

# Senate Journal

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

**Twenty-fifth Legislative Day, Thursday, March 17, 2005**

The Senate was called to order by Senator Corn.

Roll Call:

Present: Adelson, Aldridge, Anderson, Barrington, Bass, Branan, Brogdon, Cain, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntryre, Fisher, Ford, Garrison, Gumm, Harrison, Johnson, Jolley, Justice, Kerr, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Monson, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Wilcoxson, Wilson and Wyrick.—44.

Excused: Capps, Hobson, Taylor and Williamson.—4.

Senator Corn declared a quorum present.

The prayer was offered by Reverend Wanda Johnson, Eastern Oklahoma Presbyterian, Durant, the guest of Senator Gumm.

### REPORT OF ENGROSSED AND ENROLLED MEASURES

**SBs 13, 104, 213, 214, 366, 385, 390, 402, 418, 419, 424, 431, 435, 525, 556, 568, 610, 631, 640, 673, 702, 744, 806, 819, 835, 846, 867, 905, 966, 971, 990, 1012, 1013 and 1014 and SCRs 3 and 12** were each correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

### INTRODUCTION

Senator Jolley introduced his daughter, Lauren Elizabeth, to the Senate.

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

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The Senate reconvened with Senator Gumm presiding.

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

### **GENERAL ORDER**

**SB 368** by Fisher of the Senate and Bingman of the House was called up for consideration.

Senator Fisher moved that **SB 368** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 368** was read for the third time at length.

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

Aye: Adelson, Aldridge, Anderson, Barrington, Bass, Branan, Brogdon, Cain, Coates, Coffee, Corn, Crutchfield, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Johnson, Jolley, Justice, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Monson, Morgan, Myers, Nichols, Paddack, Pruitt, Reynolds, Riley, Shurden, Wilcoxson, Wilson and Wyrick.--40.

Excused: Capps, Crain, Easley, Hobson, Lamb, Rabon, Taylor and Williamson.--8.

The bill and emergency passed.

**SB 368** was referred for engrossment.

### **GENERAL ORDER**

**SB 349** by Corn of the Senate and Adkins and Miller (Ray) of the House was called up for consideration.

Senator Corn moved to amend **SB 349**, Page 1, by striking the title, which amendment was declared adopted.

Senator Corn moved that **SB 349** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 349** was read for the third time at length.

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

Aye: Adelson, Anderson, Bass, Cain, Coates, Corn, Crutchfield, Easley, Eason McIntyre, Fisher, Garrison, Gumm, Harrison, Kerr, Laster, Lawler, Leftwich, Lerblance, Monson, Myers, Paddack, Reynolds, Shurden, Wilson and Wyrick.--25.

Nay: Aldridge, Barrington, Branan, Brogdon, Coffee, Crain, Ford, Johnson, Jolley, Justice, Lamb, Laughlin, Mazzei, Nichols, Pruitt, Riley and Wilcoxson.--17.

Excused: Capps, Hobson, Morgan, Rabon, Taylor and Williamson.--6.

The bill passed and the emergency failed.

**SB 349** was referred for engrossment.

**Senator Corn presiding.**

**GENERAL ORDER**

**SB 148** by Morgan and Crutchfield of the Senate and Benge and Newport of the House was called up for consideration.

Senator Crutchfield moved that **SB 148** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 148** was read for the third time at length.

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

Aye: Adelson, Aldridge, Anderson, Bass, Branan, Brogdon, Cain, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Johnson, Jolley, Justice, Kerr, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Monson, Myers, Nichols, Paddack, Pruitt, Reynolds, Riley, Shurden, Wilcoxson, Wilson and Wyrick.--41.

Excused: Barrington, Capps, Hobson, Morgan, Rabon, Taylor and Williamson.--7.

The bill passed.

**SB 148** was referred for engrossment.

### **GENERAL ORDER**

**SB 625** by Lerblance of the Senate and Harrison of the House was called up for consideration.

Representative Ingmire asked to coauthor **SB 625**, which was the order.

Senator Lerblance moved to amend **SB 625**, 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 Lerblance moved that **SB 625** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 625** was read for the third time at length.

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

Aye: Adelson, Bass, Cain, Crutchfield, Easley, Eason McIntyre, Fisher, Garrison, Gumm, Harrison, Kerr, Laster, Lawler, Leftwich, Lerblance, Monson, Morgan, Paddack, Shurden, Wilson and Wyrick.--21.

Nay: Aldridge, Anderson, Barrington, Branan, Brogdon, Coates, Coffee, Corn, Crain, Ford, Johnson, Jolley, Justice, Lamb, Laughlin, Mazzei, Myers, Nichols, Pruitt, Reynolds, Riley and Wilcoxson.--22.

Excused: Capps, Hobson, Rabon, Taylor and Williamson.--5.

The bill failed.

Pursuant to Rule 12-23, Senator Lerblance served notice that the vote be reconsidered whereby **SB 625** failed.

### **INTRODUCTION**

Senator Anderson introduced his daughters, Lauren and Katlyn Anderson, and their friend Ashlyn Rudy, to the Senate.

**GENERAL ORDER**

**SB 228** by Morgan and Crutchfield of the Senate and Benge and Newport of the House was called up for consideration.

Senator Crutchfield moved to amend **SB 228**, by striking the title, the enacting clause and the entire body of the bill and substituting the floor substitute, which amendment was declared adopted. (Copies were provided for all Senators.)

Senator Crutchfield moved that **SB 228** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 228** was read for the third time at length.

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

Aye: Adelson, Anderson, Bass, Cain, Coates, Corn, Crain, Crutchfield, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Monson, Morgan, Myers, Paddack, Pruitt, Shurden, Wilson and Wyrick.--29.

Nay: Aldridge, Barrington, Branan, Brogdon, Easley, Jolley, Justice, Lamb, Mazzei, Nichols, Reynolds, Riley and Wilcoxson.--13.

Excused: Capps, Coffee, Hobson, Rabon, Taylor and Williamson.--6.

The bill passed.

Senators Wilcoxson, Barrington, Lamb, Mazzei, Branan and Jolley desired to vote Aye on the emergency.

On the question of passage of the emergency, the vote resulted as follows: Aye: 35; Nay: 7; Excused: 6.

The emergency passed.

**SB 228** was referred for engrossment.

**GENERAL ORDER**

**SB 232** by Morgan and Crutchfield of the Senate and Benge and Newport of the House was called up for consideration.

Senator Crutchfield moved to amend **SB 232**, Page 1, by striking the title, which amendment was declared adopted.

Senator Crutchfield moved that **SB 232** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 232** was read for the third time at length.

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

Aye: Adelson, Aldridge, Anderson, Barrington, Bass, Branan, Brogdon, Cain, Coates, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Johnson, Jolley, Justice, Kerr, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Monson, Morgan, Myers, Nichols, Paddack, Pruitt, Reynolds, Riley, Shurden, Wilcoxson, Wilson and Wyrick.--42.

Excused: Capps, Coffee, Hobson, Rabon, Taylor and Williamson.--6.

The bill passed.

**SB 232** was referred for engrossment.

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

Senator Harrison asked unanimous consent to suspend Rule 5-4 and refer **SR 11** direct to the Calendar for consideration, which was the order.

### **GENERAL ORDER**

**SR 11** by Harrison was called up for consideration.

**SR 11** was adopted upon motion of Senator Harrison and referred for enrollment.

### **MOTION TO RECONSIDER VOTE**

Senator Bass moved to reconsider the vote whereby **SB 722** failed, which motion was declared adopted upon roll call as follows:

Aye: Adelson, Aldridge, Barrington, Bass, Branan, Brogdon, Cain, Coates, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Johnson, Jolley, Justice, Kerr, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Monson, Morgan, Myers, Nichols, Paddack, Pruitt, Reynolds, Riley, Shurden, Wilcoxson, Wilson and Wyrick.--41.

Excused: Anderson, Capps, Coffee, Hobson, Rabon, Taylor and Williamson.--7.

### THIRD READING

Senator Bass moved to reconsider the vote whereby **SB 722** was advanced, which motion was declared adopted.

### GENERAL ORDER

**SB 722** by Bass of the Senate and Worthen of the House was called up for further consideration.

Senator Jolley moved to amend **SB 722**, Page 1, Lines 10 through 25, by deleting Section 1 and inserting in lieu thereof new Sections 1 and 2 to read as follows:

“SECTION 1. AMENDATORY 40 O.S. 2001, Section 165.4, is amended to read as follows:

A. In case of a bona fide disagreement over the amount of wages, the employer shall:

1. give written notice to the employee of the amount of wages which he concedes to be due, and

2. shall pay such amount, without condition, within the time required by

Sections 165.2 and 165.3 of this title.;

~~provided, however, that acceptance~~

B. Acceptance by the employee of any payment made ~~hereunder~~ under this section shall not constitute a release as to the balance of his claim.

C. Payment in accordance with this section shall constitute payment for the purposes of complying with Sections 165.2 and 165.3 of this title, ~~if, but only if,~~ only in those instances where there exists a bona fide disagreement over the amount of wages as defined by Section 165.1 of this title.

D. The Commissioner may set the contested amounts for administrative hearing pursuant to Section ~~3~~ 165.7 of this ~~act~~ title.

SECTION 2. AMENDATORY 40 O.S. 2001, Section 165.1, is amended to read as follows:

As used only in Sections 165.1 through 165.11 of this title:

1. "Employer" means every individual, partnership, firm, association, corporation, the legal representative of a deceased individual, or the receiver, trustee or successor of an individual, firm, partnership, association or corporation, employing any person in this state;

2. "Employee" means any person permitted to work by an employer;

3. "Exempt employee" means those management level employees exempt under the provisions of Section 213 of the Fair Labor Standards Act, as amended, 29 U.S.C. Section 213, from the provisions of Sections 206 and 207 of said act;

4. "Wages" means compensation owed by an employer to an employee for labor or services rendered, including salaries, commissions, holiday and vacation pay, overtime pay, severance or dismissal pay, bonuses and other similar advantages agreed upon between the employer and the employee, which are earned and due, or provided by the employer to his employees in an established policy, whether the amount is determined on a time, task, piece, commission or other basis of calculation; ~~and~~

5. "Commissioner" means State Commissioner of Labor; and

6. "Bona Fide Disagreement" means an honest and sincere belief or assertion based on a dispute of a relevant fact or application of law under this title which is supported by relevant evidence.", by renumbering subsequent section and amending the title to conform, which amendment was declared adopted.

Senator Bass moved that **SB 722** be advanced, which motion was declared adopted.

### THIRD READING

**SB 722** was read for the third time at length.

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

Aye: Adelson, Aldridge, Anderson, Barrington, Bass, Branan, Brogdon, Cain, Coates, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Johnson, Jolley, Justice, Kerr, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Monson, Morgan, Myers, Nichols, Paddack, Pruitt, Reynolds, Riley, Shurden, Wilcoxson, Wilson and Wyrick.--42.

Excused: Capps, Coffee, Hobson, Rabon, Taylor and Williamson.--6.

The bill passed.

**SB 722** was referred for engrossment.

### GENERAL ORDER

**SB 31** by Capps et al of the Senate and McMullen of the House was called up for consideration.

Representative Steele asked to coauthor **SB 31**, which was the order.

Senator Gumm moved that **SB 31** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 31** was read for the third time at length.

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

Aye: Adelson, Aldridge, Anderson, Barrington, Bass, Branan, Brogdon, Cain, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Johnson, Jolley, Justice, Kerr, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Monson, Morgan, Myers, Nichols, Paddack, Pruitt, Reynolds, Riley, Shurden, Wilcoxson, Wilson and Wyrick.--43.

Excused: Capps, Hobson, Rabon, Taylor and Williamson.--5.

The bill and emergency passed.

**SB 31** was referred for engrossment.

### **INTRODUCTIONS**

Senator Coffee introduced his children, Collin, Blaine, Anna and Kate; Senator Harrison introduced his grandson, Bo Harrison; and Senator Fisher introduced his guest, Taylor Wilham, to the Senate.

### **MESSAGE FROM THE HOUSE**

Advising passage of and transmitting for consideration Engrossed **HBs 1013, 1014, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1218, 1219, 1242, 1246, 1337, 1342, 1398, 1411, 1469, 1473, 1487, 1493, 1498, 1530, 1547, 1553, 1556, 1603, 1619, 1626, 1627, 1653, 1681, 1686, 1708, 1711, 1713, 1725, 1728, 1779, 1813, 1832, 1834, 1854, 1855, 1857, 1875, 1898, 1927, 1944, 1967, 1985, 2028, 2035 and 2058** and **HJRs 1001, 1003, 1008, 1016 and 1019**.

**HB 1013** – By Glenn, Kiesel, Hilliard, Sherrer, Brown, Hamilton and Nance of the House and Leftwich of the Senate.

An Act relating to criminal procedure; amending 22 O.S. 2001, Section 152, as amended by Section 3, Chapter 475, O.S.L. 2002 (22 O.S. Supp. 2004, Section 152), which relates to limitations for prosecution of crimes; modifying statute of limitations for certain crimes; deleting retroactive application of certain statute of limitations; and providing an effective date.

**HB 1014** – By Auffet, Liotta, Kiesel and Staggs of the House and Wilson of the Senate.

( revenue and taxation – amending 68 O.S., Section 2357.100 – tax credits – poultry litter – effective date )

**HB 1194** – By Bengé and Newport of the House and Morgan and Crutchfield of the Senate.

( revenue and taxation – amending 68 O.S., Section 118 – written estimates – effective date – emergency )

**HB 1195** – By Bengé and Newport of the House and Morgan and Crutchfield of the Senate.

( revenue and taxation – amending 68 O.S., Section 118 – written estimates – effective date - emergency )

**HB 1196** – By Bengé and Newport of the House and Morgan and Crutchfield of the Senate.

( revenue and taxation - amending 68 O.S., Section 118 - written estimates - effective date – emergency )

**HB 1197** – By Bengé and Newport of the House and Morgan and Crutchfield of the Senate.

( Oklahoma Capitol Improvement Authority – amending 73 O.S., Section 151 – effective date – emergency )

**HB 1198** – By Bengé and Newport of the House and Morgan and Crutchfield of the Senate.

( Oklahoma Capitol Improvement Authority - amending 73 O.S., Section 151 - effective date – emergency )

**HB 1199** – By Bengé and Newport of the House and Morgan and Crutchfield of the Senate.

( Oklahoma Capitol Improvement Authority – amending 73 O.S., Section 151 – effective date – emergency )

**HB 1200** – By Bengé and Newport of the House and Morgan and Crutchfield of the Senate.

( state government - amending 74 O.S., Section 840-1.3 - Oklahoma Personnel Act - effective date – emergency )

**HB 1201** – By Bengé and Newport of the House and Morgan and Crutchfield of the Senate.

( state government – amending 74 O.S., Section 840-1.3 – Oklahoma Personnel Act – effective date – emergency )

**HB 1202** – By Bengé and Newport of the House and Morgan and Crutchfield of the Senate.

( state government - amending 74 O.S., Section 840-1.3 - Oklahoma Personnel Act - effective date – emergency )

**HB 1203** – By Bengé and Newport of the House and Morgan and Crutchfield of the Senate.

( state government personnel – amending 74 O.S., Section 3601.1 – effective date – emergency )

**HB 1204** – By Bengé and Newport of the House and Morgan and Crutchfield of the Senate.

( general appropriations - expenses of various agencies - executive, legislative and judicial departments - appropriations - effective date )

**HB 1205** – By Bengé and Newport of the House and Morgan and Crutchfield of the Senate.

An Act relating to general appropriations for the expenses of various agencies of the executive, legislative and judicial departments of the state; making appropriations to the State Board of Education, the Oklahoma State Regents for Higher Education, the State Board of Career and Technology Education, the Oklahoma Arts Council, the Oklahoma Educational Television Authority, the Commissioners of the Land Office, the Oklahoma Department of Libraries, the Physician Manpower Training Commission, the Oklahoma Board of Private Vocational Schools, the Board of Trustees of the Oklahoma School of Science and Mathematics, the Oklahoma Center for the Advancement of Science and Technology, the Oklahoma Commission for Teacher Preparation, the Office of the State Auditor and Inspector, the Office of the State Bond Advisor, the Department of Central Services, the Oklahoma Department of Emergency Management, the State Election Board, the Ethics Commission, the Office of State Finance, the Office of the Governor, the Oklahoma House of Representatives, the Legislative Service Bureau, the Office of the Lieutenant Governor, the Oklahoma Merit Protection Commission, the Military Department of the State of Oklahoma, the Office of Personnel Management, the Office of the Secretary of State, the Oklahoma State Senate, the Oklahoma Space Industry Development Authority, the Oklahoma Tax Commission, the Department of Transportation, the Office of the State Treasurer, the Oklahoma Health Care Authority, the State Department of Health, the J.D. McCarty Center for Children with Developmental Disabilities, the Department of Mental Health and Substance Abuse Services, the University Hospitals Authority, the Oklahoma Department of Veterans Affairs, the Oklahoma Commission on Children and Youth, the Office of Handicapped Concerns, the Oklahoma Human Rights Commission, the Department of Human Services, the Oklahoma Indian Affairs Commission, the Office of Juvenile Affairs, the State Department of Rehabilitation Services, the Oklahoma Department of Agriculture, Food, and Forestry, the Oklahoma Capitol Complex and Centennial Commemoration Commission, the Oklahoma Department of Commerce, the Oklahoma Conservation Commission, the Department of Consumer Credit, the Corporation Commission, the Department of Environmental Quality, the Oklahoma Historical Society, the Oklahoma Horse Racing Commission, the State Insurance Department, the J.M. Davis

Memorial Commission, the Department of Labor, the Department of Mines, the Oklahoma Scenic Rivers Commission, the Oklahoma Tourism and Recreation Department, the Oklahoma Water Resources Board, the Will Rogers Memorial Commission, the Alcoholic Beverage Laws Enforcement Commission, the Department of Corrections, the Pardon and Parole Board, the Oklahoma State Bureau of Investigation, the State Fire Marshal, the Board of Medicolegal Investigations, the Council on Law Enforcement Education and Training, the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the Department of Public Safety, the Oklahoma Indigent Defense System, the Office of the Attorney General, the District Attorneys Council, the Court of Criminal Appeals, the Supreme Court, the Workers' Compensation Court, the Council on Judicial Complaints, and the Rural Economic Action Plan Fund; stating sums of the appropriations; stating purposes and restrictions; authorizing and requiring certain expenditures; designating funds from which expenditures authorized to be made; providing for transfers of funds; providing for authorized use of transferred funds; and providing an effective date.

**HB 1206** – By Bengé and Newport of the House and Morgan and Crutchfield of the Senate.

( general appropriations - expenses of various agencies - executive, legislative and judicial departments – appropriations - effective date )

**HB 1218** – By Newport, Wesselhoft, Balkman, Blackwell, Jones, Roggow, Smaligo, Trebilcock, Liotta, Adkins, Bengé, Billy, Bingman, Calvey, Cargill, Coody, Covey, Dank, Denney, DePue, DeWitt, Hickman, Jackson, Jett, Martin, McCarter, Miller (Doug), Morgan (Fred), Nance, Peters, Peterson (Ron), Piatt, Roan, Terrill, Thompson, Tibbs, Turner, Winchester, Worthen and Young of the House and Myers of the Senate.

An Act relating to motor vehicles; amending 47 O.S. 2001, Section 1104, as amended by Section 1, Chapter 139, O.S.L. 2003 (47 O.S. Supp. 2004, Section 1104), which relates to apportionment of revenues pursuant to the Oklahoma Vehicle License and Registration Act; modifying apportionment of revenues for certain fiscal years; modifying apportionment of revenues to the General Revenue Fund of the State Treasury; providing for apportionment of certain amounts to the State Highway Construction and Maintenance Fund; providing for apportionment of certain amounts to the Public Transit Revolving Fund; specifying fiscal years during which apportionments made; providing an effective date; and declaring an emergency.

**HB 1219** – By Morgan (Fred), Wesselhoft, Cooksey, Askins, Blackwell, Calvey, Johnson, Nance, Roan, Trebilcock, Hyman, Hilliard and Shoemake of the House and Coffee of the Senate.

( DNA Offender Database – amending 20 O.S., Section 1313.2 – penalties – amending 22 O.S., Section 991a – sentencing powers – amending 57 O.S., Section 530.1 – DNA specimens – amending 74 O.S., Sections 150.27 and 150.27a – Offender Database – effective date )

**HB 1242** – By Hastings, Wesselhoft, Nance and Auffet of the House and Williamson of the Senate.

An Act relating to electronic monitoring devices; amending 21 O.S. 2001, Section 443, which relates to escape from custody; expanding scope of prohibited acts; amending Section 2, Chapter 125, O.S.L. 2002, as amended by Section 13, Chapter 390, O.S.L. 2002 (22 O.S. Supp. 2004, Section 1105.2), which relates to Pretrial Release Act; authorizing placement of monitoring device; requiring payment of supervision fee as condition of pretrial release; requiring collection of supervision fee by court clerk; and providing an effective date.

**HB 1246** – By Smithson of the House and Corn of the Senate.

An Act relating to motor vehicles; amending 47 O.S. 2001, Sections 1-123, 1-134, as last amended by Section 6, Chapter 411, O.S.L. 2003 and 1-186, as last amended by Section 9, Chapter 411, O.S.L. 2003 (47 O.S. Supp. 2004, Sections 1-134 and 1-186), which relate to definitions of words and phrases; modifying statutory references; amending 47 O.S. 2001, Sections 12-101, as last amended by Section 44, Chapter 5, O.S.L. 2004, Section 20, Chapter 411, O.S.L. 2003, 12-201, as amended by Section 21, Chapter 411, O.S.L. 2003, 12-225, as amended by Section 85, Chapter 411, O.S.L. 2003 and as renumbered by Section 42, Chapter 411, O.S.L. 2003, Section 25, Chapter 411, O.S.L. 2003, 12-227, as amended by Section 44, Chapter 411, O.S.L. 2003, 12-301, as amended by Section 47, Chapter 411, O.S.L. 2003, 12-416, 12-419, 12-420, 12-501, Section 68, Chapter 411, O.S.L. 2003, as amended by Section 17, Chapter 521, O.S.L. 2004, Section 71, Chapter 411, O.S.L. 2003, Section 75, Chapter 411, O.S.L. 2003, Section 76, Chapter 411, O.S.L. 2003, Section 79, Chapter 411, O.S.L. 2003 and Section 80, Chapter 411, O.S.L. 2003, (47 O.S. Supp. 2004, Sections 12-101, 12-101.2, 12-201, 12-203.4, 12-204.1, 12-227, 12-301, 12-601, 12-604, 12-702, 12-703, 12-706 and 12-707), which relate to equipment of vehicles; modifying statutory references; providing exception for certain braking systems; amending 47 O.S. 2001, Section 13-102, as amended by Section 10, Chapter 199, O.S.L. 2003 (47 O.S. Supp. 2004, Section 13-102), which relates to inspection of vehicles; increasing time limitation; and providing an effective date.

**HB 1337** – By Covey, Nations and Nance of the House and Lamb of the Senate.

An Act relating to professions and occupations; amending 59 O.S. 2001, Sections 328.3, as amended by Section 1, Chapter 172, O.S.L. 2003, 328.15, as amended by Section 2, Chapter 172, O.S.L. 2003, 328.27, 328.43a, as amended by Section 7, Chapter 172, O.S.L. 2003 and 328.44a, as amended by Section 8, Chapter 172, O.S.L. 2003 (59 O.S. Supp. 2004, Sections 328.3, 328.15, 328.43a and 328.44a), which relate to the State Dental Act; adding definitions; modifying faculty permits; providing for revocation or suspension of certain professions; modifying complaints process; modifying penalties; making certain information confidential; providing for surrender of license or permit; providing for codification; and providing an effective date.

**HB 1342** – By Cox, Nance, Auffet, McMullen, Terrill, Hilliard and Sherrer of the House and Pruitt and Williamson of the Senate.

( revenue and taxation – amending 68 O.S., Section 2358 – adjusted gross income – debt repayment – codification – effective date )

**HB 1398** – By Covey of the House and Laughlin of the Senate.

( revenue and taxation – biodiesel facilities – amending 74 O.S., Sections 130.2 and 130.8 – alternative fuels – codification – effective date – emergency )

**HB 1411** – By Cox, Johnson, Dorman, Blackwell, Braddock, Carey, Winchester, Duncan, Nance and Sullivan of the House and Paddock of the Senate.

( education – Physician Assistant Scholarship Program – eligibility – codification – effective date – emergency )

**HB 1469** – By DeWitt, Dorman and Nance of the House and Myers of the Senate.

( revenue and taxation - cash donations - charitable conservation organizations - effective date )

**HB 1473** – By Kern, Auffet, Coody, Morrisette, Staggs, Terrill, Wesselhoft, Martin and Nance of the House and Leftwich of the Senate.

An Act relating to state government; amending 74 O.S. 2001, Sections 1363 and 1365, as last amended by Section 2, Chapter 405, O.S.L. 2004 (74 O.S. Supp. 2004, Section 1365), which relate to the Oklahoma State Employees Benefits Act; deleting obsolete definition; defining terms; modifying certain terms; extending services to certain employees; authorizing collection of fee; providing for promulgation of rules; providing an effective date; and declaring an emergency.

**HB 1487** – By Tibbs, DePue, Sullivan, Dank, Perry, Duncan, Wesselhoft, Liotta, Peterson (Pam) and Nance of the House and Reynolds of the Senate.

An Act relating to elections; amending 26 O.S. 2001, Sections 7-114 and 14-115.4, as last amended by Section 8, Chapter 307, O.S.L. 2004 (26 O.S. Supp. 2004, Section 14-115.4), which relate to voting; requiring presentment of proof of identity when voting; providing for proof of identity; allowing persons without proof of identity to vote and providing procedure therefor; providing penalty for false statements; amending 34 O.S. 2001, Section 8, which relates to initiative and referendum petitions; modifying requirements for petitions; and providing an effective date.

**HB 1493** – By Morgan (Fred) of the House and Coffee of the Senate.

( probate procedure - Family Home Transfer Act - transfer-on-death deed – codification - effective date )

**HB 1498** – By Bingman, Adkins, Dorman, Kiesel, McMullen, Hyman and Shoemaker of the House and Adelson of the Senate.

( revenue and taxation – amending 68 O.S., Section 1357 – sales tax exemptions – political subdivisions – effective date – emergency )

**HB 1530** – By DePue, DeWitt and Jackson of the House and Myers and Anderson of the Senate.

( state government - Oklahoma Tourism and Recreation Commission – codification - emergency )

**HB 1547** – By Calvey, Balkman, Dank, Nance, Billy, Coody, Denney, Peters, Peterson (Ron) and Terrill of the House and Coffee of the Senate.

An Act relating to revenue and taxation; amending 68 O.S. 2001, Section 2355, as amended by Section 13, Chapter 322, O.S.L. 2004 (68 O.S. Supp. 2004, Section 2355), which relates to the Oklahoma Income Tax Code; reducing top marginal income tax rate for persons using certain filing method; providing for deposit of certain surplus funds pursuant to Section 23 of Article X of the Oklahoma Constitution; providing for apportionment of surplus revenues to Economic Development Research Endowment Fund and Oklahoma Taxpayer Relief Revolving Fund; creating Economic Development Research Endowment Fund; providing for principal of fund; providing for administration of Economic Development Research Endowment Fund; providing for disposition of earnings; providing for expenditures; creating the Oklahoma Taxpayer Relief Revolving Fund; specifying nature of revolving fund; providing for deposit of monies; providing for expenditures from revolving fund; providing for certain determination by Oklahoma Tax Commission; providing for computation of rebate amount; imposing maximum rebate amount; providing for codification; providing an effective date; and declaring an emergency.

**HB 1553** – By Carey of the House and Gumm of the Senate.

An Act relating to records; amending 47 O.S. 2001, Sections 2-110, as last amended by Section 7, Chapter 130, O.S.L. 2004 and 2-111 (47 O.S. Supp. 2004, Section 2-110), which relate to creation, organization, and responsibilities of the Department of Public Safety; deleting authority to prepare, deliver, and collect fees for videotape recordings; requiring certain records be provided upon payment of fees; providing for adoption of rules for destruction and retention of records; providing exceptions to certain statutory provisions; amending 47 O.S. 2001, Section 6-117, as last amended by Section 42, Chapter 5, O.S.L. 2004 (47 O.S. Supp. 2004, Section 6-117), which relates to records kept by Department of Public Safety; clarifying language; authorizing release of Motor Vehicle Report; stating contents of Motor Vehicle Report; prohibiting release of driving index; requiring inclusion of certain report in Motor Vehicle Report; amending 51 O.S. 2001, Sections 24A.3, as last amended by Section 1, Chapter 328, O.S.L. 2004, 24A.5, 24A.8, 24A.17 and 24A.18 (51 O.S. Supp. 2004, Section 24A.3), which relate to Oklahoma Open Records Act; modifying definition of certain term; modifying Department of Public Safety exemptions to Oklahoma Open Records Act; modifying records requirements for law enforcement agencies; clarifying fee requirement for computerized format of records; allowing public inspection of certain lists and logs; clarifying meaning of certain phrase; requiring confidentiality of certain records kept by Department of Public Safety; clarifying civil liability provisions; and providing an effective date.

**HB 1556** – By Jackson, Covey, Dorman, Nance, Armes, Deutschendorf, DeWitt, Lindley, McCarter, McMullen, Roggow and Turner of the House and Anderson, Myers and Harrison of the Senate.

( revenue and taxation - amending 68 O.S., Section 2357.66 - tax credits for ethanol facilities – codification - effective date )

**HB 1603** – By Wesselhoft of the House and Leftwich of the Senate.

An Act relating to state employees; amending Rule 257:10-1-4 of the Rules of the Ethics Commission (74 O.S. 2001, Ch. 62, App.), which relates to political activity by state employees; allowing certain employees to become candidates for office; specifying procedures relating to employees becoming candidates; requiring employees to make certain request; providing procedure for determining whether the employee is eligible to become a candidate; and providing an effective date.

**HB 1619** – By Nance, Auffet, Hilliard, Kiesel, McMullen, Calvey and Sherrer of the House and Leftwich of the Senate.

An Act relating to economic development; enacting the Oklahoma Quality Investment Act; stating legislative intent; defining terms; authorizing Quality Investment Agreements; prescribing duration of agreements; prescribing amount of incentive payments; authorizing certain economic analyses; imposing limitation upon amount of investment payments; authorizing units of local government to enter into Quality Investment Agreements; imposing maximum limitation upon investment payments each fiscal year; prescribing procedures related to Quality Investment Agreements; prescribing qualifications for eligible establishments; creating the Quality Investment Payment Fund; providing for deposit of revenues; providing purpose of revenue deposited; limiting liability based upon fund deposits; prescribing incentive payment claim procedures; providing for reduction of incentive payment amount; providing for cessation of payments under certain circumstances; providing for payments under certain conditions; prohibiting applications for incentive payments for prescribed period; providing for issuance of warrants; prohibiting receipt of certain benefits or incentives based upon receipt of incentive payments pursuant to Oklahoma Quality Investment Act; providing for promulgation of rules; imposing criminal penalties for certain conduct; authorizing fine or imprisonment; providing for performance review by Oklahoma Department of Commerce or service provider; specifying content of review; prescribing procedures for filing; amending 25 O.S. 2001, Section 307, as amended by Section 1, Chapter 175, O.S.L. 2003 (25 O.S. Supp. 2004, Section 307), which relates to the Oklahoma Open Meeting Act; authorizing executive sessions for certain discussions by the Quality Investment Committee; amending Sections 1, 3 and 5, Chapter 391, O.S.L. 2004 (68 O.S. Supp. 2004, Sections 4101, 4103 and 4105), which relate to the Oklahoma Quality Investment Act; modifying short title; modifying references; providing for codification; providing an effective date; and declaring an emergency.

**HB 1626** – By Wilt, Hastings and Lamons of the House and Monson of the Senate.

An Act relating to insurance; establishing Surgical Patient Choice Task Force; providing for appointments; providing for qualifications; providing for meetings and staffing; providing for reimbursement for travel; providing for purpose; requiring certain report; providing for codification; and declaring an emergency.

**HB 1627** – By Wilt, Braddock and Banz of the House and Riley of the Senate.

An Act relating to education; amending 70 O.S. 2001, Section 18-200.1, as last amended by Section 2, Chapter 533, O.S.L. 2004 (70 O.S. Supp. 2004, Section 18-200.1), which relates to the State Aid Formula; changing general fund carryover balance allowable

for school districts with certain fund balances; amending 26 O.S. 2001, Section 13A-109, as amended by Section 8, Chapter 369, O.S.L. 2004 (26 O.S. Supp. 2004, Section 13A-109), which relates to school district elections; modifying requirement to post legal notice and press release of certain board elections; providing an effective date; and declaring an emergency.

**HB 1653** – By Morgan (Danny) of the House and Leftwich of the Senate.

An Act relating to driver licenses; amending 47 O.S. 2001, Sections 6-102, as last amended by Section 8, Chapter 418, O.S.L. 2004 and 6-105, as last amended by Section 1, Chapter 139, O.S.L. 2004 (47 O.S. Supp. 2004, Section 6-102 and 6-105), which relate to issuance of Class D licenses; modifying statutory reference; increasing age requirement for operation of certain vehicles; defining term; modifying requirements for issuance of certain license; deleting certain requirements for instruction permit; providing for issuance of learner permit; stating requirements and restrictions; providing for issuance of intermediate Class D license; stating requirements and restrictions; providing for issuance of Class D driver license; stating requirements and restrictions; expanding scope of prohibited act; clarifying language; deleting requirements for issuance of instructor's permits; deleting procedures and fees for issuance of identification cards; authorizing issuance of instructor permit to certain driver education instructors; providing for promulgation of certain rules; authorizing instruction of certain persons under certain circumstances; authorizing issuance of identification cards; stating eligibility requirements for identification card; stating term of issuance; setting fees for issuance and renewal of identification cards; providing exceptions; providing for apportionment of fees; authorizing certain reimbursement to motor license agents; authorizing development of procedures for reimbursements; providing for codification; and providing an effective date.

**HB 1681** – By Johnson and Dorman of the House and Kerr of the Senate.

( revenue and taxation - amending four sections in Title 68 - Small Business Capital Formation Incentive Act - effective date )

**HB 1686** – By Deutschendorf, Hilliard and Sherrer of the House and Lawler of the Senate.

( schools - Internet-based courses - amending 70 O.S., Section 3-160 - student record system – codification – emergency )

**HB 1708** – By Calvey and Nance of the House and Coates of the Senate.

( revenue and taxation - amending 68 O.S., Section 2370 - financial institutions - exemption - effective date – emergency )

**HB 1711** – By Calvey of the House and Gumm of the Senate.

( revenue and taxation – amending 68 O.S., Sections 1009, 1010 and 1022 – gross production tax – definition - effective date – emergency )

**HB 1713** – By Calvey and Nance of the House and Adelson of the Senate.

( revenue and taxation - amending 68 O.S., Section 2902 - exemption for certain qualifying manufacturing concerns – emergency )

**HB 1725** – By Tibbs of the House and Williamson of the Senate.

An Act relating to children; creating the Task Force on Reactive Attachment Disorder for Children; providing for membership; providing for certain processes of the task force; providing for subcommittees; designating staff support and state agency assistance; providing for Task Force duties and responsibilities; providing for travel reimbursement; requiring certain report; providing for codification; and declaring an emergency.

**HB 1728** – By Harrison of the House and Lerblance of the Senate.

An Act relating to county assessors; amending 11 O.S. 2001, Section 42-107, which relates to vacating plats and public ways; adding certain requirements to be included with filings related to vacating a plat; requiring the county clerk to provide certain copy; amending 51 O.S. 2001, Section 24A.7, which relates to the Oklahoma Open Records Act; adding items to be kept confidential by public bodies; amending 68 O.S. 2001, Sections 2802, 2817.1, as amended by Section 8, Chapter 344, O.S.L. 2002, 2842 and 2844 (68 O.S. Supp. 2004, Section 2817.1), which relate to the Ad Valorem Tax Code; modifying certain definitions; adding certain definition; clarifying fair cash value; modifying assessment roll availability; specifying method of making assessment roll adjustments; modifying the calculation of certain interest; and providing an effective date.

**HB 1779** – By Rousselot, Hilliard, Pruett and Sherrer of the House and Easley of the Senate.

An Act relating to economic development; enacting the Oklahoma Business Development Park Loan Act; defining terms; authorizing business development park loans to certain eligible public trusts; imposing conditions with respect to loans; providing for reduction of principal amounts; requiring annual performance evaluation and report; providing for codification; providing an effective date; and declaring an emergency.

**HB 1813** – By Armes of the House and Lerblance of the Senate.

An Act relating to waters and water rights; amending 82 O.S. 2001, Sections 1086.1 and 1086.2, which relate to state water plan; providing for contents of certain water plan; updating language; providing for certain updates of certain water plan; providing for bids for state water plan; and declaring an emergency.

**HB 1832** – By Jett of the House and Laster of the Senate.

An Act relating to higher education; amending 74 O.S. 2001, Section 5060.6, as last amended by Section 1, Chapter 217, O.S.L. 2004 (74 O.S. Supp. 2004, Section 5060.6), which relates to the board of directors for the Oklahoma Science and Technology Research and Development Board; adding the Chancellor of the Oklahoma State Regents for Higher Education to the Board; modifying membership; providing for the initial terms of certain members; providing an effective date; and declaring an emergency.

**HB 1834** – By Jett of the House and Laster of the Senate.

An Act relating to telecommunications; creating the Statewide Nine-One-One Advisory Board; stating purpose of the Board; providing for membership; providing for designation of chair, meetings, and travel reimbursement; establishing duties of the Board; directing the Oklahoma Department of Commerce to provide support to the Board; stating

qualifications for the Statewide Nine-One-One Coordinator; providing for codification; and declaring an emergency.

**HB 1854** – By Steele of the House and Bass of the Senate.

( children - amending 10 O.S., Section 404 - Oklahoma Child Care Facilities Licensing Act - effective date )

**HB 1855** – By Blackwell of the House and Laughlin of the Senate.

An Act relating to schools; amending 70 O.S. 2001, Section 18-108, as amended by Section 24, Chapter 434, O.S.L. 2003 (70 O.S. Supp. 2004, Section 18-108), which relates to free public kindergarten; deleting requirement for school districts to offer full six-hour day kindergarten; making implementation of certain pupil grade level weight contingent upon funding; deleting certain implementation contingencies; providing an effective date; and declaring an emergency.

**HB 1857** – By Blackwell of the House and Corn of the Senate.

An Act relating to state government; amending 74 O.S. 2001, Section 5024, which relates to audits of the Oklahoma Department of Commerce; modifying provisions related to audit requirements; providing State Auditor and Inspector to perform audits of Department; providing an effective date; and declaring an emergency.

**HB 1875** – By Hickman and Balkman of the House and Wilcoxson of the Senate.

An Act relating to schools; requiring school districts and certain schools to adopt a performance-enhancing drug policy; providing for certain disciplinary action for violation of policy; making the model policy the school policy in certain circumstances; directing the State Board of Education to adopt a model performance-enhancing drug policy; defining certain term; providing for codification; providing an effective date; and declaring an emergency.

**HB 1898** – By Billy and Wesselhoft of the House and Paddock of the Senate.

( creating the Office of Tribal Relations within the Oklahoma Historical Society - stating duties - directing the Oklahoma Historical Society to provide office space – codification - effective date - emergency )

**HB 1927** – By Liotta, Dorman and Nance of the House and Shurden of the Senate.

( government – Fleet Management Division – Department of Central Services – amending 47 O.S., Section 2-123 – repealing various sections in Titles 37, 47 and 74 – codification – effective date )

**HB 1944** – By Shelton of the House and Eason McIntyre of the Senate.

An Act relating to prisons and reformatories; prohibiting establishment of certain facility near schools and neighborhoods; defining term; providing for codification; and declaring an emergency.

**HB 1967** – By Perry and Covey of the House and Gumm of the Senate.  
( motor vehicles – amending 47 O.S., Section 14-116 – size, weight and load of vehicles – permit fee proceeds – effective date – emergency )

**HB 1985** – By Ingmire, Nance, Trebilcock, Kiesel, Duncan, Dorman and Pruett of the House and Bass of the Senate.

An Act relating to crimes and punishments; creating the Identity Theft Protection Act; authorizing preparation and filing of identity theft incident report; directing copy of report be provided to victim; allowing report to be shared with other jurisdictions; defining term; providing certain exception for identity theft incident reports; prohibiting certain acts by persons or entities; providing exceptions; providing penalty; authorizing filing of civil suit; defining terms; requiring businesses to use reasonable measures to protect certain information; stating reasonable measures; requiring written policy for destruction or disposal of records; providing penalty; authorizing filing of civil suit; providing severability clause; providing for codification; providing for noncodification; and providing an effective date.

**HB 2028** – By Morgan (Fred) of the House and Laster of the Senate.

An Act relating to the Uniform Commercial Code; amending 12A O.S. 2001, Sections 1-101, 1-102, 1-103, 1-104, 1-106 and 1-107, which relate to Part 1 of Article 1 of the Uniform Commercial Code; adding short title; providing scope of Article 1; providing for construction of the Uniform Commercial Code and applicability of supplemental principals of law; providing for construction against implied repeal; providing for use of singular and plural and use of gender; providing for captions; providing for certain electronic signatures; amending 12A O.S. 2001, Sections 1-201, 1-202, 1-203, 1-204, 1-205 and 1-206, which relate to Part 2 of Article 1 of the Uniform Commercial Code; modifying definitions; adding definitions; deleting definitions; providing definitions relating to notice; distinguishing lease from security interest; providing for determination of value; providing for determination of reasonable time and seasonableness; providing for presumptions; adding Part 3 relating to territorial applicability to Article 1 of the Uniform Commercial Code; defining terms; providing scope of section; providing for application of law by agreement; providing for application of law in absence of agreement; providing rules applicable if a party is a consumer; providing that agreement between parties is not effective if contrary to fundamental policy of state or country whose law would govern; providing scope of applicability of certain provisions of the Uniform Commercial Code; providing for variations by agreement; providing obligations that may not be disclaimed by agreement; defining course of performance, course of dealing, and usage of trade; imposing obligation of good faith; requiring remedies to be liberally administered; providing for discharge of a claim or right arising out of alleged breach; providing that certain third-party documents constitute prima facie evidence of authenticity, genuineness, and certain facts; providing for performance or acceptance under reservation of rights; providing for option to accelerate at will; providing for subordinated obligations; amending 12A O.S. 2001, Sections 2-103, 2-105, 2-106 and 2-202, which relate to sales; modifying provisions to conform with changes in Article 1 of the Uniform Commercial Code; modifying definitions; amending 12A O.S. 2001, Sections 2A-103, 2A-501, 2A-518, 2A-519, 2A-527 and 2A-528, which relate to leases; modifying definitions; modifying provisions to conform

with changes in Article 1 of the Uniform Commercial Code; amending 12A O.S. 2001, Sections 4A-106 and 4A-204, which relate to funds transfers; modifying provisions to conform with changes in Article 1 of the Uniform Commercial Code; amending 12A O.S. 2001, Section 5-103, which relates to letters of credit; modifying provisions to conform with changes in Article 1 of the Uniform Commercial Code; amending 12A O.S. 2001, Section 1-9-311, which relates to perfection of security interest; providing law or procedure for perfecting security interest in certain vehicles; repealing 12A O.S. 2001, Sections 1-105 and 1-109, which relate to territorial application and captions; repealing 12A O.S. 2001, Sections 1-207, 1-208 and 1-209, which relate to performance or acceptance under reservation of rights, options to accelerate at will and subordination of obligations; repealing 12A O.S. 2001, Section 2A-207, which relates to course of performance or practical construction of lease contracts; providing for codification; providing an effective date; and declaring an emergency.

**HB 2035** – By Morgan (Fred) of the House and Laster of the Senate.

An Act relating to the Uniform Commercial Code; amending 12A O.S. 2001, Sections 7-102, 7-103, 7-104, 7-201, 7-202, 7-203, 7-204, 7-205, 7-206, 7-207, 7-208, 7-209, 7-210, 7-301, 7-302, 7-303, 7-304, 7-305, 7-307, 7-308, 7-309, 7-401, 7-402, 7-403, 7-404, 7-501, 7-502, 7-503, 7-504, 7-505, 7-506, 7-507, 7-508, 7-509, 7-601, 7-602 and 7-603, which relate to Article 7 of the Uniform Commercial Code - Documents of Title; modifying definitions; clarifying relationship of Article 7 to other statutes; modifying circumstances in which a document of title is negotiable or nonnegotiable; providing for reissuance of document of title in alternative medium; providing for control of electronic document of title; clarifying persons that may issue a warehouse receipt; modifying form of warehouse receipt; providing effect of omission; clarifying liability for nonreceipt or misdescription; clarifying duty of care and contractual limitation of warehouse liability; clarifying situations in which title under warehouse receipt is defeated; clarifying circumstances for termination of storage at option of the warehouse; clarifying separation of goods and commingling of fungible goods; modifying scope of enforceability of altered warehouse receipts; expanding scope of warehouse lien; modifying enforcement of warehouse lien; clarifying liability for nonreceipt or misdescription and use of certain phrases; clarifying liability pursuant to through bills of lading and similar documents of title; modifying circumstances under which a carrier may deliver pursuant to change of instructions; modifying requirements for bills of lading in a set; clarifying procedure for destination bills; modifying scope of carrier's lien; clarifying procedure for enforcement of carrier's lien; clarifying statutory, regulatory and contractual limitations on duty of care and damages; clarifying obligations of issuer of document of title; clarifying use of duplicate receipts and liability for overissue; modifying procedures and requirements relating to obligation of bailee; clarifying immunity from liability for good-faith delivery; modifying rules applicable to negotiable tangible documents of title; providing rules applicable to negotiable electronic documents of title; clarifying rights acquired by due negotiation; clarifying cases in which document of title is defeated; expanding situations in which rights of a transferee may be defeated; clarifying provisions that apply only to tangible documents of title; clarifying scope of warranties; expanding situations covered by the Uniform Commercial Code regarding adequate compliance with commercial contracts; modifying procedure regarding lost, stolen or destroyed documents of title; modifying requirements

for judicial process against certain goods; clarifying actions for interpleader; amending 12A O.S. 2001, Sections 2-103, 2-104, 2-310, 2-323, 2-401, 2-503, 2-505, 2-506, 2-509, 2-605, 2-705, 2A-103, 2A-514, 2A-526, 4-104, 4-210, 8-103, 1-9-102, as amended by Section 1, Chapter 153, O.S.L. 2004, 1-9-203, 1-9-207, 1-9-208, 1-9-301, 1-9-310, 1-9-312, 1-9-313, 1-9-314, 1-9-317, 1-9-338 and 1-9-601 (12A O.S. Supp. 2004, Section 1-9-102), which relate to other articles of the Uniform Commercial Code; modifying definitions, terms, and references to conform with Article 7 of the Uniform Commercial Code; repealing 12A O.S. 2001, Section 7-105, which relates to construction against negative implication; repealing 12A O.S. 2001, Section 10-104, which relates to laws not repealed; providing for codification; and providing an effective date.

**HB 2058** – By Trebilcock and Miller (Ken) of the House and Ford of the Senate.

An Act relating to ethics; prohibiting receipt of contributions in certain places; providing exceptions; providing penalty; providing for codification; and providing an effective date.

**HJR 1001** – By Balkman, Armes, Banz, Bengé, Bingman, Blackwell, Calvey, Cargill, Case, Coody, Cooksey, Cox, Dank, Denney, DePue, DeWitt, Duncan, Hastings, Hickman, Hiatt, Ingmire, Jackson, Jett, Johnson, Jones, Kern, Liebmann, Liotta, Martin, Miller (Doug), Miller (Ken), Morgan (Fred), Nance, Peters, Peterson (Pam), Peterson (Ron), Reynolds, Richardson, Roggow, Smaligo, Steele, Sullivan, Terrill, Thompson, Tibbs, Trebilcock, Wesselhoft, Winchester, Worthen, Wright and Young of the House and Laughlin of the Senate.

A Joint Resolution recognizing and proclaiming President Ronald Reagan Day; providing for codification; and declaring an emergency.

**HJR 1003** – By Cox, Smithson, Harrison, Brannon and Miller (Ray) of the House and Wyrick of the Senate.

A Joint Resolution relating to permanent rules of the Oklahoma Corporation Commission; disapproving permanent rules regarding underground and aboveground storage tank systems utilized by marinas for the storage, handling and use of gasoline and diesel fuel; directing distribution; and declaring an emergency.

**HJR 1008** – By Dank, Wesselhoft, Terrill, Bingman, Jackson, Nance, Peterson (Pam), Reynolds, Sullivan and Thompson of the House and Coffee of the Senate.

( proposed amendment to Section 8C of Article X – qualifying income – ballot title – directing filing )

**HJR 1016** – By Winchester and Liotta of the House and Johnson 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 Article XXIII of the Constitution of the State of Oklahoma by adding a new Section 13, which relates to the use of the proceeds of certain fees and assessments; limiting and specifying uses of proceeds and assessments; requiring subaccounts; authorizing transfers; providing exceptions; prohibiting certain uses; providing ballot title; and directing filing.

**HJR 1019** – By Armes, Hilliard, McMullen, Sherrer, Brannon, Smithson, Sweeden and Braddock of the House and Gumm of the Senate.

( proposed amendment to the Constitution of the State of Oklahoma by adding a new Section 50 to Article X – indebtedness – ballot title – directing filing )

The above-numbered measures were read the first time.

Senator Fisher moved that when the clerk's desk is clear, the Senate stand adjourned to convene Monday, March 21, 2005, at 1:30 p.m., which motion prevailed.

### **FIRST READING**

The following was introduced and read the first time:

**SCR 13** – By Lawler of the Senate and DeWitt of the House.

A Concurrent Resolution supporting continuing sales to Cuba of agricultural products; supporting new markets for Oklahoma agriculture; and directing distribution.

### **BILLS RELEASED**

#### **TIME EXPIRED TO RECONSIDER**

**SBs 537 and 627** were referred for engrossment.

#### **TIME EXPIRED**

Time expired for consideration of the motion to reconsider whereby **SBs 3, 542, 625, 741, 765** and **815** failed.

Pursuant to the Fisher motion, the Senate adjourned at 11:30 a.m. to meet Monday, March 21, 2005, at 1:30 p.m.

### **JOURNAL CORRECTION**

Page 876, Line 1, by inserting after “Garrison” the words “ and Bass” as it pertains to **SB 846**.