

Senate Journal

Second Regular Session of the Forty-ninth Legislature of the State of Oklahoma

Twenty-third Legislative Day, Wednesday, March 10, 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 Reverend Scott Hamilton, First Baptist Church, Hinton, the guest of Senator Price.

REPORT OF ENGROSSED AND ENROLLED MEASURES

SBs 841, 900, 902, 969, 1122, 1167, 1176, 1199, 1220, 1252, 1265, 1300, 1319, 1357, 1366, 1383, 1397, 1402, 1405, 1411, 1413, 1430, 1447, 1449, 1494, 1520, 1523, 1536, 1539, 1547, 1551, 1554, 1558, 1568, 1573, 1574, 1614, 1617, 1618 and 1622 and SCR 49 were each correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

SB 996 was correctly enrolled and after fourth reading, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

GENERAL ORDER

SB 865 by Gumm and Maddox of the Senate and McCarter and Pope of the House was called up for consideration.

Senator Gumm moved to amend **SB 865**, 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 that **SB 865** be advanced, which motion was declared adopted.

THIRD READING

SB 865 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, Ford, Gumm, Harrison, Hobson, Horner, Johnson, Laster, Lawler, Leftwich, Lerblance, Littlefield, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Wilcoxson, Wilkerson and Williamson.--42.

Excused: Helton, Kerr, Laughlin, Taylor and Williams.--5.

Vacancy: District 18.--1.

The bill and emergency passed.

SB 865 was referred for engrossment.

GENERAL ORDER

SB 905 by Lawler and Capps of the Senate and McCarter of the House was called up for consideration.

Senator Capps asked to be removed as coauthor on **SB 905**, which was the order.

Senator Corn moved to amend **SB 905**, Page 1, by striking the title, which amendment was declared adopted.

Senator Lawler moved that **SB 905** be advanced, which motion was declared adopted.

THIRD READING

SB 905 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, Cain, Coates, Coffee, Corn, Crutchfield, Fisher, Gumm, Harrison, Hobson, Laughlin, Lawler, Leftwich, Lerblance, Littlefield, Monson, Morgan, Myers, Nichols, Price, Pruitt, Riley, Rozell, Shurden and Wilcoxson.--26.

Nay: Brogdon, Capps, Dunlap, Fair, Ford, Horner, Johnson, Laster, Maddox, Milacek, Rabon, Reynolds, Robinson, Wilkerson, Williams and Williamson.--16.

Excused: Helton, Kerr, Smith, Snyder and Taylor.--5.

Vacancy: District 18.--1.

The bill passed and the emergency failed.

SB 905 was referred for engrossment.

Senator Gumm presiding.

GENERAL ORDER

SB 1228 by Robinson of the Senate and Stanley of the House was called up for consideration.

Senator Robinson moved that **SB 1228** be advanced, which motion was declared adopted.

THIRD READING

SB 1228 was read for the third time at length.

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

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

Nay: Aldridge, Branan, Brogdon, Coates, Coffee, Dunlap, Fair, Fisher, Ford, Johnson, Laughlin, Milacek, Myers, Nichols, Pruitt, Rabon, Reynolds, Riley, Smith, Wilcoxson and Williamson.--21.

Excused: Helton, Kerr, Snyder and Taylor.--4.

Vacancy: District 18.--1.

The bill failed.

Pursuant to Rule 12-23, Senator Robinson served notice that the vote be reconsidered whereby **SB 1228** failed.

GENERAL ORDER

SB 1561 by Coates of the Senate and Paulk of the House was called up for consideration.

Senator Coates moved to amend **SB 1561**, 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 Coates moved to amend the floor substitute on **SB 1561**, Page 2, Line 22, by deleting before the word "calendar" the word and numeral "twenty-one (21)" and inserting in lieu thereof the word and numeral "thirty (30)", which motion was declared adopted.

Senator Coates moved that **SB 1561** be advanced, which motion was declared adopted.

THIRD READING

SB 1561 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, Fair, Fisher, Ford, Gumm, Harrison, Hobson, Horner, Johnson, Laster, Laughlin, Lawler, Leftwich, Lerblance, Littlefield, Maddox, Milacek, Monson, Morgan, Myers, Price, Pruitt, Rabon, Reynolds, Riley, Rozell, Shurden, Snyder, Wilcoxson and Williamson.--37.

Nay: Cain, Nichols, Wilkerson and Williams.--4.

Excused: Helton, Kerr, Robinson, Smith and Taylor.--5.

Vacancy: District 18.--1.

*Not Voting: Dunlap.—1.

The bill passed.

*Senator Dunlap asked to be shown not voting on **SB 1561** for reason of personal interest, as provided in Article V, Section 24, Oklahoma Constitution.

SB 1561 was referred for engrossment.

GENERAL ORDER

SB 1456 by Wilcoxson of the Senate and Morgan (Fred) of the House was called up for consideration.

Senator Branan asked to coauthor **SB 1456**, which was the order.

Senator Wilcoxson moved that **SB 1456** be advanced, which motion was declared adopted.

THIRD READING

SB 1456 was read for the third time at length.

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

Aye: Branan, Cain, Capps, Coffee, Ford, Harrison, Hobson, Johnson, Laughlin, Leftwich, Maddox, Monson, Pruitt, Robinson, Shurden, Smith, Wilcoxson, Williams and Williamson.--19.

Nay: Aldridge, Brogdon, Coates, Corn, Crutchfield, Dunlap, Fisher, Gumm, Horner, Laster, Lawler, Lerblance, Littlefield, Milacek, Myers, Nichols, Price, Rabon, Reynolds, Riley, Rozell and Wilkerson.--22.

Excused: Fair, Helton, Kerr, Morgan, Snyder and Taylor.--6.

Vacancy: District 18.--1.

The bill failed.

Pursuant to Rule 12-23, Senator Wilcoxson served notice that the vote be reconsidered whereby **SB 1456** failed.

GENERAL ORDER

SB 1583 by Rozell of the Senate and Askins of the House was called up for consideration.

Senator Rozell moved to amend **SB 1583**, 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 Rozell moved to amend the floor substitute on **SB 1583**, Page 17, Line 30, by deleting after the word "effective" the date "November 1, 2004" and inserting in lieu thereof the date "April 1, 2005", which amendment was declared adopted.

Senator Rozell moved that **SB 1583** be advanced, which motion was declared adopted.

THIRD READING

SB 1583 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, Fair, Fisher, Ford, Gumm, Harrison, Hobson, Horner, Johnson, Laster, Laughlin, Lawler, Leftwich, Lerblance, Littlefield, Maddox, Milacek, Monson, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Wilcoxson, Wilkerson, Williams and Williamson.--42.

Excused: Helton, Kerr, Morgan, Snyder and Taylor.--5.

Vacancy: District 18.--1.

The bill passed.

Pursuant to Rule 12-23, Senator Rozell served notice that the vote be reconsidered whereby **SB 1583** passed.

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

Senator Nichols asked unanimous consent to suspend Rule 5-4 and refer **SR 42** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SR 42 by Nichols and Hobson was called up for consideration.

SR 42 was adopted upon motion of Senator Nichols and referred for enrollment.

GENERAL ORDER

SB 1352 by Rabon and Capps of the Senate and Pope of the House was called up for consideration.

Senator Rabon moved to amend **SB 1352**, Page 1, by striking the title, which amendment was declared adopted.

Senator Shurden moved to amend **SB 1352**, Page 1, Line 11 ½, by inserting a new Section 1 to read as follows:

“SECTION 1. AMENDATORY 68 O.S. 2001, Section 1357, as last amended by Section 64, Chapter 3, O.S.L. 2003 (68 O.S. Supp. 2003, Section 1357), is amended to read as follows:

There are hereby specifically exempted from the tax levied by Section 1350 et seq. of this title:

1. Transportation of school pupils to and from elementary schools or high schools in motor or other vehicles;

2. Transportation of persons where the fare of each person does not exceed One Dollar (\$1.00), or local transportation of persons within the corporate limits of a municipality except by taxicabs;

3. Sales for resale to persons engaged in the business of reselling the articles purchased, whether within or without the state, provided that such sales to residents of this state are made to persons to whom sales tax permits have been issued as provided in Section 1350 et seq. of this title. This exemption shall not apply to the sales of articles made to persons holding permits when such persons purchase items for their use and which they are not regularly engaged in the business of reselling; neither shall this exemption apply to sales of tangible personal property to peddlers, solicitors and other salespersons who do not have an established place of business and a sales tax permit. The exemption provided by this paragraph shall apply to sales of motor fuel or diesel fuel to a Group Five vendor, but the use of such motor fuel or diesel fuel by the Group Five vendor shall not be exempt from the tax levied by Section 1350 et seq. of this title. The purchase of motor fuel or diesel fuel is exempt from sales tax when the motor fuel is for shipment outside this state and consumed by a common carrier by rail in the conduct of its business. The sales tax shall apply to the purchase of motor fuel or diesel fuel in Oklahoma by a common carrier by rail when such motor fuel is purchased for fueling, within this state, of any locomotive or other motorized flanged wheel equipment;

4. Sales of advertising space in newspapers and periodicals and billboard advertising service, and any advertising through the electronic media, including radio, television and cable television, and the servicing of any advertising devices;

5. Eggs, feed, supplies, machinery and equipment purchased by persons regularly engaged in the business of raising worms, fish, any insect or any other form of terrestrial or aquatic animal life and used for the purpose of raising same for marketing. This exemption shall only be granted and extended to the purchaser when the items are to be used and in fact are used in the raising of animal life as set out above. Each purchaser shall certify, in writing, on the invoice or sales ticket retained by the vendor that the purchaser is regularly engaged in the business of raising such animal life and that the items purchased will be used only in such business. The vendor shall certify to the Oklahoma Tax Commission that the price of the items has been reduced to grant the full benefit of the exemption. Violation hereof by the purchaser or vendor shall be a misdemeanor;

6. Sale of natural or artificial gas and electricity, and associated delivery or transmission services, when sold exclusively for residential use. Provided, this exemption shall not apply to any sales tax levied by a city or town, or a county, or any other jurisdiction in this state;

7. In addition to the exemptions authorized by Section 1357.6 of this title, sales of drugs sold pursuant to a prescription written for the treatment of human beings by a person licensed to prescribe the drugs, and sales of insulin and medical oxygen. Provided, this exemption shall not apply to over-the-counter drugs;

8. Transfers of title or possession of empty, partially filled, or filled returnable oil and chemical drums to any person who is not regularly engaged in the business of selling, reselling or otherwise transferring empty, partially filled, or filled returnable oil drums;

9. Sales of one-way utensils, paper napkins, paper cups, disposable hot containers and other one-way carry out materials to a vendor of meals or beverages;

10. Sales of food or food products for home consumption which are purchased in whole or in part with coupons issued pursuant to the federal food stamp program as authorized by Sections 2011 through 2029 of Title 7 of the United States Code, as to that portion purchased with such coupons. The exemption provided for such sales shall be inapplicable to such sales upon the effective date of any federal law that removes the requirement of the exemption as a condition for participation by the state in the federal food stamp program;

11. Sales of food or food products, or any equipment or supplies used in the preparation of the food or food products to or by an organization which:

- a. is exempt from taxation pursuant to the provisions of Section 501(c)(3) of the Internal Revenue Code, 26 U.S.C., Section 501(c)(3), and which provides and delivers prepared meals for home consumption to elderly or homebound persons as part of a program commonly known as "Meals on Wheels" or "Mobile Meals", or
- b. is exempt from taxation pursuant to the provisions of Section 501(c)(3) of the Internal Revenue Code, 26 U.S.C., Section 501(c)(3), and which receives federal funding pursuant to the Older Americans Act of 1965, as amended, for the purpose of providing nutrition programs for the care and benefit of elderly persons;

12. Sales of tangible personal property or services to or by organizations which are exempt from taxation pursuant to the provisions of Section 501(c)(3) of the Internal Revenue Code, 26 U.S.C., Section 501(c)(3), and which are primarily involved in the collection and distribution of food and other household products to other organizations which are exempt from taxation pursuant to the provisions of Section 501(c)(3) of the Internal Revenue Code, 26 U.S.C., Section 501(c)(3), which facilitate the distribution of such products to the needy, except sales made in the course of business for profit or savings, competing with other persons engaged in the same or similar business;

13. Sales of tangible personal property or services to children's homes which are located on church-owned property and are operated by organizations exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C., Section 501(c)(3);

14. Sales of computers, data processing equipment, related peripherals and telephone, telegraph or telecommunications service and equipment for use in a qualified aircraft maintenance or manufacturing facility. For purposes of this paragraph, "qualified aircraft maintenance or manufacturing facility" means a new or expanding facility primarily engaged in aircraft repair, building or rebuilding whether or not on a factory basis, whose total cost of construction exceeds the sum of Five Million Dollars (\$5,000,000.00) and which employs at least two hundred fifty (250) new full-time-equivalent employees, as certified by the Oklahoma Employment Security Commission, upon completion of the facility. In order to qualify for the exemption provided for by this paragraph, the cost of the items purchased by the qualified aircraft maintenance or manufacturing facility shall equal or exceed the sum of Two Million Dollars (\$2,000,000.00);

15. Sales of tangible personal property consumed or incorporated in the construction or expansion of a qualified aircraft maintenance or manufacturing facility as defined in paragraph 14 of this section. For purposes of this paragraph, sales made to a contractor or subcontractor that has previously entered into a contractual relationship with a qualified aircraft maintenance or manufacturing facility for construction or expansion of such a facility shall be considered sales made to a qualified aircraft maintenance or manufacturing facility;

16. Sales of any interstate telecommunications services which:

- a. entitle the subscriber to inward or outward calling respectively between a station associated with an access line in the local telephone system area or a station directly connected to any interexchange carrier's facilities and telephone or radiotelephone stations in diverse geographical locations specified by the subscriber, or
- b. entitle the subscriber to private communications services which allow exclusive or priority use of a communications channel or group of channels between exchanges;

17. Sales of railroad track spikes manufactured and sold for use in this state in the construction or repair of railroad tracks, switches, sidings and turnouts;

18. Sales of aircraft and aircraft parts provided such sales occur at a qualified aircraft maintenance facility. As used in this paragraph, "qualified aircraft maintenance facility" means a facility operated by an air common carrier at which there were employed at least two thousand (2,000) full-time-equivalent employees in the preceding year as certified by the Oklahoma Employment Security Commission and which is primarily related to the fabrication, repair, alteration, modification, refurbishing, maintenance, building or

rebuilding of commercial aircraft or aircraft parts used in air common carriage. For purposes of this paragraph, "air common carrier" shall also include members of an affiliated group as defined by Section 1504 of the Internal Revenue Code, 26 U.S.C., Section 1504;

19. Sales of machinery and equipment purchased and used by persons and establishments primarily engaged in computer services and data processing:

- a. as defined under Industrial Group Numbers 7372 and 7373 of the Standard Industrial Classification (SIC) Manual, latest version, which derive at least fifty percent (50%) of their annual gross revenues from the sale of a product or service to an out-of-state buyer or consumer, and
- b. as defined under Industrial Group Number 7374 of the SIC Manual, latest version, which derive at least eighty percent (80%) of their annual gross revenues from the sale of a product or service to an out-of-state buyer or consumer.

Eligibility for the exemption set out in this paragraph shall be established, subject to review by the Tax Commission, by annually filing an affidavit with the Tax Commission stating that the facility so qualifies and such information as required by the Tax Commission. For purposes of determining whether annual gross revenues are derived from sales to out-of-state buyers or consumers, all sales to the federal government shall be considered to be to an out-of-state buyer or consumer;

20. Sales of prosthetic devices to an individual for use by such individual. For purposes of this paragraph, "prosthetic device" shall have the same meaning as provided in Section 1357.6 of this title, but shall not include corrective eye glasses, contact lenses, hearing aids or dental prostheses;

21. Sales of tangible personal property or services to a motion picture or television production company to be used or consumed in connection with an eligible production. For purposes of this paragraph, "eligible production" means a documentary, special, music video, or a television program that will serve as a pilot for or be a segment of an ongoing dramatic or situation comedy series filmed or taped for network or national or regional syndication or a feature-length motion picture intended for theatrical release or for network or national or regional syndication or broadcast. The provisions of this paragraph shall apply to sales occurring on or after July 1, 1996;

22. Sales of diesel fuel sold for consumption by commercial vessels, barges and other commercial watercraft;

23. Sales of tangible personal property or services to tax-exempt independent nonprofit biomedical research foundations that provide educational programs for Oklahoma science students and teachers and to tax-exempt independent nonprofit community blood banks headquartered in this state;

24. Effective May 6, 1992, sales of wireless telecommunications equipment to a vendor who subsequently transfers the equipment at no charge or for a discounted charge to a consumer as part of a promotional package or as an inducement to commence or continue a contract for wireless telecommunications services;

25. Effective January 1, 1991, leases of rail transportation cars to haul coal to coal-fired plants located in this state which generate electric power;

26. Beginning July 1, 2002, sales of aircraft engine repairs, modification, and replacement parts, sales of aircraft frame repairs and modification, aircraft interior

modification, and paint, and sales of services employed in the repair, modification and replacement of parts of aircraft engines, aircraft frame and interior repair and modification, and paint. The exemption provided by this paragraph shall be limited to aircraft repairs, modification, and replacement parts for aircraft weighing more than nine thousand (9,000) pounds gross take-off weight and less than three hundred thousand (300,000) pounds gross take-off weight and which aircraft are brought into this state exclusively for such repairs or modification. The exemption provided by this paragraph shall be limited to repairs or modifications made by an aircraft repair facility. As used in this paragraph, the term "aircraft" shall have the same meaning as such term is defined in Section 6001 of this title. The term "aircraft repair facility" shall mean any facility which either is an aircraft manufacturer's authorized service facility or a facility which repairs, modifies or replaces aircraft parts in which more than Three Million Dollars (\$3,000,000.00) was invested to establish the new facility or expand an existing facility and which construction was commenced or was in progress on or after July 1, 1999; provided, amounts expended for research and development as defined in Sections 41 and 174 of the Internal Revenue Code with respect to modification of aircraft shall be included as amounts invested to establish a new facility or expand an existing facility for purposes of the investment threshold specified herein;

27. Sales of materials and supplies to the owner or operator of a ship, motor vessel or barge that is used in interstate or international commerce if the materials and supplies:

- a. are loaded on the ship, motor vessel or barge and used in the maintenance and operation of the ship, motor vessel or barge, or
- b. enter into and become component parts of the ship, motor vessel or barge;

28. Sales of tangible personal property made at estate sales at which such property is offered for sale on the premises of the former residence of the decedent by a person who is not required to be licensed pursuant to the Transient Merchant Licensing Act, Section 1601 et seq. of Title 19 of the Oklahoma Statutes, or who is not otherwise required to obtain a sales tax permit for the sale of such property pursuant to the provisions of Section 1364 of this title; provided:

- a. such sale or event may not be held for a period exceeding three (3) consecutive days,
- b. the sale must be conducted within six (6) months of the date of death of the decedent, and
- c. the exemption allowed by this paragraph shall not be allowed for property that was not part of the decedent's estate;

29. Beginning January 1, 2004, sales of electricity and associated delivery and transmission services, when sold exclusively for use by an oil and gas operator for reservoir dewatering projects and associated operations commencing on or after July 1, 2003, in which the initial water-to-oil ratio is greater than or equal to five-to-one water-to-oil, and such oil and gas development projects have been classified by the Corporation Commission as a reservoir dewatering unit; ~~and~~

30. Sales of prewritten computer software that is delivered electronically. For purposes of this paragraph, "delivered electronically" means delivered to the purchaser by means other than tangible storage media; and

31 Sales of modular dwelling units when built at a production facility and moved in whole or in parts, to be assembled on-site, and permanently affixed to the real property and used for residential or commercial purposes. The exemption provided by this paragraph shall equal forty-five percent (45%) of the total sales price of the modular dwelling unit. For purposes of this paragraph, “modular dwelling unit” means a structure that is not subject to the motor vehicle excise tax imposed pursuant to Section 2103 of this title.” and by renumbering subsequent sections, which amendment was declared adopted.

Senator Shurden moved to amend his prior amendment, Paragraph 31, Line 1, by inserting after the word “facility” the words “in this state”, which amendment was declared adopted.

Senator Rabon moved that **SB 1352** be advanced, which motion was declared adopted.

THIRD READING

SB 1352 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, Coates, Coffee, Corn, Crutchfield, Dunlap, Fair, Fisher, Ford, Gumm, Harrison, Hobson, Horner, Johnson, Laster, Laughlin, Lawler, Leftwich, Lerblance, Littlefield, Maddox, Milacek, Monson, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Wilcoxson, Wilkerson, Williams and Williamson.--41.

Excused: Capps, Helton, Kerr, Morgan, Snyder and Taylor.--6.

Vacancy: District 18.--1.

The bill and emergency passed.

SB 1352 was referred for engrossment.

MOTION TO RECONSIDER VOTE

Senator Rozell moved to reconsider the vote whereby **SB 1583** passed, which motion was declared adopted upon roll call as follows:

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

Williams and Williamson.--41.

Excused: Ford, Helton, Kerr, Morgan, Snyder and Taylor.--6.

Vacancy: District 18.--1.

THIRD READING

Senator Rozell moved to reconsider the vote whereby **SB 1583** was advanced, which motion was declared adopted.

GENERAL ORDER

SB 1583 by Rozell of the Senate and Askins of the House was called up for further consideration.

Senator Rozell moved to amend **SB 1583**, Page 1, by restoring the title, which amendment was declared adopted.

Senator Rozell moved that **SB 1583** be advanced, which motion was declared adopted.

THIRD READING

SB 1583 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, Fair, Fisher, Gumm, Harrison, Hobson, Horner, Johnson, Laster, Laughlin, Lawler, Leftwich, Lerblance, Littlefield, Maddox, Milacek, Monson, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Wilcoxson, Wilkerson, Williams and Williamson.--41.

Excused: Ford, Helton, Kerr, Morgan, Snyder and Taylor.--6.

Vacancy: District 18.--1.

The bill passed.

SB 1583 was referred for engrossment.

GENERAL ORDER

SB 1274 by Williams of the Senate and Winchester of the House was called up for consideration.

Senator Williams moved that **SB 1274** be advanced, which motion was declared adopted.

THIRD READING

SB 1274 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, Ford, Gumm, Harrison, Hobson, Horner, Johnson, Laster, Laughlin, Lawler, Leftwich, Lerblance, Littlefield, Maddox, Milacek, Monson, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Wilcoxson, Wilkerson, Williams and Williamson.--42.

Excused: Helton, Kerr, Morgan, Snyder and Taylor.--5.

Vacancy: District 18.--1.

The bill and emergency passed.

SB 1274 was referred for engrossment.

GENERAL ORDER

SB 1278 by Laughlin of the Senate and Blackwell of the House was called up for consideration.

Senator Laughlin moved to amend **SB 1278**, Page 5, Line 13, by inserting after the comma and before the word "the" the words "and the teacher has been absent from the school premises for five consecutive school days and has not communicated with the school administration the teacher's intent to return and resume employment," which amendment was declared adopted.

Senator Laughlin moved that **SB 1278** be advanced, which motion was declared adopted.

THIRD READING

SB 1278 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, Crutchfield, Dunlap, Fair, Fisher, Ford, Harrison, Hobson, Johnson, Laster, Laughlin, Lawler, Leftwich, Lerblance, Littlefield, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Reynolds, Riley, Shurden, Smith, Wilcoxson, Wilkerson, Williams and Williamson.--37.

Nay: Gumm, Horner, Rabon, Robinson and Rozell.--5.

Excused: Corn, Helton, Kerr, Snyder and Taylor.--5.

Vacancy: District 18.--1.

The bill passed.

Senators Gumm and Snyder desired to vote Aye on the emergency.

On the question of passage of the emergency, the vote resulted as follows: Aye: 39; Nay: 4; Excused: 4; Vacancy: 1.

The emergency passed.

SB 1278 was referred for engrossment.

MESSAGE FROM THE HOUSE

Advising fourth reading of and returning Enrolled **SB 996**.

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

GENERAL ORDER

SB 1091 by Coffee of the Senate and Vaughn of the House was called up for consideration.

Senators Gumm and Brogdon asked to coauthor **SB 1091**, which was the order.

Senator Coffee moved to amend **SB 1091**, Page 1, Line 19, by inserting after the words "computer file" and before the word "depicting" the words "that is intentionally saved or organized on hardware or any other media including, but not limited to, CDs, DVDs and

thumbdrives, whether digital, analog or other means and whether directly viewable, compressed or encoded,” and by amending the title to conform, which amendment was declared adopted.

Senator Coffee moved that **SB 1091** be advanced, which motion was declared adopted.

THIRD READING

SB 1091 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, Ford, Gumm, Harrison, Hobson, Horner, Johnson, 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.--44.

Excused: Helton, Kerr and Taylor.--3.

Vacancy: District 18.--1.

The bill and emergency passed.

SB 1091 was referred for engrossment.

MESSAGE FROM THE HOUSE

Advising passage of and transmitting for consideration Engrossed **HBs 1695, 1846, 1847, 1902, 1904, 1906, 1908, 1910, 1912, 1914, 1918, 1920, 1922, 1926, 1928, 1930, 1934, 1936, 2010, 2012, 2015, 2017, 2019, 2021, 2023, 2043, 2045, 2047, 2075, 2077, 2089, 2106, 2166, 2182, 2187, 2199, 2210, 2226, 2243, 2321, 2345, 2351, 2396, 2411, 2439, 2505, 2515, 2516, 2556, 2588, 2608, 2617, 2659, 2661, 2673, 2674, 2680** and **2706** and **HJR 1059** and **HCRs 1056** and **1057**.

HB 1695 – By Tyler of the House and Leftwich (Debbe) of the Senate.

An Act relating to transportation; amending 51 O.S. 2001, Section 24A.3, as last amended by Section 42, Chapter 3, O.S.L. 2003 (51 O.S. Supp. 2003, Section 24A.3), which relates to the Oklahoma Open Records Act; modifying certain definition; amending 61 O.S. 2001, Section 121, as amended by Section 22, Chapter 294, O.S.L. 2002 (61 O.S. Supp. 2003, Section 121), which relates to the Public Competitive Bidding Act of 1974; adding certain authorization for the Director of the Oklahoma Transportation Authority;

repealing 69 O.S. 2001, Section 1705.3, which relates to coin-operated turnpike booths; providing an effective date; and declaring an emergency.

HB 1846 – By Hilliard of the House and Crutchfield of the Senate.
(public finance – noncodification - effective date - emergency)

HB 1847 – By Winchester, Adkins, Braddock, Cox, Greenwood, Hamilton, Lindley, McIntyre, Morgan (Fred), Paulk, Piatt, Smithson, Staggs, Stanley, Vaughn, Wright, Dank and Liotta of the House and Monson of the Senate.

An Act relating to vital statistics; amending 63 O.S. 2001, Section 1-318, which relates to fetal death certificates; modifying title of certificate; clarifying requirements and content of the certificate; providing an effective date; and declaring an emergency.

HB 1902 – By Mitchell and Bonny of the House and Morgan and Robinson of the Senate.

An Act relating to the State Board of Career and Technology Education; providing for the budgeting of funds in certain categories and amounts; requiring performance measures for budget categories; providing for the duties and compensation of employees of the Oklahoma Department of Career and Technology Education; limiting the salary of the Director; providing budgetary limitations; providing minimum and maximum amounts for certain grants in accordance with certain formula; providing formula for the salary calculation of certain vocational education teachers; providing for distribution of funds allocated for the Opportunities Industrialization Center program; requiring certain responsibility of such center prior to disbursement of such funds; providing lapse dates; requiring certain budget practices; prohibiting certain budget procedures; providing an effective date; and declaring an emergency.

HB 1904 – By Mitchell and Bonny of the House and Morgan and Robinson of the Senate.

(Oklahoma State Regents for Higher Education - appropriation - effective date – emergency)

HB 1906 – By Mitchell and Bonny of the House and Morgan and Robinson of the Senate.

An Act relating to the Commissioners of the Land Office; providing for the budgeting of funds in certain categories and amounts; requiring certain performance measures; providing for the duties and compensation of employees of the Department of the Commissioners of the Land Office; limiting the salary of the Secretary and the Assistant Secretary; providing budgetary limitations; providing lapse dates; requiring certain budget practices; prohibiting certain budget practices; providing an effective date; and declaring an emergency.

HB 1908 – By Mitchell and Bonny of the House and Morgan and Robinson of the Senate.

An Act relating to the Oklahoma Department of Libraries; requiring the Oklahoma Department of Libraries to budget in certain categories and amounts; requiring performance

measures; providing for duties and compensation of employees; limiting the salary of the Director; providing budgetary limitations; providing lapse dates; requiring certain budget practices; prohibiting certain budget procedures; providing an effective date; and declaring an emergency.

HB 1910 – By Mitchell and Bonny of the House and Morgan and Robinson of the Senate.

An Act relating to the Oklahoma School of Science and Mathematics; requiring expenditure of certain sum for certain purpose; providing for the budgeting of funds in certain categories and amounts; requiring performance measures for budget categories; providing for duties and compensation of employees of the Oklahoma School of Science and Mathematics; limiting the salary of the Director; providing budgetary limitations; making certain students eligible for certain programs; providing lapse dates; requiring certain budget practices; prohibiting certain budget procedures; providing an effective date; and declaring an emergency.

HB 1912 – By Mitchell and Bonny of the House and Morgan and Robinson of the Senate.

An Act relating to science and technology entities; requiring deposit of certain funds; requiring the Oklahoma Center for the Advancement of Science and Technology to budget in certain categories and amounts; requiring performance measures; providing for duties and compensation of employees; limiting salary of Executive Director; providing budgetary limitations; providing lapse dates; requiring certain budget practices; prohibiting certain budget practices; providing an effective date; and declaring an emergency.

HB 1914 – By Mitchell and Bonny of the House and Morgan and Robinson of the Senate.

An Act relating to the State Bond Advisor; requiring budgeting in certain categories and amounts; providing for duties and compensation of employees; providing budgetary limitations; making certain appropriations nonfiscal; providing lapse dates; requiring certain budget procedures; prohibiting certain budget procedures; providing an effective date; and declaring an emergency.

HB 1918 – By Mitchell and Bonny of the House and Morgan and Robinson of the Senate.

An Act relating to the Oklahoma Department of Emergency Management; requiring budgeting in certain categories and amounts; providing for duties and compensation of employees; limiting the salary of the Director; providing budgetary limitations; making certain appropriations nonfiscal; providing lapse dates; requiring certain budget procedures; prohibiting certain budget procedures; providing an effective date; and declaring an emergency.

HB 1920 – By Mitchell and Bonny of the House and Morgan and Robinson of the Senate.

An Act relating to the Ethics Commission; requiring budgeting in certain categories and amounts; providing for duties and compensation of employees; providing budgetary

limitations; making certain appropriations nonfiscal; providing lapse dates; requiring certain budget procedures; prohibiting certain budget procedures; providing an effective date; and declaring an emergency.

HB 1922 – By Mitchell and Bonny of the House and Morgan and Robinson of the Senate.

An Act relating to the Merit Protection Commission; requiring budgeting in certain categories and amounts; providing for duties and compensation of employees; limiting the salary of the Executive Director; providing budgetary limitations; making certain appropriations nonfiscal; providing lapse dates; requiring certain budget procedures; prohibiting certain budget procedures; providing an effective date; and declaring an emergency.

HB 1926 – By Mitchell and Bonny of the House and Morgan and Robinson of the Senate.

An Act relating to the Office of Personnel Management; requiring budgeting in certain categories and amounts; providing for duties and compensation of employees; limiting the salary of the Director; providing budgetary limitations; making certain appropriations nonfiscal; providing lapse dates; requiring certain budget procedures; prohibiting certain budget procedures; providing an effective date; and declaring an emergency.

HB 1928 – By Mitchell and Bonny of the House and Morgan and Robinson of the Senate.

An Act relating to the Oklahoma Tax Commission; requiring budgeting in certain categories and amounts; providing for duties and compensation of employees; providing budgetary limitations; making certain appropriations nonfiscal; providing lapse dates; requiring certain budget procedures; prohibiting certain budget procedures; providing an effective date; and declaring an emergency.

HB 1930 – By Mitchell and Bonny of the House and Morgan and Robinson of the Senate.

An Act relating to the Department of Transportation; requiring expenditures for certain purposes; requiring budgeting in certain categories and amounts; providing for duties and compensation of employees; limiting the salary of the Director; providing budgetary limitations; authorizing the Department to match certain federal funds and coordinate with the Department of Civil Emergency Management for expenditure of funds; authorizing expenditure of funds in conjunction or cooperation with federal agencies or institutions; making certain appropriations nonfiscal; providing lapse dates; requiring certain budget procedures; prohibiting certain budget procedures; providing an effective date; and declaring an emergency.

HB 1934 – By Mitchell and Bonny of the House and Morgan and Robinson of the Senate.

An Act relating to the Oklahoma Health Care Authority; requiring budgeting in certain categories and amounts; providing for duties and compensation of employees; limiting salary of the Administrator; authorizing payment of certain expenses of the Administrator

and certain other employees of the Authority; authorizing payment of certain expenses; authorizing the employing of certain attorneys; prohibiting certain increases in budgetary limits; providing budgetary limitations; providing procedures for exempting certain funds from expenditure and budgetary limitations; requiring certain filings and approvals; providing for certain notifications; requiring certain approvals; providing exceptions; requiring and authorizing the transfer of certain funds for certain purposes; providing procedures; authorizing the expenditure of previously appropriated funds for certain purpose; requiring the keeping of certain records; authorizing certain requests relating to early transfers; making certain funds not subject to fiscal year limitations but available for encumbrance and expenditure for certain time period; providing an effective date; and declaring an emergency.

HB 1936 – By Mitchell and Bonny of the House and Morgan and Robinson of the Senate.

An Act relating to the J.D. McCarty Center for Children with Developmental Disabilities; requiring budgeting in certain categories and amounts; providing for duties and compensation of employees; limiting salary of the Director; setting budgetary limitations; exempting certain federal funds from expenditure limitations; providing exception; providing lapse dates; requiring certain budget and expenditure procedures; prohibiting certain budget procedures; providing an effective date; and declaring an emergency.

HB 2010 – By Mitchell and Bonny of the House and Morgan and Robinson of the Senate.

(Oklahoma Arts Council – budgeting – effective date – emergency)

HB 2012 – By Mitchell and Bonny of the House and Morgan and Robinson of the Senate.

(education – apportionment of certain funds – transfer of funds – Teachers' Retirement System of Oklahoma – effective date – emergency)

HB 2015 – By Mitchell and Bonny of the House and Morgan and Robinson of the Senate.

An Act relating to the Oklahoma Educational Television Authority; providing for the budgeting of funds in certain categories and amounts; requiring certain performance measures for budget categories; providing for duties and compensation of employees of the Oklahoma Educational Television Authority; limiting the salary of the Director; providing budgetary limitations; requiring budgeting of certain funds in certain years; requiring certain budget procedures; prohibiting certain budget procedures; providing lapse dates; providing an effective date; and declaring an emergency.

HB 2017 – By Mitchell and Bonny of the House and Morgan and Robinson of the Senate.

An Act relating to the Physician Manpower Training Commission; requiring budgeting of certain funds in certain categories and amounts; requiring performance measures for budget categories; providing for duties and compensation of employees; limiting the maximum salary of the Executive Director; providing budgetary limitations; requiring

budgeting of certain funds in certain years; requiring certain budgeting procedures; prohibiting certain budgeting procedures; providing lapse dates; providing an effective date; and declaring an emergency.

HB 2019 – By Mitchell and Bonny of the House and Morgan and Robinson of the Senate.

An Act relating to the Oklahoma Board of Private Vocational Schools; requiring certain funds be budgeted in certain categories and amounts; requiring performance measures for budget categories; providing for duties and compensation of employees; limiting maximum salary of the Director; providing budgetary limitations; requiring budgeting of certain funds in certain years; requiring certain budgeting procedures; prohibiting certain budget procedures; providing lapse dates; providing an effective date; and declaring an emergency.

HB 2021 – By Mitchell and Bonny of the House and Morgan and Robinson of the Senate.

An Act relating to the Oklahoma Commission for Teacher Preparation; providing for the budgeting of funds in certain categories and amounts; requiring performance measures for budget categories; providing for duties and compensation of employees of the Oklahoma Commission for Teacher Preparation; limiting salary of the Executive Director; providing budgetary limitations; requiring budgeting of certain funds in certain years; prohibiting certain budget procedures; providing lapse dates; providing an effective date; and declaring an emergency.

HB 2023 – By Mitchell and Bonny of the House and Morgan and Robinson of the Senate.

An Act relating to the State Auditor and Inspector; requiring budgeting in certain categories and amounts; providing for duties and compensation of employees; providing budgetary limitations; making certain appropriations nonfiscal; providing lapse dates; requiring certain budgetary procedures; prohibiting certain budgetary procedures; providing an effective date; and declaring an emergency.

HB 2043 – By Mitchell and Bonny of the House and Morgan and Robinson of the Senate.

An Act relating to the State Department of Health; requiring budgeting in certain categories and amounts; making certain federal funds exempt from expenditure limitations; providing for duties and compensation of employees; limiting salary of the Commissioner; authorizing payment of certain expenses of Commissioner under certain conditions; specifying compliance with and providing for certain budgetary limitations; requiring employment of certain persons for certain program; providing for certain contracts; requiring and authorizing certain transfers of funds for certain purposes; requiring certain expenditure in certain categories; requiring certain funds to be used to provide for certain programs; providing for legislative intent; requiring certain report; providing for contents of certain report; requiring compliance of certain program with state plan; requiring certain reports; requiring certain contracts for evaluations; requiring compliance; authorizing certain exemptions from expenditure limitations; requiring filing of certain requests;

requiring certain notice and time periods; providing for certain approvals of exemptions; providing exceptions; requiring certain budget procedures; providing lapse dates; prohibiting certain budget procedures; providing an effective date; and declaring an emergency.

HB 2045 – By Mitchell and Bonny of the House and Morgan and Robinson of the Senate.

An Act relating to the Department of Mental Health and Substance Abuse Services; requiring budgeting in certain categories and amounts; providing for duties and compensation of employees; limiting salary of the Commissioner; providing budgetary limitations; providing limitations for certain reimbursements; stating legislative intent; requiring certain funds be set aside for certain purposes; requiring certain revisions and report; specifying contents of reports; providing for certain revisions to be completed; authorizing certain employees to be placed in unclassified service; requiring certain employees to be in the classified service; providing exceptions; requiring certain budget procedures; prohibiting certain budget procedures; providing lapse dates; providing an effective date; and declaring an emergency.

HB 2047 – By Mitchell and Bonny of the House and Morgan and Robinson of the Senate.

An Act relating to the Oklahoma Department of Veterans Affairs; requiring budgeting in certain categories and amounts; providing for duties and compensation of employees; limiting salary of the Director; providing budgetary limitations; requiring certain budget procedures; prohibiting certain budget procedures; providing lapse dates; providing an effective date; and declaring an emergency.

HB 2075 – By Mitchell, Bonny and Pettigrew of the House and Morgan and Robinson of the Senate.

An Act relating to Department of Corrections; requiring budgeting of funds in certain categories; providing for duties and compensation of employees; limiting the salary of the Director; authorizing employment of certain percentage of employees in the unclassified service; providing budgetary limitations; authorizing expenditure of certain funds; requiring certain agreement for public work positions; authorizing certain agreement for construction projects; providing lapse dates; providing an effective date; and declaring an emergency.

HB 2077 – By Mitchell and Bonny of the House and Morgan and Robinson of the Senate.

An Act relating to the Office of the State Fire Marshal; requiring certain expenditures; requiring budgeting in certain categories and amounts; providing for the duties and compensation of employees; providing budgetary limitations; providing exceptions to the budgetary limitations; authorizing certain expenditures; limiting expenditures for certain purpose; providing lapse date; providing an effective date; and declaring an emergency.

HB 2089 – By Mitchell and Bonny of the House and Morgan and Robinson of the Senate.

An Act relating to the Department of Public Safety; requiring budgeting in certain categories and amounts; requiring certain performance measures; providing for the duties and compensation of employees; providing budgetary limitations; providing exceptions to the budgetary limitations; authorizing certain expenditures; limiting expenditures for certain purpose; providing lapse dates; providing an effective date; and declaring an emergency.

HB 2106 – By Ingmire of the House and Wilkerson of the Senate.

An Act relating to civil procedure; amending 12 O.S. 2001, Section 1751, as last amended by Section 13, Chapter 3, O.S.L. 2003 (12 O.S. Supp. 2003, Section 1751), which relates to small claims procedure; increasing maximum monetary amount permitted under the small claims procedure; and providing an effective date.

HB 2166 – By Young and Nance of the House and Wilcoxson of the Senate.

An Act relating to the Uniform Controlled Dangerous Substances Act; amending 63 O.S. 2001, Section 2-101, as amended by Section 2, Chapter 338, O.S.L. 2003 (63 O.S. Supp. 2003, Section 2-101), which relates to definitions; modifying definition of synthetic controlled substance; amending 63 O.S. 2001, Section 2-401, as last amended by Section 2, Chapter 437, O.S.L. 2003 (63 O.S. Supp. 2003, Section 2-401), which relates to offenses and penalties; prohibiting the cultivation of a synthetic controlled substance; and providing an effective date.

HB 2182 – By Armes of the House and Corn of the Senate.

An Act relating to game and fish; amending Section 11, Chapter 160, O.S.L. 2003 (29 O.S. Supp. 2003, Section 4-139), which relates to the migratory bird and Sandhill Crane permits; directing the Wildlife Conservation Commission to develop an Internet-based application for migratory bird permit applications; providing for waiver of the permit fee for persons using the Internet to apply for the permit; modifying penalty; and declaring an emergency.

HB 2187 – By Carey of the House and Gumm of the Senate.
(insurance – affidavit – codification - effective date)

HB 2199 – By Taylor of the House and Shurden of the Senate.

An Act relating to counties and county officers; amending 19 O.S. 2001, Section 131, which relates to limitations on running for other office; and modifying certain candidacy requirement.

HB 2210 – By Case and Calvey of the House and Dunlap of the Senate.

An Act relating to state government; amending 74 O.S. 2001, Section 1370, as amended by Section 5, Chapter 453, O.S.L. 2003 (74 O.S. Supp. 2003, Section 1370), which relates to flexible benefit allowance; modifying provisions related to purchase of benefits by certain persons; providing for applicability of flexible benefit allowance amount based upon certain election; and providing an effective date.

HB 2226 – By Ingmire and Adkins of the House and Morgan of the Senate.

(Teachers' Retirement System - Alternate Retirement Plan for Eligible Employees of Participating State Institutions of Higher Education Act - service credit - amending 70 O.S., Sections 17-101 and 17-103 – codification - effective date)

HB 2243 – By Cargill of the House and Aldridge of the Senate.

An Act relating to crimes and punishments; amending 21 O.S. 2001, Section 1220, as amended by Section 1, Chapter 30, O.S.L. 2003 (21 O.S. Supp. 2003, Section 1220), which relates to transportation of open containers of intoxicating beverages or low-point beer; modifying penalty; and providing an effective date.

HB 2321 – By Wilson and Davis of the House and Corn of the Senate.

An Act relating to the Oklahoma Pharmacy Act; amending 59 O.S. 2001, Sections 353.7, as amended by Section 2, Chapter 408, O.S.L. 2002, 353.13A, 353.18, 353.24, as amended by Section 20, Chapter 22, O.S.L. 2002, 353.26, as amended by Section 4, Chapter 408, O.S.L. 2002, and 353.29 (59 O.S. Supp. 2003, Sections 353.7, 353.24 and 353.26), which relate to prescription labels and practice of pharmacy; adding certain requirements; modifying powers and duties of Board; modifying licensing provisions; providing for promulgation of rules; adding unlawful acts; modifying disciplinary actions; modifying use of supportive personnel; and adding licensing fee.

HB 2345 – By Smithson, Brannon, Braddock, Roan, Harrison, Miller (Ray) and Walker of the House and Corn and Gumm of the Senate.

(roads, bridges and ferries – stipend payments – codification – effective date)

HB 2351 – By Benge, McClain and Roberts of the House and Maddox of the Senate.

An Act relating to fuel cell technology; creating the Fuel Cell Initiative Task Force; establishing membership; providing for certain appointments; providing for meetings; providing for reimbursement; providing for staffing; stating purpose; requiring a report; providing certain contingency for creation of the task force; providing for noncodification; and declaring an emergency.

HB 2396 – By Harrison, Dorman, Lindley and Pettigrew of the House and Laster and Gumm of the Senate.

An Act relating to workers' compensation; making certain records exempt from disclosure under the Open Records Act under certain circumstances; amending 85 O.S. 2001, Sections 6 and 24.1, which relate to the Workers' Compensation Act; authorizing certain parties to recover attorney fees and costs under certain circumstances; making certain records confidential under certain circumstances; providing for codification; and providing an effective date.

HB 2411 – By Phillips and Ferguson of the House and Dunlap of the Senate.

An Act relating to ethics; providing short title; requiring registration of certain committees and payment of certain fees; providing procedures for registration; directing deposit of certain fees; amending 47 O.S. 2001, Section 2-105, as amended by Section 3, Chapter 461, O.S.L. 2003 (47 O.S. Supp. 2003, Section 2-105), which relates to personnel

of the Highway Patrol Division; eliminating prohibition against certain activities; amending 74 O.S. 2001, Section 4250, which relates to lobbyist registration; requiring payment of certain fees; providing exemption from payment of certain fees; providing requirement for certain renewal; directing deposit of certain fee; amending 74 O.S. 2001, Section 4258, which relates to certain fund; directing deposit of certain fees; limiting use of fund; providing procedures therefor; prohibiting receipt of certain contributions at certain locations; providing penalty; amending Rule 257:1-1-2 of the Rules of the Ethics Commission (74 O.S. Supp. 2003, Ch. 62, App.), which relates to definitions; modifying definition of anything of value; amending Rule 257:10-1-3 of the Rules of the Ethics Commission (74 O.S. 2001, Ch. 62, App.), which relates to use of public funds, property, time and personnel to influence elections; modifying prohibitions against certain activities; amending Rule 257:23-1-3 of the Rules of the Ethics Commission (74 O.S. 2001, Ch. 62, App.), which relates to anything of value reporting by lobbyists; modifying amounts; providing for codification; providing for noncodification; and providing an effective date.

HB 2439 – By Peters, Lamons, Benge, Adkins, McClain, Rice, Peterson (Ron), McIntyre, Miller (Doug), Trebilcock, Tyler and Easley of the House and Williams, Smith, Horner and Riley of the Senate.

(public finance - amending 62 O.S., Sections 841, 842, 843, 844, 846 and 847 – Oklahoma Local Development and Enterprise Zone Incentive Leverage Act – matching payments – emergency)

HB 2505 – By Hamilton, Carey, Adkins, Armes, Balkman, Blackwell, DeWitt, Ericson, Liotta, Peterson (Pam) and Trebilcock of the House and Fair of the Senate.

(crimes and punishments – amending 21 O.S., Section 644 – assault and battery – effective date)

HB 2515 – By Armes of the House and Maddox of the Senate.

(motor vehicles – amending 47 O.S., Section 14-118 – oversized and overweight vehicles – effective date)

HB 2516 – By Blackwell of the House and Wilcoxson of the Senate.

An Act relating to state government; amending 74 O.S. 2001, Section 1306, as amended by Section 3, Chapter 196, O.S.L. 2002 (74 O.S. Supp. 2003, Section 1306), which relates to the State and Education Employees Group Insurance Act; requiring insurance plan that allows opening of Health Savings Account be offered; and providing an effective date.

HB 2556 – By Nations of the House and Nichols of the Senate.

An Act relating to public health and safety; amending 63 O.S. 2001, Sections 485.3, 485.4 and 485.5, which relate to the J.D. McCarty Center for Children with Developmental Disabilities; exempting J.D. McCarty Center from Surplus Property Act for certain purpose; authorizing the J.D. McCarty Center for Children with Developmental Disabilities to enter into certain contracts; increasing the membership of the Oklahoma Cerebral Palsy Commission; providing an effective date; and declaring an emergency.

HB 2588 – By Roggow and DeWitt of the House and Coates of the Senate.

An Act relating to intoxicating liquors; amending 37 O.S. 2001, Section 549, which relates to the prohibition against possessing untaxed alcoholic beverages; providing exception; and providing an effective date.

HB 2608 – By Peterson (Ron) and Nance of the House and Myers of the Senate.

An Act relating to professions and occupations; making certain information obtained by the State Board of Veterinary Medical Examiners confidential; providing for codification; and providing an effective date.

HB 2617 – By Perry of the House and Myers of the Senate.

(oil and gas reclamation – oil theft - revolving fund - codification - effective date)

HB 2659 – By Perry, Hefner, Wells, Liotta, Wright, Pettigrew and Adkins of the House and Capps of the Senate.

(revenue and taxation – tax credit – amending 68 O.S., Section 2357 – codification – effective date)

HB 2661 – By Adair, Pettigrew, Adkins and McClain of the House and Hobson of the Senate.

(civil procedure – amending various sections in Titles 5, 12, 20, 23, 36, 51, 63 and 76 – class action cases – interlocutory appeals - repealing 63 O.S., Section 1-1708.1F – codification – effective date)

HB 2673 – By Dorman of the House and Helton of the Senate.

An Act relating to cities and towns; authorizing members of municipal governing body to attend certain institute; stating purpose; providing for curriculum and locations for institutes; providing exception for attendance; requiring certain notification; providing for codification; and providing an effective date.

HB 2674 – By Dorman of the House and Leftwich (Debbe) of the Senate.

An Act relating to state government; amending 74 O.S. 2001, Sections 317 and 324.9, which relate to the Office of State Fire Marshal; expanding officers authorized to order evacuation under certain circumstances; clarifying issuance of certain citations; authorizing establishment of fines by the Office of the State Fire Marshal under certain circumstances; providing an effective date; and declaring an emergency.

HB 2680 – By Carey and Dorman of the House and Kerr and Rozell of the Senate.

An Act relating to public lands; making capital gains on certain investments interest and income for purposes of calculating distributions; allowing the Commissioners of the Land Office to annually distribute a certain portion of capital gains; providing for codification; providing an effective date; and declaring an emergency.

HB 2706 – By McClain of the House and Price and Gumm of the Senate.

An Act relating to agriculture; creating Pest Control Compact; establishing administrator of compact; providing for assistance from Insurance Fund of the compact;

providing for reimbursement; establishing findings; defining terms; providing for establishment of Pest Control Insurance Fund; providing for funding; establishing operation and management of Fund; providing for compact and insurance fund administration; providing for process for assistance under compact; providing for reimbursement of expenditures under compact; authorizing establishment of committees; providing for relations with nonparty jurisdictions; providing for submission of budgets; providing for entry into effect; providing for construction; providing for severability; providing for codification; and providing an effective date.

HJR 1059 – By Hutchison of the House and Shurden of the Senate.

A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection a proposed amendment to Section 4 of Article XXVIII of the Constitution of the State of Oklahoma, which relates to retail sales of alcoholic beverages; modifying the prohibition against the sale of goods, wares, or merchandise in package stores; providing ballot title; and directing filing.

HCR 1056 – By Boren, Adair, Brannon, Carey, Dorman, Ellis, Hamilton, Lamons, Lindley, Miller (Ray), Morgan (Danny), Phillips, Smithson, Taylor, Tyler, Wells, Wilt and Winchester of the House and Coates of the Senate.

A Concurrent Resolution relating to certain economic conditions; making findings regarding trends in national economy; making findings regarding certain economic conditions in certain areas of the State of Oklahoma; requesting certain assistance from Oklahoma Department of Commerce and Oklahoma Employment Security Commission; and directing distribution.

HCR 1057 – By Sweeden et al of the House and Harrison of the Senate.

A Concurrent Resolution recognizing Conservation Districts in the State of Oklahoma; designating Conservation Day at the State Capitol; and directing distribution.

The above-numbered measures were read the first time.

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

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The Senate reconvened with Senator Rozell presiding.

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

REPORT OF ENGROSSED AND ENROLLED MEASURE

SR 42 was correctly enrolled, properly signed and ordered transmitted to the Secretary of State.

MOTION TO RECONSIDER VOTE

Senator Lerblance moved to reconsider the vote whereby **SJR 37** failed, which motion failed of adoption upon roll call as follows:

Aye: Cain, Capps, Corn, Crutchfield, Fisher, Gumm, Harrison, Helton, Hobson, Horner, Laster, Lawler, Leftwich, Lerblance, Maddox, Morgan, Price, Rabon, Robinson, Rozell, Shurden, Smith, Wilkerson and Williams.--24.

Nay: Branan, Brogdon, Coates, Coffee, Dunlap, Fair, Johnson, Laughlin, Milacek, Myers, Nichols, Pruitt, Reynolds, Riley, Snyder, Wilcoxson and Williamson.--17.

Excused: Aldridge, Ford, Kerr, Littlefield, Monson and Taylor.--6.

Vacancy: District 18.--1.

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

Senator Harrison asked unanimous consent to suspend Rule 5-4 and refer **HCR 1057** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

HCR 1057 by Sweeden et al of the House and Harrison of the Senate was called up for consideration.

HCR 1057 was adopted upon motion of Senator Harrison and properly signed and ordered returned to the Honorable House.

GENERAL ORDER

SB 1626 by Maddox of the Senate and Armes of the House was called up for consideration.

Senator Maddox moved to amend **SB 1626**, Page 6, Line 11 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 725.5 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. A health care provider authorized to use the designation “Doctor”, or an abbreviation thereof pursuant to the provisions of Section 725.2 of Title 59 of the Oklahoma Statutes, who renders medical care on a voluntary basis at a free medical clinic or an educational sporting event is not liable for any civil damages caused by acts or omissions of the health care provider while rendering such medical care unless it is plainly alleged in the complaint and later proven that the acts or omissions of the health care provider constituted gross negligence or willful or wanton wrongs during the rendering of such medical care.

B. As used in this section:

1. "Voluntary" means services provided without receiving remuneration of any sort; and

2. “Free medical clinic” means a clinic that is established solely to provide primary health care to indigent persons who are otherwise unable to obtain medical services, at which the care provided does not include the use of general anesthesia or require an overnight stay in a health care facility.” and by renumbering subsequent section, which amendment was declared adopted.

Senator Maddox moved that **SB 1626** be advanced, which motion was declared adopted.

THIRD READING

SB 1626 was read for the third time at length.

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

Aye: Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crutchfield, Dunlap, Fair, Fisher, Gumm, Harrison, Helton, Hobson, Horner, Johnson, 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.--43.

Excused: Aldridge, Ford, Kerr and Taylor.--4.

Vacancy: District 18.--1.

The bill passed.

SB 1626 was referred for engrossment.

GENERAL ORDER

SB 1412 by Wilkerson of the Senate and Roan of the House, considered on Page 706, was called up for further consideration.

Senator Wilkerson moved to amend **SB 1412**, 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 Wilkerson moved that **SB 1412** be advanced, which motion was declared adopted.

THIRD READING

SB 1412 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, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Laster, Laughlin, Lawler, Leftwich, Lerblance, Littlefield, Maddox, Milacek, Monson, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Wilcoxson, Wilkerson and Williamson.--43.

Excused: Kerr, Morgan, Taylor and Williams.--4.

Vacancy: District 18.--1.

The bill and emergency passed.

SB 1412 was referred for engrossment.

GENERAL ORDER

SB 1296 by Helton of the Senate and Wells of the House was called up for consideration.

Senator Helton moved to amend **SB 1296**, Page 1, by striking the title, which amendment was declared adopted.

Senator Helton moved that **SB 1296** be advanced, which motion was declared adopted.

THIRD READING

SB 1296 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, Coffee, Corn, Crutchfield, Dunlap, Fair, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Laster, Leftwich, Littlefield, Maddox, Monson, Myers, Nichols, Pruitt, Reynolds, Riley, Robinson, Rozell, Smith, Snyder, Wilcoxson, Williams and Williamson.--34.

Nay: Coates, Johnson, Laughlin, Lerblance, Milacek, Price, Rabon, Shurden and Wilkerson.--9.

Excused: Kerr, Lawler, Morgan and Taylor.--4.

Vacancy: District 18.--1.

The bill and emergency passed.

SB 1296 was referred for engrossment.

GENERAL ORDER

SB 1275 by Smith of the Senate and Hastings of the House was called up for consideration.

Senator Smith moved that **SB 1275** be advanced, which motion was declared adopted.

THIRD READING

SB 1275 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, Fair, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Laughlin, Lawler, Leftwich, Lerblance, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Wilcoxson, Wilkerson, Williams and Williamson.--42.

Nay: Laster and Rabon.--2.

Excused: Kerr, Littlefield and Taylor.--3.

Vacancy: District 18.--1.

The bill passed.

SB 1275 was referred for engrossment.

GENERAL ORDER

SB 1448 by Pruitt of the Senate and Pope of the House was called up for consideration.

Senator Gumm moved to amend **SB 1448**, Page 51, Line 14, by inserting, after the period “.” and before the word “The” the following language “Motor license agents shall have the option of stocking an inventory of numbered Future Farmers of America License Plates, as well as stocking applications for personalized Future Farmers of America 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 Future Farmers of America License Plate issued and for each application submitted by mail that carries the agent’s code and for which a Future Farmers of America License Plate is issued.”, which amendment was declared adopted.

Senator Pruitt moved that **SB 1448** be advanced, which motion was declared adopted.

THIRD READING

SB 1448 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, Fair, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Laster, Laughlin, Leftwich, Lerblance, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Wilcoxson, Wilkerson, Williams and Williamson.--42.

Nay: Dunlap.--1.

Excused: Kerr, Lawler, Littlefield and Taylor.--4.

Vacancy: District 18.--1.

The bill passed.

SB 1448 was referred for engrossment.

GENERAL ORDER

SB 896 by Wilcoxson of the Senate and Coleman of the House was called up for consideration.

Senator Wilcoxson moved to amend **SB 896**, Page1, Line 26, by deleting after the word “to” and before the word “related” the word “training” and inserting in lieu thereof the language “one or more seminars totaling not more than one hundred (100) hours annually that are”; and Page 2, Lines 1 through 3, by deleting all language after the word “provides” on Line 1 through the word “association” on Line 3, and by amending the title to conform, which amendment was declared adopted.

Senator Wilcoxson moved that **SB 896** be advanced, which motion was declared adopted.

THIRD READING

SB 896 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, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Laster, Laughlin, Lawler, Leftwich, Lerblance, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Wilcoxson, Wilkerson, Williams and Williamson.--44.

Excused: Kerr, Littlefield and Taylor.--3.

Vacancy: District 18.--1.

The bill and emergency passed.

SB 896 was referred for engrossment.

Senator Gumm presiding.

GENERAL ORDER

SB 1407 by Coffee of the Senate and Morgan (Fred) of the House was called up for consideration.

Senator Coffee moved to amend **SB 1407**, 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 Coffee moved that **SB 1407** be advanced, which motion was declared adopted.

THIRD READING

SB 1407 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, Dunlap, Fair, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Laster, Laughlin, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Reynolds, Rozell, Smith, Wilcoxson, Wilkerson, Williams and Williamson.--31.

Nay: Corn, Crutchfield, Fisher, Ford, Lawler, Leftwich, Lerblance, Pruitt, Rabon, Robinson, Shurden and Snyder.--12.

Excused: Kerr, Littlefield, Riley and Taylor.--4.

Vacancy: District 18.--1.

The bill passed.

Senators Shurden, Lawler, Fisher and Corn desired to vote Aye on the emergency.

On the question of passage of the emergency, the vote resulted as follows: Aye: 35; Nay: 8; Excused: 4; Vacancy: 1.

The emergency passed.

SB 1407 was referred for engrossment.

MOTION TO RECONSIDER VOTE

Senator Williams moved to reconsider the vote whereby **SJR 53** failed, which motion was declared adopted upon roll call as follows:

Aye: Aldridge, Branan, Cain, Capps, Coates, Coffee, Crutchfield, Fair, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Laster, Laughlin, Lawler, Leftwich, Lerblance, Littlefield, Maddox, Milacek, Monson, Morgan, Myers, Pruitt, Rabon, Riley, Robinson, Rozell, Shurden, Snyder, Wilcoxson, Wilkerson, Williams and Williamson.--38.

Nay: Brogdon, Corn, Dunlap, Nichols, Price and Reynolds.--6.

Excused: Kerr, Smith and Taylor.--3.

Vacancy: District 18.--1.

THIRD READING

SJR 53 was read for the third time at length.

Senator Williams moved to reconsider the vote whereby **SJR 53** was advanced, which motion was declared adopted.

GENERAL ORDER

SJR 53 by Williams of the Senate and Blackburn of the House was called up for further consideration.

Senator Williams moved to amend **SJR 53**, Pages 4 and 5, by deleting all language after the word "levy" on Page 4, Line 23 and before the comma on Page 5, Line 1, and inserting in lieu thereof the language "to fund such programs as may be necessary to assist students who are not performing at grade level", which amendment was declared adopted.

Senator Pruitt moved to amend **SJR 53**, Page 5, Lines 4 and 5, by deleting all language after the word "at" on Line 4 and before the period on Line 5 and inserting the words "a general election to be held in November of an even numbered year"; Page 5, Line 5, by inserting after the word "levy" and before the word "shall" the words "shall be made each year for two (2) years and"; Page 5, Line 6, by deleting after the word "district" and before the word "as" the words "each fiscal year" and inserting in lieu thereof the words "for two (2) succeeding years"; Page 5, Lines 8 and 9, by deleting all language after the word "such" on Line 8 and before the period on Line 9, and inserting in lieu thereof the words "general election"; Page 6, Line 20, by deleting all language after the word "for" and before the period "." and inserting in lieu thereof the words "two (2) succeeding years"; and Page 6, Line 21, by deleting after the word "levy" and before the period the words "each year" and inserting in lieu thereof the words "at a general election", which amendment was declared adopted upon division of the question.

Senator Williams moved that **SJR 53** be advanced, which motion was declared adopted.

THIRD READING

SJR 53 was read for the third time at length.

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

Aye: Cain, Capps, Coates, Coffee, Crutchfield, Fair, Fisher, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Laster, Laughlin, Leftwich, Lerblance, Littlefield, Maddox, Monson, Morgan, Myers, Pruitt, Riley, Rozell, Shurden, Snyder, Wilcoxson, Wilkerson, Williams and Williamson.--31.

Nay: Aldridge, Branan, Brogdon, Corn, Dunlap, Ford, Lawler, Nichols, Price, Rabon and Reynolds.--11.

Excused: Kerr, Milacek, Robinson, Smith and Taylor.--5.

Vacancy: District 18.--1.

The resolution passed.

SJR 53 was referred for engrossment.

GENERAL ORDER

SB 1318 by Rabon of the Senate and Easley of the House was called up for consideration.

Senator Rabon moved that **SB 1318** be advanced, which motion was declared adopted.

THIRD READING

SB 1318 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, Fair, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Laster, Laughlin, Lawler, Leftwich, Lerblance, Littlefield, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Snyder, Wilcoxson, Wilkerson, Williams and Williamson.--43.

Excused: Kerr, Maddox, Smith and Taylor.--4.

Vacancy: District 18.--1.

The bill passed.

SB 1318 was referred for engrossment.

**UNANIMOUS CONSENT REQUEST
RETURN TO CALENDAR**

Senator Fisher asked unanimous consent, which was granted, that **SB 1258** be placed back on the Calendar.

GENERAL ORDER

SB 1258 by Lerblance of the Senate and Nations of the House was called up for consideration.

Senator Lerblance moved that **SB 1258** be advanced, which motion was declared adopted.

THIRD READING

SB 1258 was read for the third time at length.

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

Aye: Branan, Cain, Corn, Crutchfield, Dunlap, Fair, Fisher, Ford, Gumm, Helton, Hobson, Horner, Lawler, Leftwich, Lerblance, Monson, Morgan, Nichols, Pruitt, Riley, Robinson, Rozell, Snyder, Wilcoxson, Williams and Williamson.--26.

Nay: Aldridge, Brogdon, Capps, Coates, Coffee, Harrison, Johnson, Laster, Laughlin, Littlefield, Maddox, Milacek, Myers, Price, Rabon, Reynolds, Shurden and Wilkerson.--18.

Excused: Kerr, Smith and Taylor.--3.

Vacancy: District 18.--1.

The bill passed.

Senators Wilkerson, Rabon, Capps, Laster, Price and Shurden desired to vote Aye on the emergency.

On the question of passage of the emergency, the vote resulted as follows: Aye: 32; Nay: 12; Excused: 3; Vacancy: 1.

The emergency passed.

SB 1258 was referred for engrossment.

GENERAL ORDER

SB 1298 by Helton of the Senate and Nations of the House was called up for consideration.

Senator Helton moved to amend **SB 1298**, Page 1, by striking the title, which amendment was declared adopted.

Senator Helton moved that **SB 1298** be advanced, which motion was declared adopted.

THIRD READING

SB 1298 was read for the third time at length.

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

Aye: Cain, Capps, Crutchfield, Fisher, Gumm, Harrison, Helton, Hobson, Horner, Laster, Littlefield, Monson, Morgan, Price, Robinson, Rozell, Smith, Wilkerson, Williams and Williamson.--20.

Nay: Aldridge, Branan, Brogdon, Coates, Coffee, Corn, Dunlap, Fair, Ford, Johnson, Laughlin, Lawler, Leftwich, Lerblance, Milacek, Myers, Nichols, Pruitt, Rabon, Reynolds, Riley, Shurden, Snyder and Wilcoxson.--24.

Excused: Kerr, Maddox and Taylor.--3.

Vacancy: District 18.--1.

The bill failed.

MESSAGE FROM THE HOUSE

Advising passage of and transmitting for consideration Engrossed **HB 1938**.

HB 1938 – By Mitchell and Bonny of the House and Morgan and Robinson of the Senate.

An Act relating to the University Hospitals Authority; providing for duties and compensation of employees; requiring compliance with and providing budgetary limitations; providing lapse dates; requiring certain budget procedures; prohibiting certain budget procedures; providing an effective date; and declaring an emergency.

The above-numbered measure was read the first time.

GENERAL ORDER

SB 1114 by Pruitt of the Senate and Staggs of the House was called up for consideration.

Senator Pruitt moved that **SB 1114** be advanced, which motion was declared adopted.

THIRD READING

SB 1114 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, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Laster, Laughlin, Lawler, Leftwich, Lerblance, Littlefield, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Wilcoxson, Wilkerson, Williams and Williamson.--44.

Excused: Kerr, Maddox and Taylor.--3.

Vacancy: District 18.--1.

The bill and emergency passed.

SB 1114 was referred for engrossment.

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

Senator Wilkerson 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 Wilkerson of the Senate and Askins of the House was called up for consideration.

Senator Ford and all other members of the Senate asked to coauthor **SCR 46**, which was the order.

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

**UNANIMOUS CONSENT REQUEST
WITHDRAWN FROM CALENDAR**

Senator Nichols asked unanimous consent, which was granted, that **SB 1404** be stricken from the Calendar.

GENERAL ORDER

HB 2007 by Mitchell and Bonny of the House and Morgan and Robinson of the Senate was called up for consideration.

Senator Morgan moved to amend **HB 2007**, 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 Morgan moved that **HB 2007** be advanced, which motion was declared adopted.

THIRD READING

HB 2007 was read for the third time at length.

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

Aye: Aldridge, Cain, Capps, Coates, Corn, Crutchfield, Dunlap, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Lawler, Leftwich, Lerblance, Littlefield, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Rabon, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Wilkerson and Williams.--37.

Nay: Branan, Brogdon, Coffee, Fair, Laughlin, Pruitt, Reynolds, Wilcoxson and Williamson.--9.

Excused: Taylor.--1.

Vacancy: District 18.--1.

The bill passed.

HB 2007 was referred for engrossment.

EXECUTIVE NOMINATIONS

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

Anglin, Harold F., Pryor, as a member of the State Board of Career and Technology Education - Education

Bjorgo, Harlan Jay, Moore, as a member of the War Veterans Commission of Oklahoma - Veterans, Military Affairs and Public Safety

Brock, John, Tulsa, as a member of the Oklahoma Capital Investment Board - Commerce

Parrott, Dennis Wayne, Tahlequah, as a member of the War Veterans Commission of Oklahoma - Veterans, Military Affairs and Public Safety

Shreve, Edward Lyle, Stillwater, as a member of the Oklahoma Science and Technology Research and Development Board - Aerospace and Technology

Wade, Larry Raymond, Elk City, as a member of the Board of Regents of the University of Oklahoma - Education

Senator Fisher moved that when the clerk's desk is clear, the Senate stand adjourned to convene Thursday, March 11, 2004, at 9:00 a.m., which motion prevailed.

SECOND READING

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

HB 1136 – Appropriations

HB 1694 – Transportation

HB 1820 – Veterans, Military Affairs, and Public Safety

HB 1830 – Retirement and Group Health

HB 1839 – Business and Labor

HB 1844 – Veterans, Military Affairs, and Public Safety

HB 1857 – Retirement and Group Health

HB 1858 – General Government

HB 1860 – Tourism and Wildlife

HB 1866 – Appropriations

HB 1872 – Judiciary

HB 1874 – Business and Labor

HB 1876 – Energy, Environment and Communications

HB 1882 – Tourism and Wildlife

HB 1889 – Finance
HB 1890 – Finance
HB 1891 – Retirement and Group Health
HB 1894 – Aerospace and Technology
HB 1901 – Direct To Calendar
HB 1903 – Direct To Calendar
HB 1905 – Direct To Calendar
HB 1907 – Direct To Calendar
HB 1909 – Direct To Calendar
HB 1911 – Direct To Calendar
HB 1913 – Direct To Calendar
HB 1915 – Direct To Calendar
HB 1917 – Direct To Calendar
HB 1919 – Direct To Calendar
HB 1921 – Direct To Calendar
HB 1923 – Direct To Calendar
HB 1925 – Direct To Calendar
HB 1927 – Direct To Calendar
HB 1929 – Direct To Calendar
HB 1931 – Direct To Calendar
HB 1933 – Direct To Calendar
HB 1935 – Direct To Calendar
HB 1937 – Direct To Calendar
HB 1939 – Direct To Calendar
HB 1941 – Direct To Calendar
HB 1943 – Direct To Calendar
HB 1945 – Direct To Calendar
HB 1947 – Direct To Calendar
HB 1951 – Direct To Calendar
HB 1953 – Direct To Calendar
HB 1955 – Direct To Calendar
HB 1957 – Direct To Calendar
HB 1959 – Direct To Calendar
HB 1961 – Direct To Calendar
HB 1963 – Direct To Calendar
HB 1965 – Direct To Calendar
HB 1967 – Direct To Calendar
HB 1969 – Direct To Calendar
HB 1971 – Direct To Calendar
HB 1973 – Direct To Calendar
HB 1975 – Direct To Calendar
HB 1977 – Direct To Calendar
HB 1979 – Direct To Calendar
HB 2005 – Direct To Calendar

HB 2011 – Direct To Calendar
HB 2013 – Direct To Calendar
HB 2014 – Direct To Calendar
HB 2016 – Direct To Calendar
HB 2018 – Direct To Calendar
HB 2020 – Direct To Calendar
HB 2022 – Direct To Calendar
HB 2024 – Direct To Calendar
HB 2026 – Direct To Calendar
HB 2028 – Direct To Calendar
HB 2030 – Direct To Calendar
HB 2032 – Direct To Calendar
HB 2034 – Direct To Calendar
HB 2036 – Direct To Calendar
HB 2038 – Direct To Calendar
HB 2040 – Direct To Calendar
HB 2042 – Direct To Calendar
HB 2044 – Direct To Calendar
HB 2046 – Direct To Calendar
HB 2048 – Direct To Calendar
HB 2050 – Direct To Calendar
HB 2052 – Direct To Calendar
HB 2054 – Direct To Calendar
HB 2056 – Direct To Calendar
HB 2058 – Direct To Calendar
HB 2060 – Direct To Calendar
HB 2062 – Direct To Calendar
HB 2064 – Direct To Calendar
HB 2066 – Direct To Calendar
HB 2068 – Direct To Calendar
HB 2070 – Direct To Calendar
HB 2072 – Direct To Calendar
HB 2074 – Direct To Calendar
HB 2078 – Direct To Calendar
HB 2080 – Direct To Calendar
HB 2082 – Direct To Calendar
HB 2084 – Direct To Calendar
HB 2086 – Direct To Calendar
HB 2088 – Direct To Calendar
HB 2090 – Sunset Review
HB 2091 – Sunset Review
HB 2092 – Sunset Review
HB 2093 – Sunset Review
HB 2094 – Sunset Review

HB 2095 – Sunset Review
HB 2096 – Sunset Review
HB 2097 – Sunset Review
HB 2101 – Business and Labor
HB 2108 – Appropriations
HB 2110 – Appropriations
HB 2112 – Finance
HB 2122 – Veterans, Military Affairs, and Public Safety
HB 2124 – Finance
HB 2125 – Finance
HB 2132 – Finance
HB 2135 – Judiciary
HB 2137 – Rules
HB 2139 – General Government
HB 2142 – Business and Labor
HB 2143 – Finance
HB 2145 – Education
HB 2154 – Judiciary
HB 2159 – Veterans, Military Affairs, and Public Safety
HB 2195 – Appropriations
HB 2198 – Judiciary
HB 2208 – Finance
HB 2217 – Agriculture and Rural Development
HB 2218 – Finance
HB 2223 – Judiciary
HB 2224 – Finance
HB 2241 – Finance
HB 2242 – Appropriations
HB 2249 – Judiciary
HB 2253 – Appropriations
HB 2254 – Appropriations
HB 2258 – Finance
HB 2259 – Appropriations
HB 2263 – Judiciary
HB 2265 – Veterans, Military Affairs, and Public Safety
HB 2267 – Tourism and Wildlife
HB 2270 – Appropriations
HB 2271 – Judiciary
HB 2289 – Finance
HB 2292 – Finance
HB 2300 – Human Resources
HB 2309 – Appropriations
HB 2314 – Appropriations
HB 2316 – Transportation

- HB 2318** – Appropriations
- HB 2319** – Tourism and Wildlife
- HB 2320** – Appropriations
- HB 2322** – Business and Labor
- HB 2324** – Business and Labor
- HB 2326** – Transportation
- HB 2327** – Transportation
- HB 2334** – Appropriations
- HB 2335** – Finance
- HB 2347** – Veterans, Military Affairs, and Public Safety
- HB 2353** – General Government
- HB 2358** – Energy, Environment and Communications
- HB 2361** – Finance
- HB 2374** – Veterans, Military Affairs, and Public Safety
- HB 2375** – Human Resources
- HB 2379** – Finance
- HB 2383** – Judiciary
- HB 2385** – Business and Labor
- HB 2390** – Finance
- HB 2395** – Judiciary
- HB 2397** – Appropriations
- HB 2400** – Appropriations
- HB 2421** – Finance
- HB 2435** – Appropriations
- HB 2441** – Appropriations
- HB 2464** – Human Resources
- HB 2469** – Business and Labor
- HB 2470** – Judiciary
- HB 2496** – Appropriations
- HB 2506** – Retirement and Group Health
- HB 2521** – Judiciary
- HB 2526** – Judiciary
- HB 2527** – Judiciary
- HB 2549** – Judiciary
- HB 2552** – Appropriations
- HB 2561** – General Government
- HB 2565** – Appropriations
- HB 2572** – Appropriations
- HB 2574** – Energy, Environment and Communications
- HB 2585** – Finance
- HB 2598** – Retirement and Group Health
- HB 2607** – Finance
- HB 2616** – Appropriations
- HB 2620** – Agriculture and Rural Development

HB 2622 – Finance
HB 2623 – Agriculture and Rural Development
HB 2626 – Appropriations
HB 2632 – Finance
HB 2637 – Veterans, Military Affairs, and Public Safety
HB 2663 – General Government
HB 2666 – General Government
HB 2667 – Appropriations
HB 2690 – Retirement and Group Health
HB 2691 – Retirement and Group Health
HB 2703 – Judiciary
HB 2710 – Appropriations
HB 2712 – Judiciary
HB 2713 – Judiciary
HB 2718 – Appropriations
HJR 1050 – Finance
HJR 1060 – Finance
HCR 1046 – Judiciary

FIRST READING

The following were introduced and read the first time:

SCR 50 – By Maddox of the Senate and McCarter of the House.

A Concurrent Resolution creating the Task Force on Reading Curriculum and Instruction; providing for appointment of members; providing for meetings and staff assistance; stating duties; requiring report to certain officials and setting deadline; prohibiting compensation of members; and authorizing reimbursement for travel expenses.

SR 43 – By Nichols.

A Resolution congratulating Rachel Clapper upon being selected to receive The Prudential Spirit of Community Award; wishing her well in being considered for selection as one of the top ten honorees in America; and directing distribution.

Pursuant to the Fisher motion, the Senate adjourned at 4:30 p.m. to meet Thursday, March 11, 2004, at 9:00 a.m.

JOURNAL CORRECTIONS

Page 289, 10th and 11th lines from the bottom: deleting all language and inserting in lieu thereof:

“CS for **SB 865** – Finance, coauthored by Maddox of the Senate, and remove Sweeden and substitute McCarter as Principal House author and coauthored by Pope of the House”

Page 740, 1st line, as it pertains to **SB 969**, by inserting after the name “Morgan” and before the second “and” the words “and all other Senators”

Page 745, 9th Line from the bottom, as it pertains to **SB 1622**, by inserting after the word “language” the words “after the word ‘develop’”.