, Branan, Brogdon, Cain, Capps, Coates, Corn, Crutchfield, Dunlap, Fair, Fisher, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Littlefield, Maddox, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Wilcoxson,

Wilkerson and Williams.--42.

Excused: Coffee, Ford, Milacek, Taylor and Williamson.--5.

Vacancy: District 18.--1.

The bill and emergency passed.

**SB 1110** was referred for engrossment.

### **GENERAL ORDER**

**SB 1367** by Helton of the Senate and Nance of the House was called up for consideration.

Senator Helton moved that **SB 1367** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 1367** 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, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crutchfield, Dunlap, Fair, Fisher, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Littlefield, Maddox, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Wilcoxson, Wilkerson and Williams.--43.

Excused: Ford, Milacek, Taylor and Williamson.--4.

Vacancy: District 18.--1.

The bill and emergency passed.

**SB 1367** was referred for engrossment.

### **GENERAL ORDER**

**SB 1465** by Littlefield of the Senate and Sullivan of the House was called up for consideration.

Senator Littlefield moved to amend **SB 1465**, Page 1, by restoring the title, which amendment was declared adopted.

Senator Littlefield moved that **SB 1465** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 1465** 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, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crutchfield, Dunlap, Fair, Fisher, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Littlefield, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Wilcoxson, Wilkerson and Williams.--42.

Excused: Ford, Maddox, Milacek, Taylor and Williamson.--5.

Vacancy: District 18.--1.

The bill and emergency passed.

**SB 1465** was referred for engrossment.

### **GENERAL ORDER**

**SB 1595** by Kerr and Gumm of the Senate and Gilbert of the House was called up for consideration.

Senator Kerr moved that **SB 1595** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 1595** was read for the third time at length.

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

Aye: Aldridge, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crutchfield, Dunlap, Fisher, Gumm, Harrison, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Littlefield, Maddox, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Wilcoxson,

Wilkerson and Williams.--41.

Excused: Fair, Ford, Helton, Milacek, Taylor and Williamson.--6.

Vacancy: District 18.--1.

The bill passed.

**SB 1595** was referred for engrossment.

### **GENERAL ORDER**

**SB 1608** by Littlefield of the Senate and Wilson of the House was called up for consideration.

Senator Littlefield moved that **SB 1608** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 1608** was read for the third time at length.

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

Aye: Aldridge, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crutchfield, Dunlap, Fisher, Gumm, Harrison, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Littlefield, Maddox, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Rozell, Shurden, Smith, Snyder, Wilcoxson, Wilkerson and Williams.--40.

Excused: Fair, Ford, Helton, Milacek, Robinson, Taylor and Williamson.--7.

Vacancy: District 18.--1.

The bill passed.

Senator Fair desired to vote Aye on the emergency.

On the question of passage of the emergency, the vote resulted as follows: Aye: 41; Excused: 6; Vacancy: 1.

The emergency passed.

**SB 1608** was referred for engrossment.

**GENERAL ORDER**

**SJR 50** by Lawler of the Senate and Tyler of the House was called up for consideration.

Senator Lawler moved that **SJR 50** be advanced, which motion was declared adopted.

**THIRD READING**

**SJR 50** was read for the third time at length.

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

Aye: Aldridge, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crutchfield, Dunlap, Fair, Fisher, Gumm, Harrison, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Littlefield, Maddox, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Wilcoxson, Wilkerson and Williams.--42.

Excused: Ford, Helton, Milacek, Taylor and Williamson.--5.

Vacancy: District 18.--1.

The resolution and emergency passed.

**SJR 50** was referred for engrossment.

**GENERAL ORDER**

**SB 1322** by Johnson et al of the Senate and Young of the House was called up for consideration.

Senator Johnson moved that **SB 1322** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 1322** 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, Branan, Brogdon, Capps, Coates, Coffee, Corn, Crutchfield, Dunlap, Fair, Fisher, Gumm, Harrison, Hobson, Horner, Johnson, Laster, Laughlin, Lawler, Leftwich, Lerblance, Littlefield, Maddox, Monson, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Wilcoxson, Wilkerson and Williams.--39.

Excused: Cain, Ford, Helton, Kerr, Milacek, Morgan, Taylor and Williamson.--8.

Vacancy: District 18.--1.

The bill and emergency passed.

**SB 1322** was referred for engrossment.

### **GENERAL ORDER**

**SB 1500** by Myers of the Senate and DeWitt of the House was called up for consideration.

Senator Myers moved to amend **SB 1500**, Page 51, Line 23, by deleting after the word “be” the language “Five Dollars (\$5.00)” and inserting in lieu thereof the language “Eight Dollars (\$8.00)”; and Page 52, Line 2, by inserting after the period the following language:

“Motor license agents shall have the option of stocking an inventory of numbered Electric Lineman License Plates, as well as stocking applications for personalized Electric Lineman License Plates. In addition to the amounts authorized to be retained by motor license agents pursuant to the provisions of Section 1141.1 of this title, motor license agents shall retain an additional Three Dollars (\$3.00) for each original Electric Lineman License Plate issued and for each application submitted by mail that carries the agent’s code and for which an Electric Lineman License Plate is issued.”, which amendment was declared adopted.

Senator Myers moved that **SB 1500** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 1500** was read for the third time at length.

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

Aye: Aldridge, Branan, Brogdon, Capps, Coates, Coffee, Corn, Crutchfield, Fisher, Gumm, Harrison, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Littlefield, Maddox, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Wilcoxson, Wilkerson and

Williams.--39.

Nay: Dunlap and Fair.--2.

Excused: Cain, Ford, Helton, Milacek, Taylor and Williamson.--6.

Vacancy: District 18.--1.

The bill passed.

**SB 1500** was referred for engrossment.

### **MOTION TO SUSPEND RULES**

Senator Fisher moved to suspend Senate Rule 12-23B to allow reconsideration of **SCR 39** on the same day the motion was lodged, which motion was declared adopted upon roll call as follows:

Aye: Aldridge, Branan, Brogdon, Capps, Coates, Coffee, Corn, Crutchfield, Dunlap, Fair, Fisher, Gumm, Harrison, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Littlefield, Maddox, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Wilcoxson, Wilkerson and Williams.--41.

Excused: Cain, Ford, Helton, Milacek, Taylor and Williamson.--6.

Vacancy: District 18.--1.

### **GENERAL ORDER**

**SCR 39** by Maddox and Helton of the Senate and Deutschendorf of the House was called up for further consideration.

Senator Maddox moved to amend the floor substitute on **SCR 39**, Page 1, by restoring the title, which amendment was declared adopted.

**SCR 39** was adopted upon motion of Senator Maddox and referred for engrossment.

### **MESSAGE FROM THE HOUSE**

Advising passage of and transmitting for consideration Engrossed **HBs 1136, 1694, 1820, 1866, 1874, 1876, 1882, 1965, 1967, 1969, 1971, 1973, 1975, 1977, 1979, 2062, 2064, 2066, 2068, 2070, 2072, 2074, 2078, 2080, 2082, 2084, 2086, 2088, 2112, 2134, 2137, 2139, 2142, 2154, 2223, 2259, 2267, 2270, 2271, 2289, 2290, 2300, 2309, 2464,**

**2470, 2496, 2561, 2622, 2626, 2632, 2690, 2691, 2710 and 2713 and HJR 1063 and HCR 1046.**

**HB 1136** – By Greenwood, Sullivan and Dank of the House and Wilcoxson of the Senate.

( schools – teachers - professional development – codification - effective date – emergency )

**HB 1694** – By Tyler of the House and Leftwich (Debbe) of the Senate.

An Act relating to roads, bridges, and ferries; amending 69 O.S. 2001, Section 1704, which relates to turnpikes; modifying contracting procedure for turnpike concessions; and declaring an emergency.

**HB 1820** – By Balkman, Roan and Nance of the House and Wilkerson of the Senate.

An Act relating to public health and safety; amending 22 O.S. 2001, Section 196, which relates to arrest without warrant by officer; modifying jurisdiction; amending 47 O.S. 2001, Section 11-101, which relates to rules of the road; modifying jurisdiction for certain exception; amending 47 O.S. 2001, Section 11-902, as last amended by Section 1, Chapter 437, O.S.L. 2003 (47 O.S. Supp 2003, Section 11-902), which relates to persons under the influence of alcohol or other intoxicating substance; enhancing fine for a violation under certain circumstance; amending 47 O.S. 2001, Section 751, as amended by Section 1, Chapter 410, O.S.L. 2002 (47 O.S. Supp. 2003, Section 751), which relates to implied consent to breath test; modifying jurisdiction; amending 47 O.S. 2001, Section 754, which relates to administrative revocation hearing; modifying jurisdiction; amending 47 O.S. 2001, Section 761, as amended by Section 4, Chapter 178, O.S.L. 2003 (47 O.S. Supp. 2003, Section 761), which relates to the operation of motor vehicles while impaired; establishing jurisdiction for certain offense; providing an effective date; and declaring an emergency.

**HB 1866** – By Gilbert, Peters, Balkman, Lindley, Adkins, Dorman, Ellis, Harrison, Liotta, McClain, Morgan (Danny) and Smithson of the House and Cain and Rabon of the Senate.

( public health and safety - amending 63 O.S., Section 1-1918.2 - Utilization of Unused Prescription Medications Act - codification - effective date )

**HB 1874** – By Langmacher of the House and Price of the Senate.

( asbestos – amending 40 O.S., Section 453 – Labor Commissioner – effective date )

**HB 1876** – By Langmacher of the House and Gumm of the Senate.

An Act relating to environment; amending 27A O.S. 2001, Section 2-5-112, which relates to air quality permitting; modifying Environmental Quality Board rulemaking authority concerning air contaminants; repealing 27A O.S. 2001, Section 2-10-308, which relates to certificate of need for the processing of biomedical waste; and declaring an emergency.

**HB 1882** – By Smith of the House and Shurden of the Senate.

An Act relating to game and fish; amending 29 O.S. 2001, Section 4-107, as amended by Section 2, Chapter 188, O.S.L. 2003 (29 O.S. Supp. 2003, Section 4-107), which relates to commercial wildlife breeder's license; clarifying statutory language; providing an expiration date for the license; repealing 29 O.S. 2001, Section 4-107, as amended by Section 2, Chapter 94, O.S.L. 2003 (29 O.S. Supp. 2003, Section 4-107), which relates to commercial wildlife breeder's license; and declaring an emergency.

**HB 1965** – By Mitchell and Bonny of the House and Morgan and Robinson of the Senate.

( Attorney General – appropriation – effective date – emergency )

**HB 1967** – By Mitchell and Bonny of the House and Morgan and Robinson of the Senate.

( Court of Criminal Appeals – appropriation – effective date – emergency )

**HB 1969** – By Mitchell and Bonny of the House and Morgan and Robinson of the Senate.

( District Attorneys Council – appropriation – effective date – emergency )

**HB 1971** – By Mitchell and Bonny of the House and Morgan and Robinson of the Senate.

( district courts - appropriations - effective date - emergency )

**HB 1973** – By Mitchell and Bonny of the House and Morgan and Robinson of the Senate.

( Oklahoma Indigent Defense System – appropriation - effective date – emergency )

**HB 1975** – By Mitchell and Bonny of the House and Morgan and Robinson of the Senate.

( Council on Judicial Complaints – appropriation – effective date – emergency )

**HB 1977** – By Mitchell and Bonny of the House and Morgan and Robinson of the Senate.

( Supreme Court - appropriations - effective date – emergency )

**HB 1979** – By Mitchell and Bonny of the House and Morgan and Robinson of the Senate.

( Workers' Compensation Court – appropriations – effective date – emergency )

**HB 2062** – By Mitchell and Bonny of the House and Morgan and Robinson of the Senate.

( Horse Racing Commission – appropriation – effective date – emergency )

**HB 2064** – By Mitchell and Bonny of the House and Morgan and Robinson of the Senate.

( Insurance Department - appropriation - effective date – emergency )

**HB 2066** – By Mitchell and Bonny of the House and Morgan and Robinson of the Senate.

( Department of Mines - appropriation - effective date – emergency )

**HB 2068** – By Mitchell and Bonny of the House and Morgan and Robinson of the Senate.

( Oklahoma Department of Securities – appropriation – effective date – emergency )

**HB 2070** – By Mitchell and Bonny of the House and Morgan and Robinson of the Senate.

( Oklahoma Tourism and Recreation Department - appropriation - effective date – emergency )

**HB 2072** – By Mitchell and Bonny of the House and Morgan and Robinson of the Senate.

( Alcoholic Beverage Laws Enforcement Commission - lapse dates - effective date – emergency )

**HB 2074** – By Mitchell and Bonny of the House and Morgan and Robinson of the Senate.

( Department of Corrections – appropriation – effective date – emergency )

**HB 2078** – By Mitchell and Bonny of the House and Morgan and Robinson of the Senate.

( Oklahoma State Bureau of Investigation – appropriation – effective date–emergency )

**HB 2080** – By Mitchell and Bonny of the House and Morgan and Robinson of the Senate.

( Council on Law Enforcement Education and Training – budgetary limitations – effective date – emergency )

**HB 2082** – By Mitchell and Bonny of the House and Morgan and Robinson of the Senate.

( Board of Medicolegal Investigations – appropriation - effective date – emergency )

**HB 2084** – By Mitchell and Bonny of the House and Morgan and Robinson of the Senate.

( Oklahoma State Bureau of Narcotics and Dangerous Drugs Control - appropriation - effective date – emergency )

**HB 2086** – By Mitchell and Bonny of the House and Morgan and Robinson of the Senate.

( Pardon and Parole Board – appropriation – effective date – emergency )

**HB 2088** – By Mitchell and Bonny of the House and Morgan and Robinson of the Senate.

( Department of Public Safety - appropriations - effective date – emergency )

**HB 2112** – By Kirby, Pope, Nance, Adkins, Calvey, Cargill, Case, Hastings, Lindley and Winchester of the House and Leftwich (Debbe) of the Senate.

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

**HB 2134** – By Peters and Adkins of the House and Riley of the Senate.

An Act relating to marriage and family; amending 43 O.S. 2001, Section 36, which relates to issuance of marriage license; deleting certain requirements for issuing a marriage license; making certain marriages, civil unions, domestic partnerships, and other special relationships unlawful and not recognized; defining terms; repealing 43 O.S. 2001, Sections 31, 32, 33, 34, 35 and 37, which relate to premarital examination for syphilis; providing for codification; and providing an effective date.

**HB 2137** – By Nance of the House and Wilcoxson of the Senate.

( economic development - amending 68 O.S., Section 3653 - Oklahoma Quality Jobs Incentive Leverage Act - emergency )

**HB 2139** – By Ellis, Smithson, Brannon, Covey, Harrison, Miller (Ray), Morgan (Danny), Roan, Turner, Tyler, Walker and Wilson of the House and Crutchfield and Littlefield of the Senate.

An Act relating to state government; amending 74 O.S. 2001, Section 192, which relates to city and county jail inspections; specifying minimum number of jailers for certain jail facility; and providing an effective date.

**HB 2142** – By Hastings of the House and Coffee of the Senate.

An Act relating to insurance; amending 36 O.S. 2001, Sections 6453, 6455, 6456, 6457, 6458, 6459, as amended by Section 7, Chapter 150, O.S.L. 2003 and 6462 (36 O.S. Supp. 2003, Section 6459), which relate to the Oklahoma Risk Retention Act; modifying definitions; requiring revisions of plans to be filed; requiring certain records to contain certain information; prohibiting purchasing groups from providing insurance to certain persons; allowing purchasing groups to take certain actions; requiring certain information be contained in notice provided by purchasing groups; making standards applicable to purchasing groups; requiring license to conduct certain activities; creating the Oklahoma Captive Insurance Company Act; defining terms; providing for licensing; requiring certain documentation and fees; providing for renewal; allowing licensing of captive insurance companies; restricting adoption of certain similar names; providing capitalization requirements; requiring certain security for branch captives; restricting payment of certain dividends; requiring certain minimum capital requirements; requiring certain free surplus amounts for captives; requiring incorporation of a captive reinsurance company; providing

incorporation requirements and options; requiring certain annual reports; allowing for discount of loss and loss adjustment of expense reserves; requiring inspections and examinations by Insurance Commissioner; providing for confidentiality of reports; providing for application of general provisions; providing for suspension or revocation of license; providing for applicability of investment requirements; allowing loans under certain circumstances; allowing for captive to provide reinsurance; allowing certain captives to not join a rating organization; prohibiting certain captives from participation in plan pool, association, or guaranty; providing tax rates for captives; defining term; providing for levy of tax; allowing for promulgation of rules; providing for applicability of provisions of act to certain reorganizations; creating Captive Insurance Regulatory and Supervision Revolving Fund; preventing use of assets in certain circumstances; requiring certain percentage of assets be managed by person domiciled in state; requiring regulations to set certain standards to ensure risk management control by parent company; providing for conversion of certain stock or mutual corporations into reciprocal insurers; providing for formation of sponsored captive insurance companies; providing for requirements to be a sponsor; allowing certain entities to be sponsors; providing certain terms and conditions to be met by a protected cell; allowing for eligibility of captive insurance company for certificate of authority to act as insurer; providing for codification; and declaring an emergency.

**HB 2154** – By Rice, Nance and Perry of the House and Corn of the Senate.

An Act relating to torts; amending 76 O.S. 2001, Section 5A, which relates to immunity from civil liability for medical care or treatment by use of automated external defibrillator; modifying certain qualifications; providing certain immunity to course directors and trainers; providing certain immunity to prescribing physicians under certain circumstances; providing certain duties of entities that own, lease, possess, or otherwise control an automated external defibrillator; adding certain definitions; and providing an effective date.

**HB 2223** – By Piatt of the House and Pruitt of the Senate.

An Act relating to probate procedure; amending 58 O.S. 2001, Section 692, which relates to after acquiring property of a decedent and settlement of an estate; authorizing certain payments to certain heirs and beneficiaries; providing affidavit; providing certain restrictions and conditions; removing certain responsibilities from the person who pays, delivers, transfers or issues personal property; making person receiving the personal property liable; requiring certain duties; authorizing certain actions; prohibiting certain actions; providing penalties; authorizing certain procedures for after acquired property; repealing 6 O.S. 2001, Section 906, which relates to bank deposits and certain transfers to heirs; providing for codification; and providing an effective date.

**HB 2259** – By Wilt and Nance of the House and Coffee of the Senate.

An Act relating to crimes and punishments; amending Section 3, Chapter 455, O.S.L. 2002 (21 O.S. Supp. 2003, Section 51.1a), which relates to punishments for subsequent offenses for certain crimes; modifying punishment; amending 21 O.S. 2001, Section 888, as amended by Section 4, Chapter 455, O.S.L. 2002 (21 O.S. Supp. 2003, Section 888), which relates to forcible sodomy; clarifying punishment for subsequent offenses; amending 21

O.S. 2001, Section 1115, as amended by Section 5, Chapter 455, O.S.L. 2002 (21 O.S. Supp. 2003, Section 1115), which relates to rape in the first degree; modifying punishment; clarifying punishment for subsequent offenses; amending 21 O.S. 2001, Section 1123, as last amended by Section 1, Chapter 159, O.S.L. 2003 (21 O.S. Supp. 2003, Section 1123), which relates to lewd or indecent proposals or acts with a child; clarifying punishment for subsequent offenses; repealing 21 O.S. 2001, Sections 888 and 1115, as amended by Sections 9 and 10, Chapter 460, O.S.L. 2002 (21 O.S. Supp. 2003, Sections 888 and 1115), and 21 O.S. 2001, Section 1123, as amended by Section 6, Chapter 455, O.S.L. 2002 (21 O.S. Supp. 2003, Section 1123), which are duplicate sections relating to forcible sodomy, rape in the first degree and lewd or indecent proposals or acts with a child; and declaring an emergency.

**HB 2267** – By Hutchison of the House and Shurden of the Senate.

An act relating to game and fish; amending 29 O.S. 2001, Sections 4-110, as last amended by Section 2, Chapter 287, O.S.L. 2003 and 4-112, as last amended by Section 4, Chapter 287, O.S.L. 2003 (29 O.S. Supp. 2003, Sections 4-110 and 4-112), which relate to fishing and hunting licenses; allowing certain nonresident students to obtain a resident fishing or hunting license; repealing 29 O.S. 2001, Section 4-131, which relates to legislative review and termination of the Waterfowl Hunting Stamp; and providing an effective date.

**HB 2270** – By Coleman of the House and Reynolds of the Senate.

An Act relating to crimes and punishments; amending 21 O.S. 2001, Section 1378, which relates to activities associated with causing serious bodily harm or death; requiring intent to cause serious bodily harm or death; and declaring an emergency.

**HB 2271** – By Coleman of the House and Reynolds of the Senate.

( criminal procedure – amending 22 O.S., Section 18 – expungement of records – effective date )

**HB 2289** – By Turner of the House and Gumm of the Senate.

( economic development – amending 68 O.S., Section 3604 – Oklahoma Quality Jobs Program Act – effective date )

**HB 2290** – By Turner and Adkins of the House and Shurden of the Senate.

( state government – amending 74 O.S., Section 1316.3 – health care premium payment amounts – effective date – emergency )

**HB 2300** – By Tibbs, McClain, Lindley, Toure, Wells, Liotta, Roan, Walker and Kirby of the House and Cain of the Senate.

( human services – Oklahoma Consumer-Directed Personal Assistance and Support Services Act – expansion – codification – effective date – emergency )

**HB 2309** – By Hamilton of the House and Shurden of the Senate.

( public health and safety - electronic monitoring devices in nursing facilities – codification – effective date )

**HB 2464** – By Gilbert and Lindley of the House and Robinson of the Senate.  
( professions and occupations - Licensed Alcohol and Drug Counselors Act - State Board - revolving fund – amending 59 O.S., Section 493.5 – codification – emergency )

**HB 2470** – By Braddock of the House and Laster of the Senate.  
( civil procedure - amending 12 O.S., Section 1651 - declaratory judgments - effective date )

**HB 2496** – By Nance of the House and Smith of the Senate.  
An Act relating to courts; amending 20 O.S. 2001, Section 1313.2, as last amended by Section 1, Chapter 471, O.S.L. 2003 (20 O.S. Supp. 2003, Section 1313.2), which relates to penalties in addition to fines; modifying distribution of certain monies; and declaring an emergency.

**HB 2561** – By Nations of the House and Nichols of the Senate.  
An Act relating to public buildings and public works; amending 61 O.S. 2001, Section 102, as amended by Section 13, Chapter 294, O.S.L. 2002 (61 O.S. Supp. 2003, Section 102), which relates to the Public Competitive Bidding Act of 1974; modifying certain definition; and providing an effective date.

**HB 2622** – By Wilson and Adkins of the House and Rabon of the Senate.  
( revenue and taxation – exemption from income tax – limit – codification – effective date )

**HB 2626** – By Askins, Adkins, Calvey and Hamilton of the House and Leftwich (Debbe) of the Senate.  
An Act relating to crimes and punishments; amending 21 O.S. 2001, Section 644, which relates to assault, assault and battery, and domestic abuse; modifying certain penalty; adding penalties; and providing an effective date.

**HB 2632** – By Erwin and Langmacher of the House and Milacek of the Senate.  
( Secretary of State – amendment to the Constitution of the State of Oklahoma by adding a new Section 44 to Article X – tax – gasoline and diesel fuel – ballot title – filing )

**HB 2690** – By Ferguson of the House and Corn of the Senate.  
An Act relating to the Oklahoma Public Employees Retirement System; amending 74 O.S. 2001, Sections 905, 907, 915, as last amended by Section 7, Chapter 486, O.S.L. 2003, 917, as last amended by Section 19, Chapter 406, O.S.L. 2003 and 923 (74 O.S. Supp. 2003, Sections 915 and 917), which relate to administration of the retirement system; modifying provisions related to Board of Trustees; modifying provisions related to office space and facilities; deleting reference to normal retirement date; modifying provisions related to payment of certain benefit amount; authorizing certain offset; prescribing requirements for offset; prescribing procedures for remittance of certain contributions to the Oklahoma Public Employees Retirement System; authorizing imposition of certain late charge; providing for codification; providing an effective date; and declaring an emergency.

**HB 2691** – By Ferguson of the House and Corn of the Senate.

An Act relating to the Uniform Retirement System for Justices and Judges; amending 20 O.S. 2001, Sections 1103, 1103.1, as amended by Section 2, Chapter 438, O.S.L. 2002, 1108, as last amended by Section 15, Chapter 406, O.S.L. 2003 and 1111 (20 O.S. Supp. 2003, Sections 1103.1 and 1108), which relate to administration of the Uniform Retirement System for Justices and Judges; modifying provisions related to payment of certain benefit amount; providing for remittance of certain contributions; authorizing fee for late payment; providing for management of Uniform Retirement System for Justices and Judges; stating legal status of retirement system; authorizing certain powers; providing authority to Board of Trustees; providing for rules and regulations; authorizing adoption of actuarial tables; providing for effect of administrative decisions; prescribing penalties for certain conduct; authorizing correction of errors; authorizing recovery of overpayments; authorizing offsets under certain circumstances; prescribing procedures with respect to offset; providing an effective date; and declaring an emergency.

**HB 2710** – By Toure of the House and Wilkerson of the Senate.

( criminal procedure – execution – developmental disability – codification – effective date )

**HB 2713** – By Toure of the House and Smith of the Senate.

An Act relating to civil procedure; amending 12 O.S. 2001, Sections 696.3 and 696.4, as amended by Section 3, Chapter 468, O.S.L. 2002 (12 O.S. Supp. 2003, Section 696.4), which relate to judgments; modifying required and discretionary contents for judgments, decrees and appealable orders; providing for the recovery of attorney fees in certain circumstances; amending 12 O.S. 2001, Section 721, which relates to foreign judgments; modifying requirements for filing certain judgments for specified purpose; modifying requirements related to certain offers; amending 12 O.S. 2001, Section 990.2, which relates to post-trial motions; excluding interest from certain post-trial motions; amending 12 O.S. 2012, as amended by Section 23, Chapter 468, O.S.L. 2002 (12 O.S. Supp. 2003, Section 2012), which relates to defenses and objections; modifying time for presentment of answer; amending 12 O.S. 2001, Section 3232, which relates to depositions; clarifying manner in which testimony is taken; amending 30 O.S. 2001, Sections 4-201 and 4-303, which relate to guardian's bond and settlement of accounts; modifying requirement for certain finding by court; modifying requirements for filing of certain report; creating the Uniform Arbitration Act; providing short title; defining terms; providing conditions of giving and receiving notice; providing agreements that are governed by the Uniform Arbitration Act; providing for waiver of requirements; providing nonwaivable provisions; providing for application for judicial relief; providing for validity of agreements to arbitrate; providing for application and motion to compel or stay arbitration; providing for provisional remedies; providing for initiation of arbitration; providing for consolidation of separate arbitration proceedings; prohibiting consolidation if prohibited by the arbitration agreement; providing for appointment of arbitrator; providing that certain persons shall not serve as arbitrator; requiring certain disclosures by arbitrator; providing for objections; providing consequences if an arbitrator does not disclose certain information; requiring compliance with certain procedures in certain circumstances; requiring action by more than one arbitrator to be action of a majority; requiring all arbitrators to conduct the hearing;

providing civil immunity for arbitrator; providing that an arbitrator is not competent to testify or required to produce records in certain proceedings; providing exceptions; providing for the award of certain attorney fees and expenses of litigation; providing for the arbitration process; authorizing a party to an arbitration proceeding to be represented by a lawyer; providing for subpoena power, administration of oaths, and use of discovery; allowing witnesses to appear telephonically or by other means; authorizing an arbitrator to issue protective orders; providing that certain laws and fees apply to arbitration proceedings; providing for enforcement of subpoenas and discovery-related orders; providing for judicial enforcement of preaward rulings; providing requirements for awards; providing procedure for modification or correction of award; authorizing an arbitrator to award punitive damages and other exemplary relief; authorizing an arbitrator to award attorney fees and other expenses; providing for confirming orders; authorizing the court to vacate an award for certain reasons; providing procedure for vacating award; requiring the court to modify or correct an award under certain circumstances; providing for entering judgment; authorizing the court to award certain costs and expenses; providing for jurisdiction; providing venue; providing for appeals; providing for uniform application of law; providing conformity with certain act; repealing 12 O.S. 2001, Section 1101.1, as amended by Section 7, Chapter 468, O.S.L. 2002 (12 O.S. Supp. 2003, Section 1101.1), which relates to offers of judgment; repealing 15 O.S. 2001, Sections 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817 and 818, which relate to the Uniform Arbitration Act; providing for codification; providing an effective date; and declaring an emergency.

**HJR 1063** – By Staggs of the House and Rozell of the Senate.

( Joint Resolution – proposed amendment to Section 6 of Article X of the Constitution of the State of Oklahoma – property – ballot title – filing )

**HCR 1046** – By Hastings of the House and Smith of the Senate.

A Concurrent Resolution relating to workers' compensation; expressing legislative intent of Enrolled Senate Bill No. 1414 of the 2nd Session of the 47th Oklahoma Legislature; and providing for distribution.

The above-numbered measures were read the first time.

## **MESSAGE FROM THE HOUSE**

Advising fourth reading of and transmitting for signature Enrolled **HBs 1950** and **2076**.

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

## **EXECUTIVE NOMINATIONS**

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

Betow, Gary Lowell, Tulsa, as a member of the Commission on Consumer Credit - Business and Labor

Carson, Joel L., Oklahoma City, as a member of the Board of Mental Health and Substance Abuse Services - Human Resources

Donoley, Bill David, Wilburton, as a member of the Oklahoma Mining Commission - Energy, Environment and Communications

Howard, Russell G., Laverne, as a member of the Oklahoma Liquefied Petroleum Gas Board - Energy, Environment and Communications

Lochridge, Timothy David, Sulphur, as a member of the Oklahoma Mining Commission - Energy, Environment and Communications

Long, Ed, Enid, as a member of the Oklahoma Science and Technology Research and Development Board - Aerospace and Technology

Petete, Vicky, Ada, as a member of the Oklahoma Accountancy Board - Business and Labor

Waites, James O., Weatherford, as a member of the Oklahoma Student Loan Authority - Education

Senator Fisher moved that when the clerk's desk is clear, the Senate stand adjourned to convene Monday, March 8, 2004, at 10:00 a.m., which motion prevailed.

**BILL RELEASED  
TIME EXPIRED TO RECONSIDER**

**SB 1259** was referred for engrossment.

Pursuant to the Fisher motion, the Senate adjourned at 11:40 a.m. to meet Monday, March 8, 2004, at 10:00 a.m.