# SENATE JOURNAL

## SECOND REGULAR SESSION

## Thirty-third Legislature of Oklahoma

# 1972

# JOURNAL

**of the**

# SENATE

## SECOND REGULAR SESSION

## OF THE

## THIRTY-THIRD LEGISLATURE

## 1972

**Convened January 4, 1972**

**Adjourned March 31, 1972**

# OFFICERS OF THE SENATE

2d Regular Session

33d LEGISLATURE

1972

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GEORGE NIGH, Oklahoma City.....PRESIDENT

FINIS W. SMITH, Tulsa.....PRESIDENT PRO TEMPORE

AL TERRILL, Lawton.....MAJORITY FLOOR LEADER

JIMMY BIRDSONG, Oklahoma City.....ASSISTANT MAJORITY FLOOR LEADER

PHIL SMALLEY, Norman.....MAJORITY WHIP

DENZIL D. GARRISON, Bartlesville.....MINORITY FLOOR LEADER

DONALD F. FERRELL, Chandler.....ASSISTANT MINORITY FLOOR LEADER

JOHN R. McCUNE, Oklahoma City.....MINORITY WHIP

LEE SLATER, Oklahoma City.....SECRETARY

PEGGY McBRIDE, Mustang.....CHIEF CLERK

LINDA SHARRON HALL, Oklahoma City.....JOURNAL CLERK

BOBBIE STEENBERGEN, Bethany.....CALENDAR CLERK

RUTH SMITH, Oklahoma City.....CHIEF ENGR. AND ENR. CLERK

FRANK TRUEL, Oklahoma City.....SERGEANT-AT-ARMS

REVEREND JOE DICKENS, Tulsa (1st Week).....CHAPLAIN

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SENATE STANDING COMMITTEES

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# MEMBERSHIP OF SENATE

(Terms Expire 1972)

| DISTRICT | NAME | POLITICAL | ADDRESS | COUNTIES COMPRISING DISTRICT |
|---|---|---|---|---|
| 1 | William Fred Phillips | D | Miami | Ottawa, Nowata, Craig |
| 3 | Robert P. Medearis | D | Tahlequah | Cherokee, Wagoner, Adair |
| 5 | Jimmie Lane | D | Idabel | McCurtain, Pushmataha, Choctaw |
| 7 | Gene Stipe | D | McAlester | Pittsburg, Latimer, Haskell |
| 9 | John D. Luton | D | Muskogee | Muskogee |
| 11 | Allen G. Nichols | D | Wewoka | Seminole, Hughes |
| 13 | George A. Miller | D | Ada | Pontotoc, Murray, Coal |
| 15 | Glen Ham | D | Pauls Valley | Garvin, McClain |
| 17 | Ralph W. Graves | D | Shawnee | Pottawatomie |
| 19 | Norman Lamb | R | Enid | Garfield |
| 21 | Robert M. Murphy | D | Stillwater | Payne |
| 23 | Don Baldwin | D | Anadarko | Caddo, Grady |
| 25 | Herschal Crow | D | Altus | Jackson, Tillman, Cotton |
| 27 | Ed Berrong | D | Weatherford | Dewey, Custer, Roger Mills, Beckham |
| 29 | Denzil D. Garrison | R | Bartlesville | Washington |
| 31 | Jim Taliaferro | D | Lawton | Comanche |
| 33 | Ed W. Bradley | D | Tulsa | Tulsa |
| 35 | James M. Inhofe | R | Tulsa | Tulsa |
| 37 | Finis W. Smith | D | Tulsa | Tulsa |
| 39 | Joseph R. McGraw, Jr. | R | Tulsa | Tulsa |
| 41 | Bryce Baggett | D | Oklahoma City | Oklahoma |
| 43 | John L. Garrett | D | Del City | Oklahoma |
| 45 | Jimmy Birdsong | D | Oklahoma City | Oklahoma |
| 47 | John R. McCune | R | Oklahoma City | Oklahoma |

# MEMBERSHIP OF SENATE

(Terms expire 1974)

| DISTRICT | NAME | POLITICAL AFFILIATION | ADDRESS | COUNTIES COMPRISING DISTRICT |
|---|---|---|---|---|
| 2 | Clem McSpadden | D | Claremore | Rogers, Mayes, Delaware |
| 4 | James E. Hamilton | D | Poteau | Sequoyah, LeFlore |
| 6 | Bob A. Trent | D | Caney | Atoka, Johnston, Marshall, Bryan |
| 8 | Tom Payne | D | Okmulgee | McIntosh, Okmulgee |
| 10 | John L. Dahl | D | Barnsdall | Osage, Pawnee |
| 12 | John W. Young | D | Sapulpa | Creek, Okfuskee |
| 14 | Ernest D. Martin | D | Ardmore | Carter, Love |
| 16 | Phil Smalley | D | Norman | Cleveland |
| 18 | Donald F. Ferrell | R | Chandler | Logan, Lincoln, Noble |
| 20 | Roy E. Grantham | D | Ponca City | Kay |
| 22 | Roy C. Boecher | D | Kingfisher | Blaine, Kingfisher, Canadian |
| 24 | Wayne M. Holden | D | Duncan | Stephens, Jefferson |
| 26 | Gilmer N. Capps | D | Snyder | Washita, Kiowa, Greer, Harmon |
| 28 | G. O. Williams | R | Woodward | Ellis, Woodward, Major, Alfalfa, Grant |
| 30 | Leon Field | D | Texhoma | Cimarron, Texas, Beaver, Harper, Woods |
| 32 | Al Terrill | D | Lawton | Comanche |
| 34 | George Hargrave, Jr. | D | Tulsa | Tulsa |
| 36 | Gene C. Howard | D | Tulsa | Tulsa |
| 38 | Peyton A. Breckinridge | R | Tulsa | Tulsa |
| 40 | Richard D. Stansberry | R | Oklahoma City | Oklahoma |
| 42 | James F. Howell | D | Midwest City | Oklahoma |
| 44 | J. Lee Keels | D | Oklahoma City | Oklahoma |
| 46 | Cleeta John Rogers | D | Oklahoma City | Oklahoma |
| 48 | E. Melvin Porter | D | Oklahoma City | Oklahoma |

# CALENDAR MONTHS OF THE SECOND REGULAR SESSION

# 33d LEGISLATURE—1972

Convened January 4, 1972—Adjourned March 31, 1972

(Legislative Days shown in BOLD FACE type)

| 1972 | | JANUARY | | | | 1972 |
|---|---|---|---|---|---|---|
| **Sun** | **Mon** | **Tue** | **Wed** | **Thu** | **Fri** | **Sat** |
| | | | | | | 1 |
| 2 | 3 | **4** | **5** | **6** | 7 | 8 |
| 9 | **10** | **11** | **12** | **13** | 14 | 15 |
| 16 | **17** | **18** | **19** | **20** | 21 | 22 |
| 23 | **24** | **25** | **26** | **27** | 28 | 29 |
| 30 | **31** | | | | | |

| 1972 | | FEBRUARY | | | | 1972 |
|---|---|---|---|---|---|---|
| **Sun** | **Mon** | **Tue** | **Wed** | **Thu** | **Fri** | **Sat** |
| | | **1** | **2** | **3** | 4 | 5 |
| 6 | **7** | **8** | **9** | **10** | 11 | 12 |
| 13 | **14** | **15** | **16** | **17** | 18 | 19 |
| 20 | **21** | **22** | **23** | **24** | 25 | 26 |
| 27 | **28** | **29** | | | | |

| 1972 | | MARCH | | | | 1972 |
|---|---|---|---|---|---|---|
| **Sun** | **Mon** | **Tue** | **Wed** | **Thu** | **Fri** | **Sat** |
| | | | **1** | **2** | 3 | 4 |
| 5 | **6** | **7** | **8** | **9** | 10 | 11 |
| 12 | **13** | **14** | **15** | **16** | 17 | 18 |
| 19 | **20** | **21** | **22** | **23** | 24 | 25 |
| 26 | **27** | **28** | **29** | **30** | **31** | |

(Oklahoma Supreme Court Opinion, No. 22,184, filed March 26, 1931, held "LEGISLATIVE DAY" — a day on which Legislature convened and actually engaged in business.)

# *In Memoriam*

OKLAHOMA STATE SENATE

★

| | | |
|---|---|---|
| LOONEY, JOSEPH C. | District 23 | 9th and 10th Legislative Sessions |
| McCOMAS, ARTHUR G. | District 2 | 29th Legislative Session |

MEN WORTHY OF HONORS BESTOWED

## DEMOCRATIC CAUCUS

(Majority)

Chairman: Gene Stipe, McAlester

Secretary: Wayne M. Holden, Duncan

## REPUBLICAN CAUCUS

(Minority)

Chairman: James M. Inhofe, Tulsa

Secretary: Peyton A. Breckinridge, Tulsa

# INTERIM COMMITTEE APPOINTMENTS
# by
# President Pro Tempore Finis W. Smith

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EXECUTIVE COMMITTEE—Legislative Council (74 §456 O.S. 1961, as amended):

Birdsong, Jimmy, Oklahoma City
Crow, Herschal, Altus
Field, Leon B., Texhoma
Garrison, Denzil D., Bartlesville
Grantham, Roy E., Ponca City
Graves, Ralph W., Shawnee
Hamilton, James E., Poteau
Hargrave, George, Jr., Tulsa
Holden, Wayne M., Duncan
Martin, Ernest D., Ardmore
Murphy, Robert M., Stillwater
Payne, Tom, Okmulgee
Rogers, Cleeta John, Oklahoma City
Smalley, Phil, Norman
Terrill, Al, Lawton

UNDER SJR 45—Creating the Commission on Ad Valorem Tax Structure and Public School Finance; Appointed April 5, 1972.

Howard, Gene, Tulsa
Baggett, Bryce, Oklahoma City
Miller, George, Ada
Smalley, Phil, Norman
Crow, Herschal, Altus

UNDER SCR 114—To review the expenditures of the 1968 Hero Bond Issue and to study additional capital needs of the state of Oklahoma; Appointed April 6, 1972.

Hamilton, James E., Poteau
Baggett, Bryce, Oklahoma City
Smalley, Phil, Norman
Berrong, Ed, Weatherford
Smith, Finis W., Tulsa

# Oklahoma Commission on Ad Valorem Tax Structure and Public School Finance

(SJR 45—1972 Session)

| SENATE | HOUSE |
|---|---|
| Howard, Gene C. | Abbott, Lonnie L. |
| Baggett, Bryce | Bengtson, L. H., Jr. |
| Crow, Herschal | Harrison, Jack M. |
| Miller, George A. | Kardokus, James M. |
| Smalley, Phil | Townsend, James B. |

## GUBERNATORIAL APPOINTEES

Nance, Jim—Chairman
Publisher of Purcell Register
Purcell, Oklahoma

Troy, Frosty
Publisher
Oklahoma City, Oklahoma

Charles Murphy
Official of Teamsters Union
Idabel, Oklahoma

Williams, Robert
Oilman and Attorney
Bartlesville, Oklahoma

Baldwin, Norvell
School Superintendent
Broken Arrow

Drummond, Fred F.
Cattleman
Pawhuska, Oklahoma

Langston, Czar
Rural Electric Cooperatives
Oklahoma City, Oklahoma

Allen, Robert Dee
Southwestern Bell Telephone Co
Oklahoma City, Oklahoma

Fisher, Mrs. Harold
League of Women Voters
Tulsa, Oklahoma

Hale, Mrs. William H.
Certified Public Accountant
Langston, Oklahoma

# Senate Journal

**of the First Regular Session of the Thirty-third Legislature**

**of the State of Oklahoma**

**First Legislative Day, Tuesday, January 4, 1972**

Pursuant to Article 5, Section 26, of the Constitution of the State of Oklahoma, as amended by State Question 435, Legislative Referendum 156 (referred by **SJR 7-1965**, and adopted by the people on May 24, 1966), the Senate of the Second Regular Session of the Thirty-third Legislature assembled in its Chamber at 12:00 noon.

The President, Lieutenant Governor George Nigh, called the Senate to order.

Upon roll call, the following members were present:

Baggett, Baldwin, Berrong, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Keels, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Phillips, Porter, Rogers, Smalley, Smith, Stansberry, Stipe, Taliaferro, Terrill, Trent, Williams, Young.—46.

Excused—Bradley, Ham.—2.

The President declared a quorum present.

The following prayer was offered by the Senate Chaplain, Reverend Joe Dickens, Pastor, John Calvin Presbyterian Church, Tulsa, and incorporated upon request of President Pro Tempore Smith:

God our Father, we ask your presence here, though we are painfully aware that we are not worthy of your presence. But in the assurance of your love for us, we seek your blessing.

At this solemn moment of a new beginning, a new day, a new year, a new session, we acknowledge our need of your guidance. We thank you for a new chance to fulfill our high calling.

To you, the source of our strength, we come to ask special blessing on these men who make up the Oklahoma State Senate, and all others who serve here. O God, these are not ordinary men, nor are their needs ordinary. With more than o r d i n a r y strengths, they also face more than ordinary problems and temptations, and have more than ordinary weaknesses.

We pray not they would be delivered from the extreme pressures of this office, but that they might have sufficient strength. In the midst of conflicting loyalties, to family, friends, constituents, party or their own convictions, grant them keen insight to see the right course of action, and the courage to follow it. When their commitments or convictions cause them to stand in isolation from friends whose opinions that they respect and whose approbation they desire, give them the strength to stand the pain.

Grant these members the knowledge that you have called them to this noble calling thru the vote of the people, and help them so to think and act and serve that at the end of this session they may hear not only the voice of the people but your voice saying, "Well done, thou good and faithful servant."

We pray in the name of him who became greatest of all by being servant of all, Jesus our Lord, Amen.

## SENATE OFFICERS — SENATE ORGANIZATION

The President announced that pursuant to Rule 21-f, adopted by the Senate in the First Regular Session of the 33d Legisla-

ture, the Organization and selection of Officers for that Session become the Organization and selection of Officers of the Senate for the Second Regular Session of the 33d Legislature and that the Journal so reflect the Officers and Standing Committees, same being as follows:

**OFFICERS OF THE SENATE**

George Nigh, Oklahoma City, President.

Finis W. Smith, Tulsa, President Pro Tempore.

Al Terrill, Lawton, Majority Floor Leader.

Jimmy Birdsong, Oklahoma City, Assistant Majority Floor Leader.

Phil Smalley, Norman, Majority Whip.

Denzil D. Garrison, Bartlesville, Minority Floor Leader.

Donald F. Ferrell, Chandler, Assistant Minority Floor Leader.

John R. McCune, Oklahoma City, Minority Whip.

Lee Slater, Oklahoma City, Secretary.

Peggy McBride, Mustang, Chief Clerk.

Linda Hall, Oklahoma City, Journal Clerk.

Rachel Beasley, Oklahoma City, Assistant Journal Clerk.

Bobbie Steenbergen, Bethany, Calendar Clerk.

Ruth Smith, Oklahoma City, Chief Engrossing and Enrolling Clerk.

Frank Truel, Oklahoma City, Sergeant-at-Arms.

Reverend Joe Dickens, Tulsa, Chaplain.

**COMMITTEE APPOINTMENTS**

President Pro Tempore Smith announced the following Committee appointments:

Senators Nichols and Hargrave appointed to the Judiciary Committee.

Senator Terrill appointed to the Committee on Insurance.

Senator Nichols withdrawn from the Committee on Public and Mental Health.

Senator Hargrave withdrawn from Committee on Professions and Occupations.

**STANDING COMMITTEES**

AGRICULTURE: (9)

Crow, Chairman.

Williams, Vice-Chairman.

| | |
|---|---|
| Boecher | Field |
| Capps | Lane |
| Dahl | Miller |
| Ferrell | |

APPROPRIATIONS and BUDGET: (21)

McSpadden, Chairman.

Hamilton, Vice-Chairman.

| | |
|---|---|
| Baldwin | McCune |
| Berrong | Medearis |
| Capps | Murphy |
| Crow | Nichols |
| Ferrell | Phillips |
| Garrison | Rogers |
| Grantham | Stipe |
| Hargrave | Taliaferro |
| Inhofe | Trent |
| Lane | |

BANKS and BANKING: (7)

Graves, Chairman.

Terrill, Vice-Chairman.

| | |
|---|---|
| Bradley | Medearis |
| Capps | Rogers |
| Inhofe | |

COMMERCE: (6)

Rogers, Chairman.

Bradley, Vice-Chairman.

| | |
|---|---|
| McGraw | Payne |
| Murphy | Taliaferro |

Sub-Committee:

Public Service

Corporations: Bradley

CONSTITUTIONAL REVISION AND RE-DISTRICTING: (12)

Baggett, Chairman.

Phillips, Vice-Chairman.

| | |
|---|---|
| Boecher | Holden |

Garrison — Howard
Grantham — Keels
Graves — Williams
Hamilton — Young

EDUCATION — COMMON: (15)
Miller, Chairman.
Howell, Vice-Chairman.
Baggett — Howard
Breckinridge — Lamb
Capps — Luton
Crow — Martin
Field — Terrill
Grantham — Trent
Hamilton

EDUCATION — HIGHER: (13)
Luton, Chairman.
Trent, Vice-Chairman.
Baggett — Miller
Keels — Murphy
McCune — Porter
McGraw — Smalley
Medearis — Stansberry
Terrill

ENVIRONMENTAL QUALITY: (8)
Howard, Chairman.
Boecher, Vice-Chairman.
Crow — Lane
Graves — Martin
Hamilton — Nichols

GOVERNMENTAL REFORM: (7)
Hargrave, Chairman.
Hamilton, Vice-Chairman.
Breckinridge — Stansberry
Crow — Taliaferro
Medearis

INDUSTRIAL and LABOR RELATIONS: (7)
Payne, Chairman.
Birdsong, Vice-Chairman.
Luton — Phillips
McGraw — Stipe
Young

INSURANCE: (7)
Berrong, Chairman.
Inhofe, Vice-Chairman.
Birdsong — Rogers
Field — Terrill
Young

JUDICIARY: (14)
Grantham, Chairman.
Garrett, Vice-Chairman.
Garrison — Luton
Ham — Nichols
Hargrave — Porter
Howard — Smalley
Howell — Stipe
Lamb — Young

MUNICIPAL GOVERNMENT: (7)
Ham, Chairman.
Smalley, Vice-Chairman.
Birdsong — Inhofe
Howard — Luton
Howell

OIL AND GAS: (7)
Nichols, Chairman.
Garrison, Vice-Chairman.
Bradley — Holden
Dahl — Phillips
Ferrell

PARKS, FORESTRY and INDUSTRIAL DEVELOPMENT: (6)
Lane, Chairman.
Dahl, Vice-Chairman.
Boecher — Martin
Keels — Williams

PROFESSIONS AND OCCUPATIONS: (7)
Holden, Chairman.
Breckinridge, Vice-Chairman.
Baggett — Martin
McSpadden — Stansberry
Williams

PUBLIC SAFETY and PENAL AFFAIRS: (8)
Stipe, Chairman.
McCune, Vice-Chairman.
Birdsong — Howell
Garrett — Lamb
Hargrave — Porter

PUBLIC and MENTAL HEALTH: (12)

Martin, Chairman.
Stansberry, Vice-Chairman.

Berrong
Garrett
Graves
Lamb
McCune
Miller
Payne
Porter
Smalley
Williams

REVENUE AND TAXATION: (10)

Taliaferro, Chairman.
Ferrell, Vice-Chairman.

Baggett
Baldwin
Berrong
Bradley
Garrett
Smalley
Stipe
Terrill

ROADS AND HIGHWAYS: (17)

Murphy, Chairman.
Medearis, Vice-Chairman.

Bradley
Dahl
Ferrell
Garrison
Grantham
Ham
Holden
Keels
Lamb
McGraw
McSpadden
Nichols
Phillips
Trent
Young

SOCIAL WELFARE: (9)

Porter, Chairman.
Nichols, Vice-Chairman.

Birdsong
Graves
Ham
Miller
Payne
Stansberry
Trent

SOIL and WATER RESOURCES: (6)

Field, Chairman.
Capps, Vice-Chairman.

Breckinridge
Holden
Lane
Murphy

STATE and FEDERAL GOVERNMENT: (8)

Keels, Chairman.
McGraw, Vice-Chairman.

Berrong
Breckinridge
Garrett
Ham
McCune
Stipe

WILDLIFE: (9)

Boecher, Chairman.
Hargrave, Vice-Chairman.

Dahl
Field
Howell
Inhofe
McSpadden
Payne
Rogers

COMMITTEE on RULES: (17)

Baldwin, Chairman.
Young, Vice-Chairman.

Baggett
Birdsong
Boecher
Bradley
Garrison
Holden
Luton
McSpadden
Miller
Murphy
Nichols
Phillips
Smalley
Terrill
Williams

ADMINISTRATIVE:

ENGROSSED AND ENROLLED BILLS: (3)

McCune, Chairman.
Hargrave, Vice-Chairman.

Rogers

LOBBY PERMITS: (3)

Bradley, Chairman.
Berrong, Vice-Chairman.

Grantham

SENATE ADMINISTRATION: (5)

Smalley, Chairman.
Smith, Vice-Chairman.

Birdsong
Garrison
Terrill

EMPLOYMENT and PRINTING: (3)

Young, Chairman.
Smith, Vice-Chairman.

Baldwin

President Nigh, citing Rule 29, which provides the Rules of the First Regular Session of the 33d Legislature to be in full force and effect during the Second Regular Session of the 33d Legislature, advised that the Senate of the Second Regular Session is properly organized.

## CARRY OVER BILLS — PROCEDURE

Senate Rule 16-a, adopted by the First Regular Session of the 33d Legislature, provided for the safekeeping of all measures pending before the Committees following adjournment of the First Regular Session and the convening of the Second Regular Session of the 33d Legislature.

President Pro Tempore Smith moved that the bills and resolutions pending before the several Standing Committees at adjournment of the First Regular Session of the 33d Legislature be ordered filed with the Calender Clerk, to be returned to the respective Committees for consideration of the Senate, and that a complete list thereof be reflected in the Journal, which motion was declared adopted.

Pursuant to the above motion, the following compilation of bills and resolutions pending before the respective Senate Committees is incorporated herein:

AGRICULTURE

SBs
171 by Young
324 by Dahl

APPROPRIATIONS AND BUDGET

SBs
10 by Baggett
46 by Baggett
114 by Baggett
117 by Smith
265 by Young
321 by Baggett
353 by Ferrell

HBs
1281 by Spearman
1334 by Willis
1452 by Townsend
1474 by Boettcher

SJRs
27 by Smith
32 by Ferrell

BANKS AND BANKING

SBs
29 by Baldwin
303 by Graves

COMMERCE

SBs
97 by Berrong
98 by Murphy
160 by Field
218 by Rogers

HBs
1482 by Sanders
225 by Berrong
256 by Hargrave
287 by Hargrave
314 by Breckinridge
316 by Birdsong
337 by Murphy
352 by Rogers
360 by Howell
362 by Birdsong

CONSTITUTIONAL REVISION AND REDISTRICTING

SBs
24 by Baggett
135 by Stipe
359 by Stansberry

HCRs
1015 by Boren
1025 by Spearman

SJRs
5 by McCune
6 by Baggett
11 by Crow
19 by Nichols
21 by Garrison
30 by Baggett
34 by Smith

HJRs
1021 by Huddleston

EDUCATION, COMMON

SBs
47 by Baggett
236 by Howell
264 by Terrill

HBs
1070 by Bengtson
1300 by Sparkman
1320 by Clemons
1345 by Atkins
1389 by Clemons

EDUCATION, HIGHER

SBs
202 by Hamilton

SCRs
37 by Luton
50 by Smith

HBs
1002 by Witt
1341 by Spearman
1442 by Briscoe

HCRs
1031 by Andrews
1054 by McKee

ENVIRONMENTAL QUALITY

HBs
1062 by Bengtson

GOVERNMENTAL REFORM

SBs
20 by McGraw
42 by Baggett
182 by McSpadden
183 by McSpadden
231 by Dahl
232 by Hargrave
233 by McGraw

HBs
1192 by Harrison
1254 by Monks
1403 by Kilpatrick
1459 by Cox
1470 by Cartwright

238 by McGraw
312 by Rogers
326 by Hargrave

INDUSTRIAL AND LABOR RELATIONS

| SBs | HBs |
|---|---|
| 208 by Stipe | 1424 by Briscoe |
| 213 by Stipe | |
| 224 by Breckinridge | |
| 262 by Stipe | |

INSURANCE

| SBs | HBs |
|---|---|
| 94 by Garrett | 1037 by Finch |
| 106 by Berrong | |
| 136 by Berrong | |
| 158 by Birdsong | |
| 200 by Luton | |
| 336 by Birdsong | |

JUDICIARY

| SBs | HBs |
|---|---|
| 26 by Grantham | 1022 by Kennedy |
| 35 by Birdsong | 1045 by McCune |
| 36 by Birdsong | 1047 by McCune |
| 38 by Garrett | 1053 by McCune |
| 127 by Hargrave | 1079 by Wayland |
| 168 by Stipe | 1106 by McCune |
| 188 by Hargrave | 1250 by Hancock |
| 195 by Porter | 1284 by Riggs |
| 205 by Birdsong | 1286 by Spearman |
| 206 by Murphy | 1293 by McCune |
| 216 by Garrett | 1475 by Riggs |
| 220 by Grantham | |
| 234 by McGraw | |
| 252 by Howell | |
| 361 by Payne | |
| 364 by Murphy | |

| SJRs | SCRs |
|---|---|
| 3 by Grantham | 46 by Grantham |

MUNICIPAL GOVERNMENT

| SBs | SJRs |
|---|---|
| 108 by Howard | 18 by Howard |
| 181 by Murphy | |
| 237 by Howell | |
| 246 by Smalley | |
| 254 by Howard | |
| 267 by Howard | |
| 278 by Grantham | |
| 357 by Graves | |

OIL AND GAS

| SBs | HCRs |
|---|---|
| 52 by McSpadden | 1023 by Tarwater |

363 by Holden

PARKS, FORESTRY AND INDUSTRIAL DEVELOPMENT

SBs
1 by Bradley
30 by McGraw

PROFESSIONS AND OCCUPATIONS

| SBs | HBs |
|---|---|
| 112 by Breckinridge | 1288 by Mountford |
| 204 by Grantham | |
| 258 by Stipe | |
| 296 by Murphy | |
| 334 by Howard | |

PUBLIC AND MENTAL HEALTH

| SBs | HBs |
|---|---|
| 161 by McSpadden | 1094 by Sparkman |
| 347 by Martin | |

HCRs
1033 by Hill (Ben)

PUBLIC SAFETY AND PENAL AFFAIRS

HCRs
1012 by Miskelly

REVENUE AND TAXATION

| SBs | HBs |
|---|---|
| 49 by Baggett | 1093 by Briscoe |
| 99 by Smalley | 1098 by Sandlin |
| 124 by Smalley | 1416 by Wayland |
| 138 by Hargrave | 1443 by Cox |
| 249 by Murphy | 1472 by Briscoe |
| 274 by Baggett | 1497 by Poulos |
| 276 by Baggett | |
| 277 by Baggett | |
| 289 by Stipe | |
| 291 by Dahl | |
| 308 by Grantham | |
| 329 by Howell | |
| 342 by Howell | |
| 348 by Smith | |
| 350 by Young | |

HJRs
1005 by Briscoe

ROADS AND HIGHWAYS

HBs
1010 by McCune

RULES

| SBs | HBs |
|---|---|
| 21 by Crow | 1097 by Boren |
| 147 by Howard | 1355 by Bernard |
| 151 by Smith | 1398 by Conaghan |

302 by Baggett

SOCIAL WELFARE

| SBs | HBs |
|---|---|
| 113 by Murphy | 1480 by Skeith |
| 130 by Ferrell | |
| 197 by Porter | |

SOIL AND WATER RESOURCES

SBs

331 by Phillips
333 by Garrison

STATE AND FEDERAL GOVERNMENT

| SBs | HBs |
|---|---|
| 2 by Bradley | 1262 by Atkins |
| 172 by Crow | |
| 179 by Smalley | |
| 240 by Keels | |
| 272 by Young | |
| 309 by Garrison | |
| 322 by Dahl | |

SJRs

29 by Dahl

WILDLIFE

HBs

1379 by Abbott
1406 by Converse
1420 by Abbott

Senator Terrill moved that a Committee be appointed to notify the Governor of the State of Oklahoma that the Senate is organized and ready to transact business, which motion was declared adopted. The President appointed Senators Birdsong, Smalley and Martin as such Committee.

Senator Terrill moved that a Committee be appointed to notify the Honorable House the Senate is organized and ready to transact business, and to confer and arrange for a time for a Joint Session, which motion was declared adopted. The President appointed Senators Hamilton, Lamb and Howell as such Committee.

Senator Terrill stated that Lobby Permits issued during the First Regular Session of the 33d Legislature were subject to revocation during the Second Regular Session of said Legislature and asked unanimous consent that the same Special Committee be appointed to consider any further requests for Lobby Permits, with authority to renew any existing Lobby Permits without further action by the Senate.

No objection being voiced, the President reappointed Senators Bradley, Grantham and Berrong as members of such committee.

Senator Terrill moved that the Mileage allowances for members of the Senate authorized in the First Session of the 33d Legislature be the mileage allowance for the Second Session of the 33d Legislature, which motion was declared adopted.

Senator Birdsong, on behalf of the Committee appointed to notify the Governor the Senate is organized and ready to transact business, reported the duty performed, following which the Committee was ordered discharged.

Senator Hamilton, on behalf of the Committee appointed to confer with a like Committee from the Honorable House in arranging for a Joint Session of the Second Session of the 33d Legislature, reported the duty performed, and the hour of 1:00 P.M. this day, had been agreed upon for the Joint Session. The Committee was ordered discharged.

Representatives Trent, Hopkins and Kamas, the Committee from the Honorable House, was received, which advised that the House is organized and ready to meet with the Senate in Joint Session at 1:00 P.M.

Senator Terrill moved that the Senate stand recessed until 12:50 P.M., which motion prevailed.

The Senate was called to order by its President.

The hour of 1:00 P.M. having arrived and that being the hour agreed upon by a Joint Committee for the convening of the Second Regular Session of the 33d Legislature in Joint Session, it was upon motion of Senator Terrill that the Senate, preceded by its Officers, went in a Body to the House Chamber for the purpose of the Joint Session.

JOINT SESSION

The Senate and the Honorable House in the first Joint Session of the Second Regular Session of the 33rd Legislature was called to order by Lieutenant Governor George Nigh, President of the Senate.

Upon motion of Senator Terrill, the attendance roll call of the Senate was considered the roll call of the Senate in Joint Session, which was as follows:

Baggett, Baldwin, Berrong, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Keels, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Phillips, Porter, Rogers, Smalley, Smith, Stansberry, Stipe, Taliaferro, Terrill, Trent, Williams, Young.—46.

Excused—Bradley, Ham.—2.

The President declared a quorum of the members of the Senate present.

Upon motion of Representative Wolf, the attendance roll call of the Honorable House was considered the roll call of the House in Joint Session, which was as follows:

Abbott, Anderson, Andrews, Atkins, Avey, Bamberger, Bengtson, Bernard, Beznoska, Boatner, Boettcher, Boren, Bradley, Briscoe, Camp, Carlton, Cartwright, Cate, Clemons, Coffin, Cole, Conaghan, Converse, Cotner, Cox, Davis, Doornbos, Draper, Duke, Dunn, Elder, Ferguson, Ferrell, Finch, Fine, Ford, Frates, Gooden, Green, Greenhaw, Hancock, Hargrave, Harper, Harrison, Hatchett, Hill, Holaday, Hopkins, Huddleston, Johnson, Kamas, Kardokas, Kennedy, Kilpatrick, Lindstrom. McCune, McIntyre, McKee, Miskelly, Monks, Mountford, Murphy, Musgrave, Nance, Odom, Payne, Pierce, Poulos, Randle, Riggs, Robinson, Rogers, Sanders, Sandlin, Sanguin, Skeith, Sparkman, Spearman, Stratton, Sullivan, Taggart, Tarwater, Thornhill, Townsend, Trent, Wayland, Whorton, Wickersham, Wiedemann, Williams, Williamson, Willis, Witt, Wixson, Wolf (Leland), Wolfe (Stephen), Wynn, York, Mr. Speaker.—99.

The Speaker declared a quorum of the members of the Honorable House present.

The President declared quorums of the Senate and the Honorable House present and the Joint Session properly assembled.

Invocation was given by the Reverend Monty Fey, Pastor of the First Presbyterian Church, Edmond, Oklahoma, House Chaplain.

Senator Terrill moved that the President and the Speaker appoint Committees from the Senate and the Honorable House, respectively, as a Joint Committee to notify the Governor the Second Regular Session of the 33d Legislature is now in Joint Session and ready to receive him and hear his Message, which motion was declared adopted, the Committees being:

FOR THE SENATE: Murphy: Luton, Baggett, Stipe and Garrison.

FOR THE HOUSE: Mountford, Hargrave, Payne, Sandlin and Rogers.

Sergeant-at-Arms Truel was recognized and announced the arrival of the Chief Executive, the Honorable David Hall, accompanied by the Joint Committee, who escorted him to the Speaker's desk.

The President presented Governor David Hall, who gave the following State of the State Message:

MESSAGE OF GOVERNOR DAVID HALL
TO THE SECOND SESSION
OF THE 33d SESSION
OF THE OKLAHOMA LEGISLATURE

January 4, 1972

Lieutenant Governor Nigh, President Pro-tempore Smith, Speaker Privett, Members of the Senate and the House of Representatives, my fellow Oklahomans:

Oklahoma is on the move! The people of Oklahoma voted for a change. . .and campaign promises have become government actions.

Hard work has shown its value. . .for dreams have become realities.

The courage of faith is evident today. . .

for dim hopes of yesterday now shine as tomorrow's challenges.

This 33d Legislature and 20th Administration of Oklahoma have together formed a legacy of cooperation and leadership, yet we each have maintained our Constitutional independence.

Our state government—with determination and democratic deliberation— has set Oklahoma on a new course of progress, reformation and justice.

We view Oklahoma's new spirit with pride, yet we are humbled by causes within our borders.

**Rural and Urban Development.** There is extant in Oklahoma, a crisis in the development of our rural and urban areas.

The problems of our cities are compounded with new residents, while our small towns and farms need more people.

The key to rural and urban development is freedom. People must find adequate and equal opportunity in all corners of Oklahoma.

Oklahomans must be free to live wherever they choose with ample economic resources, available capital, jobs, housing, education, health care, transportation, police protection and cultural advantages. Our State has a responsibility to meet national growth demands but with purpose and proper balance guided by local determination.

Rural and urban development challenges people of all areas: labor, business and government—the Administration and the Legislature.

Good men of this Legislature share my goals for rural and urban development:

—for equal educational opportunities and good schools

—for safe, efficient transportation

—for high-paying jobs and economic development

—for accessible and excellent health care

—for economic and social equity

—for a lawful, just and safe society.

These goals must be realities whether our people choose to live in our great cities or in our bountiful rural areas.

## EQUAL EDUCATIONAL OPPORTUNITIES AND GOOD SCHOOLS

**Accomplishments and Goals in Education.** Education is vital in rural and urban development. Education justly remains the top priority of this Administration. Of new money provided by this Legislature, 75 percent is being spent on education. Because of your courage in providing the new revenues, we share your pride in 1971 educational accomplishments:

—More than 331 new special education classes were added for Oklahoma children with learning handicaps or exceptional abilities. Oklahoma now has 1201 such classes. Our new budget recommends funds for 120 additional special education teachers and an expanded system for testing procedures.

—Oklahoma schools added 529 teachers, specifically to reduce sizes of elementary classes. The pupil-teacher ratio now is 32 to 1. We strive towards a 25 to 1 standard.

—Kindergarten this year reached 93 percent of Oklahoma's five-year olds. The schedule has been set for total statewide kindergarten. This is historic and unprecedented.

—Increased state support of transportation, free textbooks, guidance counseling, vocational education, support per child, salaries and a better school lunch program are achievements by this Legislature.

Your stewardship allowed the state to increase its support by more than $90 per student in our colleges and universities. You provided funds for increased enrollment and effectively forestalled new rounds of tuition increases for Oklahoma students.

The budget for fiscal year 1972-73 properly pledges 75 percent of all growth revenue to additional improvements in educa-

tion. This is a continuing commitment to a prudent investment into our finest resource—Oklahoma children, youth and students.

Education is the most effective way to break the welfare cycle. It raises incomes. It ends ignorance. Education spawns tolerance and increases understanding.

We recommit ourselves to the preservation of community schools. Our schools must be enriched with innovative teaching techniques such as mobile laboratories and great use of visual and audio teaching aids.

We must increase state support and strengthen local tax bases with new industry and returning patrons. Of new industry coming into Oklahoma this past year, more than 67 percent located in rural areas. This has helped revitalize some rural and small town schools.

**Joint Committee to Study Ad Valorem Tax.** Knowledgeable observers predict that Oklahoma's schools system soon may face court decisions and orders which could shake the ad valorem tax basis of common school financing.

Prior to court compelled action, the two houses of this Legislature, together with this Administration, should form a special committee to study this challenge and chart a course of responsible reform to overcome any inequities relating to the equal protection clause of the 14th Amendment of the Constitution of the United States. This should be done early in the session to outline affirmative steps that can be taken in the near future.

Fortunately, earlier legislatures established a higher education system with campuses located throughout both the rural and metropolitan areas of Oklahoma. This provides many cities and rural communities with both industrial support and educational opportunity. Quality education must be available in Oklahoma regardless of where one lives.

**Limit University Enrollment.** Enrollment at our public universities must be limited to 22,000 students. This will add to the responsibility of other campuses, strengthen smaller colleges and diversify higher educational facilities.

**Student Loan Act.** To insure every child in Oklahoma with the opportunity for post-high school education, I propose a Student Loan Act including a commission to coordinate and foster low-interest loans for post-high school students. This would be at no cost to the State.

Increased financial support for schools is an important benefit of industrial expansion. Present law effectively exempts many new industries from paying ad valorem taxes for 30 years and more. I urge you to reduce the exemption to ten years, a period competitive with surrounding states, and adequate time for the new industries to absorb costs of relocation.

## SAFE, EFFICIENT TRANSPORTATION

Another key to balanced rural and urban development is transportation. Great needs exist for rails, airports and waterways. Most urgently pressing are improved highways and roads.

**Free-Way 77.** For the past few weeks I have been weighing carefully a $250 million highway building bond program. As yet this is not a part of this administration's legislative program. I am presenting to you a summary of the information and urge you to independently investigate this issue —the needs and the financing. If through this legislature—our representative democracy—I become satisfied of adequate support by the people, I am ready to lead this fight for good roads, honest administration and safety on our highways.

It would be called "Free-Way 77."

First, absolutely no new taxes would be necessary to retire bonds of "Free-Way 77." This bond issue could offer an impetus, for the first time in history, to forecast sufficiency for Oklahoma's 12,500-mile statewide system. "Free-Way 77" could include road building in all 77 counties and our 231 county commissioners' districts. It could re-

flect five years of $50 million additional annual highway building—raising Oklahoma to a $120 million annual road construction capacity through 1977. With this enriched funding, the 4,399 miles of sub-standard roads I identified in my inaugural address could be elevated to a level of adequacy.

**Long-Range Plan.** "Free-Way 77" could provide, for the first time in history, a long-range construction program for the farm-to-market road sysetm. To properly begin a planned development of this 15,350-mile county highway system, $5 million of bond funds would be matched with $5 millon of federal secondary highway money for each of five years. Local people would select priorities within their own county commissioner's districts which would be constructed under this $50 million, long-range program. More than 1,000 miles could be engineered and constructed under supervision by the State Highway Department in accordance with the plans of the counties. Uniformity and route continuity would be coordinated by the department—after local priorities are listed. This would insure a democratic process while providing for utilization of available county aid funds by all counties—regardless of size.

The remaining $225 million would be available for a statewide system of interstate-type highways, four-lane routes and modern, expandable two-lane roads built on four-lane rights-of-way.

**Federal Matching Funds.** Congress and National Administration will determine the methods and extent of matching bond money Possible 70-30 and 50-50 matching programs of the federal trust fund are in the offing.

Even with "Free-Way 77," the existing long range highway program could continue on schedule. After 1977, we could forecast an abilty to maintain a multi-purpose building program in excess of $100 million a year.

The bond issue could be financed by using a portion of the monies now going into the general highway fund. However, "Free-Way 77" would in no way change the amount of distribution of any other dedicated gasoline tax revenue.

"Free-Way 77" could increase accessibility to all Oklahoma and would provide an essential artery in rural and urban development.

Since this matter is of extreme urgency, I ask that you deliver these facts—plus additional detailed information from the Highway Department—to the people of your district.

You should counsel with the people. . .

Urge the people to write to me. . .

Have the people call the Governor's Straight Line. . .

Let me know at the earliest possible time what you—as members of this most important institution within a representative democracy—recommend for "Free-Way 77."

At that time, I will make the decision of whether or not to include "Free-Way 77" as part of the Administration's program for this session of the Legislature.

The favorable bond market. . .

Losses and deaths on our highways. . .

The urgency of meeting our transportation needs. . .

These are the issues wrapped into "Free-Way 77" and they demand urgent attention.

**Highway Death Trap Elimination.** This Legislature, in its wisdom and courage, last year helped begin a great highway death trap elimination program. Oklahoma travelers now can be assured that 297 death traps will be eliminated by this Administration. We started work on 84 last year and anticipate action on 100 more this year. This is a credit to every member of the Oklahoma Legislature who supported the necessary funding program.

The dispatch in meeting these challenges is a credit to a farsighted Oklahoma Highway Commission and a highly professional staff. Hard management procedures have been installed in that department and direct benefit is now apparent.

**Limit Non-Construction Highway Spending.** During the past decade, management costs of the Highway Department have increased $1 million annually. This can and must be curtailed. I call upon this Legislature to place a current level lid on non-construction expenditures by the Department. This would break with traditional increases by past administrations. It would be a major economy and meaningful savings to the taxpayer without impairing efficiency in the highway department.

## ECONOMY IN GOVERNMENT AND FISCAL RESPONSIBILITY

**Employment Growth Rate Curbed.** The aim of this Administration is to account for the tax dollar spent and effect all economies possible. An impressive start was made in 1971 by reducing the growth rate of state employment. Certain major agencies actually decreased the number of employees without impairing efficiency. Your support in placing a current level lid on non-construction expenditures by the highway department would be a major economy in state government.

Common sense dictates that government in a dynamic growing state will expand and this is proper in meeting the needs of education, mental health, law enforcement, delivery of health care services and other vital activities. But sharp restraint is necessary in other areas to effect savings and this policy will be continued.

A rising expense of Government and a growing way of life in America—welfare-concern this Administration in both a fiscal and social sense. We believe that a Nation with our riches should provide adequate food, shelter, clothing, health care, and other needs for all people. But welfare must have alternatives.

**Free Enterprise Program for Poor.** Out ten-acre orchard project, and related economic opportunity activities, represent innovative opportunity for free enterprise for poor people in Oklahoma. This Administration is testing this as an alternative to welfare and at the same time giving hope to these low income families who wish to regain the dignity of productive work.

Mounting problems surrounding automobile insurance, prompt me to ask this Legislature to study the advantages and disadvantages of first party or "no-fault" insurance.

## HIGH-PAYING JOBS AND ECONOMIC DEVELOPMENT

**New Industry.** Many clean, new industries have moved to Oklahoma. We have taken action to strengthen existing business. In a third dimension, we have launched a far-reaching study into the feasibility of large coal gasification plants in Eastern Oklahoma using nuclear energy. Prospects for more and better jobs are coming from our industrial expansion programs.

**Division of Industry and Parks.** To improve economic development and job procurement, I propose that the present Industrial Development and Parks Department be divided into two individual functions.

The recreation and tourism activities should remain under the leadership of the Lieutenant Governor. The excellent work by Lieutenant Governor Nigh shows the potential of that area.

Functions of industrial development should again become a division of the Governor's office and link all efforts of rural and urban development.

**Agricultural Development.** Agriculture and related industries account for more than half of our gross state product. Successful operation of our farm and ranching businesses is vital to the health of Oklahoma's economy.

We must continue to explore weather modification to work toward optimal climate conditions for our crops. Methods are being studied to transport eastern Oklahoma surplus water to the arid west.

A significant boost of our livestock industry was made last year when you appropriated monies to begin an animal health diagnostic center. My budget recommends

funds for the second step in building this facility.

To provide more agricultural economic development, we must promote the development of our farm resources and construction of processing plants for farm products in Oklahoma.

## ACCESSIBLE AND EXCELLENT HEALTH CARE

Good health and medical care are vital to all Oklahomans. We must acquire more physicians and allied health professionals. "Free-Way 77" provides a means of improved transportation of patients to our great regional and metropolitan health facilities. Simultaneously, we must provide the most expert and specialized knowledge to practicing physicians in rural Oklahoma. The advent of talkback television increases this possibility and I recommend its use in every major Oklahoma hospital.

Better and more widely available health care is essential to the development of rural and urban Oklahoma and is a commitment of this Administration.

**Amphetamine Sale Prohibition.** To help stop drug abuse, I propose legislation to prohibit the importation and sale of amphetamines in Oklahoma. Availability and approval of use would be only through the State Drug Treatment and Rehabilitation Authority. Enforcement officers tell me that this will bring about a major reduction in our drug problem, particularly among the young whose first drug access is through the home medicine chests. Medical experts tell me that there is no emergency use for amphetamines, and that the only quasi-legitimate uses of this drug are in cases of narcolepsy or rare cases of hyperactive children.

## ECONOMIC AND SOCIAL EQUITY

**Removal of Sales Tax on Prescription Drugs.** This Administration is sensitive to the needs of all the people of Oklahoma and I again urge you to remove the sales tax on prescription drugs for human consumption. This would provide critically needed help for the elderly, persons with small or fixed incomes and young families. These people face increasing prescription drug prices and the greatest needs for medicines.

It was my hope that we would be able to remove the sales tax on the cost of food for human consumption. In light of the condition of our economy, I have re-evaluated this program and regret that it is not prudent to implement at this time but will remain a goal for this Administration.

**State Employee Retirement Fund.** We are fortunate to have in public service hard-working and dedicated State employees who often work at wages considerably lower than those offered in the private sector of employment. Due to the impact of the national economic decline and federal government regulations, general wage increases for state employees appear to be precluded this year. However, on behalf of State workers, I ask you to pay the 4% amount that has previously been withheld for the retirement fund. This will give State employees greater take-home pay to help defray increased expenses.

**Minority Assistance.** We have increased significantly the percentage of minorities employed in State government this past year. This is another step in our commitment to provide economic opportunities for minorities in the area of middle income and upper middle income jobs. Equal economic opportunity is the best long range solution to the hangover of discrimination.

**Women in Government.** We have set new records in the employment of women in high governmental positions and for service on various boards and commissions. We plan to initiate other programs this year to work toward even greater contributions by women of Oklahoma.

**Negotiations Bill.** We proposed and you passed major labor laws during the 1971 Session. Unemployment and workmen's compensation benefits were increased. A negotiations bill for firefighters and police-

men, which included a no-strike clause, was enacted. For the first time in history on January 1, 1972, State employees became eligible to receive unemployment compensation.

We support a negotiations bill with a specific no-strike clause for municipal government employees and employees of the Oklahoma Turnpike Authority.

**Executive Team.** For increased efficiency in the management of State government, I propose legislation to provide that the Governor and Lieutenant Governor be elected as a team. Lieutenant Governor Nigh and I have proven beyond a doubt that mutual cooperation and teamwork spawn efficiency.

**County Officers Terms.** To strengthen local government, and to improve the government closest to the people, I propose that the terms of elected county government officers be extended to four years instead of the present two years.

**Congressional Redistricting.** I am confident that the Legislature can and will be able to meet its obligation of Congressional Redistricting. I offer my advice and counsel when it can be helpful.

## A LAWFUL, JUST AND SAFE SOCIETY

**Fight Against Crime.** Oklahomans deserve and expect an orderly society where laws are enforced, crime is prevented or punished and justice prevails.

During the past year, the Governor's task force on crime was formed to overcome terrorism and bombings across Eastern Oklahoma. We are confident that Oklahoma is free of national crime syndicates, but we must guard against any penetration of these elements.

Other important steps were taken in law enforcement:

— The highway patrol was appropirated money for 25 new troopers.

— The Oklahoma State Bureau of Investigation was expanded and is preparing to move into new, more efficient quarters.

-- Special emphasis, through landmark legislation and staffing under the Attorney General, was placed on drug violations and narcotics users.

— Funding was sought through the Oklahoma Crime Commission from the Law Enforcement Assistance for (a) a special unit on organized crime;

(b) common schools instructions in basic law; (c) experimental programs in parole; (d) a statewide dedicated law enforcement computer; (e) increased training of judges and prosecutors, and (f) numerous projects in juvenile delinquency.

This budget provides special money to share funding of Crime Commission programs and Law Enforcement Assistance Administration action grants. This is a weapon for strengthening law enforcement in both rural and urban areas.

**Criminal Rehabilitation.** The best chance Oklahoma has to reform criminals is when they are under supervision of the state. Some 99 per cent of our convicts return to society — either on parole or as freed persons. Imprisonment is punishment — true, but prisons must assume greater rehabilitative roles.

During the past year we have made strides in improvement of our corrections system. We have dual goals in this field— to reduce the overcrowding of our correctional institutions and to accomplish true rehabilitation.

Last year we opened the second women's ward at McAlester which alleviated crowded conditions. We established the Ouachita Vocational - Technical School in LeFlore County. The opening of our Community Treatment Center at Lexington this month is another major step in the right direction and our budget reflects an increase for its function. The location of a mental health center in McAlester will provide daily access of phychiatrists to the State prison.

**Corrections Fund.** To bolster rehabilitation, probation and parole, we are recommending a new working program of assessing probationers and parolees according to ability to pay up to five dollars each month

while they are under supervision. This will provide needed new money for our corrections system. In addition, it is time for those who have been victimizing good citizens — at great cost to the taxpayer — to share in the monetary responsibility.

This Administration is dedicated to individual liberty and freedom within the framework of the law. The greatest threat to these basic precepts is crime. Through crime prevention, policing, prosecution, the courts, punishment and rehabilitation — we will continue to perfect a better system of insuring a lawful and just society.

**CLOSING**

We have advanced today a new nine-point Legislative program of action and progress. (1) A committee to review ad valorem tax as related to the 14th Amendment; (2) a student loan act; (3) a present level expenditures lid on highway department administrative costs; (4) a split of functions of industrial development and parks; (5) prohibition of sales of amphetamines; (6) state payment to the retirement fund; (7) the Governor- Lieutenant Governor team bill; (8) parolee and probationer assessment, and (9) four-year terms for county officers.

We again urge passage of a tax exemption for prescription drugs; a municipal and turnpike employees negotiations bill with a specific no-strike clause, and a ten-year limitation on ad valorem tax industrial exemptions.

We also have outlined multiple avenues to provide a major break-through in highway construction, employment, stabilization and stimulation of our State's economy. The program of this Administration strives to improve life and its conditions for all Oklahoma people.

The rural and urban development programs outlined today respond directly to the needs of the people.

They are steps toward progress.

They are positive actions to improve Oklahoma.

They mean a better life for our people.

With your help, and with God's blessing, we will build a greater Oklahoma.

Senator Terrill moved that the Joint Session be dissolved, which motion prevailed.

*

The Senate reassembled in its Chamber, with President Pro Tempore Smith presiding, who declared a quorum present.

Senator Terrill moved that the State of the State Message of the Governor, delivered in Joint Session, be incorporated in the Senate Journal for this day, which motion was declared adopted.

Senator Terrill moved that President Pro Tempore Smith be authorized and directed to approve claim in payment of postage to provide each member of the Senate with sufficient postage, which motion was declared adopted.

Senator Terrill moved that each member of the Senate be allowed the sum of Two Hundred Fifty Dollars ($250.00) for expense of purchasing personal stationery, material, equipment and supplies, which motion was declared adopted.

Bill numbers listed under "First Reading" begin consecutively with the last number used in the First Regular Session of the 33d Legislature.

**FIRST READING (Pre-filed)**

The following Bills and/or Resolutions were introduced and read the first time:

**SB 365**—By McGraw—An Act relating to county assessors; amending 19 O.S. 1971, § 131; providing for election of certain county officers and deleting reference to election of county assessors; providing for appointment of county assessors; and repealing 68 O.S. 1971, § 2401.

**SB 366**—By Grantham of the Senate and McCune of the House—An Act relating to counties and county officers; authorizing counties by Board of Commissioners to sell radar units to the Department of Public Safety; prescribing maximum sale price; providing the Board of Commissioners

shall have sole discretion as to whether radar is so sold; and declaring an emergency.

**SB 367**—By Garrison—An Act relating to landlord and tenant; amending 41 O.S. 1971, § 2; providing a tenant whose occupancy of premises continues beyond the term specified in a written lease, with the assent of the owner thereof, is deemed a tenant at will; repealing 41 O.S. 1971, §§ 33, 35 and 36; and providing an effective date.

**SB 368**—By Baggett—Tn Act relating to taxation; amending 68 O.S. 1971, § 1305, p viding sales tax exemptions and exempting certain foods.
tive date.

**SB 369**—By Hargrave of the Senate and Hargrave of the House—An Act relating to deaths; providing authorization for conducting an inquest when a death has occurred under suspicious, obscure or mysterious circumstances; authorizing witnesses to be subpoenaed, sworn, informed of his rights and examined; providing a witness' disobedience to such subpoena or to be sworn or to testify shall be punished as a contempt; and declaring an emergency.

**SB 370**—By Hargrave of the Senate and Hargrave of the House—An Act relating to criminal procedure; amending 22 O.S. 1971, § 991b; providing for right to hearing before revocation, in whole or in part, of suspended sentence of person whose sentence has been suspended after conviction; providing for review of order revoking suspended sentence; and declaring an emergency.

**SB 371**—By Hargrave of the Senate and Hargrave of the House—An Act relating to probate procedure; amending 58 O.S. 1971, §§ 707 and 709; prescribing time within which citations shall be served, unless otherwise provided; providing certain trial and judgment procedures; repealing 58 O. S. 1971, §§ 2, 3 and 4; and declaring an emergency.

**SB 372**—By Ham—An Act relating to the destruction of court records; amending 20 O.S. 1971, § 1005; to provide for microfilming and destruction of appearance docket sheets in cases where case records are authorized to be destroyed; and declaring an emergency.

**SB 373**—By Smith—An Act relating to sales tax; exempting sales made to organizations whose sole purpose is to create employment of handicapped persons from sales tax; providing for codification; and declaring an emergency.

**SB 374**—By Smith of the Senate and Sparkman of the House—An act relating to poor persons; designating the Juvenile Diagnostic Center of the Hissom Memorial Center, Sand Springs, Oklahoma, the Lloyd Rader Juvenile Center; directing codification; and declaring an emergency.

**SB 375**—By Terrill of the Senate and Lindstrom of the House—An Act relating to narcotic drugs and dangerous substances; making an appropriation for the control thereof; stating the purpose; directing the Attorney General to create a canine narcotics detection pilot program; providing that the Attorney General shall fix the duties and compensation of employees; providing a lapse date; making provisions of this Act severable; and declaring an emergency.

**SB 376**—By Smith of the Senate and Privett of the House—An Act relating to the State Board of Public Affairs; amending 74 O.S. 1971, § 94: authorizing Board to designate quarters and space for departments of state government except as otherwise provided; authorizing legislature to allot space on third, fourth, fifth and sixth floors of State Capitol Building with authority delegable to certain officers; providing each House of Legislature to have exclusive charge of and responsibility for its chambers, rooms, fixtures, furniture, supplies and apparatus; and declaring an emergency.

**SB 377**—By Martin—An Act relating to institutions of higher learning; providing for the State Regents for Higher Education

to administer a Loan Fund for nursing students; providing powers and duties of the Regents; providing loan conditions; and declaring an emergency.

**SB 378**—By Martin—An Act relating to the State Regents for Higher Education; making an appropriation thereto; stating the purpose; providing lapse date; and declaring an emergency.

**SB 379**—By McGraw — An Act relating to professions and occupations; creating the Tkiahoma Board of Hearing Aid Dealers and Fitters; providing for per diem and reimbursement of necessary expenditures for members of Board and outlining its powers and duties; defining terms; providing for the licensing of dealers and fitters of hearing aids; providng for temporary permits; providing grounds for suspension of licenses; making violation of Act a misdemeanor; providing penalties; and making provisions of Act severable.

**SB 380**—By Garrett—An Act relating to cities and towns; amending 11 O.S. 1971, § 958.14; providing for appeals from municipal court judgments; providing for rights to jury trials under certain circumstances; and providing an effective date.

**SB 381**—By Grantham—An Act relating to motor vehicles; amending 47 O.S. 1971, § 6-117; providing that the Department of Public Safety shall charge two dollars for copies of five-year motor vehicle record summaries; specifying purposes for which monies in the Revolving Fund may be used; providing that the Department of Public Safety may furnish a monthly list of drivers who have had action taken against their driving privilege and may charge a fee for such service; and declaring an emergency.

**SB 382**—By Ham—An Act relating to criminal procedure; amending 22 O.S. 1971, § 1053; providing that the state may appeal to the Court of Criminal Appeals on certain reserved questions of law; providing that the state may appeal from certain adverse decisions made by an examining magistrate; prescribing the manner of appealing; and declaring an emergency.

**SB 383**—By Graves—An Act relating to the Oklahoma Regents for Higher Education and making an appropriation thereto; stating the purpose; providing lapse date; making provisions of this Act severable; and declaring an emergency.

**SB 384**—By Graves and Smith—An Act relating to the Board of Public Affairs; amending 74 O.S. 1971, § 85.12; authorizing private educational institutions accredited by the Oklahoma State Regents for Higher Education or a regional accrediting agency to utilize the provisions of the Oklahoma Central Purchasing Act.

**SB 385**—By Crow—An Act relating to schools; amending 70 O.S. 1971, § 3-104, to provide probationary accreditation to certain high schools for periods of one year to enable said schools to increase their average daily attendance; and declaring an emergency.

**SB 386**—By Holden, Capps, Ferrell and Miller of the Senate and Bernard, Boatner, Coffin, Kamas, Stratton, Wickersham and Wynn of the House—An Act relating to water and water rights; repealing obsolete provisions; repealing 82 O.S. 1971, §§ 281 through 287, 301 through 311, 331 through 341, 351 through 357, 371 through 382, 391 through 395, 401 through 403, 411 through 420, 431 through 435, 441 through 443, 446, 447, 701 through 711, 721 through 723, 731 through 735, 741 through 747, 761 through 764, 951 through 970, 1031 through 1038, and 1051 through 1057.

**SB 387**—By Holden, Capps, Ferrell and Miller of the Senate and Bernard, Boatner, Coffin, Kamas, Stratton, Wickersham and Wynn of the House—An Act relating to water and water rights; defining terms; declaring policy; providing for powers and duties of Oklahoma Water Resources Board; prohibiting certain activities; providing for certain powers and duties for State Department of Health; providing for classification of waters; providing procedures governing notice and hearing on violations of this Act; authorizing said

Board to make inspections; providing penalties and injunctions; providing for appointment of special counsel by the Board; providing this Act shall be auxiliary and supplementary to other laws; stating purpose; providing procedures for certain income tax credits; providing for cooperation of state agencies; and repealing 82 O.S. 1971, §§ 901 through 914 and 921 through 925.

**SB 388**—By Holden, Capps, Ferrell and Miller of the Senate and Bernard, Boatner, Coffin, Kamas, Stratton, Wickersham and Wynn of the House—An Act relating to water and water rights; defining terms; providing establishment priorities of stream water use with certain exceptions; providing certain procedures for exercise of eminent domain and the diversion of water; providing procedures for adjudication of water rights; providing procedures for filing of applications for water rights and certain permits and providing for issuance, denial or amendment of such applications under certain conditions; providing procedures governing loss of right to use water, reversion of water to the public, surrender of water rights, use of surplus water and severance and transfer of water rights; providing penalty; providing for notice of completion of waterworks, inspection of same and for issuance of certificate of completion by said Board upon fulfillment of certain conditions; providing standards for measurement of water; providing procedures for appropriation of water by the United States; providing for extension of time period for permits in national emergencies; providing for public inspection of records of said Board; providing no water rights presently in effect shall be altered; and repealing 82 O.S. 1971, §§ 1-A through 6, 11 through 14, 21 through 35, 52 through 59, 61, 71 through 75, 81 through 83, 91, 93 through 98, and 101 through 104.

**SB 389**—By Garrett—An Act relating to Courts; amending 20 O.S. 1971, § 30.5; providing for effect of Court of Appeals opinions; providing that such opinions applying settled precedent shall not be released for publication; requiring the court of appeals to follow established precedent; providing for review where precedent is not followed; and setting an effective date.

## REQUEST FOR LOBBY PERMIT

Request for Lobby Permit was filed by the following person and ordered referred to the Committee on Lobby Permits:

Mrs. Lois S. Chiles, 1810 Wesbrooke Terrace, Norman, Oklahoma, representing The League of Women Voters of Oklahoma.

## COMMUNICATION

Upon motion of Senator Terrill, the following communication and Resolution of State Board of Equalization was read and ordered incorporated herein.

### RESOLUTION OF THE STATE BOARD OF EQUALIZATION

WHEREAS, according to the provisions of Article X, Sec. 23, of the Oklahoma Constitution, as amended April 16, 1968, (State Question No. 453, Referendum Petition No. 166), which provided now in part as follows:

"Within twenty-one days after the adopting of this amendment and thereafter prior to the convening of each regular session of the Legislature, the State Board of Equalization shall make an itemized estimate of the revenue to be received by the State under the laws in effect at the time such estimate is made for the next ensuing fiscal year showing separately the revenues to accrue to the credit of the General Revenue fund and each special fund of the State, and the total amount of such estimate for such fiscal year shall not exceed the total revenue which accrued to each such fund for the last preceding fiscal year, to which amount shall be added the cash surplus. * * * and all appropriations made in excess of such estimate shall be null and void; provided, however, that the Legislature may at any regular session or

special session called for that purpose, enact laws to provide for additional revenues, other than ad valorem taxes, or transferring the existing revenues or surpluses from one fund to another, whereupon it shall be the duty of the State Board of Equalization to make an estimate of the revenue that will accrue under such laws and to file the same with the Governor, the President of the Senate and the Speaker of the House of Representatives, and the amount of any increase or decrease resulting, for any reason, from such laws shall be added to or deducted from each respective fund as the case may be. The amount of such adjusted estimate shall be the maximum amount which can be appropriated for all purposes from any fund for the fiscal year estimated." and,

WHEREAS, the State Board of Equalization, acting in conformity with the Constitutional requirements as articulated above, and in the discharge of the official duty and authority thus conferred upon it, has caused to be laid before it all the data, items, figures and relevant information from the various State Departments concerning the income of the General Revenue Fund and of the various special funds of the State, including detailed and summarized reports and recommendations prepared and presented by the Director of State Finance, and after careful and thoughtful study of the same, being fully advised in the premises, and on due consideration thereof, has determined the figures which properly represent such itemized estimate of revenues of said funds for the next fiscal year; and has also determined the cash surplus now existing in the hands of the State Treasurer to the credit of any such fund and not previously appropriated by the State Legislature.

NOW, THEREFORE, BE IT RESOLVED BY THE STATE BOARD OF EQUALIZATION, that the sums and amounts reasonably estimated to accrue to the General Revenue Fund and to the several special funds of the State as herein set forth be, and they are hereby adopted and fixed by this Board as the official estimate of monies to accrue for and during the fiscal year ending June 30, 1972, which said sums and amounts are in words and figures as follows, to wit:

STATE OF OKLAHOMA
EXECUTIVE DEPARTMENT
DIVISION OF THE BUDGET
November 23, 1971

State Board of Equalization
State Capitol Building
Oklahoma City, Oklahoma 73105

Gentlemen:

We call your attention to Article 10, Section 23, Oklahoma Constitution, and the pertinent language as follows:

". . .the State Board of Equalization shall make an itemized estimate of the revenues to be received by the State under the laws in effect at the time such estimate is made, for the next ensuing fiscal year showing separately the revenues to accrue to the credit of the General Revenue Fund and each special fund of the State, and the total amount of such estimate for such fiscal year shall not exceed the total revenue which accrued to each such fund for the last preceding fiscal year, to which amount shall be added the cash surplus, if any, from such preceding fiscal year in the hands of the State Trasurer to the credit of any such fund and not previously appropriated by the State Legislature at the time such estimate is made. . . ."

Article 10, Section 23, Oklahoma Constitution further provides:

". . . that the Legislature may at any regular session or special session called for that purpose, enact laws to provide for additional revenues, other than ad valorem taxes, or transferring the existing revenues or surpluses from one fund to another, whereupon it shall be the duty of the State Board of Equalization to make an estimate of the revenues that will accrue under such laws and to file the same with the Governor and with the President of the Senate and the Speaker of the House of Rep-

resentatives, and the amount of any increase or decrease, resulting, for any reason, from such laws shall be added to or deducted from each respective fund, as the case may be. The amount of such adjusted estimate shall be the maximum amount which can be appropriated for all purposes from any fund for the fiscal year estimated. . . ."

The following report is prepared in accordance with the instructions set forth in the above portion of the Oklahoma Constitution.

Respectfully yours,
J. O. Spiller
Director of State Finance

STATE OF OKLAHOMA

EXECUTIVE DEPARTMENT

DIVISION OF THE BUDGET

GENERAL REVENUE COLLECTIONS

FISCAL YEAR 1971

| | |
|---|---|
| Taxes | $216,333,185.58 |
| Licenses, permits and fees | 9,573,954.25 |
| Use of money and property | 6,412,578.63 |
| Miscellaneous income | 21,879.59 |
| Total collections to General Revenue Fund | $232,341,598.05 |
| Collections to special funds above appropriations | 4,405,011.41 |
| TOTAL | $236,746,609.46 |

ANALYSIS OF THE 1971 SURPLUS

| | | |
|---|---|---|
| 1971 Collections | $236,746,609.46 | |
| Less 1971 Appropriations | 260,719,771.97 | |
| Income in excess of appropriations | | $(23,973,162.51) |
| Surplus of prior year | | 54,997,050.62 |
| Insurance Premium Tax prepayment of June 25, 1971 | | 7,346,963.75 |
| Lapsed appropriations | | 469,298.33 |
| Statutory cancellations | | 3,099.91 |
| 1971 SURPLUS | | $38,843,250.10 |

## FUNDS AVAILABLE FOR APPROPRIATION BY 2D SESSION OF THE 33D LEGISLATURE

| | | |
|---|---|---|
| Income of preceding Fiscal Year | | $236,746,609.46 |
| 1971 Surplus | | 38,843,250.10 |
| Less increase in Sinking Fund Requirements | | (1,891,752.89) |
| In addition to the above, the Equalization Board will certify the following new revenues: | | |
| Increase in Income Tax (H.B. 1191, as amended by H.B. 1498, 1st Session 33d Leg.) | $16,900,000.00 | |
| Increase in Gross Production Tax (H.B. 1181, 1st Session 33d Leg.) | 18,000,000.00 | |
| Increase in Alcoholic Beverage Tax (H.B. 1175, 1st Session 33d Leg.) | 4,120.000.00 | |
| Windfall from increase in Income Tax for the period January 1, 1971 thru June 30, 1971 (H.B. 1191, 1st Session 33d Leg.) | 7,000,000.00 | |
| Total New Revenue | | 46,020,000.00 |
| TOTAL AVAILABLE FOR APPROPRIATION | | $319,718,106.67 |

## SPECIAL FUNDS AVAILABLE FOR APPROPRIATIONS BY THE 2D SESSION OF THE 33D LEGISLATURE

| | | |
|---|---|---|
| TECHNICAL & SCIENTIFIC EDUCATION SPECIAL FUND | | |
| Income of Preceding Year | $ 1,070,751.74 | |
| Surplus of Preceding Year | 91,303.71 | |
| Total Technical & Scientific Education Special Fund | | $ 1,162,055.45 |
| ALCOHOLIC BEVERAGE FUND | | |
| Income of Preceding Year | 492,314.86 | |
| Surplus of Preceding Year | 401,820.00 | |
| Total Alcoholic Beverage Fund | | 894,134.86 |
| STATE EXAMINER AND INSPECTOR FUND | | |
| Income of Preceding Year | 165,138.19 | |
| Surplus of Preceding Year | 12,253.19 | |
| Total State Examiner and Inspector Fund | | 177,391.38 |

| | | |
|---|---|---|
| PROPERTY AND CASUALTY RATES BOARD FUND | | |
| Income of Preceding Year | 642,245.63 | |
| Surplus of Preceding Year | 81,666.00 | |
| Total Property and Casualty Rates Board Fund | | 723,911.63 |
| INSURANCE COMMISSIONER FUND | | |
| Income of Preceding Year | 894,206.93 | |
| Surplus of Preceding Year | 200,000.00 | |
| Total Insurance Commissioner Fund | | 1,094,206.93 |
| LIQUEFIED PETROLEUM GAS FUND | | |
| Income of Preceding Year | 137,072.75 | |
| Surplus of Preceding Year | 10,000.00 | |
| Total Liquefied Petroleum Gas Fund | | 147,072.75 |
| Estimated increase in License Fees (S.B. 290, 1st Session 33d Leg.) | | 10,096.25 |
| Total Available for Appropriation | | 157,169.00 |
| OKLAHOMA TAX COMMISSION FUND | | |
| Income of Preceding Year | 9,229,924.57 | |
| Surplus of Preceding Year | 800,000.00 | |
| Total Oklahoma Tax Commission Fund | | 10,029,924.57 |
| Estimated increase in Alcoholic Beverage Tax (H.B. 1175, 1st Session 33d Leg.) | | 190,000.00 |
| Estimated decrease in Income Tax (H.B. 1191, 1st Session 33d Leg.) | | (508,000.00) |
| Total Available for Appropriation | | 9,711,924.57 |
| INDUSTRIAL COURT FUND | | |
| Income of Preceding Year | 21,095.00 | |
| Surplus of Preceding Year | —0— | |
| Total Industrial Court Fund | | 21,095.00 |
| PUBLIC BUILDING FUND | | |
| Income of Preceding Year | 284,251.08 | |
| Surplus of Preceding Year | 40,802.63 | |
| Total Public Building Fund | | 325,053.71 |

| | | |
|---|---|---|
| Adjust for Agricultural Rent ordinarily deposited to D.M. & S. Fund | 30.000.00 | |
| Adjust for Bonus | 44,000.00 | 74,000.00 |
| Total Available for Appropriation | | 251,053.71 |

STATE JUDICIAL FUND

| | | |
|---|---|---|
| Income of Preceding Year | $ 2,885,060.41 | |
| Surplus of Preceding Year | 2,104,900.65 | |
| Total State Judicial Fund | | $ 4,989,961.06 |
| Less Reserve for Transfers for Jury Trials (20 O.S.S. 1970, § 1311) | 16,000.00 | |
| Less Reserve for Expenses of Board of Examiners of Official Shorthand Reporters (20 O.S.S. 1970, § 1507) | 4,750.00 | |
| Less Cost of Trials on Change of Venue (H.B. 1485, 1st Session 33rd Leg.) | 75,000.00 | |
| Less Purchase of Microfilm Equipment and Supplies From County Court Funds (S.B. 268, 1st Session 33rd Leg.) | 200,000.00 | |
| Less Court Fund Contributions to the Expense of Janitorial Services in the Courthouse. (H.B. 1013, 1st Session 33d Leg. and Atty. Gen. Op. 71-296, 71-355) | 450,000.00 | |
| Total Deductions | | 745,750.00 |
| Total Available for Appropriation | | 4,244,211.06 |

Surplus of 1971 Fiscal Year will be decreased during 1972. Cash will not be available to support appropriations in excess of $2,723,467.00

OCCUPATIONAL HEALTH AND SAFETY FUND

| | | |
|---|---|---|
| Income of Preceding Year | 85,743.90 | |
| Surplus of Preceding Year | 85,743.90 | |
| Total Occupational Health and Safety Fund | | 171,487.80 |

Appropriations are limited to 75% of Total Income or $64,307.92 (40 O.S.S. 1970, § 418)

COMPARISON REPORT SHOWING REVENUE ACCRUED TO THE GENERAL REVENUE FUND FOR THE FIRST FOUR MONTHS OF THE FISCAL YEARS 1971 AND 1972 AND AN ESTIMATED TOTAL FOR 1972 AND 1973

| GENERAL REVENUE FUND | First Four Months 1971 | First Four Months 1972 | Estimated Fiscal Year 1972 | Estimated Fiscal Year 1973 | Preceding Fiscal Year 1971 |
|---|---|---|---|---|---|
| Alcoholic Beverage Excise Tax | $ 2,141,682.42 | $ 5,400,881.31 | $ 12,680,000.00 | $ 11,214,000.00 | $ 6,361,712.15 |
| Beverage Tax | 3,748,548.34 | 4,010,017.05 | 10,437,000.00 | 11,157,000.00 | 9,763,470.61 |
| Cigarette Tax | 5,749,954.93 | 6,069,602.11 | 29,913,000.00 | 31,932,000.00 | 28,956,186.80 |
| Franchise Tax | 5,660,525.63 | 5,998,054.41 | 6,483,000.00 | 6,865,000.00 | 6,121,453.59 |
| Freight Car Tax | 277,572.58 | 281,119.50 | 282,000.00 | 285,000.00 | 278,707.44 |
| Fuel Excise Tax | 402,891.76 | 416,437.24 | 1,211,000.00 | 1,283,000.00 | 1,143,917.13 |
| Gift Tax | 242,721.74 | 131,727.93 | 1,510,000.00 | 1,510,000.00 | 1,509,715.67 |
| Gross Production Tax | 9,387,514.31 | 16,192,426.79 | 45,777,000.00 | 45,777,000.00 | 27,777,177.83 |
| Income Tax | 23,091,615.51 | 27,847,389.58 | 95,775,000.00 | 98,142,000.00 | 79,077,911.60 |
| Inheritance and Estate Tax | 5,261,594.56 | 4,673,309.30 | 15,564,000.00 | 15,564,000.00 | 15,564,013.81 |
| Insurance Premium Tax | 2,914.40 | 210,546.00 | 17,037,000.00 | 18,723,000.00 | 22,849,078.76 |
| Motor Vehicle Excise Tax | 4,821,122.38 | 5,834,576.48 | 17,927,000.00 | 19,719,000.00 | 14,939,000.53 |
| Tobacco Products Tax | 1,055,285.52 | 1,072,509.80 | 3,241,000.00 | 3,403,000.00 | 3,086,648.68 |
| Use Tax | 1,900,111.17 | 2,068,621.78 | 6,793,000.00 | 7,472,000.00 | 6,175,600.29 |
| Filing Fees—Secretary of State | 321,620.21 | 308,951.49 | 564,000.00 | 564,000.00 | 563,562.85 |
| Coin Device Licenses | 99,781.25 | 111,901.33 | 498,000.00 | 509,000.00 | 477,612.07 |
| Drivers' Licenses | 1,648,462.86 | 1,787,508.46 | 5,140,000.00 | 5,397,000.00 | 4,895,279.00 |
| Oversize Truck Permits | 176,725.00 | 197,675.90 | 549,000.00 | 570,000.00 | 529,250.00 |
| Title Fees | 247,417.85 | 257,852.49 | 859,000.00 | 902,000.00 | 818,006.46 |
| Interest on Bank Deposits | 1,476,066.94 | 1,441,331.68 | 6,126,000.00 | 6,126,000.00 | 6,361,594.26 |
| Other Receipts | 500,437.91 | 491,160.01 | 2,383,000.00 | 2,383,000.00 | 2,438,662.27 |
| Transfers from Special Funds | | | 4,810,000.00 | 4,300,000.00 | 4,405,011.41 |
| TOTAL REVENUE | $68,214,567.27 | $84,803,600.64 | $285,559,000.00 | $293,797,000.00 | $244,093,573.21 |
| Less Insurance Premium Tax Prepayment of June 25, 1971 | | | | | 7,346,963.75 |
| TOTALS | $68,214,567.27 | $84,803,600.64 | $285,559,000.00 | $293,797,000.00 | $236,746,609.46 |

COMPARISON REPORT SHOWING REVENUE ACCRUED TO THE SEVERAL SPECIAL FUNDS FOR THE FIRST FOUR MONTHS OF THE FISCAL YEARS 1971 AND 1972 AND AN ESTIMATED TOTAL FOR 1972 AND 1973

| SPECIAL FUNDS | First Four Months 1971 | First Four Months 1972 | Estimated Fiscal Year 1972 | Estimated Fiscal Year 1973 | Preceding Fiscal Year 1971 |
|---|---|---|---|---|---|
| TECHNICAL AND SCIENTIFIC EDUCATION SPECIAL FUND | | | | | |
| Documentary Stamps | $ 335,730.47 | $ 485,029.29 | $1,500,000.00 | $1,600,000.00 | $1,070,751.74 |
| ALCOHOLIC BEVERAGE FUND | | | | | |
| Licenses | 20,000.00 | 14,500.00 | 508,000.00 | 523,000.00 | 492,314.86 |
| STATE EXAMINER AND INSPECTOR FUND | | | | | |
| Taxes and License Fees | 47,976.72 | 50,178.89 | 173,000.00 | 182,000.00 | 165,138.19 |
| PROPERTY AND CASUALTY RATES BOARD FUND | | | | | |
| Insurance Premium Tax | 12.01 | —0— | 650,000.00 | 650,000.00 | 642,245.63 |
| INSURANCE COMMISSIONER FUND | | | | | |
| Insurance Premium Tax | 12.01 | —0— | 650,000.00 | 650,000.00 | 642,245.63 |
| Insurance Agents' Licenses | 75,199.05 | 90,273.60 | 300,000.00 | 300,000.00 | 251,961.30 |
| | 75,211.06 | 90,273.60 | 950,000.00 | 950,000.00 | 894,206.93 |
| LIQUEFIED PETROLEUM GAS FUND | | | | | |
| Licenses, Permits and Fees | 99,481.25 | 100,684.50 | 154,000.00 | 162,000.00 | 137,072.75 |

COMPARISON REPORT SHOWING REVENUE ACCRUED TO THE SEVERAL SPECIAL FUNDS FOR THE FIRST FOUR MONTHS OF THE FISCAL YEARS 1971 AND 1972 AND AN ESTIMATED TOTAL FOR 1972 AND 1973

| SPECIAL FUNDS | First Four Months 1971 | First Four Months 1972 | Estimated Fiscal Year 1972 | Estimated Fiscal Year 1973 | Preceding Fiscal Year 1971 |
|---|---|---|---|---|---|
| OKLAHOMA TAX COMMISSION FUND | | | | | |
| Percentage of Taxes Collected | 2,063,297.22 | 2,430,355.43 | 9,373,000.00 | 9,858,000.00 | 9,229,924.57 |
| INDUSTRIAL COURT FUND | | | | | |
| Litigation Fees | 7,625.00 | 8,610.00 | 21,000.00 | 21,000.00 | 21,095.00 |
| PUBLIC BUILDING FUND | | | | | |
| Receipts from School Land Commission | 22,731.47 | 54,478.52 | 180,000.00 | 180,000.00 | 253,392.00 |
| Royalties from Gas and Oil | 10,863.58 | 9,673.38 | 30,000.00 | 30,000.00 | 30,859.08 |
| | 33,595.05 | 64,151.90 | 210,000.00 | 210,000.00 | 284,251.08 |
| STATE JUDICIAL FUND | | | | | |
| Receipts from Local Court Fund | —0— | —0— | 2,432,000.00 | 2,000,000.00 | 2,831,702.61 |
| Shorthand Reporters' Licenses | 1,780.00 | 1,050.00 | 5,000.00 | 5,000.00 | 5,027.50 |
| Other Fees | 12,283.29 | 32,633.31 | 48,000.00 | 50,000.00 | 48,330.30 |
| | 14,063.29 | 33,683.31 | 2,485,000.00 | 2,055,000.00 | 2,885,060.41 |
| OCCUPATIONAL HEALTH AND SAFETY FUND | | | | | |
| Percent of Workmens Compensation Losses | 16,465.38 | 37,593.02 | 95,000.00 | 100,000.00 | 85,743.90 |

Be it further resolved that a duly authenticated duplicate of this resolution be delivered to the Governor, the President of the Senate and the Speaker of the House of Representatives as provided by Article G, Section 23 of the State Constitution, as amended April 16, 1968.

DAVID HALL
Governor and Chairman

JOHN M. ROGERS
State Examiner and Inspector and Vice Chairman

JOE BAILEY COBB
State Auditor and Secertary

BILLY RAY GOUDY
President of the State Board of Agriculture

LARRY DERRYBERRY
Attorney General

LEO WINTERS
Secretary of State

JOHN ROGERS
State Treasurer

## RESOLUTIONS

The following Resolutions were introduced and referred to the committees hereinafter designated.

**SR 68**—By Nichols—A Resolution expressing sentiment of the State Senate against premature campaigning for the office of President Pro Tempore. — Rules.

**SR 69**—By Nichols—A Resolution expressing the sentiment of the Senate that a President Pro Tempore should not serve in such capacity for more than one term. — Rules.

**SR 70**—By Young—A Resolution relating to a study and investigation of the Office of State Insurance Commissioner; directing the Senate Committee on Insurance to conduct said study and investigation; specifying areas of inquiry and vesting certain authority in said committee; authorizing employment of necessary personnel; providing for travel and expense allowance for committee members and staff; providing for service of process and witness fees; and requiring a report of findings and recommendations. — Insurance.

**SCR 69**—By Terrill and Taliaferro of the Senate and Lindstrom of the House—A concurrent resolution relating to narcotic drugs and dangerous substances; creating a canine narcotics detection program to combat traffic in illegal and dangerous substances. — Public and Mental Health.

**SCR 70**—By Grantham, Ham, Garrett and Howell of the Senate and McCune of the House—A concurrent resolution relating to study by a special committee of the Municipal Court System; creating the study committee; prescribing qualifications for membership; specifying the purposes of the study; authorizing meeting facilities to be furnished by the Legislature; and directing report to the 1973 Executive Committee of the State Legislative Council. — Judiciary.

**SCR 71**—By Field of the Senate and Harrison of the House—A concurrent resolution memorializing Congress to amend sections 9 and 10 of the Oklahoma Enabling Act; and directing distribution. — Rules.

Senator Terrill moved after the Clerk's desk is cleared, that the Senate stand adjourned to meet Wednesday, January 5, 1972, at 1:00 P.M., which motion prevailed.

Upon motion of Senator Terrill, the Senate adjourned to meet Wednesday, January 5, 1972, at 1:00 P.M.

# Second Legislative Day

## Wednesday, January 5, 1972

Pursuant to adjournment, the Senate was called to order by President Pro Tempore Smith.

Upon roll call, the following members were present:

Baggett, Baldwin, Berrong, Birdsong, Boecher, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Keels, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Phillips, Rogers, Smith, Stansberry, Stipe, Taliaferro, Terrill, Trent, Williams, Young.—44.

Excused—Bradley, Breckinridge, Porter, Smalley.—4.

The President Pro Tempore declared a quorum present.

The following prayer was offered by the Chaplain and incorporated upon request of President Pro Tempore Smith:

Oh, God, in our business we often feel we don't have the time to invite you to be with us, or the need for your presence. Forgive our arrogance, Lord.

But we remember that often you break uninvited into the affairs of men, upsetting our plans and setting things right again, so we hasten to invite you, to ask not so much that you bless our activities, but that you give us wisdom to do that which is worthy of your blessing.

Bless, O God, this honorable body, and give them strength for the tasks at hand. Amen.

The Journal for the last legislative day was declared approved.

## FIRST READING

The following Bills and/or Resolutions were introduced and read the first time:

**SB 390**—By Hargrave of the Senate and Hargrave of the House—An Act relating to counties and county officers; amending 19 O.S. 1971, § 131; providing for the election in general elections of certain county officers to four-year terms and until their successors are duly elected and qualified; providing, unless he resigns from his office, a county officer shall be ineligible to become a candidate for any county or state office other than that which he holds; and providing for severability.

**SB 391**—By Luton—An Act relating to cities and towns; amending 11 O.S. 1971, § 481; authorizing a change in territory of cities and towns under certain circumstances; and declaring an emergency.

**SB 392**—By Stipe of the Senate and Skeith of the House—An Act relating to the Department of Corrections; making an appropriation thereto; stating the purpose; providing lapse date; and declaring an emergency.

**SB 393**—By McSpadden and Hamilton of the Senate and Willis and Miskelly of the House—An Act relating to the office of the Governor and making an appropriation thereto; stating the purpose; providing that the Governor shall fix the duties and compensation of employees; authorizing reimbursement for travel; providing for the transfer of items of appropriation; providing lapse date; making provisions of this Act severable; and declaring an emergency.

**SB 394**—By McSpadden and Hamilton of the Senate and Willis and Miskelly of the House—An Act relating to the State Emergency Fund and making an appropriation thereto; stating the purpose; making said appropriation non-fiscal; making provisions of this Act severable; and declaring an emergency.

**SB 395**—By McSpadden and Hamilton of the Senate and Willis and Miskelly of the House—An Act relating to the Office of the State Auditor and making an appropriation thereto; stating the purpose; providing that the State Auditor shall fix the duties and compensation of employees; providing for lapse date; making provisions of this Act severable; and declaring an emergency.

**SB 396**—By McSpadden and Hamilton of the Senate and Willis and Miskelly of the House—An Act relating to the Board of Equalization and making an appropriation thereto; stating the purpose; providing that the Secretary of the Board of Equalization shall fix the duties and compensation of employees within certain limitations; providing lapse date; making provisions of this Act severable; and declaring an emergency.

**SB 397**—By McSpadden and Hamilton of the Senate and Willis and Miskelly of the House—An Act relating to the State Board of Public Affairs and making appropriations thereto; stating the purpose; providing for the appointment and compensation of employees; making an appropriation from the Public Building Fund and stating the purposes; making an appropriation from Income Tax Adjustment Fund and stating purpose; providing for lapse dates; making provisions of this Act severable; and declaring an emergency.

**SB 398**—By McSpadden and Hamilton of the Senate and Willis and Miskelly of the House—An Act relating to the Office of the State Treasurer and making an appropriation thereto; stating the purpose; providiing that the State Treasurer shall fix the duties and compensation of employees within certain limitations; providing for lapse date; making provisions of this Act severable; and declaring an emergency.

**SB 399**—By McSpadden and Hamilton of the Senate and Willis and Miskelly of the House—An Act relating to the Office of the Attorney General and making appropriations thereto; stating the purpose; making an appropriation for the operation of the Office of the Commissioner of Narcotics and Dangerous Drugs Control; providing that the Attorney General shall fix the duties and compensation of employees; providing lapse date; making provisions of this Act severable; and declaring an emergency.

**SB 400**—By McSpadden and Hamilton of the Senate and Willis and Miskelly of the House—An Act relating to the Court of Tax Review and making an appropriation thereto; stating the purpose; providing lapse date; making provisions of this Act severable; and declaring an emergency.

**SB 401**—By McSpadden and Hamilton of the Senate and Willis and Miskelly of the House—An Act relating to the Office of the Attorney General and Offices of District Attorneys, and making an appropriation thereto; stating the purpose; providing lapse date; making the provisions of this Act severable; and declaring an emergency.

**SB 402**—By McSpadden and Hamilton of the Senate and Willis and Miskelly of the House—An Act relating to the Office of the State Industrial Court and making appropriations thereto; stating the purpose; providing that the judges shall fix the duties and compensation of employees within certain limitations; providing lapse date; making provisions of this Act severable; and declaring an emergency.

**SB 403**—By McSpadden and Hamilton of the Senate and Willis and Miskelly of the House—An Act relating to the State Board of Education; making appropriations to the State Department of Education for Operation; stating purpose; providing for education of children in Children's Memorial Hospital; providing for use of funds

deposited in the Teachers' Certificate Fund and transfer of excess funds to the General Revenue Fund; making appropriations for financial support of public schools; the operation of child guidance centers, costs of educating homebound children and the purchase of textbooks; appropriating Mineral Leasing Fund and stating purpose; directing the manner of reimbursement of costs of educating homebound children; providing for the apportionment and disbursement of financial support of public schools; providing for adjustments in financial support to public schools; providing for allotment of funds appropriated for the purchase of textbooks; authorizing allotment of funds for special education pursuant to certain limitations; alloting funds for school lunch program and stating purpose; providing for allotment of funds for a kindergarten program; authorizing use of funds for participation in the Educational Commission of the States; providing funds for reduction of class size; providing minimum teacher's salary; authorizing State Department of Education to enter into contractual relation with State Health Department; specifying the salary of the Deputy State Superintendent of Public Instruction; providing for continuance of state aid due to deactivation of military installation; providing for the appointment, duties and compensation of certain personnel; providing that funds appropriated in this Act shall not be subject to fiscal year limitations; making provisions of this Act severable; and declaring an emergency.

**SB 404**—By McSpadden and Hamilton of the Senate and Willis and Miskelly of the House—An Act relating to the Oklahoma Arts and Humanities Council and making an appropriation thereto; stating the purpose; providing lapse date; making the provisions of this Act severable; and declaring an emergency.

**SB 405**—By McSpadden and Hamilton of the Senate and Willis and Miskelly of the House—An Act relating to public education; making appropriations to the State Board of Vocational and Technical Education; stating the purpose; dedicating certain funds to the operation of the Ouachita Vocational Technical Camp; making appropriation of Technical and Scientific Education Funds and Building Bond Interest Funds and stating purpose; providing for cooperation with United States Office of Education; authorizing appointment and compensation of personnel; providing lapse date; making provisions of this Act severable; and declaring an emergency.

**SB 406**—By McSpadden and Hamilton of the Senate and Willis and Miskelly of the House—An Act relating to the Oklahoma State Regents for Higher Education and making appropriations thereto; stating the purpose; providing lapse date; making provisions of this Act severable; and declaring an emergency.

**SB 407**—By McSpadden and Hamilton of the Senate and Willis and Miskelly of the House—An Act relating to the State Regents for Higher Education for the Osteopathy Education Assistance Fund; making an appropriation thereto; stating the purpose; providing lapse date; making provisions of this Act severable; and declaring an emergency.

**SB 408**—By McSpadden and Hamilton of the Senate and Willis and Miskelly of the House—An Act relating to the Oklahoma Department of Libraries and making an appropriation thereto; stating the purpose; providing that the Director of the Department of Libraries shall fix the duties and compensation of employees; providing lapse date; making the provisions of this Act severable; and declaring an emergency.

**SB 409**—By McSpadden and Hamilton of the Senate and Willis and Miskelly of the House—An Act relating to the Office of the Oklahoma Historical Society and making appropriation thereto; stating the purpose; providing that the Administrative Secretary shall fix the duties and compensation of employees; providing the Administrative Secretary with authority to buy equipment, pay hourly wages and other

necessary expenses from the appropriation for microfilming; providing lapse date; making provisions of this Act severable; and declaring an emergency.

**SB 410**—By McSpadden and Hamilton of the Senate and Willis and Miskelly of the House—An Act relating to the Western Plains Indians Arts and Crafts Com-_mission and making an appropriation thereto; stating the purpose; providing lapse date; making provisions of this Act severable; and declaring an emergency.

**SB 411**—By McSpadden and Hamilton of the Senate and Willis and Miskelly of the House—An Act relating to the Department of Mental Health and the Mental Health institutions and making appropriations thereto; stating the purpose; appropriating building bond interest funds; providing for the Director of Mental Health to fix the duties and compensation of employees; authorizing Board of Mental Health to administer the affairs of the institutions listed herein; providing lapse date; authorizing expenditures in support of 43A O.S. 1971, §§ 651 through 658; making provisions of this Act severable; and declaring an emergency.

**SB 412**—By McSpadden and Hamilton of the Senate and Willis and Miskelly of the House—An Act relating to the Office of the Governor - Division of Economic Opportunity and making an appropriation thereto; stating the purpose; providing for the appointment and compensation of personnel; providing lapse date; making provisions of this Act severable; and declaring an emergency.

**SB 413**—By McSpadden and Hamilton of the Senate and Willis and Miskelly of the House—An Act relating to the Office of the Department of Charities and Corrections and making an appropriation thereto; stating the purpose; providing for the appointment and compensation of employees; providing lapse date; making provisions of this Act severable; and declaring an emergency.

**SB 414**—By McSpadden and Hamilton of the Senate and Willis and Miskelly of the House—An Act relating to the Governor's Committee on Employment of the Handicapped and making an appropriation thereto; stating the purpose; providing for the appointment and compensation of employees; providing lapse date; making provisions of this Act severable; and declaring an emergency.

**SB 415**—By McSpadden and Hamilton of the Senate and Willis and Miskelly of the House—An Act relating to the Oklahoma Department of Veterans Affairs, the Oklahoma Veterans Center, Sulphur, Oklahoma, the Oklahoma Veterans Center, Ardmore, Oklahoma, and the Oklahoma War Veterans Commission and making appropriations thereto; stating the purpose; providing for transfer of funds; making an appropriation from the War Veterans Commission Revolving Fund and stating the purpose; providing for administration of the Department of Veterans Affairs, and each of the institutions listed in this Act; providing for appointment and compensation of personnel; providing for authority to enter into agreements with the Vocational Rehabilitation Division of the Oklahoma Public Welfare Department, for rehabilitation of disabled veterans; providing for method of making purchases; appropriating funds for contracting with the Department of Mental Health for services rendered veterans; prescribing method of aiding destitute minor dependents; providing for lapse date; making provisions of this Act severable; and declaring an emergency.

**SB 416**—By McSpadden and Hamilton of the Senate and Willis and Miskelly of the House—An Act relating to the State Accrediting Agency and making an appropriation to said Agency; stating the purpose; authorizing transfer of funds; authorizing appointment of personnel and expenditure of funds; providing lapse date; making provisions of this Act severable; and declaring an emergency.

**SB 417**—By McSpadden and Hamilton of the Senate and Willis and Miskelly of the

House—An Act relating to the Office of Civil Defense and making an appropriation thereto; stating the purpose; providing for the appointment and compensation of employees; providing lapse date; making provisions of this Act severable; and declaring an emergency.

**SB 418**—By McSpadden and Hamilton of the Senate and Willis and Miskelly of the House—An Act relating to the State Bureau of Investigation and making an appropriation thereto; stating the purpose; authorizing the Director to create positions and fix the salaries of necessary employees; making an appropriation for the purchase of automobiles, making an appropriation for the purchase of controlled dangerous substances and other evidence costs; authorizing use of all funds appropriated for federal matching purposes; providing lapse date; making provisions of this Act severable; and declaring an emergency.

**SB 419**—By McSpadden and Hamilton of the Senate and Willis and Miskelly of the House—An Act relating to the Office of the Oklahoma Military Department and making an appropriation of General Revenue Funds thereto; stating the purpose; providing for appointment, duties and compensation of personnel; making an appropriation of public building funds and stating purpose; making an appropriation of building bond interest and stating purpose; providing lapse date; making provisions of this Act severable; and declaring an emergency.

**SB 420**—By McSpadden and Hamilton of the Senate and Willis and Miskelly of the House—An Act relating to the Office of the Pardon and Parole Board and making an appropriation thereto; stating the purpose; providing lapse date; making the provisions of this Act severable; and declaring an emergency.

**SB 421**—By McSpadden and Hamilton of the Senate and Willis and Miskelly of the House—An Act relating to the Commission on Criminal and Traffic Law Enforcement System and making an appropriation thereto; stating the purpose; providing lapse date; making the provisions of this Act severable; and declaring an emergency.

**SB 422**—By McSpadden and Hamilton of the Senate and Willis and Miskelly of the House—An Act relating to the Council on Law Enforcement Education and Training and making an appropriation thereto; stating the purpose; providing lapse date; making provisions of this Act severable; and declaring an emergency.

**SB 423**—By McSpadden and Hamilton of the Senate and Willis and Miskelly of the House—An Act relating to the State Highway Department; making appropriations thereto; providing for transfer of funds; specifying the purposes for which appropriated funds may be used; limiting expenditures for audits; providing for construction of roads to lakes, historic sites, park access roads and industrial sites; providing for special maintenance projects; authorizing expenditure for administrative functions imposed by Highway Safety Act; requiring allocation of certain funds by Commissioners' Districts; providing for obligation of funds; providing that obligation of funds shall be subject to the provisions of 62 O.S. 1971, §§ 41.1 through 41.38; making appropriation nonfiscal; making provisions of this Act severable; and declaring an emergency.

**SB 424**—By McSpadden and Hamilton of the Senate and Willis and Miskelly of the House—An Act relating to the Commission on Consumer Affairs and making an appropriation thereto; stating the purpose; providing for the appointment of personnel; providing lapse date; making provisions of this Act severable; and declaring an emergency.

**SB 425**—By McSpadden and Hamilton of the Senate and Willis and Miskelly of the House—An Act relating to the Office of the Chief Mine Inspector and making appropriations thereto; stating the purpose; appropriating funds for Mine Inspectors' Institute of America Convention; providing

that the Chief Mine Inspector shall fix the duties and compensation of employees within certain limitations; providing lapse date; making provisions of this Act severable; and declaring an emergency.

**SB 426**—By McSpadden and Hamilton of the Senate and Willis and Miskelly of the House—An Act relating to the State Mining Board and making an appropriation thereto; stating the purpose; providing for lapse date; making provisions of this Act severable; and declaring an emergency.

**SB 427**—By McSpadden and Hamilton of the Senate and Willis and Miskelly of the House—An Act relating to the Office of the Securities Commission and making an appropriation thereto; stating the purpose; providing that the Administrator of the Securities Commission shall fix the duties and compensation of employees; providing for maximum salary for the Administrator; providing for compensation of members of the Securities Commission; providing lapse date; making provisions of this Act severable; and declaring an emergency.

**SB 428**—By McSpadden and Hamilton of the Senate and Willis and Miskelly of the House—An Act relating to the State Department of Agriculture and making appropriations thereto; stating the purpose; authorizing appointment and compensation of personnel; providing lapse date; making the provisions of this Act severable; and declaring an emergency.

**SB 429**—By McSpadden and Hamilton of the Senate and Willis and Miskelly of the House—An Act relating to the Oklahoma Industrial Development and Park Commission and making an appropriation thereto; stating the purpose; authorizing utilization of unexpended funds for other purposes; prohibiting expenditures in leased state-owned lodges for certain purposes; directing the expenditure of certain funds appropriated to the Division of Publicity, Advertising and Information; providing for the reimbursement of employees' general expenses; providing for the appointment and compensation of officials and employees; providing for agreements with the Federal Government; authorizing payment of premiums for workmen's compensation and other necessary insurance; providing for use of revenue received from the sale of copies or subscriptions of the magazine "Oklahoma Today"; providing lapse date; making provisions of this Act severable; and declaring an emergency.

**SB 430**—By McSpadden and Hamilton of the Senate and Willis and Miskelly of the House—An Act relating to the Oklahoma Conservation Commission and making an appropriation thereto; stating the purpose; providing for the payment of operational expenses by the Oklahoma Conservation Commission; providing for the appointment and compensation of employees; providing for the payment of district supervisors; providing lapse date; making the provisions of this Act severable; and declaring an emergency.

**SB 431**—By McSpadden and Hamilton of the Senate and Willis and Miskelly of the House—An Act relating to the Bartlesville Energy Research Center and making an appropriation thereto; stating the purpose; providing for the appointment and compensation of employees; providing lapse date; making the provisions of this Act severable; and declaring an emergency.

**SB 432**—By McSpadden and Hamilton of the Senate and Willis and Miskelly of the House—An Act relating to insurance; amending 36 O.S. 1971, § 1115, imposing a tax on insurance policies issued by unauthorized insurers; requiring reports with respect to such policies; making the insured liable for such taxes upon such policies purchased through unauthorized sources; creating the surplus line fund and providing for expenditure of revenues for certain purposes; making provisions severable; and declaring an emergency.

**SB 433**—By McSpadden and Hamilton of the Senate and Willis and Miskelly of the House—An Act relating to the State Em-

ployees Group Health and Life Insurance Plan and making an appropriation for administrative costs; providing that the appropriation shall be to the Public Employees Retirement System pursuant to provisions of 74 O.S. 1971, § 1313; providing for approval of operating budget by the State Employees Group Health Board; providing lapse date; making provisions of this Act severable; and declaring an emergency.

**SJR 41**—By Murphy—A Joint Resolution directing the Secretary of State to refer to the people, for their approval or rejection, a proposed amendment to Article II, Section 24, Oklahoma Constitution; providing that when private property is taken or damaged for public use any benefits from any public improvements proposed may be considered toward offsetting any damages which may be sustained resulting from severance of part of the property or reduction in size of the property unit; and providing for special election thereon.

## SECOND READING

The following Bills and/or Resolutions were read the second time and referred to Committees indicated:

**SB 365**—Governmental Reform.

**SB 366**—Public Safety and Penal Affairs.

**SB 367**—Judiciary.

**SB 368**—Revenue and Taxation.

**SB 369**—Judiciary.

**SB 370**—Judiciary.

**SB 371**—Judiciary.

**SB 372**—Judiciary.

**SB 373**—Revenue and Taxation.

**SB 374**—Social Welfare.

**SB 375**—Appropriations and Budget.

**SB 376**—Committee on Rules.

**SB 377**—Education-Higher.

**SB 378**—Appropriations and Budget.

**SB 379**—Professions and Occupations.

**SB 380**—Judiciary.

**SB 381**—Revenue and Taxation.

**SB 382**—Judiciary.

**SB 383**—Appropriations and Budget.

**SB 384**—Education-Higher.

**SB 385**—Education-Common.

**SB 386**—Soil and Water Resources.

**SB 387**—Soil and Water Resources.

**SB 388**—Soil and Water Resources.

**SB 389**—Judiciary.

**HB 1091**—Wildlife.

## RESOLUTIONS

Senator Birdsong introduced **SR 71.**

**SR 71**—By Birdsong—A Resolution providing for employment of temporary personnel for administrative and technical assistance to the State Senate of the 2nd Session of the 33rd Oklahoma Legislature; designating positions and emoluments.

**SR 71** was read at length, adopted upon motion of Senator Birdsong and ordered referred for enrollment.

Senator Birdsong introduced **SR 72.**

**SR 72**—By Birdsong—A Resolution providing for payment of necessary expenses of committees, delegations and individuals traveling to and from points outside the State of Oklahoma, on trips authorized by the Senate.

**SR 72** was read at length, adopted upon motion of Senator Birdsong and ordered referred for enrollment.

Senator Terrill moved after the clerk's desk is cleared, that the Senate stand adjourned to meet Thursday, January 6, 1972, at 11:00 A.M., which motion prevailed.

Upon motion of Senator Terrill, the Senate adjourned to meet Thursday, January 6, 1972, at 11:00 A.M.

# Third Legislative Day

## Thursday, January 6, 1972

Pursuant to adjournment, the Senate was called to order by President Pro Tempore Smith.

Upon roll call, the following members were present:

Baggett, Baldwin, Berrong, Birdsong, Boecher, Capps, Crow, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Keels, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Payne, Rogers, Smalley, Smith, Stansberry, Taliaferro, Terrill, Trent, Williams, Young.—41.

Excused: Bradley, Breckinridge, Dahl, Nichols, Phillips, Porter, Stipe.—7.

The President Pro Tempore declared a quorum present.

The following prayer was offered by the Chaplain and incorporated upon request of President Pro Tempore Smith:

Our Father, in a world where so many have lost faith in our institutions, give us leaders of courage, who will restore our dream of government by the people.

In a world where so many despair of ever seeing justice or equality, give us leaders whose concern and action will restore hope.

In a world where politics has become a bad word and where politicians are looked upon with scorn, give us men who will retranslate those words with lives dedicated to honesty and integrity.

In a world where there is so much bitterness, anger, and pain, give us a cheerful smile, a sensitivity to the hurt around us, and an optimistic faith in the opportunity of today.—Amen.

The Journal for the last legislative day was declared approved.

## FIRST READING

The following Bills and/or Resolutions were introduced and read the first time:

**SB 434**—By Luton—An Act relating to workmen's compensation; amending 85 O.S. 1971, § 2; providing for the inclusion of certain additional employment within the provisions of the Workmen's Compensation Law; and declaring an emergency.

**SB 435**—By Luton—An Act relating to mental health; amending 43A O.S. 1971, §§ 3 and 54; defining "qualified examiner" to include psychologists; allowing the appointment of one psychologist to the Sanity Commission; and making appropriate changes consistent with these amendments in the Examiners' Certificate.

**SB 436**—By Young and Grantham—An Act relating to court records; amending 12, 1971, § 24; to provide for microfilming and destruction of existing journal records; and declaring an emergency.

**SB 437**—By Young—An Act relating to cities and towns; providing for certification each year, on or before August 1, of all special assessment installments coming due on or before the first day of September; providing a time after due date within which unpaid installments may be foreclosed; specifying property the judgment may reach; providing a time for cessation of effectiveness of special assessment lien; and repealing conflicting laws.

## SECOND READING

The following Bills and/or Resolutions were read the second time and referred to Committees indicated:

**SB 390**—Governmental Reform.

**SB 391**—Municipal Government.

**SB 392**—Appropriations and Budget.

**SB 393**—Appropriations and Budget.

**SB 394**—Appropriations and Budget.

**SB 395**—Appropriations and Budget.

**SB 396**—Appropriations and Budget.

**SB 397**—Appropriations and Budget.

**SB 398**—Appropriations and Budget.

**SB 399**—Appropriations and Budget.

**SB 400**—Appropriations and Budget.

**SB 401**—Appropriations and Budget.

**SB 402**—Appropriations and Budget.

**SB 403**—Appropriations and Budget.

**SB 404**—Appropriations and Budget.

**SB 405**—Appropriations and Budget.

**SB 406**—Appropriations and Budget.

**SB 407**—Appropriations and Budget.

**SB 408**—Appropriations and Budget.

**SB 409**—Appropriations and Budget.

**SB 410**—Appropriations and Budget.

**SB 411**—Appropriations and Budget.

**SB 412**—Appropriations and Budget.

**SB 413**—Appropriations and Budget.

**SB 414**—Appropriations and Budget.

**SB 415**—Appropriations and Budget.

**SB 416**—Appropriations and Budget.

**SB 417**—Appropriations and Budget.

**SB 418**—Appropriations and Budget.

**SB 419**—Appropriations and Budget.

**SB 420**—Appropriations and Budget.

**SB 421**—Appropriations and Budget.

**SB 422**—Appropriations and Budget.

**SB 423**—Appropriations and Budget.

**SB 424**—Appropriations and Budget.

**SB 425**—Appropriations and Budget.

**SB 426**—Appropriations and Budget.

**SB 427**—Appropriations and Budget.

**SB 428**—Appropriations and Budget.

**SB 429**—Appropriations and Budget.

**SB 430**—Appropriations and Budget.

**SB 431**—Appropriations and Budget.

**SB 432**—Appropriations and Budget.

**SB 433**—Appropriations and Budget.

**SJR 41**—Constitutional Revision and Re-Districting.

## UNANIMOUS CONSENT REQUEST

President Pro Tempore Smith asked unanimous consent, which was granted, that all Standing Committee changes for the 33rd Legislature, made prior to this date, be allowed by the Senate.

## REPORT OF ENGROSSED AND ENROLLED BILLS

**SRs 71** and **72** each correctly enrolled.

Enrolled **SRs 71** and **72** were each properly signed and ordered transmitted to the Secretary of State.

## MESSAGE FROM THE HOUSE

Advising adoption of and transmitting for consideration Engrossed:

**HCR 1057**—By Privett of the House and Smith and Terrill of the Senate—A concurrent resolution relating to the Oklahoma H1-Y Youth Legislature of the Southwest region of the National Council of the Young Men's Christian Association; authorizing use of the Chambers of the House of Representatives and of the Senate for specified dates in 1972; and directing that duly authenticated copies of this resolution be forwarded to certain officials of said Southwest region of the National Council of the Young Men's Christian Association.

Consideration of the Resolution was deferred for this Legislative day.

## RESOLUTIONS

The following Resolution was introduced and referred to the committee hereinafter designated:

**SCR 72**—By Berrong—A concurrent resolution designating and adopting Indiangrass, Sorghastrum Nutans, as the State Grass of Oklahoma.—Agriculture.

Senator Terrill moved after the Clerk's desk is cleared, that the Senate stand adjourned to meet Monday, January 10, 1972, at 1:00 P.M., which motion prevailed.

Upon motion of Senator Terrill, the Senate adjourned to meet Monday, January 10, 1972, at 1:00 P. M.

# Fourth Legislative Day

## Monday, January 10, 1972

Pursuant to adjournment, the Senate was called to order by Senator Terrill, who was designated so to do by the President Pro Tempore.

Upon roll call the following members were present:

Baggett, Berrong, Birdsong, Bradley, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Keels, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Phillips, Porter, Rogers, Smalley, Smith, Stansberry, Taliaferro, Terrill, Trent, Williams, Young.—44.

Excused: Baldwin, Boecher, Payne, Stipe.—4.

Senator Terrill declared a quorum present.

The following prayer was offered by Reverend Bobby Sunderland, Pastor, Emmanuel Baptist Church, Enid, and incorporated upon request of Senator Lamb.

Eternal God, we pause in this quiet moment at the beginning of this work week, to ask for your help and your council. I pray that you will add your wisdom to the abilities of these Senators as they conduct their business this week.

Give quiet council even to those who do not seek your help. Give them moral and spiritual strength to stand firm against pressure and temptation in both their public and private lives.

I pray that my visit this week will be more than a new face in an old place, but that I might be some help to each of these men. In the name of Jesus Christ, Son of God, Savior. Amen.

The Journal for the last legislative day was declared approved.

### ANNOUNCEMENT

Senator McSpadden expressed his personal delight and the joy of the entire Senate at the return of Senator Bradley after a long absence from the Senate due to illness.

### REQUESTS FOR LOBBY PERMITS

Requests for Lobby Permits were filed by the following persons and ordered referred to the Committee on Lobby Permits:

William F. Booth, 2003 Julie Dr., Moore, Oklahoma, representing Oklahoma State School Boards Association.

G. C. Walpole, Jr., 2232 N.W. 45th St., Oklahoma City, Oklahoma, representing Home Builders Association of Greater Oklahoma City, Inc.

### FIRST READING

The following Bills and/or Resolutions were introduced and read the first time:

**SB 438**—By Nichols—An Act relating to civil procedure, specifically divorce; amending 12 O.S. 1971, § § 1280, 1281b and 1282: and declaring marriage, other than to divorced spouse, within one year from date of decree of divorce, as unlawful, where parties had a child under the age of fifteen (15) years at the time of granting the divorce decree.

**SB 439**—By Grantham of the Senate and Boettcher and Conaghan of the House—An

Act relating to courts; amending 20 O.S. 1971, §§ 1210, 1222 and 1223; changing time for filing annual financial report and inventory report by the Board of Trustees of the Law Library; providing for an increase in the supplementation of the Law Library Fund based on accruals to the Court Fund during the calendar year last preceding; providing for the transfer of excess funds in the Law Library Fund to the State Judicial Fund; and declaring an emergency.

**SB 440**—By Grantham of the Senate and McCune of the House—An Act relating to municipal courts not of record; amending 11 O.S. 1971, §§ 958.6 and 958.33; providing for jury trials, qualifications and selection of jurors; prohibiting prosecution of a defendant who has been in jeopardy in a municipal court for the same or a lesser included offense; and declaring an emergency.

**SB 441**—By Ham—An Act relating to civil procedure; amending 12 O.S. 1971, §§ 153 and 153.1; prescribing requisites and form of summons; providing for service by Sheriff or by mail; providing a return date and time in which answer to be filed; providing copy of answer be furnished to plaintiff or to plaintiff's attorney; repealing 12 O.S. 1971, § 152, and 19 O.S. 1971, §§ 515.1 and 523; and providing effective date.

## SECOND READING

The following Bills and/or Resolutions were read the second time and referred to Committees indicated:

**SB 434**—Industrial and Labor Relations.

**SB 435**—Public and Mental Health.

**SB 436**—Judiciary.

**SB 437**—Municipal Government.

## RESOLUTIONS

The following Resolution was introduced and referred to the committee hereinafter designated:

**SCR 73**—By Nichols of the Senate and Boren, et al, of the House—A Concurrent Resolution relating to Joint Rules of the Oklahoma Legislature; amending Joint Rule 10 relating to Conference Committees to require Conference Commiteee Reports to be published in the Journal for three consecutive issues prior to being acted upon.—Rules.

Senator Field introduced the following Resolution:

**SCR 74**—By Field of the Senate and Bradley of the House—A Concurrent Resolution commending the State Highway Commission, the State Highway Director, and his staff, R. R. Tway, Inc., Jack Tway, its President, 19th Seed Company, Clay Wilson, its President, their subcontractors and suppliers, for diligence shown in completing the Lincoln Boulevard segments of the State Capitol Complex Road Improvement Program ahead of schedule.

Senator Field asked unanimous consent that all other Senators be made co-authors of **SCR 74,** which was the order.

**SCR 74,** as co-authored, was read at length, adopted upon motion of Senator Field and ordered referred for engrossment.

## PENDING SENATE ACTION ON RESOLUTIONS

**HCR 1057** was read at length, adopted upon motion of Senator Birdsong, made on behalf of President Pro Tempore Smith, properly signed and ordered returned to the Honorable House.

Senate Birdsong moved after the Clerk's desk is cleared, that the Senate stand adjourned to meet Tuesday, January 11, 1972, at 1:00 P.M., which motion prevailed.

Upon motion of Senator Birdsong, the Senate adjourned to meet Tuesday, January 11, 1972, at 1:00 P.M.

# Fifth Legislative Day

## Tuesday, January 11, 1972

Pursuant to adjournment, the Senate was called to order by President Pro Tempore Smith.

Upon roll call, the following members were present:

Baggett, Baldwin, Berrong, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Keels, Lamb, Lane, Luton, McCune, McGraw, Martin, Medearis, Miller, Murphy, Nichols, Payne, Porter, Rogers, Smalley, Smith, Stansberry, Stipe, Taliaferro, Terrill, Trent, Williams, Young.—45.

Excused — Bradley, McSpadden, Phillips.—3.

The President Pro Tempore declared a quorum present.

The following prayer was offered by the Chaplain and incorporated upon request of Senator Lamb:

Eternal God, Bless these Senators in their efforts to represent the people of this State. Help them to work as a team moving toward common goals. Encourage them to be broad-minded enough to see other's viewpoint, yet narrow enough to have personal convictions. Give them the discipline to conduct themselves in their public and private lives in such a way - so that - when they are gone - if all the facts were known, all men will speak well of them. In the name of Jesus Christ, Son of God, Savior. Amen.

The Journal for the last legislative day was declared approved.

### REQUESTS FOR LOBBY PERMITS

Requests for Lobby Permits were filed by the following persons and ordered referred to the Committee on Lobby Permits:

Ben G. Brown, 3516 Ann Arbor Place, Oklahoma City, Oklahoma, representing Robberson Steel Company.

Voyle C. Scurlock, 3926 N.W. 58th Terrace, Oklahoma City, Oklahoma, representing The Oklahoma Rehabilitation Association.

### COMMITTEE REPORTS

The following Bills and/or resolutions were reported by the Committees named, ordered printed and placed upon the Calendar unless otherwise indicated:

DO PASS:

**SB 99**—Revenue and Taxation, co-authored by Odom of the House.

**SB 367**—Judiciary, co-authored by Hancock of the House.

**SB 393**—Appropriations and Budget.

**SB 394**—Appropriations and Budget.

**SB 396**—Appropriations and Budget.

**SB 400**—Appropriations and Budget.

**SB 410**—Appropriations and Budget.

**SB 414**—Appropriations and Budget.

**SB 433**—Appropriations and Budget.

DO PASS, as amended:

**SB 361**—Judiciary, co-authored by Baldwin of the Senate and Cole of the House. Senators McSpadden and Hamilton withdrawn as co-authors.

**SB 369**—Judiciary.

**SCR 70**—Judiciary, co-authored by Senators Smalley, Hargrave and Lamb.

**HB 1070**—Education - common, co-authored by Senator Crow.

**CS** for **SB 385**—Education - common, co-authored by Senator Lamb.

## REPORT OF ENGROSSED AND ENROLLED BILLS

**SCR 74** correctly engrossed.

Engrossed **SCR 74** was properly signed and ordered transmitted to the Honorable House for consideration.

## FIRST READING

The following Bills and/or Resolutions were introduced and read the first time:

**SJR 42**—By Field of the Senate and Harrison of the House—A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection a proposed Amendment to the Oklahoma Constitution, amending Section 6 of Article XI thereof; providing for the investment of permanent school and other educational funds and increasing the percentage of the reasonable valuation which may be loaned on farm lands; providing a ballot title; and ordering a special election.

**SB 442**—By Ham—An Act relating to criminal procedure; amending 22 O.S. 1971, § 15; providing that a person may not be compelled to be a witness against himself in a criminal action; providing that a person charged with a public offense may not before conviction be subjected to more restraint than is necessary for his detention to answer the charge; and declaring an emergency.

## SECOND READING

The following Bills and-or Resolutions were read the second time and referred to Committees indicated:

**SB 438**—Judiciary.

**SB 439**—Judiciary.

**SB 440**—Judiciary.

**SB 441**—Judiciary.

## RESOLUTION

Senator Stipe introduced the following Resolution:

**SCR 75**—By Stipe of the Senate and Skeith of the House—A Concurrent Resolution relating to the animal diagnostic laboratory at Stillwater; naming said laboratory the "Fred D. Lowe Memorial Animal Diagnostic Laboratory".

**SCR 75** was read at length, adopted upon motion of Senator Stipe and ordered referred for engrossment.

A Committee from the Honorable House was received, which advised that the House is organized and ready to meet with the Senate in Joint Session at 1:30 P.M.

Senator Terrill moved that the State of the Judiciary Message by Chief Justice William A. Berry delivered in Joint Session be incorporated in the Senate Journal for this day, which motion was declared adopted.

Senator Terrill moved after the desk is cleared that the Senate stand adjourned to meet Wednesday, January 12, 1972, at 1:00 P.M., which motion prevailed.

The hour of 1:30 P.M. having arrived and that being the hour arranged for Joint Session of the 33rd Legislature, it was upon motion of Senator Terrill that the Senate, preceded by its Officers, proceeded to the Honorable House for the purpose of a Joint Session.

## JOINT SESSION

The Second Joint Session of the Second Session of the 33d Legislature was called to order by President Nigh.

Senator Terrill moved that the Senate attendance roll call be considered the roll call of the Senate in Joint Session, which was the order.

Baggett, Baldwin, Berrong, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Keels, Lamb, Lane, Luton, McCune, McGraw,

Martin, Medearis, Miller, Murphy, Nichols, Payne, Porter, Rogers, Smalley, Smith, Stansberry, Stipe, Taliaferro, Terrill, Trent, Williams, Young.—45.

Excused: Bradley, McSpadden, Phillips. —3.

President Nigh declared a quorum of the Senate present.

Representative Wolf moved that the House attendance roll call be considered the roll call of the House in Joint Session, which was the order.

Abbott, Anderson, Andrews, Atkins, Avey, Bamberger, Bengtson, Bernard, Beznoska, Boatner, Boren, Bradley, Briscoe, Camp, Carlton, Cartwright, Cate, Clemons, Coffin, Cole, Conaghan, Converse, Cotner, Cox, Davis, Doornbos, Draper, Duke, Dunn, Elder, Ferguson, Ferrell, Finch, Fine, Ford, Gooden, Green, Greenhaw, Hancock, Hargrave, Harper, Harrison, Hatchett, Holaday, Hopkins, Huddleston, Johnson, Kamas, Kardokus, Kennedy, Kilpatrick, Lindstrom, McCune, McIntyre, McKee, Miskelly, Monks, Mountford, Murphy, Musgrave, Nance, Odom, Payne, Pierce, Poulos, Randle, Riggs, Robinson, Rogers, Sanders, Sandlin, Sanguin, Skeith, Sparkman, Stratton, Sullivan, Taggart, Thornhill, Townsend, Trent, Wayland, Whorton, Wickersham, Wiedemann, Williams, Williamson, Willis, Witt, Wixson, Wolf (Leland), Wolfe (Stephen), Wynn, York, Mr. Speaker.—94.

Excused: Boettcher, Frates, Hill, Spearman, Tarwater.—5.

The Speaker declared a quorum of the House present.

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

Prayer was offered by the Senate Chaplain, The Reverend Bobby Sunderland, Pastor of the Emmanuel Baptist Church, Enid, Oklahoma.

Senator Terrill moved that the President and the Speaker appoint Committees from the Senate and the Honorable House, respectively, as a Joint Committee to notify Chief Justice William A. Berry the Second Session of the 33d Legislature is now in Joint Session and awaits his presence in order to hear and receive his State of the Judiciary Message. The motion was declared adopted and the following were appointed as such Committees:

FOR THE SENATE: Hamilton, Birdsong, Garrison, Porter and Hargrave.

FOR THE HOUSE: McCune, Finch, Camp, Wayland and Williamson.

President Nigh declared the Joint Session at ease.

President Nigh called the Joint Session to order and recognized Chief Sergeant-at-Arms Truel, who announced the presence of Chief Justice William A. Berry, who was escorted to the Speaker's desk.

Chief Justice William A. Berry gave the following State of the Judiciary Message:

**STATE OF THE JUDICIARY MESSAGE**

Governor Nigh, President Smith, Speaker Privett, Members of the Legislature:

This is a memorable occasion for the Oklahoma Judiciary and an honor for me to serve as its representative. From your invitation to address this assembly I infer your recognition that the court system is now a fully emancipated organ of the state. Oftentimes in the past our function was viewed as one of a mere agency rather than that of a co-equal branch of the government. All too often the judiciary of this state was but a plank in the platform advanced for us by another branch of the government. All this, hopefully, is now in the past I trust that this occasion is but the beginning of a tradition that will be continued and serve to give you a first hand report on the operations of the court system as well as inform you of our needs. At the very inception permit me to pay tribute to this body for its excellent work on the new judicial article of the constitution adopted in 1967. This article gave birth to the Oklahoma court structure and placed on us in the Supreme Court the responsibil-

ity for a system-wide administration. Without that work the courts of this state would have continued as uncoordinated and scattered branch offices without a home office — as a headless body. The judicial service would have been left at the mercy of at times inadequate local resources. Many feared that after the reform the state-funded judiciary would become a monster with deficiencies that the legislature would be powerless to correct. I report to you that never in the history of this state has there been a more cordial relationship between our branch of the government and yours, and never before has the judiciary of this state been afforded a more open and candid dialogue with the legislature than since court reform. As a matter of fact, little of what I am about to say is new to the members of your judiciary committees. This is so because since the reform our contact with you through the judiciary committees has been maintained on a daily basis during the session and on an almost weekly basis during the interim. Our contact with you has been greatly facilitated by the creation of the office of the administrative director of the courts. That office acts as liaison between the three branches of the government. Its efficiency is well known to everyone in the capitol. Your judiciary committees know almost from day to day what the judicial branch of the government is doing and the problems that arise in the operation of the system; and we know, through this frequent contact, your policy and directives to us. I report to you that the skeptics were mistaken. This branch of the government - as it now stands - centrally administered and state-funded - has maintained its operation in a closer collaboration with your branch of the government than any court system known to me in the United States. You have given us a voice in our own destiny - an opportunity to participate in shaping it - and you have not lost any of your policy-making powers over us. It will please you to know that we are the envy of many states in which our modern, streamlined system-wide operation is still but a dream. Your skill in drafting an administrative system that allows a large modicum of local control in the courthouses of the state is also the envy of others. It serves as a model to a great many of those states which have recently reorganized their judiciary into a modern system similar to ours.

It is true that we are jealous of our independence and wish to guard against encroachments upon it. But our independence is not to be misunderstood. It stems from our desire to do our judging unfettered by the other two branches of the government and from our insistence on direct access to this body, without any intermediary between us, in matters lying exclusively within your province, that is, in legislation affecting the courts and in budgetary matters. In our insistence that this brand of constitutional independence be honored by the other two branches, we merely ask that you give us the tools to function efficiently and economically and that we perform our function with competent personnel to administer legal process, civil and criminal, in an even-handed way, to the rich and poor, young and old, black and white, Democrats and Republicans, Christians and Jews. This independence is essential to the maintenance of a sound judiciary to which ALL people of this state may rightly lay claim.

While much has been done by you since the reform to implement the excellent framework which the constitution sets up, much more needs to be done. Among the most vexing problems is that of proper geographical distribution of judgeships over the state. It is no secret to you that there are areas in which the trial bench is drastically overstaffed and others in which shortage of judicial manpower has arisen. We sincerely invite you to correct this deficiency that I am sure our forthcoming report to you will show. We trust that you will consider it in the best

interest of economy and efficient administration of legal process to the people of this state. A similar problem has been solved in Illinois by a constitutional amendment which eliminated that class of officers which is the counterpart of our associate district judges. Illinois now has only two classes of judicial personnel - the district judges and the magistrates or what we call special judges. You would profit from studying the new Illinois system and from giving serious consideration to the structure that state has adopted.

Another recurring problem is that of adequate judicial compensation. We are grateful for your work in the last session that resulted in an upward readjustment of several compensation levels for judges. A long range solution to the problem is urged. It would require that you give proper attention to a permanent statutory formula tied to the cost-of-living-index. If Oklahoma gets judges CHEAP, Oklahoma will have CHEAP judges. Chairman Runkle of the Judicial Nominating Commission has pointed out recently that vacant Oklahoma judgeships attract only a very minimum of applicants of the caliber desired for judicial service. He attributed this situation to existing compensation levels that are totally out of balance with the income of lawyers who possess adequate qualifications and experience. I know that many of you feel the judges are getting paid too much as it is and that there are those among you who feel that judges should be reduced to a non-professional salary level. Without attempting to criticize this view, I feel that the caliber of judges should measure up to the caliber of lawyers practicing before them.

Proper judicial compensation is worthy of your serious attention and of a long range solution.

The Supreme Court's constitutional responsibility for administration of the judicial system extends to the state courts as well as to municipal courts. With the use of federal funds, and without any expense to the state, we have completed last September a survey of the municipal courts. Our object was to determine which cities had a court in existence, the identity and qualifications of the judges and the quality of legal process administered. The results of this survey are most distrubing and disappointing. Copies of the survey are available for your study.

Municipal courts are an important part of the judiciary. It is in these courts that the bulk of our citizens receive their first, or perhaps only, impression of legal process. A drastic legislative re-examination of the municipal court structure is urged. I recommend that you take the first step in this session by placing municipal courts under the administrative supervision of our presiding and chief judges in like manner with the state courts.

With the aid of the Court of Appeals the Supreme Court is making an appreciable inroad into its existing backlog. The decisional process has been significantly accelerated even though the latest per-annum case load figures reflect an increase of 46 percent over the pre-reform filings. We wish to commend the Court of Appeals for the fine job it has done.

The Court of Criminal Appeals has also been plagued by an ever increasing filing load. With the aid of the temporary division created by you in the last session and staffed by trial bench personnel, we will be able to reduce the backlog significantly. Retired judicial personnel have been of great service to us by their willingness to remain in active service. Contrary to the press reports, the only retired judges we have are those who are seriously handicapped. The vast bulk of retired personnel are actively at work serving this state at reduced compensation.

The district court operations since the reform have proceeded in a greatly accelerated manner, and I am pleased to report to you that there is NO problem of lagging justice in any region of Oklahoma.

That problem, as you know, is presently plaguing all other states and the federal courts. We have escaped it because you have given us ample judicial staffing. Even in understaffed regions, such as Oklahoma and Tulsa Counties, criminal and civil process more than meets the minimum standards of speedy justice. In these two metropolitan counties the time lag between arrest and trial seldom exceeds 90 days. This is a significant accomplishment for which I wish to commend our judicial administrators in those counties.

The State Industrial Court is doing an admirable job in promptly disposing of its 15,000 filings per year. Staffed by only 5 judges, that court deserves to be complimented for its work.

With the use of federal funds and without any cost to the State of Oklahoma the Supreme Court has been carrying on a program of in-service judicial training both in and out of the state. This year we hope to further expand this project by including in it municipal judges.

Within the State of Oklahoma we have, since the reform, conducted three 4-day summer programs of judicial training, the last one in July of 1971. The topics of these programs ranged all the way from legal process in traffic misdemeanors to sentencing standards and the juvenile process.

I am fearful that the federal government will discontinue extending funds for these worthy in-service training programs. This body should give serious consideration to funding them with state appropriated money.

The Supreme Court's constitutional responsibility of administering the operations of the judiciary has placed a great strain on our budget. The administrative expenses have been rising steadily. This aspect has not received your due consideration. Our current fiscal year's appropriations for operating expenses have been less than adequate. The Court of Criminal Appeals was badly underfunded. It is surviving only because of federal aid. The Supreme Court chambers, an architectural jewel in this capitol, is in a state of shameful disrepair. It has not undergone renovation in the last 35 years.

I invite and urge you to give proper attention to the pressing needs of the Supreme Court and the Court of Criminal Appeals when you consider our budget requests.

Thanks to legislation passed in the last session court fund management has been improved. Much more by way of legislation is required. It is my fond hope that you will see fit to give us needed statutory tools for proper supervision of local spending of court-generated funds.

## SUMMATION

To many non-lawyer legislators our operations remain pretty much a mystery. I invite you to familiarize yourselves with our problems and needs so that you may intelligently cast your vote on court-related legislation. The members of our court and the court administrator will be delighted to aid you in this task with candid and objective explanations.

Your cooperation is vital to the survival of the judicial branch of the government and your understanding of our problems is essential to the proper performance of our duties.

I accordingly challenge you to:

(1) examine closely the geographical maldistribution of Oklahoma judgeships with a view to correcting this problem.

(2) give due attention to proper compensation levels for all classes of judicial personnel with a view to arriving at a long-range solution;

(3) give the Supreme Court the tools necessary to supervise the administration of legal process in the municipal courts;

(4) give the Supreme Court proper tools to impart statewide uniformity to the management of court funds;

(5) give due consideration to the budget-

ary needs of the Supreme Court for discharging its constitutional responsibility to administer the entire judicial system in Oklahoma; and

(6) give due consideration to the budgetary needs of the Court of Criminal Appeals.

Again, may I convey to you my deep personal appreciation and that of the entire judiciary for the opportunity to deliver this message.

Let me assure you of our desire to merit your confidence and that of the people of this great State. Make our business your business to the end that we may resolve whatever misunderstandings may exist between us.

Upon motion of Senator Terrill, the Joint Session was ordered dissolved.

Under the Terrill* motion, the Senate adjourned to meet Wednesday, January 12, 1972, at 1:00 P.M.

# Sixth Legislative Day

## Wednesday, January 12, 1972

Pursuant to adjournment, the Senate was called to order by President Pro Tempore Smith.

Upon roll call, the following members were present:

Baggett, Baldwin, Berrong, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Keels, Lamb, Luton, McCune, McGraw, McSpadden, Martin, Miller, Payne, Porter, Rogers, Smith, Stansberry, Taliaferro, Terrill, Trent, Williams, Young.—39.

Excused: Bradley, Ham, Lane, Medearis, Murphy, Nichols, Phillips, Smalley, Stipe.—9.

The President Pro Tempore declared a quorum present.

The following prayer was offered by the Chaplain and incorporated upon request of Senator Lamb:

Eternal God, give these men an increasing enthusiasm for their work. Give them insight into the needs of this State. Give them a growing concern for the people whom they represent.

Give them a strong faith in You, so that when the clock and the calendar strips them of every earthly possession, they will have one thing left.

In the name of Jesus Christ, Son of God, Savior, Amen.

The Journal for the last legislative day was declared approved.

## REQUEST FOR LOBBY PERMITS

Requests for Lobby Permits were filed by the following persons and ordered referred to the Committee on Lobby Permits:

Manville T. "Skip" Buford, 2721 N. W. 26th, Oklahoma City, Oklahoma, representing Oklahoma Savings League.

Joe T. Gilliland, 6424 N. Asbury, Oklahoma City, Oklahoma, representing Oklahoma Bankers Association.

W. A. Krone, 3205 N. W. 34th, Oklahoma City, Oklahoma, representing Oklahoma Dairy Products Institute, Inc.

Jack Nixon, Jr., 6326 N. W. 82nd, Oklahoma City, Oklahoma, representing Oklahoma State Chamber of Commerce.

Clifton Oliver, Jr., 6405 N. Warren, Oklahoma City, Oklahoma, representing Oklahoma Bankers Association.

Jack G. Springer, 6224 N. W. 85th, Oklahoma City, Oklahoma, representing Oklahoma State Chamber of Commerce.

## COMMITTEE REPORTS

The following Bills and/or resolutions were reported by the Committees named, ordered printed and placed upon the Calendar unless otherwise indicated:

DO PASS:

**SB 370**—Judiciary, co-authored by Senator Howell.

**SB 371**—Judiciary.

**SB 395**—Appropriations and Budget.

**SB 398**—Appropriations and Budget.

**SB 404**—Appropriations and Budget.

**SB 431**—Appropriations and Budget.

DO PASS, as amended.

**SB 303**—Banks and Banking.

**SB 407**—Appropriations and Budget.

## FIRST READING

The following Bills and/or Resolutions were introduced and read the first time:

**SB 443**—By Garrett of the Senate and McCune of the House—An Act relating to civil procedure; amending 12 O.S. 1971, § 283; providing times for filing pleadings; and repealing 12 O.S. 1971, §§ 152, 154.1, 155 and 161.

**SB 444**—By Garrett—An Act relating to courts; amending 28 O.S. 1971, § 152.1; fixing certain fees; providing that fees for the posting services shall be paid out of the court fund to the person performing the service; and declaring an emergency.

**SB 445**—By Grantham of the Senate and McCune, Boettcher and Conaghan of the House—An Act relating to municipal courts of record; amending 11 O.S. 1971, § 782; establishing jurisdiction of said courts, vesting certain powers in them, and prescribing maximum of punishment they shall impose; providing for jury and nonjury trials; prohibiting prosecution for the same or a lesser offense of a defendant who, in said court or the district court, has been in jeopardy; and declaring an emergency.

**SB 446**—By Grantham of the Senate and Cox and Boettcher of the House—An Act relating to social workers; declaring a purpose; defining terms; requiring licensing; providing exceptions; establishing qualifications for social workers and associates; fixing fees; creating a Board of Social Work Examiners; providing for appointment, terms, compensation, and removal of members; fixing powers and duties of Board; prividing for revocation and suspension of license; providing for hearings; providing for privileged communications; providing for penalties; providing for the transfer of funds; repealing 59 O.S. 1971, §§ 1251 through 1273, and all laws or parts of laws in conflict with the provisions of this Act, but only to the extent that same are in conflict herewith; providing for severability; fixing an operative date; and declaring an emergency.

**SB 447**—By Young and Grantham—An Act relating to costs in the Supreme Court; amending 20 O.S. 1971, § 15; to provide that the Supreme Court may prescribe by rules the procedure for affording access to that court to those indigent persons held entitled thereto; and declaring an emergency.

**SB 448**—By Howell—An Act relating to schools; amending 70 O.S. 1971, § 6-104; authorizing school districts to adopt a plan for reimbursement of unused sick leave; and declaring an emergency.

**SB 449**—By Howell—An Act relating to schools; amending 70 O.S. 1971, §§ 7-101 and 7-104; requiring concurrence from board of education in affected districts prior to an annexation election; fixing the effective date of annexation as July 1 following the election or final court order; providing for school buildings in annexed area to become property of annexing district; and declaring an emergency.

**SJR 43**—By Young—A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection a proposed amendment to the Constitution of Oklahoma amending Section 8, Article VII of the Oklahoma Constitution, by deleting the provision that there be at least one associate district judge for each county from Section 8, Article VII, which provides for classification of judges, their qualifications, jurisdictions, powers and terms of office; providing for a ballot title; and ordering a special election.

## SECOND READING

The following Bills and/or Resolutions were read the second time and referred to Committees indicated:

**SB 442**—Judiciary.

**SJR 42**—Constitutional Revision and Redistricting.

**GENERAL ORDER**

**SB 393** by McSpadden and Hamilton of the Senate and Willis, et al, of the House was read and considered.

Upon motion of Senator McSpadden, **SB 393** was advanced to engrossment.

By unanimous consent, upon request of Senator McSpadden, **SB 393** was considered engrossed and placed on third reading and final passage.

**THIRD READING**

**SB 393** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Berrong, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Keels, Lamb, Luton, McCune, McGraw, McSpadden, Martin, Miller, Payne, Porter, Rogers, Smith, Stansberry, Taliaferro, Terrill, Trent, Williams, Young.—38.

Excused: Baldwin, Bradley, Ham, Lane, Medearis, Murphy, Nichols, Phillips, Smalley, Stipe.—10.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baggett, Berrong, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Keels, Lamb, Luton, McCune, McGraw, McSpadden, Martin, Miller, Payne, Porter, Rogers, Smith, Stansberry, Taliaferro, Terrill, Trent, Williams, Young.—38.

Excused: Baldwin, Bradley, Ham, Lane, Medearis, Murphy, Nichols, Phillips, Smalley, Stipe.—10.

The emergency was declared passed.

**SB 393** was referred for engrossment.

**GENERAL ORDER**

**SB 394** by McSpadden and Hamilton of the Senate and Willis, et al, of the House was read and considered.

Upon motion of Senator McSpadden, **SB 394** was advanced to engrossment.

By unanimous consent, upon request of Senator McSpadden, **SB 394** was considered engrossed and placed on third reading and final passage.

**THIRD READING**

**SB 394** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Baldwin, Berrong, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrison, Grantham, Graves, Hamilton, Hargrave, Holden, Howell, Inhofe, Keels, Lamb, Luton, McCune, McGraw, McSpadden, Martin, Miller, Payne, Porter, Rogers, Smith, Stansberry, Taliaferro, Terrill, Trent, Williams, Young.—37.

Excused: Bradley, Garrett, Ham, Howard, Lane, Medearis, Murphy, Nichols, Phillips, Smalley, Stipe.—11.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baggett, Baldwin, Berrong, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrison, Grantham, Graves, Hamilton, Hargrave, Holden, Howell, Inhofe, Keels, Lamb, Luton, McCune, McGraw, McSpadden, Martin, Miller, Payne, Porter, Rogers, Smith, Stansberry, Taliaferro, Terrill, Trent, Williams, Young.—37.

Excused: Bradley, Garrett, Ham, Howard, Lane, Medearis, Murphy, Nichols, Phillips, Smalley, Stipe.—11.

The emergency was declared passed.

**SB 394** was referred for engrossment.

Senator Nichols asked to be shown present, which was the order.

**GENERAL ORDER**

**SB 396** by McSpadden and Hamilton of the Senate and Willis, et al, of the House was read and considered.

Upon motion of Senator McSpadden, **SB 396** was advanced to engrossment.

By unanimous consent, upon request of Senator McSpadden, **SB 396** was considered engrossed and placed on third reading and final passage.

**THIRD READING**

**SB 396** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Baldwin, Berrong, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Keels, Lamb, Luton, McCune, McGraw, McSpadden, Miller, Nichols, Payne, Porter, Rogers, Smith, Stansberry, Taliaferro, Terrill, Trent, Williams, Young.—39.

Excused: Bradley, Ham, Lane, Martin, Medearis, Murphy, Phillips, Smalley, Stipe.—9.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baggett, Baldwin, Berrong, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Keels, Lamb, Luton, McCune, McGraw, McSpadden, Miller, Nichols, Payne, Porter, Rogers, Smith, Stansberry, Taliaferro, Terrill, Trent, Williams, Young.—39.

Excused: Bradley, Ham, Lane, Martin, Medearis, Murphy, Phillips, Smalley, Stipe.—9.

The emergency was declared passed.

**SB 396** was referred for engrossment.

Senators Smalley and Ham asked to be shown present, which was the order.

**GENERAL ORDER**

**SB 400** by McSpadden and Hamilton of the Senate and Willis, et al, of the House was read and considered.

Upon motion of Senator McSpadden, **SB 400** was advanced to engrossment.

By unanimous consent, upon request of Senator McSpadden, **SB 400** was considered engrossed and placed on third reading and final passage.

**THIRD READING**

**SB 400** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Baldwin, Berrong, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Lamb, Luton, McCune, McGraw, McSpadden, Miller, Nichols, Payne, Rogers, Smalley, Smith, Stansberry, Taliaferro, Terrill, Trent, Williams, Young.—39.

Nay: Keels.—1.

Excused: Bradley, Lane, Martin, Medearis, Murphy, Phillips, Porter, Stipe.—8.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baggett, Baldwin, Berrong, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Lamb, Luton, McCune, McGraw, McSpadden, Miller, Nichols, Payne, Rogers, Smalley, Smith, Stansberry, Taliaferro, Terrill, Trent, Williams, Young.—39.

Nay: Keels.—1.

Excused: Bradley, Lane, Martin, Medearis, Murphy, Phillips, Porter, Stipe.—8.

The emergency was declared passed.

**SB 400** was referred for engrossment.

## GENERAL ORDER

**SB 414** by McSpadden and Hamilton of the Senate and Willis, et al, of the House was read and considered.

Upon motion of Senator McSpadden, **SB 414** was advanced to engrossment.

By unanimous consent, upon request of Senator McSpadden, **SB 414** was considered engrossed and placed on third reading and final passage.

## THIRD READING

**SB 414** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Baldwin, Berrong, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Keels, Lamb, Luton, McCune, McGraw, McSpadden, Martin, Miller, Nichols, Payne, Rogers, Smalley, Smith, Stansberry, Taliaferro, Terrill, Trent, Williams, Young.—41.

Excused: Bradley, Lane, Medearis, Murphy, Phillips, Porter, Stipe.—7.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baggett, Baldwin, Berrong, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Keels, Lamb, Luton, McCune, McGraw, McSpadden, Martin, Miller, Nichols, Payne, Rogers, Smalley, Smith, Stansberry, Taliaferro, Terrill, Trent, Williams, Young.—41.

Excused: Bradley, Lane, Medearis, Murphy, Phillips, Porter, Stipe.—7.

The emergency was declared passed.

**SB 414** was referred for engrossment.

## GENERAL ORDER

**SB 433** by McSpadden and Hamilton of the Senate and Willis, et al, of the House was read and considered.

Upon motion of Senator McSpadden, **SB 433** was advanced to engrossment.

By unanimous consent, upon request of Senator McSpadden, **SB 433** was considered engrossed and placed on third reading and final passage.

## THIRD READING

**SB 433** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Baldwin, Berrong, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Keels, Lamb, Luton, McCune, McGraw, McSpadden, Martin, Miller, Nichols, Payne, Rogers, Smalley, Smith, Stansberry, Taliaferro, Terrill, Trent, Williams, Young.—41.

Excused: Bradley, Lane, Medearis, Murphy, Phillips, Porter, Stipe.—7.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baggett, Baldwin, Berrong, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Keels, Lamb, Luton, McCune, McGraw, McSpadden, Martin, Miller, Nichols, Payne, Rogers, Smalley, Smith, Stansberry, Taliaferro, Terrill, Trent, Williams, Young.—41.

Excused: Bradley, Lane, Medearis, Murphy, Phillips, Porter, Stipe.—7.

The emergency was declared passed.

**SB 433** was referred for engrossment.

Senator Stipe asked to be shown present, which was the order.

## GENERAL ORDER

**SB 410** by Baldwin of the Senate and

Willis of the House was read and considered.

Upon motion of Senator Baldwin, **SB 410** was advanced to engrossment.

By unanimous consent, upon request of Senator Baldwin, **SB 410** was considered engrossed and placed on third reading and final passage.

**THIRD READING**

**SB 410** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Baldwin, Berrong, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Keels, Lamb, Luton, McCune, McGraw, McSpadden, Martin, Miller, Nichols, Payne, Rogers, Smalley, Smith, Stansberry, Stipe, Taliaferro, Terrill, Trent, Williams, Young.—42.

Excused: Bradley, Lane, Medearis, Murphy, Phillips, Porter.—6.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baggett, Baldwin, Berrong, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Keels, Lamb, Luton, McCune, McGraw, McSpadden, Martin, Miller, Nichols, Payne, Rogers, Smalley, Smith, Stansberry, Stipe, Taliaferro, Terrill, Trent, Williams, Young.—42.

Excused: Bradley, Lane, Medearis, Murphy, Phillips, Porter.—6.

The emergency was declared passed.

**SB 410** was referred for engrossment.

Senator Murphy asked to be shown present, which was the order.

**GENERAL ORDER**

**SB 369** by Hargrave of the Senate and Hargrave of the House was read and considered.

Upon motion of Senator Hargrave, **SB 369** was advanced to engrossment.

By unanimous consent, upon request of Senator Hargrave, **SB 369** was considered engrossed and placed on third reading and final passage.

**THIRD READING**

**SB 369** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Baldwin, Berrong, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Keels, Lamb, Luton, McCune, McGraw, McSpadden, Martin, Miller, Murphy, Nichols, Payne, Porter, Smalley, Smith, Stansberry, Stipe, Taliaferro, Terrill, Trent, Williams, Young.—43.

Nay: Rogers.—1.

Excused: Bradley, Lane, Medearis, Phillips.—4.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baggett, Baldwin, Berrong, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Keels, Lamb, Luton, McCune, McGraw, McSpadden, Martin, Miller, Murphy, Nichols, Payne, Porter, Smalley, Smith, Stansberry, Stipe, Taliaferro, Terrill, Trent, Williams, Young.—43.

Nay: Rogers.—1.

Excused: Bradley, Lane, Medearis, Phillips.—4.

The emergency was declared passed.

**SB 369** was referred for engrossment.

Senator Phillips asked to be shown present, which was the order.

## GENERAL ORDER

**SB 367** by Garrison of the Senate and Hancock of the House was read and considered.

Upon motion of Senator Garrison, **SB 367** was advanced to engrossment.

By unanimous consent, upon request of Senator Garrison, **SB 367** was considered engrossed and placed on third reading and final passage.

## THIRD READING

**SB 367** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Baldwin, Berrong, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Keels, Lamb, Luton, McCune, McGraw, McSpadden, Martin, Miller, Murphy, Payne, Phillips, Porter, Rogers, Smalley, Smith, Stansberry, Stipe, Taliaferro, Terrill, Williams, Young.—43.

Nay: Trent.—1.

Excused: Bradley, Lane, Medearis, Nichols.—4.

The bill was declared passed.

**SB 367** was referred for engrossment.

## PENDING SENATE ACTION ON HAs

Upon motion of Senator Stipe, the Senate refused to concur in **HAs** to **SB 328,** and requested conference thereon. President Pro Tempore Smith appointed the following Senate Conferees:

**SB 328:** Senators Stipe, Trent, and Field.

Senator Lane asked to be shown present, which was the order.

## RESOLUTION

Senator Terrill introduced the following Resolution:

**SCR 76**—By Terrill of the Senate and Wolf (Leland) of the House—A Concurrent Resolution authorizing the creation of a select joint committee on congressional redistricting; providing for the appointment of members and alternates; establishing duties and responsibilities and providing for jurisdiction; and transferring Engrossed House Bill No. 1455 to said select committee.

**SCR 76** was read at length, adopted upon motion of Senator Terrill, and ordered referred for engrossment.

## REPORT OF ENGROSSED AND ENROLLED BILLS

**SCR 75** correctly engrossed.

Engrossed **SCR 75** was properly signed and ordered transmitted to the Honorable House for consideration.

## MESSAGE FROM THE HOUSE

Advising passage of and transmitting for consideration Engrossed:

**HB 1587**—By Privett of the House and Smith of the Senate—An Act relating to Oklahoma Statutes; adopting a Code and Revised Statutes of the State of Okla-Oklahoma; repealing all other and general laws not contained therein, excepting special, local, appropriation and validating acts; saving all pending proceedings, existing laws and remedies and Statutes of Limitation; amending Section 9, Chapter 117, O.S.L. 1971 (75 O.S. 1971, § 179); providing effective date of Oklahoma Statutes 1971; and declaring an emergency.

The above numbered **HB** was read for the first time.

## MESSAGE FROM THE HOUSE

Advising adoption of and returning Engrossed **SCR 74,** as co-authored by entire House membership with exception of Lindstrom.

The above numbered Resolution was referred for enrollment.

## MESSAGE FROM THE HOUSE

Advising the signing of and transmitting for signature Enrolled **HCR 1057.**

The above numbered Enrolled Resolution was properly signed and ordered returned to the Honorable House.

**GENERAL ORDER**

**SB 361** by Payne of the Senate and Cole of the House was read and considered.

Upon motion of Senator Payne, **SB 361** was advanced to engrossment.

By unanimous consent, upon request of Senator Payne, **SB 361** was considered engrossed and placed on third reading and final passage.

**THIRD READING**

**SB 361** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Berrong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Garrett, Garrison, Grantham, Graves, Howard, Inhofe, Keels, Lamb, McCune, McGraw, Martin, Payne, Phillips, Porter, Smalley, Stansberry, Stipe, Taliaferro, Terrill, Trent, Williams, Young.—29.

Nay: Baggett, Baldwin, Birdsong, Field, Ham, Hamilton, Holden, Howell, Lane, Luton, McSpadden, Miller, Murphy, Nichols, Rogers, Smith.—16.

Excused: Bradley, Hargrave, Medearis.—3.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Berrong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Holden, Howard, Keels, Lamb, McCune, McGraw, Nichols, Payne, Phillips, Porter, Smalley, Smith, Stansberry, Stipe, Taliaferro, Terrill, Trent, Williams, Young.—32.

Nay: Baggett, Baldwin, Birdsong, Hamilton, Howell, Lane, McSpadden, Miller, Murphy, Rogers.—10.

Excused: Bradley, Hargrave, Inhofe, Luton, Martin, Medearis.—6.

The emergency was declared passed.

**SB 361** was referred for engrossment.

**GENERAL ORDER**

**SCR 70** by Grantham was called up for consideration.

Senator Smalley moved to amend **SCR 70,** Page 4, Line 5, by changing the words and figures "Twenty (20)" to "Twenty-One (21)", which motion was declared adopted.

**SCR 70,** as amended, was read at length, adopted upon motion of Senator Grantham, and ordered referred for engrossment.

**HB 1070** by Bengtson of the House and Crow of the Senate was read and considered.

Senator Inhofe asked to be made a co-author of **HB 1070,** which was the order.

Upon motion of Senator Crow, **HB 1070,** as co-authored, was advanced to engrossment.

By unanimous consent, upon request of Senator Crow, **HB 1070,** as co-authored, was considered engrossed and placed on third reading and final passage.

**THIRD READING**

**HB 1070** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Baldwin, Berrong, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Holden, Howell, Inhofe, Keels, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Miller, Murphy, Nichols, Payne, Phillips, Porter, Rogers, Smalley, Smith, Stansberry, Stipe, Taliaferro, Terrill, Trent, Williams, Young.—44.

Excused: Bradley, Hargrave, Howard, Medearis.—4.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baggett, Baldwin, Berrong, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Holden, Howell, Inhofe, Keels, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Miller, Murphy, Nichols, Payne, Phillips, Porter, Rogers, Smalley, Smith, Stansberry, Stipe, Taliaferro, Terrill, Trent, Williams, Young.—44.

Excused: Bradley, Hargrave, Howard, Medearis.—4.

The emergency was declared passed.

**HB 1070** was referred for engrossment.

Senator Terrill moved after the Clerk's desk is cleared, that the Senate stand adjourned to meet Thursday, January 13, 1972, at 10:00 A.M., which motion prevailed.

Upon motion of Senator Terrill, the Senate adjourned to meet Thursday, January 13, 1972, at 10:00 A.M.

# Seventh Legislative Day

## Thursday, January 13, 1972

Pursuant to adjournment, the Senate was called to order by President Pro Tempore Smith.

Senator Luton presiding.

Upon roll call, the following members were present:

Baggett, Baldwin, Berrong, Birdsong, Boecher, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Hamilton, Holden, Howard, Howell, Inhofe, Keels, Lamb, Luton, McCune, McGraw, McSpadden, Miller, Payne, Phillips, Porter, Rogers, Smalley, Smith, Stansberry, Taliaferro, Terrill, Trent, Williams, Young.—38.

Excused: Bradley, Breckinridge, Ham, Hargrave, Lane, Martin, Medearis, Murphy, Nichols, Stipe.—10.

The Presiding Officer declared a quorum present.

The following prayer was offered by the Chaplain and incorporated upon request of Senator Lamb:

Eternal God, and Heavenly Father, we thank you for remembering us even when we forget You.

Help these men in the final session of this week. Give them the benefit of Your counsel and wisdom.

Remind these Senators that they are more than blood, bone, and hank of hair—remind them that they have a spiritual dimension in their being that should not be neglected. Teach them the folly of making You a back number.

We thank You again for all Your help in the name of Thy son, Jesus Christ. Amen.

The Journal for the last legislative day was declared approved.

## CONCURRENT CITATION

Upon motion of Senator Field, and co-authored by Representative McKee, a Concurrent Citation of congratulations was ordered issued to The Texhoma High School "Red Devils" Football Team, which team won the Class B state championship for 1971, for their outstanding achievement in the field of athletics.

The above Concurrent Citation was signed by Senator Luton and a message was ordered sent advising the Honorable House of Senate action pursuant to Senate Concurrent Citation No. 3.

## REQUEST FOR LOBBY PERMIT

Request for Lobby Permit was filed by the following person and ordered referred to the Committee on Lobby Permits:

Patrick C. Ryan, 120 N.W. 81st, Oklahoma City, Oklahoma, representing American Insurance Association.

## COMMITTEE REPORTS

The following Bills and/or resolutions were reported by the Committees named, ordered printed and placed upon the Calendar unless otherwise indicated:

DO PASS:

**SB 384**—Education-Higher, co-authored by Miller of the Senate and Townsend and Wayland of the House.

**HCR 1031**—Education-Higher.

## FIRST READING

The following Bills and/or Resolutions were introduced and read the first time:

**SB 450**—By Smith of the Senate and Willis of the House—An Act relating to insurance;

amending 36 O.S. 1971, § 629; requiring certain insurers to submit estimate and prepayment of premium tax; providing for crediting amounts prepaid; and declaring an emergency.

**SECOND READING**

The following Bills and/or Resolutions were read the second time and referred to Committees indicated:

**SB 443**—Judiciary.

**SB 444**—Judiciary.

**SB 445**—Judiciary.

**SB 446**—Social Welfare.

**SB 447**—Judiciary.

**SB 448**—Education - Common.

**SB 449**—Education - Common.

**SJR 43**—Constitutional Revision and Redistricting.

**HB 1587**—Constitutional Revision and Redistricting.

**GENERAL ORDER**

**SB 395** by McSpadden and Hamilton of the Senate and Willis, et al, of the House was read and considered.

Upon motion of Senator McSpadden, **SB 395** was advanced to engrossment.

By unanimous consent, upon request of Senator McSpadden, **SB 395** was considered engrossed and placed on third reading and final passage.

**THIRD READING**

**SB 395** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Baldwin, Berrong, Birdsong, Boecher, Capps, Crow, Dahl, Ferrell, Field, Garrison, Grantham, Hamilton, Holden, Howard, Howell, Inhofe, Keels, Lamb, Luton, McGraw, McSpadden, Miller, Payne, Phillips, Porter, Rogers, Smith, Taliaferro, Terrill, Williams, Young.—32.

Excused: Bradley, Breckinridge, Garrett, Graves, Ham, Hargrave, Lane, McCune, Martin, Medearis, Murphy, Nichols, Smalley, Stansberry, Stipe, Trent.—16.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baggett, Baldwin, Berrong, Birdsong, Boecher, Capps, Crow, Dahl, Ferrell, Field, Garrison, Grantham, Hamilton, Holden, Howard, Howell, Inhofe, Keels, Lamb, Luton, McGraw, McSpadden, Miller, Payne, Phillips, Porter, Rogers, Smith, Taliaferro, Terrill, Williams, Young.—32.

Excused: Bradley, Breckinridge, Garrett, Graves, Ham, Hargrave, Lane, McCune, Martin, Medearis, Murphy, Nichols, Smalley, Stansberry, Stipe, Trent.—16.

The emergency was declared passed.

**SB 395** was referred for engrossment.

Senators Nichols and Murphy asked to be shown present, which was the order.

**GENERAL ORDER**

**SB 398** by McSpadden and Hamilton of the Senate and Willis, et al, of the House was read and considered.

Upon motion of Senator McSpadden, **SB 398** was advanced to engrossment.

By unanimous consent, upon request of Senator McSpadden, **SB 398** was considered engrossed and placed on third reading and final passage.

**THIRD READING**

**SB 398** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Baldwin, Berrong, Birdsong, Boecher, Capps, Crow, Dahl, Ferrell, Field, Garrison, Grantham, Graves, Hamilton, Holden, Howard, Howell, Inhofe, Keels, Lamb, Luton, McCune, McGraw, McSpadden, Miller, Murphy, Nichols, Payne, Phillips, Porter, Rogers, Smith, Taliaferro, Terrill, Williams, Young.—36.

Excused: Bradley, Breckinridge, Garrett, Ham, Hargrave, Lane, Martin, Me-

dearis, Smalley, Stansberry, Stipe, Trent. —12.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baggett, Baldwin, Berrong, Birdsong, Boecher, Capps, Crow, Dahl, Ferrell, Field, Garrison, Grantham, Graves, Hamilton, Holden, Howard, Howell, Inhofe, Keels, Lamb, Luton, McCune, McGraw, McSpadden, Miller, Murphy, Nichols, Payne, Phillips, Porter, Rogers, Smith, Taliaferro, Terrill, Williams, Young.—36.

Excused: Bradley, Breckinridge, Garrett, Ham, Hargrave, Lane, Martin, Medearis, Smalley, Stansberry, Stipe, Trent. —12.

The emergency was declared passed.

**SB 398** was referred for engrossment.

## DECLARATION OF VOTE

Senator Smalley asked that the record show had he been present at the time of Third Reading and final passage of **SB 398,** he would have voted AYE on the Emergency, which was the order.

Senator Ham asked to be shown present, which was the order.

## MESSAGE FROM THE HOUSE

Advising passage of and transmitting for consideration Engrossed:

**HB 1548**—By Willis and Miskelly of the House and McSpadden and Hamilton of the Senate—An Act relating to the Oklahoma State Legislature and making an appropriation thereto; stating the purpose; providing for approval of claims; relating to the filing of claims and payrolls; making said appropriations nonfiscal; making the provisions of this Act severable; and declaring an emergency.

**HB 1549**—By Willis and Miskelly of the House and McSpadden and Hamilton of the Senate—An Act relating to the Oklahoma State Legislative Council; making an appropriation thereto; stating the purpose; providing for the appointment and compensation of employees; making said appropriation nonfiscal; making provisions of this Act severable; and declaring an emergency.

**HB 1550**—By Willis and Miskelly of the House and McSpadden and Hamilton of the Senate—An Act relating to the Office of the Lieutenant Governor and making an appropriation thereto; stating the purpose; providing that the Lieutenant Governor shall fix the duties and compensation of employees within certain limitations; providing lapse date; making provisions of this Act severable; and declaring an emergency.

**HB 1551**—By Willis and Miskelly of the House and McSpadden and Hamilton of the Senate—An Act relating to the Division of the Budget and making an appropriation thereto; stating the purpose; fixing the salary of the Director of State Finance; authorizing the Director of State Finance to appoint and fix the duties and compensation of personnel; making a reappropriation to the Division of the Budget; providing lapse date; making provisions of this this Act severable; and declaring an emergency.

**HB 1552**—By Willis and Miskelly of the House and McSpadden and Hamilton of the Senate—An Act relating to the Office of the Secretary of State and making an appropriation thereto; stating the purpose; providing that the Secretary of State shall fix the duties and compensation of employees; authorizing the Secretary of State to prepare additional copies of legislative acts; providing lapse date; making provisions of this Act severable; and declaring an emergency.

**HB 1553**—By Willis and Miskelly of the House and McSpadden and Hamilton of the Senate—An Act relating to the Secretary of the State Election Board and making an appropriation thereto; stating the purpose; fixing the salary of the Secretary of the State Election Board; providing for the employment and compensation of necessary personnel; making said appropri-

ations nonfiscal; making the provisions of this Act severable; and declaring an emergency.

**HB 1556**—By Willis and Miskelly of the House and McSpadden and Hamilton of the Senate—An Act relating to the Oklahoma Tax Commission and making an appropriation thereto; stating the purpose; prohibiting payments for prior years' obligations; authorizing payment for services of State Examiner and Inspector and limiting amount to be paid; making an appropriation to the Oklahoma Tax Commission for the purpose of paying interest on capitol improvement authority bonds; providing for the appointment and compensation of necessary personnel; relating to the transfer of funds; providing lapse date; making the provisions of this Act severable; and declaring an emergency.

**HB 1557**—By Willis and Miskelly of the House and McSpadden and Hamilton of the Senate—An Act relating to the Office of the Court of Criminal Appeals and making an appropriation thereto; stating the purpose; authorizing use of all funds appropriated for federal matching purposes; providing that the Judges of the Court of Criminal Appeals shall fix the duties and compensation of employees within certain limitations; providing lapse date; making provisions of this Act severable; and declaring an emergency.

The above numbered **HBs** were read for the first time.

## MESSAGE FROM THE HOUSE

Advising Conference granted on Engrossed **SB 328,** and naming House Conferees as follows: Skeith, Willis and Williams.

## REPORT OF ENGROSSED AND ENROLLED BILLS

**SBs 361, 367, 369, 393, 394, 396, 400, 410, 414, 433, SCRs 70** and **76,** and **HB 1070** each correctly engrossed.

Engrossed **SBs 361, 367, 369, 393, 394, 396, 400, 410, 414, 433,** and **SCRs 70** and **76** were each properly signed and ordered transmitted to the Honorable House for consideration.

Engrossed **HB 1070,** together with Engrossed **SAs,** was properly signed and ordered returned to the Honorable House.

## GENERAL ORDER

**SB 404** by McSpadden and Hamilton of the Senate and Willis, et al, of the House was read and considered.

Upon motion of Senator McSpadden, **SB 404** was advanced to engrossment.

By unanimous consent, upon request of Senator McSpadden, **SB 404** was considered engrossed and placed on third reading and final passage.

## THIRD READING

Senator McSpadden asked unanimous consent that the title to **SB 404** be crippled.

Senator Terrill raised objection to the above unanimous consent request, which objection was sustained.

Senator Baggett moved that **SB 404** be referred to the Committee on Constitutional Revision and Redistricting, which motion tion was tabled upon motion of Senator McSpadden.

Senator Rogers moved that **SB 404** be re-referred to the Committee on Appropriations and Budget, which motion was declared adopted.

## GENERAL ORDER

**SB 407** by McSpadden and Hamilton of the Senate and Willis, et al, of the House was read and considered.

Senators Inhofe and McGraw asked to be made co-authors of **SB 407,** which was the order.

Senator McSpadden moved to amend **SB 407,** Page 1, by "crippling the title", which amendment was declared adopted.

Upon motion of Senator McSpadden, **SB 407,** as co-authored and amended, was advanced to engrossment.

By unanimous consent, upon request of Senator McSpadden, **SB 407,** as co-authored

and amended, was considered engrossed and placed on third reading and final passage.

**THIRD READING**

**SB 407** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Baldwin, Berrong, Birdsong, Boecher, Capps, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Holden, Howard, Howell, Inhofe, Keels, Lamb, Luton, McCune, McGraw, McSpadden, Miller, Murphy, Nichols, Payne, Phillips, Porter, Rogers, Smalley, Smith, Stansberry, Taliaferro, Terrill, Williams, Young.—39.

Excused: Bradley, Breckinridge, Crow, Hargrave, Lane, Martin, Medearis, Stipe, Trent.—9.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baggett, Baldwin, Berrong, Birdsong, Boecher, Capps, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Holden, Howard, Howell, Inhofe, Keels, Lamb, Luton, McCune, McGraw, McSpadden, Miller, Murphy, Nichols, Payne, Phillips, Porter, Rogers, Smalley, Smith, Stansberry, Taliaferro, Terrill, Williams, Young.—39.

Excused: Bradley, Breckinridge, Crow, Hargrave, Lane, Martin, Medearis, Stipe, Trent.—9.

The emergency was declared passed.

**SB 407** was referred for engrossment.

**GENERAL ORDER—BILL WITHDRAWN**

Senator Smalley asked unanimous consent that **SB 99** be withdrawn from the calendar and re-referred to the Committee on Revenue and Taxation, which was the order.

**GENERAL ORDER**

**SB 431** by McSpadden and Hamilton of the Senate and Willis, et al, of the House was read and considered.

Senators Garrison and Dahl asked to be made co-authors of **SB 431,** which was the order.

Upon motion of Senator McSpadden, **SB 431**, as co-authored, was advanced to engrossment.

By unanimous consent, upon request of Senator McSpadden, **SB 431,** as co-authored, was considered engrossed and placed on third reading and final passage.

**THIRD READING**

**SB 431** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Baldwin, Berrong, Birdsong, Boecher, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Holden, Howard, Howell, Inhofe, Keels, Lamb, Luton, McCune, McGraw, McSpadden, Miller, Murphy, Nichols, Phillips, Porter, Smith, Stansberry, Taliaferro, Terrill, Williams, Young.—37.

Nay: Rogers.—1.

Excused: Bradley, Breckinridge, Hargrave, Lane, Martin, Medearis, Payne, Smalley, Stipe, Trent.—10.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baggett, Baldwin, Berrong, Birdsong, Boecher, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Holden, Howard, Howell, Inhofe, Keels, Lamb, Luton, McCune, McGraw, McSpadden, Miller, Murphy, Nichols, Phillips, Porter, Smith, Stansberry, Taliaferro, Terrill, Williams, Young.—37.

Nay: Rogers.—1.

Excused: Bradley, Breckinridge, Har-

grave, Lane, Martin, Medearis, Payne, Smalley, Stipe, Trent.—10.

The emergency was declared passed.

**SB 431** was referred for engrossment.

## CONFERENCE COMMITTEE APPOINTMENT

Pursuant to **SCR 76,** President Pro Tempore Smith appointed the following Senate Conferees Re **HB 1455:** Senators Baggett, Payne, Howard, Terrill, Graves, Field, and Lamb. Senator Nichols — alternate.

## GENERAL ORDER

**SB 385** by Crow and Lamb of the Senate was read and considered.

Senators Grantham, Ferrell, Dahl, Terrill, Field, Taliaferro, Boecher, and Capps asked to be made co-authors of **SB 385,** which was the order.

Upon motion of Senator Crow, **SB 385,** as co-authored, was advanced to engrossment.

By unanimous consent, upon request of Senator Crow, **SB 385,** as co-authored, was considered engrossed and placed on third reading and final passage.

## THIRD READING

**SB 385** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baldwin, Berrong, Birdsong, Boecher, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Hamilton, Holden, Howell, Inhofe, Keels, Lamb, Luton, McCune, McGraw, McSpadden, Miller, Murphy, Nichols, Payne, Phillips, Porter, Smith, Stansberry, Taliaferro, Terrill, Williams, Young.—35.

Nay: Howard, Rogers.—2.

Excused: Baggett, Bradley, Breckinridge, Ham, Hargrave, Lane, Martin, Medearis, Smalley, Stipe, Trent.—11.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baldwin, Berrong, Birdsong, Boecher, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Hamilton, Holden, Howell, Inhofe, Keels, Lamb, Luton, McCune, McGraw, McSpadden, Miller, Murphy, Nichols, Payne, Phillips, Porter, Smith, Stansberry, Taliaferro, Terrill, Williams, Young.—35.

Nay: Howard, Rogers.—2.

Excused: Baggett, Bradley, Breckinridge, Ham, Hargrave, Lane, Martin, Medearis, Smalley, Stipe, Trent.—11.

The emergency was declared passed.

**SB 385** was referred for engrossment.

Senator Terrill moved after the Clerk's desk is cleared, that the Senate stand adjourned to meet Monday, January 17, 1972, at 1:00 P.M., which motion prevailed.

Upon motion of Senator Terrill, the Senate adjourned to meet Monday, January 17, 1972, at 1:00 P.M.

# Eighth Legislative Day

## Monday, January 13, 1972

Pursuant to adjournment, the Senate was called to order by President Pro Tempore Smith.

Upon roll call, the following members were present:

Baggett, Baldwin, Berrong, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Hargrave, Holden, Howell, Inhofe, Keels, Lamb, Luton, McCune, McGraw, McSpadden, Martin, Miller, Murphy, Phillips, Porter, Rogers, Smalley, Smith, Stansberry, Stipe, Taliaferro, Terrill, Trent, Williams, Young.—41.

Excused: Bradley, Field, Howard, Lane, Medearis, Nichols, Payne.—7.

The President Pro Tempore declared a quorum present.

The following prayer was offered by Reverend Justin Gavin, Pastor, St. Williams Catholic Church, Skiatook, Oklahoma, and incorporated upon request of Senator Dahl:

Eternal Father, we thank Thee for the changing scenes of life, for summer and winter, for sunshine and rain, for work and rest, for memories of the past and for the open vistas of the future. We thank Thee especially for Thy goodness and mercy which has watched over us and brought us to this hour. Make us ever aware of Thy sustaining grace and power. Guide the Members of the Senate through the new challenges and fresh opportunities by the Light of Thy Truth. May our highest incentive be service to others. May we ever walk humbly with Thee. Help us to be prepared equally for success as well as for failure and in all things to be faithful to our high trust. Bless this Nation of ours and make it a blessing to all mankind. Grant to our leaders and to all the people, the spirit which strives for more perfect order where justice prevails and love rules. In Jesus name we pray. Amen.

The Journal for the last legislative day was declared approved.

## FIRST READING

The following Bills and/or Resolutions were introduced and read the first time:

**SB 451**—By Martin of the Senate and Payne of the House—An Act relating to schools; amending 70 O.S. 1971, § 5-107, relating to elections of members of boards of education; providing that if independent school district contains a city with four or more wards and outlying territory, not more than one member of board of education shall be a resident of same ward; and declaring an emergency.

**SB 452**—By Grantham of the Senate and Boettcher of the House—An Act relating to schools; amending 70 O.S. 1971, § 5-117, prescribing powers and duties of board of education; authorizing board of education to make certain expenditures deemed to be necessary for operation of the school; fixing limit therein; and declaring an emergency.

**SB 453**—By Smith, Hamilton, Howard, Bradley, Hargrave, Garrison, McGraw and Breckinridge of the Senate and Privett, Riggs and Randle of the House—An Act relating to higher education; establishing the Tulsa Medical School, a branch program operation of the University of Oklahoma School of Medicine to be

located in Tulsa County; directig codification; and declaring an emergency.

**SECOND READING**

The following Bills and/or Resolutions were read the second time and referred to Committees indicated:

**SB 450**—Revenue and Taxation.

**HB 1548**—Appropriations and Budget.

**HB 1549**—Appropriations and Budget.

**HB 1550**—Appropriations and Budget.

**HB 1551**—Appropriations and Budget.

**HB 1552**—Appropriations and Budget.

**HB 1553**—Appropriations and Budget.

**HB 1556**—Appropriations and Budget.

**HB 1557**—Appropriations and Budget.

Senator McSpadden presiding.

**GENERAL ORDER**

**SB 384** by Graves, Smith and Miller of the Senate and Townsend, et al, of the House was read and considered.

Upon motion of Senator Graves, **SB 384** was advanced to engrossment.

By unanimous consent, upon request of Senator Graves, **SB 384** was considered engrossed and placed on third reading and final passage.

**THIRD READING**

**SB 384** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Baldwin, Berrong, Birdsong, Boecher, Capps, Dahl, Ferrell, Garrett, Garrison, Grantham, Graves, Hamilton, Hargrave, Holden, Keels, Lamb, Luton, McGraw, McSpadden, Martin, Miller, Murphy, Phillips, Porter, Rogers, Smalley, Smith, Stansberry, Stipe, Taliaferro, Terrill, Young.—33.

Nay: Breckinridge, Crow, Ham.—3.

Excused: Bradley, Field, Howard, Howell, Inhofe, Lane, McCune, Medearis, Nichols, Payne, Trent, Williams.—12.

The bill was declared passed.

**SB 384** was referred for engrossment.

Senator Payne asked to be shown present, which was the order.

**GENERAL ORDER**

**SB 371** by Hargrave of the Senate and Hargrave of the House was read and considered.

Upon motion of Senator Hargrave, **SB 371** was advanced to engrossment.

By unanimous consent, upon request of Senator Hargrave, **SB 371** was considered engrossed and placed on third reading and final passage.

**THIRD READING**

**SB 371** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Baldwin, Berrong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Garrett, Grantham, Graves, Ham, Hargrave, Holden, Keels, Lamb, Luton, McGraw, McSpadden, Martin, Miller, Murphy, Payne, Phillips, Porter, Rogers, Smalley, Smith, Stansberry, Stipe, Talliaferro, Trent, Williams, Young.—35.

Excused: Birdsong, Bradley, Field, Garrison, Hamilton, Howard, Howell, Inhofe, Lane, McCune, Medearis, Nichols, Terrill.—13.

The bill was declared passed.

On the question of pasage of emergency, the roll call resulted as follows:

Aye: Baggett, Baldwin, Berrong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Garrett, Grantham, Graves, Ham, Hargrave, Holden, Keels, Lamb, Luton, McGraw, McSpadden, Martin, Miller, Murphy, Payne, Phillips, Porter, Rogers, Smalley, Smith, Stansberry, Stipe, Talliaferro, Trent, Williams, Young.—35.

Excused: Birdsong, Bradley, Field, Garrison, Hamilton, Howard, Howell, Inhofe, Lane, McCune, Medearis, Nichols, Terrill.—13.

The emergency was declared passed.

**SB 371** was referred for engrossment.

Senator Lane asked to be shown present, which was the order.

## GENERAL ORDER

**SB 370** by Hargrave and Howell of the Senate and Hargrave of the House was read and considered.

Senator Hargrave asked unanimous consent that further consideration of **SB 370** be deferred for this Legislative Day, which was the order.

## REPORT OF ENGROSSED AND ENROLLED BILLS

**SBs 385, 395, 398, 407** and **431** each correctly engrossed.

**SCR 74** correctly enrolled.

Engrossed **SBs 385, 395, 398, 407** and **431** were each properly signed and ordered transmitted to the Honorable House for consideration.

Enrolled **SCR 74** was properly signed and ordered transmitted to the Honorable House for the signature of the Speaker.

There being matters on the President's desk for the consideration of the Senate in executive session, it was upon motion of Senator Terrill that the Senate closed its doors and went into executive session.

*

The Senate reassembled in open session, with Senator McSpadden presiding.

Senator Terrill moved after the Clerk's desk is cleared, that the Senate stand adjourned to meet Tuesday, January 18, 1972, at 1:00 P.M., which motion prevailed.

Upon motion of Senator Terrill, the Senate adjourned to meet Tuesday, January 18, 1972, at 1:00 P.M.

# Ninth Legislative Day

## Tuesday, January 18, 1972

Pursuant to adjournment, the Senate was called to order by President Pro Tempore Smith.

Upon roll call, the following members were present:

Baggett, Baldwin, Berrong, Birdsong, Boecher, Bradley, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Keels, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Phillips, Rogers, Smalley, Smith, Stansberry, Stipe, Taliaferro, Terrill, Trent, Williams. —45.

Excused: Ham, Porter, Young.—3.

The President Pro Tempore declared a quorum present.

The following prayer was offered by the Chaplain and incorporated upon request of Senator Hargrave:

Almighty and Eternal God whose mysterious presence fills the universe, may the power of prayer, like the force of gravity, draw us close to Thee and hold us on the Course of Life. May the movement of history be the movement of They Spirit in and through us. Grant that our actions may be governed by our love of Thee and our love of man. We pray, O Lord, that we may never regard people as problems but only as persons, the highest beings in Thy creation and immortal souls for whom Thy son died. May we this day, yield ourselves to Thee — body, mind and spirit — and may be kept by Thy grace. We ask this through Jesus name, Amen.

The Journal for the last legislative day was declared approved.

## COMMITTEE REPORT — LOBBY PERMITS

Senator Berrong submitted the following report on Requests for Lobby Permits and asked that consideration be deferred for this Legislative Day:

Mr. President:

The Committee on Lobby Permits to which was referred requests for Lobby Permits after careful consideration recommends that the following petitioners be granted Lobby Permits. Lobby Permits will be issued in the Office of the President Pro Tempore.

Booth, William, 2003 Julie Drive, Moore, Oklahoma. Oklahoma State School Boards Association.

Brown, Ben G., 3516 Ann Arbor Place, Oklahoma City. Robberson Steel Company.

Buford, Manville T. "Skip", 2721 N. W. 26th Street, Oklahoma City. Oklahoma Savings League.

Chiles, Mrs. Lois S., 1810 Westbrooke Terrace, Norman, Oklahoma. The League of Women Voters of Oklahoma.

Gilliland, Joe T., 6424 N. Asbury, Oklahoma City. Oklahoma Bankers Association.

Krone, W. A., 3205 N. W 34th, Oklahoma City. Oklahoma Dairy Products Institute, Inc.

Nixon, Jr., Jack, 6326 N. W. 82nd Street, Oklahoma City. Oklahoma State Chamber of Commerce.

Oliver, Jr., Clifton, 6505 North Warren,

Apt. 211, Oklahoma City. Oklahoma Bankers Association.

Ryan, Patrick C., 120 N. W. 81st, Oklahoma City. American Insurance Association.

Scurlock, Voyle, C., 3926 N. W. 58th Terrace, Oklahoma City. The Oklahoma Rehabilitation Association.

Springer, Jack G., 6224 N. W. 85th Street, Oklahoma City. Oklahoma Statae Chamber of Commerce.

Walpole, Jr., G. C., 2232 N. W. 45th Street Oklahoma City. Home Builders Association of Greater Oklahoma City, Inc.

Respectfully Submitted,
Senator Ed Berrong, Vice-Chairman
Committee on Lobby Permits

## COMMITTEE REPORTS

The following Bills and/or resolutions were reported by the Committees named, ordered printed and placed upon the Calendar unless otherwise indicated:

DO PASS:

**SB 422**—Appropriations and Budget.

**SB 427**—Appropriations and Budget.

DO PASS, as amended:

**SB 413**—Appropriations and Budget.

**SB 417**—Appropriations and Budget.

## FIRST READING

The following Bills and/or Resolutions were introduced and read the first time:

**SB 454**—By Crow—An Act relating to wildlife conservation; making it unlawful to use vehicle-mounted spotlights to chase, hunt, kill, pursue or stalk wild animals; providing punishment for violations; repealing acts or parts of acts in conflict; and declaring an emergency.

**SB 455**—By McCune—An Act relating to motor vehicles; amending 47 O.S. 1971, § 6-105; providing for issuing restricted operators' licenses to qualified drivers under sixteen (16) years of age; authorizing issuance of instructors' permits; providing for issuing restricted licenses to certain others; providing for issuing licenses for purposes of identification purposes only; and declaring an emergency.

**SB 456**—By Hargrave of the Senate and Hargrave of the House—An Act relating to cities and towns; providing that all municipal courts shall be under administrative control of the chief judge in the county in which the muncipal court is situated; providing that the presiding judge of the judicial district shall have administrative control over all municipal courts in the district; and declaring an emergency.

**SB 457**—By Howell—An Act relating to property; amending 58 O.S. 1971, § 311; providing for homestead rights and family allowance; providing that homestead property disposed of by will shall not be subject to the homestead right of minor children; and setting an effective date.

**SB 458**—By Breckinridge—An Act relating to public health and safety; defining the term abortion; establishing minimum medical standards; providing for requisite conditions for performing or obtaining an abortion; providing for penalties for violations; providing for severability; fixing an operative date; repealing conflicting laws; repealing 21 O.S. 1971, §§ 861 and 862; and declaring an emergency.

## SECOND READING

The following Bills and/or Resolutions were read the second time and referred to Committees indicated:

**SB 451**—Education - Common.

**SB 452**—Education - Common.

**SB 453**—Education - Higher.

## MESSAGE FROM THE HOUSE

Advising adoption, signature, and return of Motion adopted by the House and advising that the House concurred in the issuance of Senate Concurrent Citation No. 3 issued to The Texhoma High School "Red Devils" Football Team.

The above Order of the Senate was referred to the Committee on Engrossed

and Enrolled Bills for issuance of Concurrent Citation.

## MESSAGE FROM THE HOUSE

Advising that pursuant to **SCR 76,** the Speaker has appointed the following House Conferees re **HB 1455:** Representatives Finch, Spearman, Cox, Miskelly, Clemons, Camp, Boettcher; and Harper—Alternate.

## MESSAGE FROM THE HOUSE

Advising concurrence in **SAs** to and passage of Engrossed **HB 1070,** as amended.

## MESSAGE FROM THE HOUSE

Advising passage of and transmitting for consideration Engrossed:

**HB 1554**—By Willis and Miskelly of the House and McSpadden and Hamilton of the Senate—An Act relating to the Office of the State Examiner and Inspector and making appropriations thereto; stating the purpose; providing that the State Examiner and Inspector shall fix the duties and compensation of employees; providing for transfer of certain unappropriated funds; providing lapse date; making provisions of this Act severable; and declaring an emergency.

**HB 1555**—By Willis and Miskelly of the House and McSpadden and Hamilton of the Senate—(An Act relating to the Office of Community Affairs and Planning; and emergency).

**HB 1560**—By Willis, Miskelly and Huddleston of the House and McSpadden and Hamilton of the Senate—An Act relating to the Oklahoma State Regents for Higher Education and making an appropriation thereto; providing legislative intent that the appropriation be allocated to the Eastern Oklahoma State College of Agriculture and Applied Science; stating the purpose; providing lapse date; making the provisions of this Act severable; and declaring an emergency.

**HB 1561**—By Willis and Miskelly of the House and McSpadden and Hamilton of the Senate—An Act relating to the Oklahoma Educational Television Authority and making appropriations thereto; stating the purpose; providing for the appointment of employees and authorization for other expenditures; providing lapse dates; making provisions of this Act severable; and declaring an emergency.

**HB 1562**—By Willis and Miskelly of the House and McSpadden and Hamilton of the Senate—An Act relating to the Commissioners of the Land Office and making an appropriation thereto; stating the purpose; providing that the Commissioners shall create positions and fix the salaries therefor; providing procedures for expenditure of funds appropriated; providing for lapse date; making provisions of this Act severable; and declaring an emergency.

**HB 1563**—By Willis and Miskelly of the House and McSpadden and Hamilton of the Senate—An Act relating to the Oklahoma Commission on Education; making an appropriation thereto; making a reappropriation thereto; stating the purposes; providing lapse date; making provisions of this Act severable; and declaring an emergency.

**HB 1564**—By Willis and Miskelly of the House and McSpadden and Hamilton of the Senate—An Act relating to the Board of Trustees of the Oklahoma Rural Medical Education Loan and Scholarship Fund; making an appropriation thereto; stating the purpose; prescribing terms for repayment of obligation to State; providing lapse date; making provisions of this Act severable; and declaring an emergency.

The above numbered **HBs** were read for the first time.

## MESSAGE FROM THE HOUSE

Advising adoption of and transmitting for consideration Engrossed:

**HCR 1059**—By Gooden of the House and McCune of the Senate—A Concurrent Resolution relating to American history and designating the month of February as American History Month; and directing distribution.

Consideration of the Resolution was deferred for this Legislative day.

**MESSAGE FROM THE HOUSE**

Advising fourth reading of and transmitting for signature Enrolled **HB 1070.**

The above numbered Enrolled Bill was, after fourth reading, properly signed and ordered returned to the Honorable House.

**MESSAGE FROM THE HOUSE**

Advising the signing of and returning Enrolled **SCR 74.**

The above numbered Enrolled Resolution was ordered referred to the Secretary of State.

**MESSAGE FROM THE HOUSE**

Advising adoption of and returning Engrossed **SCRs 70, 75 and 76.**

The above numbered Bills and/or Resolutions were referred for enrollment.

**GENERAL ORDER**

President Pro Tempore Smith asked unanimous consent, that **HCR 1031** be referred to the Committee on Appropriations and Budget, which was the order.

**RESOLUTIONS**

Senator Nichols introduced the following Resolution:

**SCR 77**—By Nichols of the Senate and Boren of the House—A Resolution commending the National Geographic Society and Robert Paul Jordan of the "National Geographic" magazine's senior editorial staff for the article, "Oklahoma, the Adventurous One," in the August, 1971, issue of the "National Geographic"; and directing distribution.

Senator Nichols asked unanimous consent that all other Senators be made co-authors of **SCR 77,** which was the order.

**SCR 77,** as co-authored, was read at length, adopted upon motion of Senator Nichols, and ordered referred for engrossment.

Senator Birdsong introduced the following Resolution:

**SCR 78**—By Birdsong of the Senate and York of the House—A Concurrent Resolution designating January 21 as Kiwanis International Day in Oklahoma; and directing distribution.

**SCR 78** was read at length, adopted upon motion of Senator Birdsong, and ordered referred for engrossment.

**GENERAL ORDER**

**SB 370** was taken up for further consideration.

Upon motion of Senator Hargrave, **SB 370** was advanced to engrossment.

By unanimous consent, upon request of Senator Hargrave, **SB 370** was considered engrossed and placed on third reading and final passage.

**THIRD READING**

**SB 370** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Berrong, Birdsong, Bradley, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Hamilton, Hargrave, Howard, Howell, Keels, Lane, Luton, McGraw, McSpadden, Martin, Medearis, Murphy, Nichols, Payne, Phillips, Rogers, Smalley, Smith, Stipe, Taliaferro, Terrill, Trent, Williams.—37.

Nay: Baldwin, Boecher, Holden, Inhofe, Lamb, McCune, Miller, Stansberry.—8.

Excused: Ham, Porter, Young.—3.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baggett, Berrong, Birdsong, Bradley, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Hamilton, Hargrave, Howard, Howell, Keels, Lane, Luton, McGraw, McSpadden, Martin, Medearis, Murphy, Nichols, Payne, Phillips, Rogers,

Smalley, Smith, Stipe, Taliaferro, Terrill, Trent, Williams.—37.

Nay: Baldwin, Boecher, Holden, Inhofe, Lamb, McCune, Miller, Stansberry.—8.

Excused: Ham, Porter, Young.—3.

The emergency was declared passed.

**SB 370** was referred for engrossment.

There being matters on the President's desk for the consideration of the Senate in executive session, it was upon motion of Senator Terrill that the Senate closed its doors and went into executive session.

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The Senate reassembled in open session, with President Pro Tempore Smith presiding.

## REPORT OF ENGROSSED AND ENROLLED BILLS

**SBs 371** and **384** each correctly engrossed.

Engrossed **SBs 371** and **384** were each properly signed and ordered transmitted to the Honorable House for consideration.

Senator Terrill moved after the Clerk's desk is cleared that the Senate stand adjourned to meet Wednesday, January 19, 1972, at 1:00 P.M., which motion prevailed.

Upon motion of Senator Terrill, the Senate adjourned to meet Wednesday, January 19, 1972, at 1:00 P.M.

# Tenth Legislative Day

## Wednesday, January 19, 1972

Pursuant to adjournment, the Senate was called to order by President Pro Tempore Smith.

Upon roll call, the following members were present:

Baldwin, Berrong, Boecher, Capps, Crow, Dahl, Field, Garrison, Grantham, Graves, Ham, Hamilton, Hargrave, Holden, Howard, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Medearis, Miller, Murphy, Nichols, Payne, Phillips, Smalley, Smith, Stansberry, Taliaferro, Terrill, Trent, Williams, Young.—35.

Excused: Baggett, Birdsong, Bradley, Breckinridge, Ferrell, Garrett, Howell, Inhofe, Keels, Martin, Porter, Rogers, Stipe. —13.

The President Pro Tempore declared a quorum present.

The following prayer was offered by the Chaplain and incorporated upon request of Senator Dahl:

Almighty and Eternal God, who has watched over our going out and our coming in and has brought us to this place and the tasks of a new day. Pour in upon our consciousness, the sense of Thy nearness, not only when we pray, but moment by moment when we work. For these Senators, we pray, Grant them wisdom, Grant them courage for the facing of these days. Bless our President, our Governor and all those in high stations. Hasten the day of peace - ending a conflict in Vietnam, but let it be a peace with Justice, Dignity, Honor and Freedom. Hear this our prayer today and Grant wisdom and vision to our Senators that they may do something on the issues and problems with which they are now coping. This we pray, in Jesus name, Amen.

The Journal for the last legislative day was declared approved.

## COMMUNICATION

OFFICE OF
THE GOVERNOR
STATE OF OKLAHOMA
Oklahoma City, Okla.
January 19, 1972

The Honorable Finis Smith
President Pro Tempore
Oklahoma State Senate
State Capitol Building
Oklahoma City, Oklahoma

Dear President Pro Tempore Smith:

This is to request that you convene the honorable members of the Senate, State of Oklahoma, in joint session with the members of the House of Representatives in the Chambers of the House of Representatives at eleven o'clock (11:00) a.m., Thursday, January 20, 1972.

This joint session is requested in order that I might present a message of public interest for consideration by both Honorable Bodies.

Respectfully requested,
David Hall

President Pro Tempore Smith moved that the Governor be advised that the Senate concurs in his request for a Joint Session at 11:00 A.M., Thursday, January 20, 1972, which motion prevailed.

## COMMITTEE REPORTS

The following Bills and/or resolutions were reported by the Committees named,

ordered printed and placed upon the Calendar unless otherwise indicated:

DO PASS:

**SB 372**—Judiciary, co-authored by Elder of the House.

**SB 439**—Judiciary.

## FIRST READING

The following Bills and/or Resolutions were introduced and read the first time:

**SB 459**—By Grantham and Smith of the Senate and McCune, Boettcher and Conaghan of the House—An Act relating to civil procedure; amending 12 O.S. 1971, § 1390; providing enforcement of injunctions; providing punishment for disobedience to injunctions; and declaring an emergency.

**SB 460**—By Hargrave—An Act relating to conservation of oil and gas; amending 52 O.S. 1971, § 153; authorizing certain employees of the Corporation Commission's Conservation Division to serve notices, orders and other papers in connection with their employment and to perform certain other functions; providing the said employees shall not have the right to bear firearms in the performance of their duties; and declaring an emergency.

**SB 461**—By Hamilton, Smith, Hargrave, Howard and Medearis of the Senate and Willis and Sullivan of the House—An Act relating to higher education; authorizing the establishment of the Oklahoma School of Osteopathic Medicine; making an appropriation therefor; and declaring an emergency.

## SECOND READING

The following Bills and/or Resolutions were read the second time and referred to Committees indicated:

**SB 454**—Wildlife.
**SB 455**—Roads and Highways.
**SB 456**—Judiciary.
**SB 457**—Judiciary.
**SB 458**—Public and Mental Health.
**HB 1554**—Appropriations and Budget.
**HB 1555**—Appropriations and Budget.
**HB 1560**—Appropriations and Budget.
**HB 1561**—Appropriations and Budget.
**HB 1562**—Appropriations and Budget.
**HB 1563**—Appropriations and Budget.
**HB 1564**—Appropriations and Budget.

## MESSAGE FROM THE HOUSE

Advising passage of and transmitting for consideration Engrossed:

**HB 1590**—By Skeith and Sparkman of the House and Stipe of the Senate—An Act relating to mines and mining; amending 45 O.S. 1971, §§ 723, 728 and 731; defining terms; providing for bonds; requiring reports; and declaring an emergency.

The above numbered **HB** was read for the first time.

## MESSAGE FROM THE HOUSE

Advising adoption of and transmitting for consideration Engrossed:

**HCR 1060**—By Wickersham, et al, of the House and Stipe of the Senate—A Concurrent Resolution expressing commendation to Henry M. Jackson on the occasion of his address to a Joint Session of the Houses of the Oklahoma Legislature; and directing presentation of a copy hereof.

Upon request of President Pro Tempore Smith, made on behalf of Senator Stipe, **HCR 1060** was taken up for immediate consideration.

President Pro Tempore Smith asked unanimous consent that all other Senators be made co-authors of **HCR 1060**, which was the order.

**HCR 1060,** as co-authored, was read at length, adopted upon motion of President Pro Tempore Smith, properly signed and ordered returned to the Honorable House.

## GENERAL ORDER

**SB 303** by Graves and Medearis of the Senate and Boettcher of the House was read and considered.

Senator Graves asked unanimous consent that the printed bill be corrected to show that Representative Boettcher is the

House author of **SB 303,** which was the order.

Senators Baggett and Graves moved to amend **SB 303,** Page 17, Line 6, by adding after the word "SUBSCRIBED." the following language: "In no event shall any one or more nonresidents of Oklahoma be permitted to subscribe to or hold directly or indirectly more than twenty-five percent (25%) in the aggregate of the authorized permanent capital stock of a stock association.", which amendment was declared adopted.

Senators Grantham and Graves moved to amend **SB 303,** Page 30, Lines 11-18, Page 31, Lines 1-18 and Page 32, Lines 1-10 as follows:

By striking all of "SECTION 15." on Page 30, Lines 11-18, Page 31, Lines 1-18, Page 32, Lines 1-10, and inserting a new "SECTION 15." to read as follows:

"SECTION 15. Section 37, Chapter 101, O.S.L. 1970 (18 O.S. Supp. 1970, § 381.37), is amended to read as follows:

§ 381.37. SAVINGS ACCOUNTS AND DEPOSITS - CAPITAL. A. [*An*] A MUTUAL association may raise capital in the form of such savings accounts, shares or other accounts, [(] including savings deposits in the case of a deposit association[)], for such fixed, minimum or indefinite periods of time as are authorized by its bylaws or by regulations of the Board. Such accounts AND DEPOSITS, all of which are referred to in this [*act*] SECTION as savings accounts, shall all have equal priority upon liquidation. [*An*] A MUTUAL association may issue such passbooks, certificates, and other evidence of savings accounts as are now or hereafter so authorized. With the exception of forms now in use by existing associations, all such forms evidencing savings accounts shall be promptly submitted to the Board, and to the Federal Savings and Loan Board in the case of an insured association, and the issuance of any such form shall be immediately discontinued in the event of disapproval. [*No association shall issue nonwithdrawable stock accounts commonly known as guaranty stock.*] Unless otherwise provided by its bylaws, the total amount of savings account liability of [*an*] A MUTUAL association is unlimited.

B. A STOCK ASSOCIATION MAY RAISE CAPITAL OR INCUR LIABILITIES IN THE FORM OF SAVINGS DEPOSITS FOR SUCH FIXED, MINIMUM OR INDEFINITE PERIODS OF TIME AS ARE AUTHORIZED BY ITS BYLAWS OR BY REGULATIONS OF THE BOARD. SUCH DEPOSITS SHALL ALL HAVE EQUAL PRIORITY UPON LIQUIDATION. A STOCK ASSOCIATION MAY ISSUE SUCH PASSBOOKS, CERTIFICATES AND OTHER EVIDENCE OF SAVINGS DEPOSITS AS ARE NOW OR MAY HEREAFTER BE AUTHORIZED FOR DEPOSIT ASSOCIATIONS. NEW OR PROPOSED FORMS EVIDENCING SAVINGS DEPOSITS SHALL BE PROMPTLY SUBMITTED TO THE BOARD, AND TO THE FEDERAL SAVINGS AND LOAN BOARD IN THE CASE OF AN INSURED ASSOCIATION, AND THE ISSUANCE OF ANY SUCH FORM SHALL BE IMMEDIATELY DISCONTINUED IN THE EVENT OF DISAPPROVAL. IN STOCK ASSOCIATIONS HOLDERS OF SAVINGS DEPOSITS SHALL PARTICIPATE FIRST IN ALL ASSETS UPON LIQUIDATION, BUT ONLY TO THE EXTENT OF THEIR SAVINGS DEPOSITS. UNLESS OTHERWISE PROVIDED BY ITS BYLAWS, THE TOTAL AMOUNT OF SAVINGS DEPOSIT LIABILITY OF A STOCK ASSOCIATION IS UNLIMITED.", which amendment was declared adopted.

Senator Graves moved to amend **SB 303,** Page 83, Line 8, by striking after the word "operative" the date "January 1, 1972" and substituting therefor the date "January 1, 1973", which amendment was declared adopted.

Upon motion of Senator Graves, **SB 303,** as amended, was considered engrossed and placed on third reading and final passage.

By unanimous consent, upon request of Senator Graves, **SB 303,** as amended, was

considered engrossed and placed on third reading and final passage.

**THIRD READING**

**SB 303** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baldwin, Boecher, Capps, Crow, Dahl, Garrison, Grantham, Graves, Ham, Hargrave, Holden, Howard, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Medearis, Miller, Murphy, Nichols, Payne, Phillips, Smalley, Smith, Stansberry, Taliaferro, Terrill, Trent, Williams, Young.—32.

Excused: Baggett, Berrong, Birdsong, Bradley, Breckinridge, Ferrell, Field, Garrett, Hamilton, Howell, Inhofe, Keels, Martin, Porter, Rogers, Stipe.—16.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baldwin, Berrong, Boecher, Capps, Crow, Dahl, Field, Garrison, Grantham, Graves, Ham, Hargrave, Holden, Howard, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Medearis, Miller, Murphy, Nichols, Payne, Phillips, Smalley, Smith, Stansberry, Taliaferro, Terrill, Trent, Williams, Young.—34.

Excused: Baggett, Birdsong, Bradley, Breckinridge, Ferrell, Garrett, Hamilton, Howell, Inhofe, Keels, Martin, Porter, Rogers, Stipe.—14.

The emergency was declared passed.

**SB 303** was referred for engrossment.

Senators Baggett, Birdsong, Garrett, Howell, Keels, Porter and Rogers asked to be shown present, which was the order.

**PENDING SENATE ACTION—RESOLUTION**

**HCR 1059**—by Gooden of the House and McCune of the Senate was called up for consideration, read at length, adopted upon motion of Senator McCune, properly signed and ordered returned to the Honorable House.

**GENERAL ORDER**

**SB 413** by McSpadden and Hamilton of the Senate and Willis, et al, of the House was read and considered.

Upon motion of Senator McSpadden, **SB 413** was advanced to engrossment.

By unanimous consent, upon request of Senator McSpadden, **SB 413** was considered engrossed and placed on third reading and final passage.

**THIRD READING**

**SB 413** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baldwin, Berrong, Boecher, Capps, Crow, Field, Garrison, Grantham, Graves, Ham, Hamilton, Hargrave, Holden, Howard, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Medearis, Miller, Murphy, Nichols, Payne, Phillips, Smalley, Smith, Stansberry, Taliaferro, Terrill, Williams, Young.—33.

Excused: Baggett, Birdsong, Bradley, Breckinridge, Dahl, Ferrell, Garrett, Howell, Inhofe, Keels, Martin, Porter, Rogers, Stipe, Trent.—15.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baldwin, Berrong, Boecher, Capps, Crow, Field, Garrison, Grantham, Graves, Ham, Hamilton, Hargrave, Holden, Howard, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Medearis, Miller, Murphy, Nichols, Payne, Phillips, Smalley, Smith, Stansberry, Taliaferro, Terrill, Williams, Young.—33.

Excused: Baggett, Birdsong, Bradley, Breckinridge, Dahl, Ferrell, Garrett, Howell, Inhofe, Keels, Martin, Porter, Rogers, Stipe, Trent.—15.

The emergency was declared passed.

**SB 413** was referred for engrossment.

## GENERAL ORDER

**SB 417** by McSpadden and Hamilton of the Senate and Willis, et al, of the House was read and considered.

Upon motion of Senator McSpadden, **SB 417** was advanced to engrossment.

By unanimous consent, upon request of Senator McSpadden, **SB 417** was considered engrossed and placed on third reading and final passage.

## THIRD READING

**SB 417** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baldwin, Berrong, Boecher, Capps, Crow, Field, Garrison, Grantham, Graves, Ham, Hamilton, Hargrave, Holden, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Medearis, Miller, Murphy, Payne, Phillips, Smalley, Smith, Stansberry, Taliaferro, Terrill, Trent, Williams, Young.—32.

Excused: Baggett, Birdsong, Bradley, Breckinridge, Dahl, Ferrell, Garrett, Howard, Howell, Inhofe, Keels, Martin, Nichols, Porter, Rogers, Stipe.—16.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baldwin, Berrong, Boecher, Capps, Crow, Field, Garrison, Grantham, Graves, Ham, Hamilton, Hargrave, Holden, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Medearis, Miller, Murphy, Payne, Phillips, Smalley, Smith, Stansberry, Taliaferro, Terrill, Trent, Williams, Young.—32.

Excused: Baggett, Birdsong, Bradley, Breckinridge, Dahl, Ferrell, Garrett, Howard, Howell, Inhofe, Keels, Martin, Nichols, Porter, Rogers, Stipe.—16.

The emergency was declared passed.

**SB 417** was referred for engrossment.

## REPORT OF ENGROSSED AND ENROLLED BILLS

**SB 370** and **SCRs 77** and **78** each correctly engrossed.

**SCRs 70** and **76** each correctly enrolled.

Engrossed **SB 370** and **SCRs 77** and **78** were each properly signed and ordered transmitted to the Honorable House for consideration.

Enrolled **SCRs 70** and **76** were properly signed and ordered transmitted to the Honorable House for the signature of the Speaker.

## GENERAL ORDER

**SB 422** by McSpadden and Hamilton of the Senate and Willis, et al, of the House was read and considered.

Upon motion of Senator McSpadden, **SB 422** was advanced to engrossment.

By unanimous consent, upon request of Senator McSpadden, **SB 422** was considered engrossed and placed on third reading and final passage.

## THIRD READING

**SB 422** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baldwin, Berrong, Boecher, Capps, Crow, Field, Garrison, Grantham, Graves, Ham, Hamilton, Hargrave, Holden, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Medearis, Murphy, Nichols, Payne, Phillips, Smalley, Smith, Stansberry, Taliaferro, Terrill, Trent, Williams, Young.—32.

Excused: Baggett, Birdsong, Bradley, Breckinridge, Dahl, Ferrell, Garrett, Howard, Howell, Inhofe, Keels, Martin, Miller, Porter, Rogers, Stipe.—16.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baldwin, Berrong, Boecher, Capps, Crow, Field, Garrison, Grantham, Graves,

Ham, Hamilton, Hargrave, Holden, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Medearis, Murphy, Nichols, Payne, Phillips, Smalley, Smith, Stansberry, Taliaferro, Terrill, Trent, Williams, Young.—32.

Excused: Baggett, Birdsong, Bradley, Breckinridge, Dahl, Ferrell, Garrett, Howard, Howell, Inhofe, Keels, Martin, Miller, Porter, Rogers, Stipe.—16.

The emergency was declared passed.

**SB 422** was referred for engrossment.

## DECLARATION OF VOTE

Senator Howard asked that the record show had he been present at the time of Third Reading and final passage of **SB 422**, he would have voted AYE on the Emergency, which was the order.

## GENERAL ORDER

**SB 427** by McSpadden and Hamilton of the Senate and Willis, et al, of the House was read and considered.

Upon motion of Senator McSpadden, **SB 427** was advanced to engrossment.

By unanimous consent, upon request of Senator McSpadden, **SB 427** was considered engrossed and placed on third reading and final passage.

## THIRD READING

**SB 427** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baldwin, Berrong, Boecher, Capps, Crow, Field, Garrison, Grantham, Graves, Hamilton, Hargrave, Holden, Howard, Lamb, Lane, Luton, McGraw, McSpadden, Medearis, Miller, Murphy, Nichols, Payne, Phillips, Smalley, Smith, Stansberry, Taliaferro, Terrill, Trent, Williams, Young.—32.

Excused: Baggett, Birdsong, Bradley, Breckinridge, Dahl, Ferrell, Garrett, Ham, Howell, Inhofe, Keels, McCune, Martin, Porter, Rogers, Stipe.—16.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baldwin, Berrong, Boecher, Capps, Crow, Field, Garrison, Grantham, Graves, Hamilton, Hargrave, Holden, Howard, Lamb, Lane, Luton, McGraw, McSpadden, Medearis, Miller, Murphy, Nichols, Payne, Phillips, Smalley, Smith, Stansberry, Taliaferro, Terrill, Trent, Williams, Young.—32.

Excused: Baggett, Birdsong, Bradley, Breckinridge, Dahl, Ferrell, Garrett, Ham, Howell, Inhofe, Keels, McCune, Martin, Porter, Rogers, Stipe.—16.

The emergency was declared passed.

**SB 427** was referred for engrossment.

## MESSAGE FROM THE HOUSE

Advising the signing of and transmitting for signature Enrolled **HCR 1060.**

The above numbered Enrolled Resolution was properly signed and ordered returned to the Honorable House.

Senator Stipe asked to be shown present, which was the order.

Senator Terrill moved that the speech of United States Senator Henry M. "Scoop" Jackson delivered in Joint Session be incorporated in the Senate Journal for this day, which motion was declared adopted.

Senator Terrill moved after the desk is cleared that the Senate stand adjourned to meet Thursday, January 20, 1972, at 10:00 A.M., which motion prevailed.

The hour of 2:15 P.M. having arrived and that being the hour arranged for Joint Session of the 33d Legislature, it was upon motion of Senator Terrill that the Senate, preceded by its Officers, proceeded to the Honorable House for the purpose of a Joint Session.

## JOINT SESSION

The Third Joint Session of the Second Regular Session of the 33d Legislature was called to order by President Nigh.

Senator Terrill moved that the Senate

attendance roll call be considered the roll call of the Senate in Joint Session, which was the order.

Baldwin, Berrong, Boecher, Capps, Crow, Dahl, Field, Garrison, Grantham, Graves, Ham, Hamilton, Hargrave, Holden, Howard, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Medearis, Miller, Murphy, Nichols, Payne, Phillips, Smalley, Smith, Stansberry, Taliaferro, Terrill, Trent, Williams, Young.—35.

Excused: Baggett, Birdsong, Bradley, Breckinridge, Ferrell, Garrett, Howell, Inhofe, Keels, Martin, Porter, Rogers, Stipe. —13.

President Nigh declared a quorum of the Senate present.

Representative Wolf moved that the House attendance roll call be considered the roll call of the House in Joint Session, which was the order.

Abbot, Anderson, Andrews, Atkins, Bamberger, Bengtson, Bernard, Beznoska, Boettcher, Bradley, Briscoe, Camp, Carlton, Cartwright, Cate, Clemons, Coffin, Cole, Conaghan, Converse, Cotner, Cox, Davis, Doornbos, Draper, Duke, Dunn, Elder, Ferguson, Ferrell, Finch, Fine, Ford, Frates, Gooden, Green, Greenhaw, Hancock, Hargrave, Harper, Harrison, Hatchett, Hill, Holaday, Hopkins, Huddleston, Johnson, Kamas, Kardokus, Kennedy, Kilpatrick, Lindstrom, McCune, McIntyre, McKee, Miskelly, Monks, Mountford, Murphy, Musgrave, Nance, Odom, Payne, Pierce, Poulos, Randle, Riggs, Robinson, Rogers, Sanders, Sanguin, Skeith, Sparkman, Spearman, Stratton, Sullivan, Taggart, Tarwater, Thornhill, Townsend, Trent, Wayland, Whorton, Wickersham, Wiedemann, Williams, Williamson, Willis, Witt, Wixson, Wolf (Leland), Wolfe (Stephen), Wynn, York, Mr. Speaker.—95.

Excused: Avey, Boatner, Boren, Sandlin. —4.

The Speaker declared a quorum of the House present.

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

Prayer was offered by the House Chaplain, Monsignor A. A. Isenbart, Associated Catholic Charities, Oklahoma City, Oklahoma.

A Joint Committee was appointed to escort the Chief Executive, Governor David Hall, and the Honorable Henry M. "Scoop" Jackson to the House Chamber.

For the Senate: Senators Stipe, Grantham, Terrill, Crow and Field.

For the House: Representatives Wickersham, Bernard, Johnson, Sullivan and Wiedemann.

President Nigh introduced the Attorney General of Oklahoma, The Honorable Larry Derryberry.

President Nigh recognized the Sergeant-at-Arms, who announced the presence of the Governor and Senator Jackson.

The President recognized Governor David Hall and introduced the Honorable Henry M. "Scoop" Jackson, United States Senator from the State of Washington, who gave the following address:

## ADDRESS

Senator Henry M. Jackson

As Representatives of the people of Oklahoma, you are well aware that the nation's growing energy demands and the public's desire to protect our environment are, in many respects, on a collision course.

Preventing that collision is a matter of particular importance to the State of Oklahoma, which plays such a key role in our national fuels and energy picture. No fewer than 37,000 people were engaged in oil and gas production in this state in 1970. Oil and gas are produced in 72 of your 77 counties. The total value of this production in 1970 was more than one billion dollars.

In Oklahoma, as in other states, there is legitimate and growing concern over the impact of energy production, conversion, transportation and use on our en-

vironment. And there is good reason for concern.

As a nation we have shirked our obligation to deal with the social and environmental costs of energy usage. It is clear that air and water pollution must be reduced; that strip and surface mines must be reclaimed; that industrial planning and siting must be improved; and that the quality of the environment must be made a priority consideration in **all** energy decisions.

We can and we must do better.

There is also legitimate and justified concern over our ability to meet growing energy demands. Demand for energy in all forms has been growing at a very fast rate — about 5 percent per year for the past 5 years — nearly double the long-term average. The growth rates have been especially strong for electrical power and natural gas, exceeding 7 percent. And as you well know, the demand for natural gas has been growing far faster than available reserves.

This is, of course, a matter of serious concern to the people of Oklahoma and to the nation. I was shocked to read that only two weeks ago many schools in Southwest Oklahoma were closed because of natural gas shortages. What a paradox in a State that added 638,000 million cubic feet of new reserves and produced over 1.7 billion cubic feet of natural gas in 1970.

We have many energy policies in this country, but there has never been an attempt to coordinate or reconcile the objectives of different Federal programs with one another or with those of the various states. One example is the vast difference in our policies toward oil and natural gas, much of which is produced from the same fields, and even from the same wells.

To create incentives for the discovery and development of domestic reserves, the government restricts the import of foreign crude oil. The higher prices consumers pay for petroleum produced in the United States are considered to be justified by its greater supply security. Yet, the thrust of Federal policy toward natural gas has been to hold down its price in the field, and consequently to encourage users to import gas at higher prices from other countries, like Algeria and — if recent actions by the Administration are followed — even from the Soviet Union.

Our lack of a consistent policy on gas leads to one paradox after another: a shortage of gas for consumers even among the gas fields right here in Oklahoma. Some natural gas here is priced in the field at ten, five, or even three cents per thousand cubic feet, while Eastern utilities are paying as much as a dollar for liquified gas from Algeria. Small wonder that Oklahoma's Corporation Commission has moved to set minimum field prices for natural gas. This type of action stems from the absence of a consistent and up-to-date national policy toward natural gas as part of an intricate system of energy supplies and energy needs. And the natural gas situation is not unique. It is typical of our energy policy problems.

How do we explain the conflicts and contradictions? And how do we go about developing the new programs, policies and institutions which are necessary to resolve conflict between growing energy demand, declining reserves, and increasing concern for the environment.

The search for a coherent national energy policy starts with the premise that energy is the most basic of resources. Our high standard of living and our industrial strength cannot be sustained without tremendous inputs of energy. We must seek ways to provide that energy without making intolerable demands on our national resources and our environment.

In attempting to arrest environmental degradation and conserve our resources, there is a real danger that we will turn to simplistic solutions. The attacks on eco-

nomic growth — and on science and technology — are clear signs of this.

Sooner or later, it was inevitable that some environmentalists would challenge cur historic attachment to economic growth. Economic growth is machines churning, power plants steaming and factories producing. And economic growth has meant spoiled land, foul air and dirty water.

But those who seek to make economic growth a scapegoat must remember that it is the key to private prosperity and public progress. It generates the resources to meet our social goals. It offers hope to the 26 million Americans living below the poverty level. We are not about to abandon the goal of strong economic growth as a means of providing a decent standard of living for all Americans.

And those who seek to downgrade science and technology should remember that we must rely heavily on scientists and engineers to achieve our twin goals of environmental quality and economic growth. This is the talent we must use to solve major environmental problems — to generate clean energy, to devise pollution-free manufacturing processes and develop new techniques for conserving and reusing our resources.

Our generation is being called upon to accomplish more in the next three decades than our forebears did in the past two centuries. By the end of this century we must double the physical plant of all our towns and cities.

This redoubling of America will require vast new amounts of energy —

— to provide full employment;

— to eliminate poverty;

— to increase our standard of living;

— to improve the quality of our life and preserve our environment.

Our ability to furnish this energy depends on how we deal with the factors which created the emerging crisis conditions we face today, such factors as

— the growing dependency on insecure foreign oil supplies;

— the declining exploration for domestic supplies, and dwindling oil and gas reserves;

— a regulatory system which prices natural gas below its market value;

— the continuing indecision and delay on the part of government in making regulatory decisions, in issuing licenses and permits essential to new pipelines, power plants and refineries

But the major — and in my view, the most troublesome condition the nation faces today is **"uncertainty" — uncertainty** about governmental policy; **uncertainty** about sources of supply; **uncertainty** about markets; and **uncertainty** about industry's ability to deliver the needed fuels in the clean form the public demands.

Resolving these uncertainties constitutes an unprecedented challenge, requiring strong leadership and sustained cooperation between government at all levels, industry and the consuming public. We can't meet this challenge by hand-wringing, by confrontations between "good guys" and "bad guys," or by simplistic solutions that create the illusion of dealing with our problems. Let's face it: blocking new power plants doesn't solve our energy problems; shutting down factories doesn't provide new jobs; and banning new technology doesn't solve tough environmental problems.

What we need is a little common sense, some measure of balance, and the courage to change old ways and create new policies that reflect today's concerns and today's problems. Today's energy problems call for responses that are not rooted in the conventional wisdom of another age. We need a new perspective that considers **all** interests and **all** values in the search for responsible answers.

Our obligation to future generations is to preserve a healthy, liveable environment for man on this planet. I believe we can fulfill this obligation without, at the

same time, sacrificing the unfulfilled hopes of present generations.

Representative Wickersham and Senator Stipe presented Senator Jackson with **HCR 1060.**

Senator Terrill moved the Joint Session be dissolved, which motion prevailed.

Under the Terrill motion, the Senate adjourned to meet Thursday, January 20, 1972, at 10:00 A.M.

# Eleventh Legislative Day

## Thursday, January 20, 1972

Pursuant to adjournment, the Senate was called to order by Senator Terrill, who was designated so to do by the President Pro Tempore.

President Pro Tempore Smith presiding.

Upon roll call, the following members were present:

Baggett, Berrong, Birdsong, Boecher, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Holden, Howard, Howell, Inhofe, Keels, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Phillips, Porter, Rogers, Smalley, Smith, Stansberry, Stipe, Taliaferro, Terrill, Trent, Williams, Young.—44.

Excused: Baldwin, Bradley, Breckinridge, Hargrave.—4.

The President Pro Tempore declared a quorum present.

The following prayer was offered by the Chaplain and incorporated upon request of Senator Dahl:

Almighty God we invoke your blessing on the session of the Oklahoma Senate and beg that this blessing continue as long as the people act so as to deserve good men representing them in a government operating under God's grace. Relying on the purity of their intentions, the justice of their course and the integrity of the people our founding Fathers established this form of Government under an overruling Providence which has so singularly protected our country to this very moment. Divine Being, Supreme over all, Patron of order, fountain of Justice, continue your blessing on this Nation, our State and the men responsible for its laws —so their acts may always be consistent with the ends of your Providence, this we pray in Jesus name, Amen.

The Journal for the last legislative day was declared approved.

### ANNOUNCEMENT

Senator Berrong announced the death of former Senator Arthur G. McComas, Elk City, who served in the 29th Legislative Session. The Senate expressed its deep regret to the McComas family.

### REQUESTS FOR LOBBY PERMITS

Requests for Lobby Permits were filed by the following persons and ordered referred to the Committee on Lobby Permits:

J. D. Fleming, 6524 N. Harvard, Oklahoma City, Oklahoma, representing Oklahoma Farmers Union.

Ted R. O'Shea, 8226 East 34th Street, Tulsa, Oklahoma, representing Oklahoma Bankers Association.

David Robert Stanford, 2903 East 51st St., Apt. E, Tulsa, Oklahoma, representing Lawyers Encouraging Government and Law.

### COMMITTEE REPORTS

The following Bills and/or resolutions were reported by the Committees named, ordered printed and placed upon the Calendar unless otherwise indicated:

DO PASS:

**SB 424**—Appropriations and Budget.

**SB 426**—Appropriations and Budget.

**SCR 72**—Agriculture.

DO PASS, as amended:

**SB 377**—Education - Higher, co-authored by Luton of the Senate and Atkins, Lindstrom, Cate and Sparkman of the House.

**SB 409**—Appropriations and Budget.

**SB 412**—Appropriations and Budget.

**SB 425**—Appropriations and Budget.

## FIRST READING

The following Bills and/or resolutions were introduced and read the first time:

**SB 462**—By Grantham and Garrison of the Senate and Green, McCune, Boettcher and Conaghan of the House—An Act relating to elections; providing that if the office of a district judge or associate district judge becomes vacant under specified circumstances, it shall not be filled by appointment unless the Supreme Court certifies that the continued existence of that office is warranted; providing for execution and filing of such certificate; and declaring an emergency.

**SB 463**—By McSpadden—An Act relating to disposition of money received under Section 7 of Flood Control Act of Congress approved August 18, 1941, as amended, 33 USCA § 701c-3; amending 62 O.S. 1971, § 204, providing for apportionment of funds; and declaring an emergency.

## SECOND READING

The following Bills and/or Resolutions were read the second time and referred to Committees indicated:

**SB 459**—Judiciary.

**SB 460**—Oil and Gas.

**SB 461**—Education-Higher.

**HB 1590**—Parks, Forestry and Industrial Development.

There being matters on the President's desk for the consideration of the Senate in executive session, it was upon motion of Senator Terrill that the Senate closed its doors and went into executive session.

*

The Senate reassembled in open session, with President Pro Tempore Smith presiding, who made the following announcements:

The Senate, in executive session, and upon motion of Senator Boecher, advised and consented to the confirmation of BERNERD BRISCOE, Mustang, Oklahoma, as a Member of the Liquefied Petroleum Gas Board for a four (4) year term ending June 30, 1975, and effective upon Senate confirmation. Mr. Briscoe succeeds Mr. Charles B. True.

The Senate, in executive session, and upon motion of Senator Baggett, advised and consented to the confirmation of ROY E. YOSTING, Edmond, Oklahoma, as a Member of the Liquefied Petroleum Gas Board for a four (4) year term ending June 30, 1975, and effective upon Senate confirmation. Mr. Yosting succeeds Mr. C. R. Noland.

The Senate, in executive session, and upon motion of Senator Grantham, advised and consented to the confirmation of DR. EDWIN FAIR, Ponca City, Oklahoma, as a Member of the Board of Regents, Northern Oklahoma College, for a five (5) year term ending June 30, 1976, and effective upon Senate confirmation. Dr. Fair succeeds Mr. Roy Mays.

The Senate, in executive session, and upon motion of Senator Lane, advised and consented to the confirmation of JAMES WILSON, Idabel, Oklahoma, as a Member of the Oklahoma Securities Commission for a six (6) year term ending July 27, 1977, and effective upon Senate confirmation. Mr. Wilson succeeds Mr. J. R. Meek.

The Senate, in executive session, and upon motion of Senator McCune, advised and consented to the confirmation of R. T. SCOTT, Oklahoma City, as a Member of the Oklahoma Motor Vehicle Commission for a term ending at the Governor's pleasure, and effective upon Senate confirmation. Mr. Scott succeeds himself.

The Senate, in executive session, and upon motion of Senator Stansberry, advised and consented to the confirmation of JACK CLARK, Oklahoma City, Oklaho-

ma, as a Member of the Oklahoma Motor Vehicle Commission for a six (6) year term ending June 30, 1977, and effective upon Senate confirmation. Mr. Clark succeeds Mr. Ed Eskridge.

The Senate, in executive session, and upon motion of Senator McGraw, advised and consented to the confirmation of D. B. WILKERSON, Tulsa, Oklahoma, as a Member of the Oklahoma Motor Vehicle Commission for a six (6) year term ending June 30, 1973, and effective upon Senate confirmation. Mr. Wilkerson succeeds Mr. John Byers.

*

Senator Terrill moved that the message of the Governor delivered in Joint Session be incorporated in the Senate Journal for this day, which motion was declared adopted.

The hour of 11:00 A.M. having arrived and that being the hour arranged for a Joint Session of the 33d Legislature, it was upon motion of Senator Terrill that the Senate, preceded by its Officers, proceed to the Honorable House for the purpose of a Joint Session.

## JOINT SESSION

The Fourth Joint Session of the Second Regular Session of the 33d Legislature was called to order by President Nigh.

Senator Terrill moved that the Senate attendance roll call be considered the roll call of the Senate in Joint Session, which was the order.

Baggett, Berrong, Birdsong Boecher, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Holden, Howard, Howell, Inhofe, Keels, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Phillips, Porter, Rogers, Smalley, Smith, Stansberry, Stipe, Taliaferro, Terrill, Trent, Williams, Young.—44.

Excused: Baldwin, Bradley, Breckinridge, Hargrave.—4.

President Nigh declared a quorum of the Senate present.

Representative Wolf moved that the House attendance roll call be considered the roll call of the House in Joint Session, which was the order.

Abbott, Anderson, Andrews, Atkins, Bamberger, Bengtson, Bernard, Beznoska, Boettcher, Bradley, Briscoe, Camp, Cartwright, Cate, Clemons, Coffin, Cole, Conaghan, Converse, Cotner, Cox, Davis, Doornbos, Draper, Duke, Dunn, Elder, Ferguson, Ferrell, Finch, Fine, Ford, Frates, Green, Greenhaw, Hancock, Hargrave, Harper, Hatchett, Hill, Holaday, Hopkins, Huddleston, Johnson, Kamas, Kennedy, Kilpatrick, Lindstrom, McCune, McIntyre, McKee, Miskelly, Monks, Murphy, Musgrave, Nance, Odom, Payne, Pierce, Poulos, Randle, Riggs, Robinson, Sanders, Sandlin, Sanguin, Skeith, Sparkman, Spearman, Stratton, Sullivan, Taggart, Tarwater, Thornhill, Townsend, Trent, Wayland, Whorton, Wickersham, Wiedemann, Williams, Williamson, Willis, Witt, Wixson, Wolf (Leland), Wolfe (Stephen), Wynn, York, Mr. Speaker.—90.

Excused: Avey, Boatner, Boren, Carlton, Gooden, Harrison, Kardokus, Mountford, Rogers.—9.

The Speaker declared a quorum of the House present.

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

Prayer was offered by the Senate Chaplain, Reverend Justin Gavin, Pastor, St. Williams Catholic Church, Skiatook, Oklahoma.

Senator Terrill moved that the President and Speaker appoint Committees from the Senate and the House of Representatives, respectively, as a Joint Committee to escort the Chief Executive, the Honorable David Hall to the House Chamber and hear his Message.

A Joint Committee was appointed to escort the Chief Executive, Governor David Hall, to the House Chamber.

FOR THE SENATE: Senators Murphy, Nichols, Ferrell, Miller, and Porter.

FOR THE HOUSE: Representatives Murphy, Boettcher, Draper, Duke, and Wynn.

President Nigh recognized the Sergeant-at-Arms, who announced the presence of the Chief Executive, the Honorable David Hall. Governor Hall was escorted to the President's Desk, and gave the following message:

**MESSAGE**

**Honorable David Hall, Governor**

Lieutenant Governor Nigh, President Pro-Tempore Smith, Speaker Privett, Members of the Senate and the House of Representatives, My fellow Oklahomans:

Ours is a people's Administration: Dedicated to meeting needs of people; programs to benefit the public, and government beyond selfish interests.

This Administration reflects the needs and dreams of Oklahoma people. Together with this Legislature, we have searched for solutions: progress and equity.

This people-sensitive government thrives to pool resources and unite people for goals which individuals—alone—cannot conquer.

Education, law enforcement, health, welfare and roads are chief among our common needs.

In 65 short years, Oklahomans have created a commendable society. We are progressive, orderly and just. From virgin prairies and rolling hills, Oklahoma pioneers built, with historic dispatch, a thriving civilization and vibrant economy.

We have achieved great progress. Yet, mighty challenges remain.

In our Legislative Address of January 4, we challenged the crisis in the development of rural and urban areas of Oklahoma. Among our nine-point program were proposals to help stem these crises. Modern, efficient and safe highways were cast as a key to balance progress.

Oklahomans are a people with an abundance of automobiles. But, Oklahoma is a state short of highways for their operation. Our cars are 1972 models, but our roads are Model-T.

We face three alternatives: To stay in the mud; to be satisfied with bad roads and unsafe highways, but the people reject that status quo; or we could levy massive new road building taxes. I would veto any new tax.

Instead, we must adopt "Free-Way 77."

On behalf of this Administration, legislation will be introduced on Monday to forge "Free-Way 77" into a viable, progressive road building program with no new taxes.

I urge you to enact legislation which would present "Free-Way 77" to an early vote by the people. The people should decide on this issue of financing modern, safe roads with "no new taxes."

With that condition, "Free-Way 77" today becomes the tenth point of this Administration's new Legislative program.

Your prompt consideration is requested. Your favorable action and support are needed. There is urgency in this legislation: economic prosperity; convenience; lives of our people, and safety on Oklahoma roads.

Delays could mean sharply increased costs of financing. Construction prices are spiralling upward.

Procrastination would perpetuate deficient transportation. To reject the solutions posed by "Free-Way 77" would thrust Oklahoma into a prolonged era of hazardous roads which maim and kill our travelers.

There is precedent and wisdom in "Free-Way 77." It is a prudent way for Oklahoma people to jointly solve their common problems of day-to-day travel.

It would boost tourism and strengthen commerce. It would provide modern roads without toll booths.

The distinguished members of this Legislature should carefully examine each section and line of the enabling legislation of "Free-Way 77." But it is appropriate and

timely that we keep sight of the challenges and hopes of the program.

First, "Free-Way 77" bonds can be fully serviced and retired without any new taxes. It offers solutions without more taxation. Our Highway Commission and the Department have doubly assured this Administration that financing can be met without new taxes.

"Free-Way 77" would in no way impair existing programs or quality maintenance.

"Free-Way 77" would in fact, hasten completion of long-range plans and strengthen maintenance.

"Free-Way 77" also provides Oklahoma fresh impetus to overcome a status quo road construction program. For years, building progress has been equal only to the rate of highway breakdown. Maximum capacity in building would thrust Oklahoma boldly ahead. For the first time in state history, we could see highway sufficiency. "Free-Way 77" would bring Oklahoma within an unprecedented, forecastable range of highway adequacy. Our 12,500-mile statewide system finally would have hopes of safety and efficiency.

Another great benefit would be the start of a coordinated county primary road system. The Oklahoma Highway Commission would work with our 231 county commissioners to decide routes of these systems.

From one-tenth share of these bond monies, the Highway Department would commence a program of building soundly engineered county roads. This system is a $500 million challenge. "Free-Way 77" is the start in meeting rural road needs; lifting our farms and rural communities from the mud.

The large quantity—some $225 million of "Free-Way 77" funds—would be invested into the presently designed statewide system of interstate-type highways, four-lane roads, and economical two-lane roads constructed on four-lane rights-of-way. On these new roads, high speeds could be traveled safely.

In a democracy, it is fitting and responsible for a popular vote to decide great issues. This Administration would welcome an opportunity to join this Legislature in explaining "Free-Way 77" to the people.

In examining the issues, and consulting with financial experts, we have found that appreciable savings can be made by a general obligation bond. The full faith and credit of the State of Oklahoma should be extended with these bonds; although existing taxes will retire the bonds and fully service the debt.

Under the State's Constitution, our budget balancing amendment, such obligation requires a vote of the people.

Members of this Legislature are urged to enact immediate and proper authorizing Legislation for an election. At an earliest possible date, this Administration would call a special election to let the people decide the issue: "Shall Oklahoma have good roads?"

The responsibility of outlining road needs, methods of financing and alternatives to "Free-Way 77" would be shouldered by members of this Legislature, this Administration and each responsible informed journalist, civic leader and concerned citizen of Oklahoma.

"Free-Way 77" financing parallels business and family decisions faced by all Oklahomans: How many people would own their homes without long-term financing? "Free-Way 77" is a build-now pay-as-you-use method of buying safe new roads; How many businesses depend on borrowing to keep commerce moving? "Free-Way 77" provides money for Oklahoma to build roads at today's prices and to pay for them with tomorrow's shrinking dollar.

All economists predict that inflation rates will far exceed the interest rates currently available to Oklahoma.

A good example of inflation is shown in costs of building the Turner and Will Rogers Turnpikes. They are about the same length, but built a decade apart. During that time—prices doubled.

Roads Oklahoma builds today will be

worth twice as much to the next generation.

Oklahomans are on the move and in automobiles, We are like the farmer who has spent all his ready cash buying cattle. He had to get help to build fences. Oklahoma, likewise, must find the financing for roads and highways for our people and their cars.

"Free-Way 77" is to Oklahoma what house payments are to a family—it pays to invest. Today's travelers would get safe roads. Lives would be saved. Injuries would be averted. Accidents would be prevented. Property losses would decrease. Insurance costs would fall.

We cannot wait for these economies. They are musts now. The next generation will have the use of these good roads on a pay-as-you drive basis; an inheritance of good roads with certain responsibilities.

With "Free-Way 77" Oklahoma stands to grow more. Our state would expand stronger. "Free-Way 77" would balance rural and urban development.

This 20th Administration of Oklahoma proudly embraces "Free-Way 77." It is the tenth leg of our new Legislative program.

As we join with the Legislature in telling the pros and cons of "Free-Way 77" there is no room for partisan dissent.

The issue is Oklahoma together: Will we have safe and good roads—without new taxes?

The great majority of members of this Legislature have felt the quickening pulse of Oklahoma.

You sense the new demands of our dynamic state.

Your talents and strength increase the prospects and promises for Oklahomans today, and tomorrow.

This Administration and this Legislature now ask the people to take an active part in progress—to join in the active decision-making. That role is fitting in a democracy. It is the basis of a "people's Administration."

The issue is clear: Will Oklahoma provide financing for a safe and efficient highway system with "no new taxes?"

The debate must be contained within those boundaries, safe roads, sound financing and no new taxes.

"Free-Way 77" charts new courses of opportunity for Oklahoma.

We share your pride in presenting "Free-Way 77" to the people—for it will insure a greater tomorrow and safer roads for today.

Senator Terrill moved the Joint Session be dissolved, which motion prevailed.

The Senate reassembled in open session, with Senator Smalley presiding, who declared a quorum present.

There being matters on the President's desk for the consideration of the Senate in executive session, it was upon motion of Senator Terrill that the Senate closed its doors and went into executive session.

*

The Senate reassembled in open session, with President Pro Tempore Smith presiding, who made the following announcements:

The Senate, in executive session, and upon motion of Senator Ham, advised and consented to the confirmation of SMITH HESTER, Purcell, Oklahoma, as a Member of the Oklahoma State Highway Commission, District 5, for an eight (8) year term ending February 15, 1979, and effective upon Senate confirmation. Mr. Hester replaces Mr. Hubert Gragg.

The Senate, in executive session, and upon motion of Senator Berrong, advised and consented to the confirmation of MERVIN N. LAWVER, Seiling, Oklahoma, as a Member of the Oklahoma Wildlife Conservation Commission for an eight (8) year term ending July 1, 1979, and effective upon Senate confirmation, Mr. Lawver succeeds Mr. Les Vanderwork.

*

## REPORT OF ENGROSSED AND ENROLLED BILLS

**SBs 413, 417, 422** and **427** each correctly engrossed.

**SCR 75** correctly enrolled.

Engrossed **SBs 413, 417, 422** and **427** were each properly signed and ordered transmitted to the Honorable House for consideration.

Enrolled **SCR 75** was properly signed and ordered transmitted to the Honorable House for the signature of the Speaker.

## MESSAGE FROM THE HOUSE

Advising passage of and transmitting for consideration Engrossed:

**HB 1071**—By Bengtson and Bamberger—(An Act relating to schools and declaring an emergency).

**HB 1565**—By Willis and Miskelly of the House and McSpadden and Hamilton of the Senate—An Act relating to the Oklahoma Teachers' Retirement System; making an appropriation thereto; stating the purpose; providing for allocation and transfer of funds; making provisions of this Act severable; and declaring an emergency.

**HB 1567**—By Willis and Miskelly of the House and McSpadden and Hamilton of the Senate—An Act relating to the J. M. Davis Memorial Commission and making an appropriation thereto; stating the purposes; providing lapse date; making provisions of this Act severable; and declaring an emergency.

**HB 1569**—By Willis and Miskelly of the House and McSpadden and Hamilton of the Senate—An Act relating to the Board of Unexplained Deaths and making an appropriation thereto; stating the purpose; providing for appointment and compensation of employees; authorizing use of all funds appropriated for federal matching purposes; providing lapse date; making provisions of this Act severable; and declaring an emergency.

**HB 1570**—By Willis and Miskelly of the House and McSpadden and Hamilton of the Senate—An Act relating to the Oklahoma Human Rights Commission and making an appropriation thereto; stating the purpose; providing for the appointment and compensation of personnel; providing for maximum salary for the Director; providing lapse date; making provisions of this Act severable; and declaring an emergency.

**HB 1571**—By Willis, Miskelly and Elder of the House and McSpadden and Hamilton of the Senate—An Act relating to the Oklahoma Cerebral Palsy Center; making appropriations thereto; stating the purpose; providing for appointment of employees and for necessary expenditures; providing lapse date; making the provisions of this Act severable; and declaring an emergency.

**HB 1572**—By Willis and Miskelly of the House and McSpadden and Hamilton of the Senate—An Act relating to the Department of Public Welfare and making an appropriation thereto; stating the purpose; providing maximum per capita payment, except where matching federal funds are available; authorizing payments from State Assistance Fund if the amount appropriated is insufficient; providing qualifications for recipient institutions; providing for the withholding of funds in certain circumstances; making said appropriations nonfiscal; making provisions of this Act severable; and declaring an emergency.

**HB 1573**—By Willis and Miskelly of the House and McSpadden and Hamilton of the Senate—An Act relating to the Oklahoma Indian Affairs Commission and making an appropriation thereto; stating the purpose; providing for appointment and compensation of personnel; providing for maximum salary for the Director; limiting amount of funds for expenses of Commission meetings; providing lapse date; making provisions of this Act severable; and declaring an emergency.

**HB 1574**—By Willis and Miskelly of the House and McSpadden and Hamilton of the Senate—An Act relating to the Oklahoma Department of Public Safety and making an appropriation thereto; stating the purpose; providing authority for appointment and compensation of personnel; providing

for lapse date; making provisions of this Act severable; and declaring an emergency.

**HB 1575**—By Willis and Miskelly of the House and McSpadden and Hamilton of the Senate—An Act relating to the Department of Corrections, the Oklahoma State Penitentiary and the Oklahoma State Reformatory; making appropriations thereto; stating the purpose; providing that the Director of the Department of Corrections shall appoint personnel and fix their duties and compensation; providing that employees of the Department of Corrections shall not be employed by other state departments or institutions on a part-time basis; providing for appointment of the Director and prescribing maximum salary for said Director; appropriating funds for the operation of the State Penitentiary and expressing legislative intent; making an appropriation of building bond interest funds to the State Penitentiary and stating purpose; appropriating funds for the operation of the Oklahoma State Reformatory and dedicating funds for operation of a school; limiting the expenditure of medical research program funds; providing lapse date; providing for agreements with federal government; making provisions of this Act severable; and declaring an emergency.

**HB 1576**—By Willis and Miskelly of the House and McSpadden and Hamilton of the Senate—An Act relating to the Oklahoma Aeronautics Commission and making an appropriation thereto; stating the purpose; fixing the salary of the Director of Aeronautics; limiting expenditures for workshops; providing lapse date; making provisions of this Act severable; and declaring an emergency.

**HB 1586**—By Willis and Miskelly of the House and McSpadden and Hamilton of the Senate—An Act relating to motor vehicles; amending 47 O.S. 1971, §§ 14-116 and 22.2; providing for allocation of additional sums of money collected for overweight permits and truck registration to the Size and Weights Division of the Department of Public Safety; repealing all laws in conflict herewith; and declaring an emergency.

The above numbered **HBs** were read for the first time.

## MESSAGE FROM THE HOUSE

Advising passage of and returning Engrossed **SBs 393, 394, 396, 400, 414, 433.**

The above numbered Bills were referred for enrollment.

## MESSAGE FROM THE HOUSE

Advising the signing of and returning Enrolled **SCRs 70** and **76.**

The above numbered Enrolled Resolutions were ordered referred to the Secretary of State.

## MESSAGE FROM THE HOUSE

Advising adoption of and returning Engrossed **SCRs 77** and **78,** as co-authored by entire House membership.

The above numbered Resolutions were referred for enrollment.

## MESSAGE FROM THE HOUSE

Advising the signing of and transmitting for signature Enrolled **HCR 1059.**

The above numbered Enrolled Resolution was properly signed and ordered returned to the Honorable House.

Senator Terrill moved after the Clerk's desk is cleared, that the Senate stand adjourned to meet Monday, January 24, 1972, at 1:00 P.M., which motion prevailed.

Upon motion of Senator Terrill, the Senate adjourned to meet Monday, January 24, 1972, at 1:00 P.M.

# Twelfth Legislative Day

## Monday, January 24, 1972

Pursuant to adjournment, the Senate was called to order by President Pro Tempore Smith.

Upon roll call, the following members were present:

Baggett, Baldwin, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Hargrave, Holden, Howell, Inhofe, Keels, Lamb, Lane, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Phillips, Porter, Rogers, Smalley, Smith, Stipe, Taliaferro, Terrell, Trent, Williams, Young.—43.

Excused: Berrong, Bradley, Howard, Luton, Stansberry.—5.

The President Pro Tempore declared a quorum present.

The following prayer was offered by Reverend W. R. Craig, Pastor, Church of Christ, Elk City, Oklahoma, and incorporated upon request of Senator Berrong.

Almighty God, our Gracious Lord and Father.

We stand in Thy presence in this Assembly and express unto Thee our gratitude for Thy great love and goodness toward us. For all of Thy blessings, both temporal and spiritual do we thank Thee. At this hour we invoke Thy especial blessings upon the Senate of the State of Oklahoma. Our gratitude is expressed for the blessing of living in a country characterized by freedom guaranteed by law. We acknowledge that it is by Thy providence that the power of law enacted by civil government is enjoyed. May we ever realize that all powers of government are ordained by Thee.

And now, we invoke Thy very special blessings upon this Session. May the Senators of the State of Oklahoma be blessed with wisdom, discernment, courage and strength. Bless them with wisdom to discern between right and selfish expediency. Grant them the courage to stand and declare for the right, and give them the strength to withstand the pressures . . . partisan . . . economic . . . social . . . that are brought to bear upon them as they determine to walk in Thy righteousness. And give us all the will, Oh Lord, to ever walk closely after Thee, and humbly before Thee. Through Jesus Christ our Lord, Amen.

The Journal for the last Legislative day was declared approved.

### REQUEST FOR LOBBY PERMITS

Requests for Lobby Permits were filed by the following persons and ordered referred to the Committee on Lobby Permits:

Theodosia Lee Crawford, 2136 N.E. 28th, Oklahoma City, Okla., representing National Women's Political Caucus.

Joe Speight, 1229 West Main Street, Oklahoma City, Okla., representing American Federation of State, County and Municipal Employees, AFL-CIO.

### COMMITTEE REPORTS

The following Bills and/or resolutions were reported by the Committees named, ordered printed and placed upon the Calendar unless otherwise indicated:

DO PASS:

**SB 401**—Appropriations and Budget.

DO PASS, as amended:

**SB 399**—Appropriations and Budget.

**SB 415**—Appropriations and Budget.

**SB 416**—Appropriations and Budget.

## FIRST READING

The following Bills and/or Resolutions were introduced and read the first time:

**SB 464**—By Hargrave—An Act relating to service of search warrants; providing execution of any search under authority of a search warrant shall be a peace officer in uniform or by an officer accompanied by a peace officer in uniform; and declaring an emergency.

**SB 465**—By Howell—An Act relating to schools; amending 70 O.S. 1971, § 18-114; in providing for minimum salary and other salary increments for school teachers during a three-year period.

**SB 466**—By McCune—An Act relating to public officers and employees; stating a purpose; defining terms; providing for the movement of state employees' household goods at state expense, under certain circumstances; providing regulations; providing for competitive bids; providing an effective date; and declaring an emergency.

**SB 467**—By Miller—An Act relating to schools; amending 70 O.S. 1971, § 5-109, by deleting provisions authorizing certain boards of education to determine number of board members; and declaring an emergency.

**SB 468**—By Miller—An Act relating to schools; amending 70 O.S. 1971, § 2-101; providing for annual elections in school districts to be conducted by county election board; providing for elections where school district lies in more than one county; providing for publication notice of elections; and declaring an emergency.

**SB 469**—By Berrong of the Senate and Willis of the House—An Act relating to public finance; amending 62 O.S. 1971, § 41.26; inserting the phrase director of state finance in place of budget director; allowing for up to three additional employments with approval authority upon request and justification; and declaring an emergency.

## SECOND READING

The following Bills and/or Resolutions were read the second time and referred to Committees indicated:

**SB 462**—Judiciary.

**SB 463**—Appropriations and Budget.

**HB 1071**—Education-Common.

**HB 1565**—Appropriations and Budget.

**HB 1567**—Appropriations and Budget.

**HB 1569**—Appropriations and Budget.

**HB 1570**—Appropriations and Budget.

**HB 1571**—Appropriations and Budget.

**HB 1572**—Appropriations and Budget.

**HB 1573**—Appropriations and Budget.

**HB 1574**—Appropriations and Budget.

**HB 1575**—Appropriations and Budget.

**HB 1576**—Appropriations and Budget.

**HB 1586**—Appropriations and Budget.

## BILL WITHDRAWN

President Pro Tempore Smith asked unanimous consent that **SB 458** be withdrawn from the Committee on Public and Mental Health and referred to the Committee on Judiciary, which was the order.

## GENERAL ORDER

**SB 372** by Ham of the Senate and Elder of the House was read and considered.

Upon motion of Senator Ham, **SB 372** was advanced to engrossment.

By unanimous consent, upon request of Senator Ham, **SB 372** was considered engrossed and placed on third reading and final passage.

## THIRD READING

**SB 372** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Baldwin, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Hargrave, Holden, Howell, Inhofe, Keels, Lamb, Lane, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Phillips, Porter, Rogers, Smalley, Smith, Stipe, Taliaferro, Terrill, Trent, Williams, Young.—43.

Excused: Berrong, Bradley, Howard, Luton, Stansberry.—5.

The Bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baggett, Baldwin, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Hargrave, Holden, Howell, Inhofe, Keels, Lamb, Lane, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Phillips, Porter, Rogers, Smalley, Smith, Stipe, Taliaferro, Terrill, Trent, Williams, Young.—43.

Excused: Berrong, Bradley, Howard, Luton, Stansberry.—5.

The emergency was declared passed.

**SB 372** was referred for engrossment.

Senators Howard and Luton asked to be shown present, which was the order.

## GENERAL ORDER

**SB 439** by Grantham of the Senate and Boettcher, et al, of the House was read and considered.

Upon motion of Senator Grantham, **SB 439** was advanced to engrossment.

By unanimous consent, upon request of Senator Grantham, **SB 439** was considered engrossed and placed on third reading and final passage.

## THIRD READING

**SB 439** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Baldwin, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Hamilton, Holden, Howard, Howell, Inhofe, Keels, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Phillips, Porter, Rogers, Smalley, Smith, Stipe, Taliaferro, Terrill, Trent, Williams, Young.—43.

Excused: Berrong, Bradley, Ham, Hargrave, Stansberry.—5.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baggett, Baldwin, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Hamilton, Holden, Howard, Howell, Inhofe, Keels, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Phillips, Porter, Rogers, Smalley, Smith, Stipe, Taliaferro, Terrill, Trent, Williams, Young.—43.

Excused: Berrong, Bradley, Ham, Hargrave, Stansberry.—5.

The emergency was declared passed.

**SB 439** was referred for engrossment.

## GENERAL ORDER

**SB 409** by McSpadden and Hamilton of the Senate and Willis, et al, of the House was read and considered.

Senators Ferrell, Garrison and Terrill asked to be made co-authors of **SB 409,** which was the order.

Senator Berrong asked to be shown present, which was the order.

Upon motion of Senator McSpadden, **SB 409,** as co-authored, was advanced to engrossment.

By unanimous consent, upon request of Senator McSpadden, **SB 409,** as co-authored, was considered engrossed and placed on third reading and final passage.

## THIRD READING

**SB 409** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Berrong, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Lamb, Lane, Luton, McCune, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Phillips, Porter, Rogers, Smalley, Smith, Stipe, Taliaferro, Terrill, Trent, Williams. —41.

Nay: Keels.—1.

Excused: Baldwin, Bradley, Ham, McGraw, Stansberry, Young.—6.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baggett, Berrong, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Lamb, Lane, Luton, McCune, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Phillips, Porter, Rogers, Smalley, Smith, Stipe, Taliaferro, Terrill, Trent, Williams. —41.

Nay: Keels.—1.

Excused: Baldwin, Bradley, Ham, McGraw, Stansberry, Young.—6.

The emergency was declared passed.

**SB 409** was referred for engrossment.

## GENERAL ORDER

**SB 412** by McSpadden and Hamilton of the Senate and Willis, et al, of the House was read and considered.

Upon motion of Senator McSpadden, **SB 412** was advanced to engrossment.

By unanimous consent, upon request of Senator McSpadden, **SB 412** was considered engrossed and placed on third reading and final passage.

## THIRD READING

**SB 412** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Berrong, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Keels, Lamb, Lane, Luton, McCune, McSpadden, Martin, Medearis, Miller, Murphy, Payne, Phillips, Porter, Rogers, Smalley, Smith, Stipe, Taliaferro, Terrill, Williams, Young, —41.

Excused: Baldwin, Bradley, Ham, McGraw, Nichols, Stansberry, Trent.—7.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baggett, Berrong, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Keels, Lamb, Lane, Luton, McCune, McSpadden, Martin, Medearis, Miller, Murphy, Payne, Phillips, Porter, Rogers, Smalley, Smith, Stipe, Taliaferro, Terrill, Williams, Young, —41.

Excused: Baldwin, Bradley, Ham, McGraw, Nichols, Stansberry, Trent.—7.

The emergency was declared passed.

**SB 412** was referred for engrossment.

## REPORT OF ENGROSSED AND ENROLLED BILLS

**SB 303** correctly engrossed.

**SCR 78** correctly enrolled.

Engrossed **SB 303** was properly signed and ordered transmitted to the Honorable House for consideration.

Enrolled **SCR 78** was properly signed and ordered transmitted to the Honorable House for the signature of the Speaker.

## MESSAGE FROM THE HOUSE

Advising the signing of and returning Enrolled **SCR 75.**

The above numbered Enrolled Resolution was ordered referred to the Secretary of State.

## GENERAL ORDER

**SB 424** by McSpadden and Hamilton of the Senate and Willis, et al, of the House was read and considered.

Upon motion of Senator McSpadden, **SB 424** was advanced to engrossment.

By unanimous consent, upon request of Senator McSpadden, **SB 424** was considered engrossed and placed on third reading and final passage.

## THIRD READING

**SB 424** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Berrong, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Lamb, Lane, Luton, McCune, McSpadden, Martin, Medearis, Miller, Murphy, Payne, Phillips, Porter, Rogers, Smalley, Smith, Stipe, Taliaferro, Terrill, Trent, Young.—40.

Nay: Keels.—1.

Excused: Baldwin, Bradley, Ham, McGraw, Nichols, Stansberry, Williams.—7.

The bill was declared passed.

On the question of passage of Emergency, the roll call resulted as follows:

Aye: Baggett, Berrong, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Lamb, Lane, Luton, McCune, McSpadden, Martin, Medearis, Miller, Murphy, Payne, Phillips, Porter, Rogers, Smalley, Smith, Stipe, Taliaferro, Terrill, Trent, Young.—40.

Nay: Keels.—1.

Excused: Baldwin, Bradley, Ham, McGraw, Nichols, Stansberry, Williams.—7.

The emergency was declared passed.

**SB 424** was referred for engrossment.

## GENERAL ORDER

**SB 425** by McSpadden and Hamilton of the Senate and Willis, et al, of the House was read and considered.

Upon motion of Senator McSpadden, **SB 425** was advanced to engrossment.

By unanimous consent, upon request of Senator McSpadden, **SB 425** was considered engrossed and placed on third reading and final passage.

## THIRD READING

**SB 425** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Berrong, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Field, Garrett, Garrison, Grantham, Graves, Hamilton, Hargrave, Holden, Howard, Howell, Keels, Lamb, Lane, Luton, McSpadden, Martin, Miller, Murphy, Payne, Phillips, Smalley, Smith, Stipe, Taliaferro, Terrill, Trent, Young.—35.

Nay: Ferrell, Inhofe, McCune, Medearis, Porter, Williams.—6.

Excused: Baldwin, Bradley, Ham, McGraw, Nichols, Rogers, Stansberry.—7.

The Bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baggett, Berrong, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Field, Garrett, Garrison, Grantham, Graves, Hamilton, Hargrave, Holden, Howard, Howell, Keels, Lamb, Lane, Luton, McSpadden, Martin, Miller, Murphy, Payne, Phillips, Smalley, Smith, Stipe, Taliaferro, Terrill, Trent, Young.—35.

Nay: Ferrell, Inhofe, McCune, Medearis, Porter, Williams.—6.

Excused: Baldwin, Bradley, Ham, McGraw, Nichols, Rogers, Stansberry.—7.

The emergency was declared passed.

**SB 425** was referred for engrossment.

## GENERAL ORDER

**SB 426** by McSpadden and Hamilton of the Senate and Willis, et al, of the House was read and considered.

Upon motion of Senator McSpadden, **SB 426** was advanced to engrossment.

By unanimous consent, upon request of Senator McSpadden, **SB 426** was considered engrossed and placed on third reading and final passage.

## THIRD READING

**SB 426** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Berrong, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Keels, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Phillips, Porter, Rogers, Smalley, Smith, Stipe, Taliaferro, Terrill, Trent, Williams, Young.—44.

Excused: Baldwin, Bradley, Ham, Stansberry.—4.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baggett, Berrong, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Keels, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Phillips, Porter, Rogers, Smalley, Smith, Stipe, Taliaferro, Terrill, Trent, Williams, Young.—44.

Excused: Baldwin, Bradley, Ham, Stansberry.—4.

The emergency was declared passed.

**SB 426** was referred for engrossment.

Senator Smalley presiding.

## GENERAL ORDER

**SB 377** by Martin and Luton of the Senate and Atkins, et al, of the House was read and considered.

Senators Graves, Crow, McSpadden, Terrill, Hamilton, Berrong, Capps, Dahl, Keels, Phillips, and Trent asked to be made co-authors of **SB 377,** which was the order.

Senator Trent moved to amend **SB 377,** Page 2, Line 9, by striking after the word "recipient", the balance of the section, and inserting the following language: "Upon completion of said course, shall repay said loan, over such time as formulated by Oklahoma Regents for Higher Education at an interest rate of Three Per Cent (3%)."

Senator Martin moved to table the Trent amendment, which motion to table failed of adoption.

Senator Trent pressed his former motion to amend, which amendment was declared adopted.

Senator Martin moved to amend **SB 377,** Page 5, Line 1, by striking after the word "study", all the remaining language in the sentence and placing a semicolon (;) after the word "study", which amendment was declared adopted.

Upon motion of Senator Martin, **SB 377,** as co-authored and amended, was advanced to engrossment.

By unanimous consent, upon request of Senator Martin, **SB 377,** as co-authored and amended, was considered engrossed and placed on third reading and final passage.

Senator Baggett moved to recommit **SB 377** to the Committee on Public and Mental Health with the following instructions:

"(1) To enlarge the professions covered to include other paramedical disciplines.

"(2) To receive testimony as to whether and where a shortage of nurses exists—and the nature of such shortage, and to determine whether such a loan

fund will significantly reduce such shortage.

"(3) To determine whether any other use of the funds contemplated would do more to reduce the shortage of nurses." which motion to recommit was tabled upon motion of Senator Martin.

## THIRD READING

**SB 377** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Berrong, Birdsong, Boecher, Capps, Crow, Dahl, Ferrell, Field, Garrett, Graves, Ham, Hamilton, Hargrave, Holden, Howard, Inhofe, Keels, Lamb, Lane, Luton, McCune, McSpadden, Martin, Miller, Payne, Phillips, Porter, Smalley, Smith, Stipe, Taliaferro, Terrill, Trent, Williams, Young.—35.

Nay: Baggett, Breckinridge, Grantham, Howell, McGraw, Murphy, Rogers.—7.

Excused: Baldwin, Bradley, Garrison, Medearis, Nichols, Stansberry.—6.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Berrong, Birdsong, Boecher, Capps, Crow, Dahl, Ferrell, Field, Garrett, Graves, Ham, Hamilton, Hargrave, Holden, Howard, Inhofe, Keels, Lamb, Lane, Luton, McCune, McSpadden, Martin, Miller, Payne, Phillips, Porter, Smalley, Smith, Stipe, Taliaferro, Terrill, Trent, Williams, Young.—35.

Nay: Baggett, Breckinridge, Grantham, Howell, McGraw, Murphy, Rogers.—7.

Excused: Baldwin, Bradley, Garrison, Medearis, Nichols, Stansberry.—6.

The emergency was declared passed.

**SB 377** was referred for engrossment.

## GENERAL ORDER

**SCR 72** was taken up for consideration.

**SCR 72** was read at length, adopted upon motion of Senator Berrong, and ordered referred for engrossment.

## RESOLUTION

Senator Berrong introduced the following Resolution:

**SCR 79**—By Berrong of the Senate and Robinson of the House—A Concurrent Resolution commemorating the career and life of the late Arthur G. McComas, member of the State Senate in the Twenty-Ninth Oklahoma Legislature, attorney, civic leader and friend; expressing the deep sense of bereavement of the Legislature at the loss of a loyal and devoted public servant; tendering heartfelt condolences and sympathy to the bereaved family and friends; and directing distribution.

Senator Berrong asked unanimous consent that all other Senators be made co-authors of **SCR 79,** which was the order.

**SCR 79,** as co-authored, was read at length, as follows, adopted upon motion of Senator Berrong, and ordered referred for engrossment.

**SCR 79**—By Berrong, Baggett, Baldwin, Birdsong, Boecher, Bradley, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Keels, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Phillips, Porter, Rogers, Smalley, Smith, Stansberry, Stipe, Taliaferro, T e r r i l l, Trent, Williams and Young of the Senate and Robinson of the House—A Concurrent Resolution commemorating the career and life of the late Arthur G. McComas member of the State Senate in the Twenty-ninth O k l a h o m a Legislature, attorney, civic leader and friend; expressing the deep sense of bereavement of the Legislature at the loss of a loyal and devoted public servant; tendering heartfelt condolences and sympathy to the bereaved family and friends; and directing distribution.

WHEREAS, on January 19, 1972, the Honorable Arthur G. McComas, Elk City attorney, member of the Oklahoma State Senate in the 29th Legislature, and form-

er special Supreme Court justice, answered the final roll call in a life dedicated to service in the higher public interest; and

WHEREAS, the people of Senator McComas' city and community, his friends and former colleagues in the Oklahoma Legislature, and many friends and associates throughout the state were shocked and deeply grieved at the untimely loss of this outstanding citizen and public servant; and

WHEREAS, former Senator McComas was elected to the State Senate in 1962 from the then Second District, comprised of Beckham, Dewey, Ellis and Roger Mills counties, and served with honor and distinction in the 29th Legislature, displaying his energy, drive and dedication to the greater public interest in his service as chairman of the Aviation Committee and membership on the Constitutional Amendments, County Government, Higher Education, Judiciary, Penal Institutions, Revenue and Taxation, and State and Federal Government committees; and

WHEREAS, as chairman of the Senate Aviation Committee, Senator McComas coauthored and provided leadership in securing enactment of the measure creating the Oklahoma Aeronautics Commission, a move of great and increasing importance for the future of aviation in Oklahoma; and

WHEREAS, following his service in the Legislature, Senator McComas served with honor and distinction as a special justice of the State Supreme Court during 1967-1968 and in 1971; and

WHEREAS, Arthur Gaillard McComas, born at Sayre, Oklahoma, on December 19, 1915, was a devoted husband and father, and is survived by his beloved wife, Montie Ruth and children, Mary Joyce, of Hutchinson, Kansas; Mrs. Margaret Ann Fuller, of Vancouver, British Columbia; and Arthur Edwin, of Elk City; and

WHEREAS, the course of dedication to public service followed by Arthur G. McComas in his all too brief appearance on life's temporal stage is chronicled by a manifold list of accomplishments and contributions of himself and his energies, including service as city attorney of Elk City during 1943 and 1944; service in the United States Navy in 1944 and 1945; membership on the Beckham County Equalization and Excise Board, 1945-1956; service as municipal judge of Elk City, 1956-1962; chairmanship of the Beckham County Democratic Central Committee, 1958-1962; and delegate to the Democratic National Convention in 1960; and

WHEREAS, other worthy outlets for the energies of Arthur G. McComas included membership in the American Legion; membership on the board of the Oklahoma Society for Crippled Children since 1964; service as a deacon, elder and past board chairman of the Elk City First Christian Church; membership in the Masons, Knights Templars, the Indian Temple in Oklahoma City, the Elks Lodge, the OU Touchdown Club, and the University of Oklahoma Association; and

WHEREAS, Senator McComas attended Southwestern State College, Weatherford, during 1931-1932; graduated from the University of Oklahoma with a BA degree in 1935 and law degree in 1937; served as a member and officer of local, state and national bar associations and was past president and vice president of the University of Oklahoma College of Law Alumni; and was a trustee of Lenoir Memorial Home, Columbia, Missouri, from 1966 through 1971; and

WHEREAS, mere words cannot express the true measure of this tragic bereavement, yet, in this moment of overwhelming loss, it is fitting and proper that this Legislative Body pay homage and tribute to the career and memory of a dedicated public servant, friend and colleague who gave of himself unstintingly and unselfishly in the service of his community, his state and his country.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE 2ND SESSION OF THE 33RD OKLAHOMA LEGISLATURE, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

SECTION 1. That we hereby express profound sorrow and regret at the untimely demise of our friend and former colleague, the Honorable Arthur G. McComas.

SECTION 2. That we hereby recognize and acclaim the outstanding contributions of this dedicated public servant to his community, his state and his country.

SECTION 3. That we hereby express our most sincere and heartfelt condolences to members of the bereaved family as we and the people of this state share their great loss.

SECTION 4. That duly authenticated copies hereof be prepared and forwarded to his widow, Mrs. Montie Ruth McComas, Elk City, as an expression of the esteem of the Oklahoma Legislature.

Senator Terrill moved after the Clerk's desk is cleared, that the Senate stand adjourned to meet Tuesday, January 25, 1972, at 1:00 P.M., which motion prevailed.

## REPORT OF ENGROSSED AND ENROLLED BILLS

**SBs 393, 396, 400, 414** and **433** each correctly enrolled.

Enrolled **SBs 393, 396, 400, 414** and **433** were, after fourth reading, properly signed and ordered transmitted to the Honorable House for the signature of the Speaker.

Upon motion of Senator Terrill, the Senate adourned to meet Tuesday, January 25, 1972, at 1:00 P.M.

# Thirteenth Legislative Day

## Tuesday, January 25, 1972

Pursuant to adjournment, the Senate was called to order by President Pro Tempore Smith.

Upon roll call, the following members were present:

Baggett, Baldwin, Berrong, Birdsong, Boecher, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Keels, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Porter, Rogers, Smalley, Smith, Stansberry, Taliaferro, Terrill, Trent, Williams, Young.—44.

Excused: Bradley, Breckinridge, Phillips, Stipe.—4.

The President Pro Tempore declared a quorum present.

The following prayer was offered by the Chaplain and incorporated upon request of Senator Berrong.

Almighty God, Thou The Creator of this Universe and the Maker of us all. Humbly this day we stand in Thy presence, realizing that it is in Thee that we live and move and have our very being.

May we ever be mindful that in the exercise of authority Thou art the source of all authority.

As we formulate law for the benefit of the citizenry of this State, may we ever remember that all law must conform to Thine infinite and perfect law as revealed in Thy will, else it is to our detriment and that of the people.

Bless, we pray Thee, oh, Lord, the Senate of the State of Oklahoma. Give them the wisdom to acquire a knowledge of Thy will and to use it in serving Thee through service to the people of this State. Keep them by Thy grace in health, prosper them in matters spiritual as well as temporal. Keep them aware of Thy truth that: He who would be greatest, let him be the greatest servant. Give us the will to walk, oh Lord, as if all depended on us and trust as if all depended on Thee.

And now, oh Lord, abide with us as we endeavor to abide in Thy will, knowing that Thy requirement is ever that: We love mercy, do justly, and to walk humbly before Thee. Through Jesus Christ our Lord, Amen.

The Journal for the last legislative day was declared approved.

## REQUESTS FOR LOBBY PERMITS

Requests for Lobby Permits were filed by the following persons and ordered referred to the Committee on Lobby Permits:

Richard A. Boyd, 2712 S.W. 83rd, Oklahoma City, Oklahoma, representing Oklahoma Municipal Policemen's Association.

Burke Mordy, 641 Rockford Road, Ardmore, Oklahoma, representing Oklahoma District Attorney's Assn.

Donald C. Rider, 908 East Drive, Edmond, Oklahoma, representing Oklahoma Municipal League.

## COMMITTEE REPORTS

The following Bills and/or resolutions were reported by the Committees named, ordered printed and placed upon the Calendar unless otherwise indicated:

DO PASS:

**SB 444**—Judiciary.

**SB 445**—Judiciary.

**SB 450**—Revenue and Taxation.

**HB 1320**—Education-Common, co-authored by Senator Trent.

**HB 1345**—Education-Common, co-authored by Senator Baggett.

**HB 1443**—Revenue and Taxation, co-authored by Senators Garrett, Berrong and Ferrell.

DO PASS, as mended:

**SB 440**—Judiciary.

## FIRST READING

The following Bills and/or Resolutions were introduced and read for the first time:

**SB 470**—By Murphy—An Act relating to motor vehicles; amending 47 O.S. 1971, §§ 6-110 and 40-105; providing for the examination of every person applying for an operator's or chauffeur's license; providing for procedures; providing for additional examination for operators of motorcycles or motor-driven cycles; providing that the license indicate the passage of said additional examination by the applicant; providing for required equipment on motorcycles and motor scooters; providing for exceptions; providing that motorcycles and motor scooters display a lighted headlamp whenever said vehicles are in motion; providing that crash helmets be worn by drivers or riders under twenty-one years of age; and declaring an emergency.

**SB 471**—By Rogers—An Act relating to motor vehicles; amending 47 O.S. 1971, §§ 6-103 and 6-107; providing for conditions under which the Department of Public Safety shall not issue operators' or chauffeurs' licenses; providing regulations and conditions under which the Department of Public Safety may issue an instruction permit or operator's license to a minor under the age of sixteen years; providing for the revocation of said licenses; and providing an effective date.

**SB 472**—By Smalley and McSpadden of the Senate and Cate, Wolfe and Briscoe of the House—An Act relating to the Office of the Oklahoma Military Department and making an appropriation thereto; stating the purpose; providing lapse date; and declaring an emergency.

## SECOND READING

The following Bills and/or Resolutions were read the second time and referred to Committees indicated:

**SB 464**—Governmental Reform.
**SB 465**—Education-Common.
**SB 466**—State and Federal Government.
**HB 467**—Education-Common.
**SB 468**—Education-Common.
**SB 469**—Governmental Reform.

## MOTION RE INTRODUCTION OF MEASURES

Senator Baldwin moved upon the close of the Session, Monday, January 31, 1972, that shall be the final day and date for the introduction of Senate Bills; provided, however, that any written requests for bill preparation for the purpose of introduction made to the Bill Drafter, prior to the closing of the day's business on January 31, 1972, shall be honored just as though said bill had actually been introduced prior to the closing date, which motion was declared adopted.

## MESSAGE FROM THE HOUSE

Advising passage of and transmitting for consideration Engrossed:

**HB 1511**—By Elder and McCune of the House and Grantham of the Senate—An Act relating to revivor of actions; and repealing 58 O.S. 1971, § 343.

**HB 1513**—By McCune, Green and Wixson of the House and Grantham of the Senate—An Act relating to records; permitting destruction of records, filed in County Assessors' Offices under certain circumstances; authorizing acquisition of viewerscopes; authorizing records scheduled for destruction to be given to the State Library, upon request; repealing 19 O.S.

1971, § 155, subdivision 3; and declaring an emergency.

**HB 1541**—By Williamson, Kennedy, McIntyre, Pierce, Whorton and Wickersham of the House and Murphy of the Senate—An Act relating to schools; requiring reports to vocational and technical schools of withdrawing pupils; and setting an effective date.

**HB 1546**—By Elder, Green, McCune, Kennedy, Boettcher, Cotner, Miskelly and Trent of the House and Garrett of the Senate—An Act relating to narcotic drugs and dangerous substances; amending 63 O.S. 1971, §§ 2-105, 2-206, 2-208, 2-309 and 2-402; requiring cooperation of state agencies and reports of the State Medical Examiner; providing schedules of substances and adding and rescheduling certain substances; providing registration requirements; providing prescription requirements; providing penalties; and declaring an emergency.

**HB 1579**—By Willis and Miskelly of the House and McSpadden and Hamilton of the Senate—An Act relating to the Corporation Commission; making appropriations thereto; stating the purpose; providing that the Commissioners shall fix the duties and compensation of employees; appropriating funds for cost of litigation; providing for lapse date; making provisions of this act severable; and declaring an emergency.

**HB 1580**—By Willis and Miskelly of the House and McSpadden and Hamilton of the Senate—An Act relating to the Office of the Department of Labor and making appropriations thereto; stating the purpose; making an appropriation for the operation of the Division of Health and Safety Education and Training, and stating the purpose; providing that the Commissioner of Labor shall fix the duties and compensation of employees within certain limitations; authorizing the employment of seasonal employees; providing lapse date; making provisions of this Act severable; and declaring an emergency.

**HB 1581**—By Willis and Miskelly of the House and McSpadden and Hamilton of the Senate—An Act relating to the office of the Insurance Commissioner and making an appropriation thereto; stating the purpose; providing that the Insurance Commissioner shall fix the duties and compensation of employees; providing for transfer of unappropriated funds to the General Revenue Fund; providing lapse date; providing for severability; and declaring an emergency.

**HB 1582**—By Willis and Miskelly of the House and McSpadden and Hamilton of the Senate—An Act relating to the Office of the Liquefied Petroleum Gas Board and making an appropriation thereto; stating the purpose; providing that the administrator shall fix the duties and compensation of employees; providing maximum salary for the administrator; providing for transfer of unappropriated balance at end of the fiscal year; providing for lapse date; making provisions of this Act severable and declaring an emergency.

**HB 1583**—By Willis and Miskelly of the House and McSpadden and Hamilton of the Senate—An Act relating to the State Board for Property and Casualty Rates and making an appropriation thereto; stating the purpose; providing that the State Board for property and casualty rates shall fix the duties and compensation of employees; providing for a continuous study of insurance rates; providing for transfer of unappropriated funds to the General Revenue Fund; providing lapse date; making provisions of this act severable; and declaring an emergency.

**HB 1584**—By Willis and Miskelly of the House and McSpadden and Hamilton of the Senate—An Act relating to the Department of Pollution Control; making an appropriation thereto; stating the purpose, providing lapse date; making provisions of this act severable; and declaring an emergency.

**HB 1585**—By Willis and Miskelly of the House and McSpadden and Hamilton of

the Senate—An Act relating to the Water Resources Board and making an appropriation thereto; stating the purpose; providing that the Board shall fix the duties and compensation of employees; providing lapse date; making provisions of this act severable; and declaring an emergency.

**HB 1592**—By Abbott, Atkins, Clemons, Conaghan, Fox, Sandlin, and Trent of the House and Miller of the Senate—An Act relating to schools; enacting the Oklahoma Educational Accountability Act of 1972; declaring purpose; providing powers and duties of Oklahoma State Board of Education; providing for local accountability programs; providing for reporting; making an appropriation to the State Board of Education for the administration and implementation of this Act; setting operative date; and declaring an emergency.

The above numbered **HBs** were read for the first time.

## MESSAGE FROM THE HOUSE

Advising fourth reading of and returning Enrolled **SBs 393, 396, 400, 414, 433.**

The above numbered Enrolled Bills were referred to the Governor.

## MESSAGE FROM THE HOUSE

Advising the signing of and returning Enrolled **SCR 78.**

The above numbered Enrolled Resolution was ordered referred to the Secretary of State.

## GENERAL ORDER

**SB 399** by McSpadden and Hamilton of the Senate and Willis, et al, of the House was read and considered.

Upon motion of Senator McSpadden, **SB 399** was advanced to engrossment.

By unanimous consent, upon request of Senator McSpadden, **SB 399** was considered engrossed and placed on third reading and final passage.

## THIRD READING

**SB 399** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baldwin, Berrong, Birdsong, Boecher, Crow, Dahl, Field, Garrett, Garrison, Grantham, Ham, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Keels, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Porter, Rogers, Smalley, Smith, Stansberry, Taliaferro, Terrill, Trent, Williams, Young.—40.

Excused: Baggett, Bradley, Breckinridge, Capps, Ferrell, Graves, Phillips, Stipe.—8.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baldwin, Berrong, Birdsong, Boecher, Crow, Dahl, Field, Garrett, Garrison, Grantham, Ham, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Keels, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Porter, Rogers, Smalley, Smith, Stansberry, Taliaferro, Terrill, Trent, Williams, Young.—40.

Excused: Baggett, Bradley, Breckinridge, Capps, Ferrell, Graves, Phillips, Stipe.—8.

The emergency was declared passed.

**SB 399** was referred for engrossment.

## GENERAL ORDER

**SB 401** by McSpadden and Hamilton of the Senate and Willis, et al, of the House was read and considered.

Senator Birdsong asked to be made a co-author of **SB 401,** which was the order.

Upon motion of Senator McSpadden, **SB 401,** as co-authored, was advanced to engrossment.

By unanimous consent, upon request of

Senator McSpadden, **SB 401,** as co-authored, was considered engrossed and placed on third reading and final passage.

## THIRD READING

**SB 401** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baldwin, Berrong, Birdsong, Boecher, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Hargrave, Holden, Howard, Howell, Keels, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Rogers, Smalley, Smith, Stansberry, Taliaferro, Terrill, Trent, Young.—39.

Excused: Baggett, Bradley, Breckinridge, Capps, Inhofe, Phillips, Porter, Stipe, Williams.—9.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baldwin, Berrong, Birdsong, Boecher, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Hargrave, Holden, Howard, Howell, Keels, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Rogers, Smalley, Smith, Stansberry, Taliaferro, Terrill, Trent, Young.—39.

Excused: Baggett, Bradley, Breckinridge, Capps, Inhofe, Phillips, Porter, Stipe, Williams.—9.

The emergency was declared passed.

**SB 401** was referred for engrossment.

Senator Smalley presiding.

## GENERAL ORDER

**SB 415** by McSpadden and Hamilton of the Senate and Willis, et al, of the House was read and considered.

Senator Terrill asked to be made a co-author of **SB 415,** which was the order.

Upon motion of Senator McSpadden, **SB 415,** as co-authored, was advanced to engrossment.

By unanimous consent, upon request of Senator McSpadden, **SB 415,** as co-authored, was considered engrossed and placed on third reading and final passage.

## THIRD READING

**SB 415** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Baldwin, Berrong, Birdsong, Boecher, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hargrave, Holden, Howard, Howell, Inhofe, Keels, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Rogers, Smalley, Taliaferro, Terrill, Trent, Williams, Young.—39.

Excused: Bradley, Breckinridge, Capps, Hamilton, Phillips, Porter, Smith, Stansberry, Stipe.—9.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baggett, Baldwin, Berrong, Birdsong, Boecher, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hargrave, Holden, Howard, Howell, Inhofe, Keels, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Rogers, Smalley, Taliaferro, Terrill, Trent, Williams, Young,—39.

Excused: Bradley, Breckinridge, Capps, Hamilton, Phillips, Porter, Smith, Stansberry, Stipe.—9.

The emergency was declared passed.

**SB 415** was referred for engrossment.

## GENERAL ORDER

**SB 416** by McSpadden and Hamilton of the Senate and Willis, et al, of the House was read and considered.

Upon motion of Senator McSpadden,

**SB 416** was advanced to engrossment.

By unanimous consent, upon request of Senator McSpadden, **SB 416** was considered engrossed and placed on third reading and final passage.

## THIRD READING

**SB 416** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baldwin, Berrong, Birdsong, Boecher, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Keels, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Porter, Rogers, Smalley, Smith, Taliaferro, Terrill, Trent, Williams, Young. —41.

Excused: Baggett, Bradley, Breckinridge, Capps, Phillips, Stansberry, Stipe. —7.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baldwin, Berrong, Birdsong, Boecher, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Keels, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Porter, Rogers, Smalley, Smith, Taliaferro, Terrill, Trent, Williams, Young. —41.

Excused: Baggett, Bradley, Breckinridge, Capps, Phillips, Stansberry, Stipe. —7.

The emergency was declared passed.

**SB 416** was referred for engrossment.

Senator Phillips asked to be shown present, which was the order.

Senator Terrill moved after the Clerk's desk is cleared, that the Senate stand adjourned to meet Wednesday, January 26, 1972, at 1:00 P.M., which motion prevailed.

## REPORT OF ENGROSSED AND ENROLLED BILLS

**SCRs 72** and **79** and **SBs 372, 377, 409, 412, 424, 425, 426,** and **439** each correctly engrossed.

**SCR 77** correctly enrolled.

Engrossed **SCRs 72** and **79** and **SBs 372, 377, 409, 412, 424, 425, 426,** and **439** were each properly signed and ordered transmitted to the Honorable House for consideration.

Enrolled **SCR 77** was properly signed and ordered transmitted to the Honorable House for the signature of the Speaker.

Upon motion of Senator Terrill, the Senate adjourned to meet Wednesday, January 26, 1972, at 1:00 P.M.

# Fourteenth Legislative Day

## Wednesday, January 26, 1972

Pursuant to adjournment, the Senate was called to order by President Pro Tempore Smith.

Upon roll call, the following members were present:

Baggett, Baldwin, Berrong, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Hargrave, Holden, Howard, Howell Inhofe, Keels, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Phillips, Rogers, Smalley, Smith, Stansberry, Stipe, Taliaferro, Terrill, Trent, Williams, Young.—46.

Excused: Bradley, Porter.—2.

The President Pro Tempore declared a quorum present.

The following prayer was offered by the Chaplain and incorporated upon request of Senator Berrong:

Gracious Lord, our Heavenly Father. We present ourselves before Thee this day praying that Thou wilt hear us and give us our petitions.

But in our asking, Oh Lord, we would not forget to express unto Thee our thanksgiving and gratitude for all of the good things that Thou hast so bountifully bestowed upon us. Keep us ever mindful that every good gift and every perfect gift comes from Thee and from Thee alone through the exercise of Thy providential care over us.

We invoke Thy favor and Thy blessings upon this session of the Oklahoma Senate here assembled to carry out, as instruments of Thy Providence, Thy will in the formulation of laws for the regulation of a peaceful and God fearing society. Grant them The wisdom to remember Thy perfect standard which declares: As ye would that men should do unto you, do ye even so unto them. Look upon us now in Thy mercy and forgive us our offenses. Help us to humble ourselves under Thy mighty hand that Thou mayest exhalt in due time. Through Jesus Christ our Lord. Amen.

The Journal for the last legislative day was declared approved.

### COMMUNICATION

The following communication was read at length as follows and adopted upon motion of Senator Berrong:

After due consideration of Senate Resolution No. 70:

The Senate Insurance Committee, by unanimous vote, herein requests additional time be granted during this session, commensurate with the orderly closing of the session, for introduction of bills concerning needed insurance legislation to correct deficiencies discovered in insurance laws by the Insurance Investigation Committee study.

Senator Ed Berrong
Insurance Committee Chairman.

### COMMITTEE REPORT— LOBBY PERMITS

Senator Berrong submitted the following report on Requests for Lobby Permits and asked that consideration be deferred for this Legislative Day:

Mr. President;

The Committee on Lobby Permits to which was referred requests for Lobby Permits, after careful consideration, recommends that the following petitioners be granted Lobby Permits. Lobby Permits will be issued in the Office of the President Pro Tempore.

Boyd, Richard A., 2712 S.W. 83rd, Oklahoma City, Oklahoma Municipal Policemen's Association.

Crawford, Theodosia Lee, 2136 N.E. 28th, Oklahoma City. National Women's Political Caucus.

Fleming, J.D. 6524 North Harvard, Oklahoma City. Oklahoma Farmers Union.

Mordy, Burke, 641 Rockford Road, Ardmore. Oklahoma District Attorney's Association.

O'Shea, Ted R., 8226 East 34th Street, Tulsa. Oklahoma Bankers Association.

Rider, Donald C., 908 East Drive, Edmond. Oklahoma Municipal League .

Speight, Joe, 1229 West Main, Oklahoma City. American Federation of State, County and Municipal Employees, AFL-CIO.

Stanford, David Robert, 2903 East 51st Street, Apt. E, Tulsa, Oklahoma. Lawyers Encouraging Government and Law (L.E.G.A.L).

Respectfully submitted,
Senator Ed Berrong, Vice-Chairman
Committee on Lobby Permits

## PENDING CONSIDERATION OF LOBBY PERMITS

Senator Berrong moved that the Committee Report on Lobby Permits, as reflected in the Journal of Tuesday, January 18, 1972, the Ninth Legislative Day, be adopted, which was the order.

## COMMITTEE REPORTS

The following Bills and/or resolutions were reported by the Committees named, ordered printed and placed upon the Calendar unless otherwise indicated:

DO PASS:

**SB 432**—Appropriations and Budget.

**SB 462**—Judiciary.

**SCR 69**—Public and Mental Health.

**HB 1549**—Appropriations and Budget.

**HB 1550**—Appropriations and Budget.

**HB 1551**—Appropriations and Budget.

**HB 1552**—Appropriations and Budget.

**HB 1553**—Appropriations and Budget.

**HB 1560**—Appropriations and Budget

**HB 1564**—Appropriations and Budget.

DO PASS, as amended:

**SB 459**—Judiciary.

## FIRST READING

The following Bills and/or Resolutions were introduced and read the first time:

**SB 473**—By Young—An Act relating to insurance; setting qualifications of insurance realty appraisers; and setting an effective date.

**SB 474**—By Young—An Act relating to insurance; providing for amount to be entered for real property in certain reports; directing codification; and setting an effective date.

**SB 475**—By Young—An Act relating to insurance; amending 36 O.S. 1971, § 2126; prohibiting certain interests of officers and directors; prohibiting loans by insurers to officers and directors; prohibiting insurers from acquiring certain commercial paper; and setting an effective date.

**SB 476**—By Luton—An Act relating to civil and criminal procedure; providing for certification of questions of law; providing for certification order; prescribing fees and costs; providing for briefs, argument and opinion; providing for procedure; making provisions of act severable; fixing operative date; and declaring an emergency.

**SB 477**—By Young—An Act relating to the Insurance Commissioner; amending 36 O.S. 1971, § 305; providing for appointment of assistants and prohibiting certain financial interests and transactions; setting qualifications of examiners; pro-

viding for legal representation of Commissioner; prohibiting certain loans; and setting an effective date.

**SB 478**—By Lane of the Senate and Payne of the House—An Act relating to tourism and recreation; creating the Oklahoma Tourism and Recreation Commission and Department; defining purpose; providing for appointment, qualifications and terms of Commission members; making Lieutenant Governor ex officio member and chairman of Commission; authorizing reimbursement for travel; vesting certain authority and duties in said Commission and authorizing the adoption of rules and regulations; abolishing the Oklahoma Industrial Development and Park Commission and Oklahoma Industrial Development and Park Department insofar as their authority and duties relate to lodges, parks, recreation, special events and tourism; transferring funds, records, equipment, furniture, duties, functions, authority and contractual obligations of said commission and department to the commission and department herein created; providing for transfer of employees and preservation of rights under the Merit System; providing for certain employees to be in the unclassified service of the State; providing for the appointment of a director and defining his duties and authority; creating Division of Lodges, Division of Parks, Division of Publicity and Information and Division of Special Events; authorizing Commission to create, combine or abolish divisions by resolution; defining authority of divisions; granting to the commission herein created all rights, power, privileges and immunities conferred on Oklahoma Planning and Resources Board pursuant to 74 O.S. 1971, §§ 356.1 through 356.-24; providing for translation of references in the statutes; repealing 74 O.S. 1971 §§ 1101 through 1108, 1109 through 1112, and 11.12a, 11.13, 11.14 and 11.16 through 11.20; providing severability, fixing operative date; and declaring an emergency.

**SB 479**—By McSpadden—An Act relating to the Oklahoma Military Department; reappropriating certain funds thereto; stating the purpose; providing lapse date; and declaring an emergency.

## SECOND READING

The following Bills and/or Resolutions were read the second time and referred to Committees indicated:

**SB 470**—Roads and Highways.
**SB 471**—Roads and Highways.
**SB 472**—Appropriations and Budget.
**HB 1511**—Judiciary.
**HB 1513**—Judiciary.
**HB 1541**—Education - Common.
**HB 1546**—Judiciary.
**HB 1579**—Appropriations and Budget.
**HB 1580**—Appropriations and Budget.
**HB 1581**—Appropriations and Budget.
**HB 1582**—Appropriations and Budget.
**HB 1583**—Appropriations and Budget.
**HB 1584**—Appropriations and Budget.
**HB 1585**—Appropriations and Budget.
**HB 1592**—Education - Common.

## MESSAGE FROM THE HOUSE

Advising passage of and transmitting for consideration Engrossed:

**HB 1516**—By McCune, Green and Wixson of the House and Young and Grantham of the Senate—An Act relating to public records; amending 67 O.S. 1971, § 301; authorizing the reproduction by film or photographic process of records, papers or documents kept by any public officer; fixing standards of quality; prescribing effect to be accorded reproductions of originals; providing for preservation of original negatives; making the Act inapplicable to court records; providing for cumulativeness to 67 O.S. 1971, §§ 151 through 165, 167, 168, 201 through 216, and 74 O.S. 1971, §§ 564 through 576; repealing 19 O.S. 1971, §§ 911 through 918; and declaring an emergency.

**HB 1609**—By Stratton, Briscoe, Wickersham, Gooden and Kamas—An Act relat-

ing to agriculture; amending 2 O.S. 1971, § 1-3; defining terms; designating President of State Board of Agriculture also as Commissioner of Agriculture; setting operative date; and declaring an emergency.

**HB 1615**—By McCune, Elder, Sparkman and Green of the House and Martin of the Senate—An Act relating to controlled dangerous substances; amending 63 O.S. 1971, § 2-302; providing registration requirements and exempting therefrom individual pharmacists acting in the employ of registered pharmacies, and exempting nursing homes, registered nurses and licensed practical nurses; permitting waiver of registration fees; and declaring an emergency.

The above numbered **HBs** were read for the first time.

## MESSAGE FROM THE HOUSE

Advising the signing of and returning Enrolled **SCR 77.**

The above numbered Enrolled Resolution was ordered referred to the Secretary of State.

## MESSAGE FROM THE HOUSE

Advising passage of and returning Engrossed **SB 327,** as amended.

**HAs** to **SB 327** read as follows, and consideration deferred:

Authors: Add the following coauthor: Stratton of the House.

Amendment No. 1. Amend Page 1, Line 5, by striking the Title and add: "(An Act relating to Public Health and Safety—Emergency)"

Senator Howell presiding.

## GENERAL ORDER

**HB 1345** by Atkins, et al, of the House and Baggett of the Senate was read and considered.

Senator Baggett asked unanimous consent that further consideration of **HB 1345** be deferred momentarily, which was the order.

**SB 440** by Grantham of the Senate and McCune of the House was read and considered.

Senator Hargrave asked to be made a co-author of **SB 440,** which was the order.

Senator Grantham asked unanimous consent that further consideration of **SB 440** be deferred for this legislative day, which was the order.

**SB 450** by Smith of the Senate was read and considered.

Upon motion of President Pro Tempore Smith, **SB 450** was advanced to engrossment.

By unanimous consent, upon request of President Pro Tempore Smith, **SB 450** was considered engrossed and placed on third reading and final passage.

## THIRD READING

**SB 450** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Baldwin, Berrong, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Keels, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Miller, Murphy, Nichols, Payne, Rogers, Smalley, Smith, Stansberry, Stipe, Taliaferro, Terrill, Trent, Williams, Young.—44.

Excused: Bradley, Medearis, Phillips and Porter.—4.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baggett, Baldwin, Berrong, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Keels, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Miller, Mur-

phy, Nichols, Payne, Rogers, Smalley, Smith, Stansberry, Stipe, Taliaferro, Terrill, Trent, Williams, Young.—44.

Excused: Bradley, Medearis, Phillips, Porter.—4.

The emergency was declared passed.

**SB 450** was referred for engrossment.

President Pro Tempore Smith presiding.

## GENERAL ORDER

**HB 1345** was taken up for further consideration.

Senators Baggett and Smalley moved to amend **HB 1345,** Page 2, Line 4, by striking the words "OR DOCTOR OF OSTEOPATHY", which amendment was declared adopted.

Senator Grantham moved to amend **HB 1345,** Page 2, Line 7, by changing the period (.) to a comma (, )after the word "AMERICA", and adding the following language: "provided, however, that preference shall be given to residents of the State of Oklahoma who desire to attend a school of medicine in the State of Oklahoma."

Senator Grantham asked unanimous consent to witahdraw the foregoing amendment, which was the order.

Upon motion of Senator Baggett, **HB 1345,** as amended, was advanced to engrossment.

By unanimous consent, upon request of Senator Baggett, **HB 1345,** as amended, was considered engrossed and placed on third reading and final passage.

## THIRD READING

**HB 1345** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Berrong, Birdsong, Boecher, Breckinridge, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Hargrave, Howard, Howell, Inhofe, Keels, Luton, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Rogers, Smalley, Smith Stansberry, Stipe, Taliaferro, Terrill.—35.

Nay: Baldwin, Holden, Lamb, Lane, McCune, Trent, Williams.—7.

Excused: Bradley, Capps, McGraw, Phillips, Porter, Young.—6.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baggett, Berrong, Birdsong Boecher, Breckinridge, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Hargrave, Howard, Howell, Inhofe, Keels, Luton, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Rogers, Smalley, Smith, Stansberry, Stipe, Taliaferro, Terrill.—35.

Nay: Baldwin, Holden, Lamb, Lane, McCune, Trent, Williams.—7.

Excused: Bradley, Capps, McGraw Phillips, Porter, Young.—6.

The emergency was declared passed.

**HB 1345** was referred for engrossment.

## GENERAL ORDER

**SB 444** by Garrett of the Senate was read and considered.

Upon motion of Senator Garrett, **SB 444** was advanced to engrossment.

By unanimous consent, upon request of Senator Garrett, **SB 444** was considered engrossed and placed on third reading and final passage.

## THIRD READING

**SB 444** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Baldwin, Berrong, Birdsong, Boecher, Breckinridge, Dahl, Field, Grantham, Graves, Ham, Hargrave, Holden, Howard, Howell, Inhofe, Keels, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Rogers, Smalley, Stansberry, Taliaferro, Terrill, Williams.—33.

Nay: Crow, Ferrell, Garrison, Hamilton, Lamb, Lane, Smith, Stipe, Trent, Young. —10.

Excused: Bradley, Capps, Garrett, Phillips, Porter.—5.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baggett, Baldwin, Berrong, Birdsong, Boecher, Breckinridge, Dahl, Field, Grantham, Graves, Ham, Hargrave, Holden, Howard, Howell, Inhofe, Keels, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Rogers, Smalley, Stansberry, Taliaferro, Terrill, Williams.—33.

Nay: Crow, Ferrell, Garrison, Hamilton, Lamb, Lane, Smith, Stipe, Trent, Young. —10.

Excused: Bradley, Capps, Garrett, Phillips, Porter.—5.

The emergency was declared passed.

**SB 444** was referred for engrossment.

## GENERAL ORDER

**SB 445** by Grantham of the Senate, and McCune, et al, of the House was read and considered.

Senator Hargrave asked to be made a co-author of **SB 445,** which was the order.

Senator Grantham asked unanimous consent that further consideration of **SB 445** be deferred this legislative day, which was the order.

**HB 1320** by Clemons, et al, of the House and Trent of the Senate was read and considered.

Senator Luton moved that **HB 1320** be re-referred to the Committee on Education-Common.

Senator Miller moved, as a substitute motion, that **HB 1320** be referred to the Committee on Judiciary, with amendments attached thereto, which motion prevailed.

Senator Terrill moved, after the Clerk's desk is cleared, that the Senate stand adjourned to meet Thursday, January 27, 1972, at 11:00 A.M., which motion prevailed.

## REPORT OF ENGROSSED AND ENROLLED BILLS

**SBs 399, 401, 415** and **416** each correctly engrossed.

**SB 394** correctly enrolled.

Engrossed **SBs 399, 401, 415** and **416** were each properly signed and ordered transmitted to the Honorable House for consideration.

Enrolled **SB 394** was, after fourth reading, properly signed and ordered transmitted to the Honorable House for the signature of the Speaker.

Upon motion of Senator Terrill, the Senate adjourned to meet Thursday, January 27, 1972, at 11:00 A.M.

# Fifteenth Legislative Day

## Thursday, January 27, 1972

Pursuant to adjournment, the Senate was called to order by President Pro Tempore Smith.

Upon roll call, the following members were present.

Baggett, Berrong, Boecher, Ferrell, Field, Garrett, Garrison, Grantham, Hamiltcn, Hargrave, Howard, Inhofe, Keels, Lamb, Luton, McCune, McGraw, McSpadden, Martin, Miller, Murphy, Nichols, Payne, Rogers, Smalley, Smith, Stipe, Terrill, Trent, Young.—30.

Excused: Baldwin, Birdsong, Bradley, Breckinridge, Capps, Crow, Dahl, Graves, Ham, Holden, Howell, Lane, Medearis, Phillips, Porter, Stansberry, Taliaferro, Williams.—18.

The President Pro Tempore declared a quorum present.

Prayer was offered by Senator Nichols.

The Journal for the last legislative day was declared approved.

## REQUEST FOR LOBBY PERMIT

Request for Lobby Permit was filed by the following person and ordered referred to the Committee on Lobby Permits:

Jack Frye, 3862 Bristol Drive, Norman, Oklahoma, representing Oklahoma Farm Bureau.

## COMMITTEE REPORTS

The following Bills and/or resolutions were reported by the Committees named, ordered printed and placed upon the Calendar unless otherwise indicated:

DO PASS, as amended:

**SB 461**—Education-Higher, co-authored by Senator McGraw.

**HB 1561**—Appropriations and Budget.

**HB 1562**—Appropriations and Budget.

**HB 1563**—Appropriations and Budget.

## SECOND READING

The following Bills and/or Resolutions were read the second time and referred to Committees indiciated:

**SB 473**—Insurance.

**SB 474**—Insurance.

**SB 475**—Insurance.

**SB 476**—Judiciary.

**SB 477**—Insurance.

**SB 478**—Parks, Forestry and Industrial Development.

**SB 479**—Appropriaticns and Budget.

**HB 1516**—Judiciary.

**HB 1609**—Agriculture.

**HB 1615**—Judiciary.

## MESSAGE FROM THE HOUSE

Advising passage of and returning Engrossed **SBs 395, 398, 417, 422** and **427.**

The above numbered Bills and/or Resolutions were referred for enrollment.

## MESSAGE FROM THE HOUSE

Advising fourth reading of and returning Enrolled **SB 394.**

The above numbered Enrolled Bill was referred to the Governor.

## MESSAGE FROM THE HOUSE

Advising adoption of and returning Engrossed **SCR 72,** as co-authored by Privett and Stratton, **SCR 79,** as co-authored by Privett, Harrison, then the entire House membership.

The above numbered Resolutions were referred for enrollment.

## UNANIMOUS CONSENT REQUEST

Senator Murphy asked unanimous consent to grant Mr. Chester Brooks, State Highway Director, privilege of the floor to explain the 1973-1983 "Freeway 77" road program proposed by the Governor and to be referred to the people, which was the order.

## REPORT OF ENGROSSED AND ENROLLED BILLS

**SBs 444, 450** and **HB 1345** each correctly engrossed.

Engrossed **SBs 444** and **450** were each properly signed and ordered transmitted to the Honorable House for consideration.

Engrossed **HB 1345,** together with Engrossed **SA,** was properly signed and ordered returned to the Honorable House.

Senator Terrill moved after the Clerk's desk is cleared that the Senate stand adjourned to meet Monday, January 31, 1972, at 1:00 P.M., which motion prevailed.

Upon motion of Senator Terrill, the Senate adjourned to meet Monday, January 31, 1972, at 1:00 P.M.

# Sixteenth Legislative Day

## Monday, January 31, 1972

Pursuant to adjournment, the Senate was called to order by President Pro Tempore Smith.

Upon roll call, the following members were present:

Baggett, Baldwin, Berrong, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Keels, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Phillips, Porter, Rogers, Smalley, Smith, Stansberry, Stipe, Taliaferro, Terrill, Trent, Williams, Young.—47.

Excused: Bradley.—1.

The President Pro Tempore declared a quorum present.

The following prayer was offered by Reverend John Stuckey, Pastor, First Baptist Church, Okmulgee, Oklahoma, and incorporated upon request of Senator Payne:

Father, We have no illusions about living in a world of brotherhood and love. It becomes increasingly difficult to be a peacemaker. We seem to be compelled by some unseen, irresistible force to prove our own point—to have our own way—to win every argument.

The prophet could so easily have been speaking to our day when he cried: "Broken down—broken down, is the city of confusion."

God, use the deliberations and the desisions of this body today as one small step toward rebuilding—toward reordering the confusion and chaos—toward peace and justice and brotherhood.

We offer this prayer in the name of the One who gave His life for just such purposes—Jesus Christ, our Lord. Amen.

The Journal for the last legislative day was declared approved.

### REQUEST FOR LOBBY PERMIT

Request for Lobby Permit was filed by the following person and ordered referred to the Committee on Lobby Permits:

Lesley A. Renshaw, 305 N. Dogwood, Luther, Oklahoma, representing Oklahomans for Right to Work.

### COMMITTEE REPORTS

The following Bills and/or resolutions were reported by the Committees named, ordered printed and placed upon the Calendar unless otherwise indicated:

DO PASS:

**SB 404**—Appropriations and Budget (2d).

**HB 1587**—Constitutional Revision and Redistricting.

**HJR 1021**—Constitutional Revision and Redistricting, co-authored by Senator Baggett.

DO PASS, as amended:

**SJR 42**—Constitutional Revision and Redistricting.

**SJR 43**—Constitutional Revision and Redistricting.

### FIRST READING

The following Bills and/or Resolutions were introduced and read the first time:

**SB 480**—By Graves—An Act relating to employment security; amending 40 O.S. 1071, § 220; establishing the Oklahoma Employment Security Commission; providing for its composition; providing qualifica-

tions for membership; providing for appointment, tenure and removal of said members; outlining procedures for said members; providing for compensation; providing for the creation of a board of review; providing for the appointment, tenure, compensation and removal of members of the board of review; and declaring an emergency.

**SB 481**—By Luton—An Act relating to game and fish; amending 29 O.S. 1971, § 401; providing regulation over game fishing and prohibiting the possession of any species of bass under twelve inches in length; permitting the use by scuba divers of certain spears in game fishing; and declaring an emergency.

**SB 482**—By Hamilton of the Senate and Willis of the House—An Act relating to private schools; amending 70 O.S. 1971, § 21-106; fixing renewal license fee at same as original fee.

**SB 483**—By Boecher—An Act relating to game and fish; amending 29 O.S. 1971, § 122; creating a Department of Wildlife Conservation of the State of Oklahoma and an Oklahoma Wildlife Conservation Commission; providing for a Wildlife Conservation Director; providing for rules and regulations; providing for members of Commission and terms thereof; providing for filling of vacancies; providing compensation and reimbursement of members of Commission; providing for oath of office; providing for surety bond; and declaring an emergency.

**SB 484**—By Terrill—An Act relating to professions and occupations; amending 59 O.S. 1971, §§ 1002 through 1005, 1008, 1009, 1012, 1013, 1014, 1017, and 1020; Providing regulatory power by State Board of Health over sewer cleaners, plumbers and plumber contractors; requiring that journeyman plumbers and sewer cleaners be employed by plumbing contractors; defining terms; creating Committee of Plumbing Examiners; providing for examinations, licensing and fees; providing for license renewal; providing for notice of business address change; providing exceptions; providing that cities and towns may require registration of state licensed plumbers; and declaring an emergency.

**SB 485**—By Terrill—An Act relating to state officers and employees; creating the Oklahoma Public Employees Retirement Fund Investment Act; defining terms; providing for the investment of funds in eligible securities and loans; setting limits and amounts for investments; specifying certain types of investments; requiring approval of Investment Committee prior to all investments and approval by Commissioner of Insurance for some investments; allowing investments in equipment trust obligations and mortgages; authorizing investments in rights-of-way acquisition obligations; fixing guidelines for other investments and loans and requiring separate record thereof; specifying the acquisition and holding of real property; amending 74 O.S. 1971, §§ 909 and 921; and directing codification.

**SB 486**—By Baggett, Garrett, Smalley, Stipe, McGraw, Terrill, Smith, Berrong, Rogers, Howard, Porter, Murphy, Hargrave, Keels, Breckinridge, Birdsong, Howell and Phillips of the Senate and Cox of the House—An Act relating to alcoholism and intoxication treatment; defining terms; establishing a Division of Alcoholism within the Department of Mental Health; providing powers and duties of the Division and the director; providing for a coordinating committee and advisory council; regulating treatment facilities; providing programs for intoxicated and incapacitated persons; providing for commitments; providing for emergency service patrols; providing for payment for treatment; prohibiting the adoption or enforcement of certain laws; making administrative procedures act applicable; making provisions severable; repealing 21 O.S. 1971, § 1141, 26 O.S. 1971, § 442, 37 O.S. 1971, § 8, and 63 O.S. 1971, §§ 2102 through 2108, inclusive, and § 465.20; and declaring an emergency.

**SB 487**—By Luton—An Act relating to elections; amending 26 O.S. 1971, §§ 102.3 and 102.7, providing for times and places of registering, and trasferring registrations

of, electors by the County Election Board in each County to which §§ 102.1 through 102.17 of Title 26 of the Oklahoma Statutes apply; providing exceptions to times applications for registration may be received; and declaring an emergency.

**SB 488**—By Stipe of the Senate and Mountford of the House—An Act relating to labor; amending 40 O.S. 1971, § 165.3; providing for payment of employees' wages in full upon discharge from employment; fixing time for payment of wages upon resignation of employee, or suspension as result of labor dispute; prescribing penalties for failure of employer to comply with Act; and declaring an emergency.

**SB 489**—By Stipe of the Senate and Skeith of the House—An Act relating to mines and mining; amending 45 O.S. 1971, § 4; providing for compensation for members of the State Mining Board; and declaring an emergency.

**SB 490**—By Inhofe and Garrison of the Senate and Boren and Ford of the House—An Act relating to public finance; providing control and management of state moneys shall be the responsibility of the State Treasurer; limiting amount of state funds in checking account; prescribing deposit of remaining state funds; allowing opening bidding for deposit of funds; providing the increment from said investments be credited to the State General Revenue Fund; repealing 62 O.S. 1971, §§ 72, 73, 76 and 77, and all laws and parts of laws in conflict herewith; and declaring an emergency.

**SB 491**—By Inhofe and Garrison of the Senate and Boren and Ford of the House —An Act relating to public finance; defining terms; providing for deposit of public funds; defining banks eligible to become public depositories; providing for duties and powers of State Depository Board; providing for applications by banks for designation as public depository; providing for award of deposits of certain state moneys; providing for limitations on amount of deposit in any one depository; providing for withdrawal and transfer of deposits; providing for notice and hearing; providing for evidence of deposit; providing effective date; making provisions of Act severable; and declaring an emergency.

**SJR 44**—By Howard—A Joint Resolution authorizing Robert J. Hopkins and Margaret H. Hopkins to bring suit against the State of Oklahoma to determine the amount of damages, if any, sustained by them on account of highway construction near their property; and directing payment of any judgment rendered in said suit from the State Highway Maintenance and Construction Fund.

## GENERAL ORDER

**SB 445** was taken up for further consideration.

Senator Smalley presiding.

Senator Garrison moved to amend **SB 445,** Page 3, Line 3, by adding after the word "JEOPARDY", and before the words "in the " the words "for the same or any lesser included offense", which amendment was declared adopted.

Upon motion of Senator Grantham, **SB 445,** as amended, was advanced to engrossment.

By unanimous consent, upon request of Senator Grantham, **SB 445,** as amended, was considered engrossed and placed on third reading and final passage.

President Pro Tempore Smith presiding.

## THIRD READING

**SB 445** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Baldwin, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hargrave, Holden, Howard, Howell, Inhofe, Lane, Luton, McGraw, McSpadden, Martin, Murphy, Nichols, Payne, Smalley, Smith, Stansberry,

Stipe, Taliaferro, Terrill, Trent, Williams, Young.—37.

Nay: Keels, Lamb, Miller, Rogers.—4.

Excused: Berrong, Bradley, Hamilton, McCune, Medearis, Phillips, Porter.—7.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baggett, Baldwin, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hargrave, Holden, Howard, Howell, Inhofe, Lane, Luton, McGraw, McSpadden, Martin, Murphy, Nichols, Payne, Smalley, Smith, Stansberry, Stipe, Taliaferro, Terrill, Trent, Williams, Young.—37.

Nay: Keels, Lamb, Miller, Rogers.—4.

Excused: Berrong, Bradley, Hamilton, McCune, Medearis, Phillips, Porter.—7.

The emergency was declared passed.

**SB 445** was referred for engrossment.

## COMMITTEE APPOINTMENT

As provided under the Rules, President Pro Tempore Smith made the following announcement of Committee appointment:

Senator Stipe—Appropriations and Budget.

## GENERAL ORDER

**SB 459** by Grantham and Smith of the Senate and McCune, et al, of the House was read and considered.

Senator Smalley presiding.

Senator Baggett moved to amend **SB 459,** Page 2, Line 11, by inserting after the figure "($200.00)", and before the words "to be" the words" "for each day of contempt", which amendment was declared adopted.

Senator Stipe moved to amend **SB 459,** Page 2, Line 15, by inserting after the word "IMPRISONMENT." the following: "This act shall in no way alter the right to trial by jury"., which amendment was declared adopted.

Senator Grantham moved to amend **SB 459,** Page 2, Line 16, by striking the emergency section, which amendment was declared adopted.

Upon motion of Senator Grantham, **SB 459,** as amended, was advanced to engrossment.

By unanimous consent, upon request of Senator Grantham, **SB 459,** as amended, was considered engrossed and placed on third reading and final passage.

## THIRD READING

**SB 459** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Baldwin, Berrong, Birdsong, Boecher, Breckinridge, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Hargrave, Howard, Howell, Inhofe, Keels, Lamb, Lane, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Phillips, Porter, Smalley, Smith, Stansberry, Stipe, Taliaferro, Terrill, Trent, Williams, Young.—43.

Nay: Rogers.—1.

Excused: Bradley, Capps, Holden, Luton.—4.

The bill was declared passed.

**SB 459** was referred for engrossment.

Senator Stipe presiding.

Senator Smalley presiding.

## MESSAGE FROM THE HOUSE

Advising passage of and transmitting for consideration Engrossed:

**HB 1566**—By Willis and Miskelly of the House and McSpadden and Hamilton of the Senate—An Act relating to the Will Rogers Memorial Commission and making an appropriation thereto; stating the purpose; providing that the Commission shall fix the duties and compensation of employees; providing lapse date; making provisions of this Act severable; and declaring an emergency.

**HB 1607**—By Cotner, Anderson, Avey, Beznoska, Boatner, Boren, Bradley, Cole, Converse, Davis, Draper, Duke, Dunn, Green, Greenhaw, Harper, Holaday, Hopkins, Huddleston, Kamas, Kennedy, McKee, Monks, Murphy, Odom, Payne, Robinson, Sandlin, Sanguin, Sparkman, Stratton, Whorton, Wickersham, Wiedemann, Williamson, Wynn, Harrison, Elder, Boettcher, Bernard, Frates, Thornhill and Trent of the House and Crow, Lane, Martin, Boecher, Holden and Dahl of the Senate—An Act relating to schools; repealing 70 O.S. 1971, § 18-102, relating to ad valorem taxes; and declaring an emergency.

**HB 1612**—By Willis and Miskelly of the House and McSpadden and Hamilton of the Senate—An Act relating to the Secretary of the State Election Board and making an appropriation thereto; stating the purpose; making the appropriation nonfiscal; making the provisions of this Act severable; and declaring an emergency.

**HB 1616**—By Willis and Miskelly of the House and McSpadden and Hamilton of the Senate—(An Act relating to the Special Events Commission and emergency).

The above numbered **HBs** were read for the first time.

## MESSAGE FROM THE HOUSE

Advising passage of and returning Engrossed **SBs 407** and **413,** as amended.

**HA** to **SB 407** read as follows, and consideration deferred:

Amendment No. 1. Amend Page 1, Line 10, by restoring Title to read as follows:

"An Act relating to the State Regents for Higher Education for the Osteopathy Education Assistance Fund; making an appropriation thereto; stating the purpose; providing lapse date; making provisions of this act severable; and declaring an emergency."

**HA** to **SB 413** read as follows, and consideration deferred:

Amendment No. 1. Amend Page 1, Line 10, by restoring Title to read as follows:

"An act relating to the State Regents for Higher Education for the Osteopathy Education Assistance Fund; making an appropriation thereto; stating the purpose; providing lapse date; making provisions of this act severable; and declaring an emergency."

**HA** to **SB 413** read as follows, and consideration deferred:

Amendment No. 1. Amend Page 1, Line 10, by restoring Title to read as follows:

"An act relating to the Office of the Department of Charities and Corrections and making an appropriation thereto; stating the purpose; providing for the appointment and compensation of employees; providing lapse date; making provisions of this Act severable; and declaring an emergency."

## GENERAL ORDER

**SB 462** by Grantham and Garrison of the Senate and Green, et al, of the House was read and considered.

Senator Baldwin presiding.

Senator Howell moved to amend **SB 462,** Page 2, Line 3, by inserting after the word "judge" and before the word "fails," "or associate district judge", which amendment was declared adopted.

Senator Payne presiding.

Senator Phillips moved to amend **SB 462,** Page 2, Line 8, by adding after the word "writing", and before the word "that", the words "within 20 days", which amendment was declared adopted.

Senator Young moved to amend **SB 462,** Page 1, Line 1, by adding after the figure "1", and before the letter "A", the following" "A. If there is insufficient caseload for a particular court, the supreme court shall certify said finding and immediately said judgeship will be abolished.", which amendment was declared failed of adoption.

Senator Stipe moved to amend **SB 462,** Page 2, Line 10, by adding after the word "existence", the following: "any citizen may appear after ten (10) days published notice on a day certain to offer evidence as to the necessity for such judgeship."

Senator Grantham asked unanimous consent, which was granted, that further consideration of **SB 462** be deferred, with all amendments attached thereto, for this legislative day.

## REPORT OF ENGROSSED AND ENROLLED BILLS

**SBs 395, 398, 417, 422, 427** and **SCRs 72** and **79** each correctly enrolled.

Enrolled **SBs 395, 398, 417, 422** and **427** were, after fourth reading, properly signed and ordered transmitted to the Honorable House for the signature of the Speaker.

Enrolled **SCRs 72** and **79** were properly signed and ordered transmitted to the Honorable House for the signature of the Speaker.

## RESOLUTION

Senator Howell introduced the following Resolution:

**SR 73**—By Howell—A Resolution commending Major General George M. Johnson, Jr., commander of the Oklahoma City Air Materiel Area; and directing distribution.

Senator Howell asked unanimous consent that all other Senators be made co-authors of **SR 73,** which was the order.

**SR 73,** as co-authored, was read at length, adopted upon motion of Senator Howell, and ordered referred for enrollment.

## GENERAL ORDER

**HB 1549** by Willis, et al, of the House and McSpadden and Hamilton of the Senate was read and considered.

Upon motion of Senator McSpadden, **HB 1549** was advanced to engrossment.

By unanimous consent, upon request of Senator McSpadden, **HB 1549** was considered engrossed and placed on third reading and final passage.

## THIRD READING

**HB 1549** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Berrong, Birdsong, Boecher, Breckinridge, Crow, Ferrell, Field, Garrett, Garrison, Graves, Ham, Hamilton, Holden, Howard, Howell, Inhofe, Keels, Lamb, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Phillips, Porter, Smalley, Smith, Stansberry, Stipe, Taliaferro, Terrill, Williams, Young.—39.

Excused: Baldwin, Bradley, Capps, Dahl, Grantham, Hargrave, Lane, Rogers, Trent.—9.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baggett, Berrong, Birdsong, Boecher, Breckinridge, Crow, Ferrell, Field, Garrett, Garrison, Graves, Ham, Hamilton, Holden, Howard, Howell, Inhofe, Keels, Lamb, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Phillips, Porter, Smalley, Smith, Stansberry, Stipe, Taliaferro, Terrill, Williams, Young.—39.

Excused: Baldwin, Bradley, Capps, Dahl, Grantham, Hargrave, Lane, Rogers, Trent.—9.

The emergency was declared passed.

**HB 1549** was ordered withheld pursuant to Rule 19(f).

## GENERAL ORDER

**HB 1550** by Willis, et al, of the House and McSpadden and Hamilton of the Senate was read and considered.

Upon motion of Senator McSpadden, **HB 1550** was advanced to engrossment.

By unanimous consent, upon request of Senator McSpadden, **HB 1550** was considered engrossed and placed on third reading and final passage.

## THIRD READING

**HB 1550** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Berrong, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Graves, Ham, Hamilton, Holden, Howard, Howell, Inhofe, Keels, Lamb, Lane, Luton, McCune, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Phillips, Porter, Rogers, Smith, Stansberry, Stipe, Terrill.—38.

Excused: Baldwin, Bradley, Grantham,

Hargrave, McGraw, Smalley, Taliaferro, Trent, Williams, Young.—10.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baggett, Berrong, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Graves, Ham, Hamilton, Holden, Howard, Howell, Inhofe, Keels, Lamb, Lane, Luton, McCune, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Phillips, Porter, Rogers, Smith, Stansberry, Stipe, Terrill.—38.

Excused: Baldwin, Bradley, Grantham, Hargrave, McGraw, Smalley, Taliaferro, Trent, Williams, Young.—10.

The emergency was declared passed.

**HB 1550** was ordered withheld pursuant to Rule 19(f).

## GENERAL ORDER

**HB 1551** by Willis, et al, of the House and McSpadden and Hamilton of the Senate was read and considered.

Senator Smalley, moved to amend **HB 1551,** Page 1, by crippling title, which amendment was declared adopted.

Upon motion of Senator McSpadden, **HB 1551,** as amended, was advanced to engrossment.

By unanimous consent, upon request of Senator McSpadden, **HB 1551,** as amended, was considered engrossed and placed on third reading and final passage.

## THIRD READING

**HB 1551** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Berrong, Birdsong, Boecher, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Graves, Ham, Hamilton, Holden, Howard, Howell, Inhofe, Lamb, Lane, Luton, McCune, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Phillips, Porter, Rogers, Smith, Stansberry, Stipe, Taliaferro, Terrill, Williams, Young.—39.

Excused: Baldwin, Bradley, Breckinridge, Grantham, Hargrave, Keels, McGraw, Smalley, Trent.—9.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baggett, Berrong, Birdsong, Boecher, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Graves, Ham, Hamilton, Holden, Howard, Howell, Inhofe, Lamb, Lane, Luton, McCune, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Phillips, Porter, Rogers, Smith, Stansberry, Stipe, Taliaferro, Terrill, Williams, Young.—39.

Excused: Baldwin, Bradley, Breckinridge, Grantham, Hargrave, Keels, McGraw, Smalley, Trent.—9.

The emergency was declared passed.

**HB 1551** was referred for engrossment.

## GENERAL ORDER

**HB 1552** by Willis, et al, of the House and McSpadden and Hamilton of the Senate was read and considered.

Upon motion of Senator McSpadden, **HB 1552** was advanced to engrossment.

By unanimous consent, upon request of Senator McSpadden, **HB 1552** was considered engrossed and placed on third reading and final passage.

## THIRD READING

**HB 1552** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Berrong, Birdsong, Boecher, Breckinridge, Capps, Dahl, Ferrell, Field, Garrett, Garrison, Graves, Ham, Hamilton, Holden, Howard, Inhofe, Lamb, Lane, Luton, McCune, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Porter, Rogers, Smalley, Smith, Stansberry, Stipe, Taliaferro, Terrill, Williams, Young.—38.

Nay: Crow.—1.

Excused: Baldwin, Bradley, Grantham, Hargrave, Howell, Keels, McGraw, Phillips, Trent.—9.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baggett, Berrong, Birdsong, Boecher, Breckinridge, Capps, Dahl, Ferrell, Field, Garrett, Garrison, Graves, Ham, Hamilton, Holden, Howard, Inhofe, Lamb, Lane, Luton, McCune, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Porter, Rogers, Smalley, Smith, Stansberry, Stipe, Taliaferro, Terrill, Williams, Young.—38.

Nay: Crow.—1.

Excused: Baldwin, Bradley, Grantham, Hargrave, Howell, Keels, McGraw, Phillips, Trent.—9.

The emergency was declared passed.

**HB 1552** was ordered withheld pursuant to Rule 19(f).

## GENERAL ORDER

**HB 1553** by Willis, et al, of the House and McSpadden and Hamilton of the Senate was read and considered.

Upon motion of Senator McSpadden, **HB 1553** was advanced to engrossment.

By unanimous consent, upon request of Senator McSpadden, **HB 1553** was considered engrossed and placed on third reading and final passage.

## THIRD READING

**HB 1553** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Berrong, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Graves, Ham, Hamilton, Holden, Howard, Howell, Inhofe, Lamb, Lane, Luton, McCune, McSpadden, Martin, Medearis, Miller, Murphy, Payne, Phillips, Rogers, Smith, Stansberry, Stipe, Taliaferro, Terrill, Williams Young.—38.

Excused: Baldwin, Bradley, Grantham, Hargrave, Keels, McGraw, Nichols, Porter, Smalley, Trent.—10.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baggett, Berrong, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Graves, Ham, Hamilton, Holden, Howard, Howell, Inhofe, Lamb, Lane, Luton, McCune, McSpadden, Martin, Medearis, Miller, Murphy, Payne, Phillips, Rogers, Smalley, Smith, Stansberry, Stipe, Taliaferro, Terrill, Williams, Young.—39.

Excused: Baldwin, Bradley, Grantham, Hargrave, Keels, McGraw, Nichols, Porter, Trent.—9.

The emergency was declared passed.

**HB 1553** was ordered withheld pursuant to Rule 19(f).

## GENERAL ORDER

**HB 1560** by Willis, et al, of the House and McSpadden and Hamilton of the Senate was read and considered.

Senators Terrill and Smith asked to be made co-authors of **HB 1560,** which was the order.

Upon motion of Senator McSpadden, **HB 1560,** as co-authored, was advanced to engrossment.

By unanimous consent, upon request of Senator McSpadden, **HB 1560,** as co-authored, was considered engrossed and placed on third reading and final passage.

## THIRD READING

**HB 1560** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Berrong, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Graves, Ham, Hamilton, Holden, Howard, Howell, Inhofe,

Lamb, Lane, Luton, McCune, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Rogers, Smalley, Smith, Stansberry, Stipe, Taliaferro, Terrill, Williams, Young.—38.

Excused: Baggett, Baldwin, Bradley, Grantham, Hargrave, Keels, McGraw, Phillips, Porter, Trent.—10.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Berrong, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Graves, Ham, Hamilton, Holden, Howard, Howell, Inhofe, Lamb, Lane, Luton, McCune, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Rogers, Smalley, Smith, Stansberry, Stipe, Taliaferro, Terrill, Williams, Young.—38.

Excused: Baggett, Baldwin, Bradley, Grantham, Hargrave, Keels, McGraw, Phillips, Porter, Trent.—10.

The emergency was declared passed.

**HB 1560** was ordered withheld pursuant to Rule 19(f).

## GENERAL ORDER

**HB 1561** by Willis, et al, of the House and McSpadden and Hamilton of the Senate was read and considered.

Upon motion of Senator McSpadden, **HB 1561** was advanced to engrossment.

By unanimous consent, upon request of Senator McSpadden, **HB 1561** was considered engrossed and placed on third reading and final passage.

## THIRD READING

**HB 1561** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Berrong, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Graves, Ham, Hamilton, Holden, Howard, Howell, Inhofe, Keels, Lamb, Lane, Luton, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Payne, Rogers, Smith, Stansberry, Stipe, Terrill, Trent, Williams, Young.—38.

Nay: McCune.—1.

Excused: Baldwin, Bradley, Grantham, Hargrave, Nichols, Phillips, Porter, Smalley, Taliaferro.—9.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baggett, Berrong, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Graves, Ham, Hamilton, Holden, Howard, Howell, Inhofe, Keels, Lamb, Lane, Luton, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Payne, Rogers, Smith, Stansberry, Stipe, Terrill, Trent, Williams, Young.—38.

Nay: McCune.—1.

Excused: Baldwin, Bradley, Grantham, Hargrave, Nichols, Phillips, Porter, Smalley, Taliaferro.—9.

The emergency was declared passed.

**HB 1561** was referred for engrossment.

## GENERAL ORDER

**HB 1562** by Willis, et al, of the House and McSpadden and Hamilton of the Senate was read and considered.

Upon motion of Senator McSpadden, **HB 1562** was advanced to engrossment.

By unanimous consent, upon request of Senator McSpadden, **HB 1562** was considered engrossed and placed on third reading and final passage.

## THIRD READING

**HB 1562** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Garrett, Garrison, Graves, Ham, Hamilton, Holden, Howard, Inhofe, Keels, Lane, Luton, McCune, McGraw, McSpadden, Mar-

tin, Miller, Murphy, Nichols, Payne, Rogers, Smalley, Smith, Stansberry, Stipe, Terrill, Trent, Young.—35.

Nay: Berrong, Field, Howell, Medearis, Williams.—5.

Excused: Baldwin, Bradley, Grantham, Hargrave, Lamb, Phillips, Porter, Taliaferro.—8.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baggett, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Garrett, Garrison, Graves, Ham, Hamilton, Holden, Howard, Inhofe, Keels, Lane, Luton, McCune, McGraw, McSpadden, Martin, Miller, Murphy, Nichols, Payne, Rogers, Smalley, Smith, Stansberry, Stipe, Terrill, Trent, Young.—35.

Nay: Berrong, Field, Howell, Medearis, Williams.—5.

Excused: Baldwin, Bradley, Grantham, Hargrave, Lamb, Phillips, Porter, Taliaferro.—8.

The emergency was declared passed.

**HB 1562** was referred for engrossment.

## GENERAL ORDER

**HB 1564** by Willis, et al, of the House and McSpadden and Hamilton of the Senate was read and considered.

Senators Terrill, Smith, Garrison, Ferrell, Ham, Capps, Birdsong, and Baggett asked to be made co-authors of **HB 1564,** which was the order.

Senator Baggett moved to amend **HB 1564,** Page 2, Lines 1 and 7 as follows: By striking after the words "sum of" and before the words "or so" on Page 2, Line 1, the following: "Seventy-Five Thousand Dollars ($75,000.00)," and inserting in lieu thereof the following: "One Hundred Thousand Dollars ($100,000.00)"; and, by adding after the word "Fund." on Page 2, Line 7, the following: "It is the intention of the Legislature to continue the scholarships of those students who entered in 1970 and those students who entered in 1971 and to increase to ten (10) the number of scholarships to be provided to students who enter in 1972."; and, by adding to Line 5 in the title after the word "Purpose", the following: "Stating Legislative Intent;".

Senator McSpadden moved to table the Baggett amendment, which motion to table failed of adoption upon roll call as follows:

Aye: Crow, Dahl, Howard, Lamb, Lane, Luton, McCune, McSpadden, Martin, Murphy, Nichols, Payne, Phillips, Smith, Stipe.—15.

Nay: Baggett, Berrong, Birdsong, Boecher, Breckinridge, Capps, Ferrell, Garrett, Garrison, Graves, Ham, Holden, Howell, Inhofe, Keels, McGraw, Medearis, Miller, Porter, Rogers, Smalley, Stansberry, Terrill, Williams, Young.—25.

Excused: Baldwin, Bradley, Field, Grantham, Hamilton, Hargrave, Taliaferro, Trent.—8.

Senator Baggett pressed his former motion to amend, which amendment was declared adopted.

Senator Baggett moved to amend **HB 1564**, Page 1, the title, by striking after the word "Fund", the balance of the title, which amendment was declared adopted.

Upon motion of Senator McSpadden, **HB 1564**, as co-authored and amended, was advanced to engrossment.

By unanimous consent, upon request of Senator McSpadden, **HB 1564,** as co-authored and amended, was considered engrossed and placed on third reading and final passage.

## THIRD READING

**HB 1564** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Berrong, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Graves,

Ham, Hamilton, Holden, Howard, Howell, Inhofe, Keels, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Miller, Murphy, Nichols, Payne, Phillips, Porter, Rogers, Smalley, Smith, Stansberry, Stipe, Terrill, Williams, Young.—41.

Excused: Baldwin, Bradley, Grantham, Hargrave, Medearis, Taliaferro, Trent.—7.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baggett, Berrong, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Graves, Ham, Hamilton, Holden, Howard, Howell, Inhofe, Keels, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Miller, Murphy, Nichols, Payne, Phillips, Porter, Rogers, Smalley, Smith, Stansberry, Stipe, Terrill, Williams, Young.—41.

Excused: Baldwin, Bradley, Grantham, Hargrave, Medearis, Taliaferro, Trent.—7.

The emergency was declared passed.

**HB 1564** was referred for engrossment.

## GENERAL ORDER

**HB 1563** by Willis, et al, of the House and McSpadden and Hamilton of the Senate was read and considered.

Senators Smith and Terrill asked to be made co-authors of **HB 1563,** which was the order.

Upon motion of Senator McSpadden, **HB 1563,** as co-authored, was advanced to engrossment.

By unanimous consent, upon request of Senator McSpadden, **HB 1563,** as co-authored, was considered engrossed and placed on third reading and final passage.

## THIRD READING

**HB 1563** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Berrong, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrison, Graves, Ham, Holden, Howard, Howell, Inhofe, Keels, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Miller, Murphy, Nichols, Payne, Phillips, Rogers, Smalley, Smith, Stansberry, Stipe, Terrill, Williams, Young.—37.

Nay: Martin, Porter.—2.

Excused: Baldwin, Bradley, Garrett, Grantham, Hamilton, Hargrave, Medearis, Taliaferro, Trent.—9.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baggett, Berrong, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrison, Graves, Ham, Holden, Howard, Howell, Inhofe, Keels, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Miller, Murphy, Nichols, Payne, Phillips, Rogers, Smalley, Smith, Stansberry, Stipe, Terrill, Williams, Young.—37.

Nay: Martin, Porter.—2.

Excused: Baldwin, Bradley, Garrett, Grantham, Hamilton, Hargrave, Medearis, Taliaferro, Trent.—9.

The emergency was declared passed.

**HB 1563** was referred for engrossment.

## UNANIMOUS CONSENT— BILL WITHDRAWN

Senator McSpadden asked unanimous consent that **SB 432** be withdrawn from the calendar and re-referred to the Committee on Appropriations and Budget, which was the order.

Senator Terrill moved, after the Clerk's desk is cleared, that the Senate stand adjourned to meet Tuesday, February 1, 1972, at 1:00 P.M., which motion prevailed.

## MESSAGE FROM THE HOUSE

Advising fourth reading of and returning Enrolled **SBs 395, 398, 417, 422,** and **427.**

The above numbered Enrolled Bills were referred to the Governor.

**MESSAGE FROM THE HOUSE**

Advising the signing of and returning Enrolled **SCRS 72** and **79.**

The above numbered Enrolled Resolutions were ordered referred to the Secretary of State.

**BILLS RELEASED**

**HBs 1549, 1550, 1552, 1553** and **1560** were properly signed and ordered returned to the Honorable House.

Upon motion of Senator Terrill, the Senate adjourned to meet Tuesday, February 1, 1972, at 1:00 P.M.

# Seventeenth Legislative Day

## Tuesday, February 1, 1972

Pursuant to adjournment, the Senate was called to order by Senator Smalley, who was designated so to do by the President Pro Tempore.

Upon roll call, the following members were present:

Aye: Baggett, Baldwin, Berrong, Birdsong, Boecher, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Keels, Lamb, Lane, Luton, McCune, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Phillips, Porter, Rogers, Smalley, Smith, Stansberry, Stipe, Taliaferro, Terrill, Trent, Williams, Young.—45.

Excused: Bradley, Breckinridge, McGraw.—3.

President Pro Tempore Smith presiding.

The President Pro Tempore declared a quorum present.

The following prayer was offered by the Chaplain and incorporated upon request of Senator Payne:

Father, this Senate chamber is holy ground— just as surely as is the spot before the gold-overlaid altars of the most pretentious cathedrals.

You created this earth. In the cool of those first days You walked upon it. In the heat of that day no man can forget You died upon it!

Your will is to be done here just as surely and just as conscientiously as it is to be done anywhere.

This is Holy Ground. Because here people created in Your Image are making decisions for other people created in Your Image.

"Where shall I go from Your Spirit? Where shall I flee from Your Presence?" And you answer, "There is nowhere."

Your wisdon can be perfected today in our ignorance Your strength can be perfected today in our weakness. Your love can be perfected today in us.

Thank you, Father. Thank You that we cannot hide from You—Not even in a Senate Chamber. Amen.

The Journal for the last Legislative day was declared approved.

## COMMITTEE REPORTS

The following Bills and/or resolutions were reported by the Committees named, ordered printed and placed upon the Calendar otherwise indicated:

DO PASS:

**SB 124**—Revenue and Taxation, co-authored by Senators Berrong, Ferrell, Garrett and McSpadden.

**SB 447**—Judiciary, co-authored by McCune of the House.

**SB 455**—Roads & Highways, co-authored by Senator Lamb.

**SB 467**—Education-Common.

**SB 468**—Education-Common.

**HB 1513**—Judiciary.

DO PASS, as amended:

**SB 436**—Judiciary.

**SB 449**—Education-Common.

**SB 451**—Education-Common, co-authored by Senator Miller.

**SB 470**—Roads & Highways, co-authored by Senators Crow, Dahl and Lamb.

**HB 1093**—Revenue and Taxation, co-au-

thored by Senators McSpadden, Ferrell and Smalley.

## MESSAGE FROM THE GOVERNOR

Advising approval by him, Jan. 31, 1972, of Enrolled **SBs 393, 394, 396, 400, 414, 433.**

**SB 393**—By McSpadden and Hamilton of the Senate and Willis and Miskelly of the House—An Act relating to the Office of the Governor and making an appropriation thereto; *** and declaring an emergency.

**SB 394**—By McSpadden and Hamilton of the Senate and Willis and Miskelly of the House—An Act relating to the State Emergency Fund and making an appropriation thereto; stating the purpose; making said appropriation nonfiscal; making provisions of this Act severable; and declaring an emergency.

**SB 396**—By McSpadden and Hamilton of the Senate and Willis and Miskelly of the House—An Act relating to the Board of Equalization and making an appropriation thereto; * * * and declaring an emergency.

**SB 400**—By McSpadden and Hamilton of the Senate and Willis and Miskelly of the House—An Act relating to the court of Tax Review and making an appropriation thereto; * * * and declaring an emergency.

**SB 414**—By McSpadden and Hamilton of the Senate and Willis and Miskelly of the House—An Act relating to the Governor's Committee on Employment of the Handicapped and making an appropriation thereto; * * * and declaring an emergency.

**SB 433**—By McSpadden and Hamilton of the Senate and Willis and Miskelly of the House—An Act relating to the State Employees Group Health and Life Insurance Plan and making an appropriation for administrative costs; providing that the appropriation shall be to the public employees retirement system pursuant to provisions of 74 O.S. 1971, § 1313; * * * and declaring an emergency.

## FIRST READING

The following Bills and/or Resolutions were introduced and read the first time:

**SB 492**—By Inhofe and Garrison of the Senate and Boren and Ford of the House—An Act relating to public finance; prescribing meetings of the State Depository Board; providing for notice of meetings; requiring all meetings to be open and public; requiring all records of board open to public inspection; providing for quarterly report of all investments, deposits and earnings to be filed for public inspection; providing for severability; and declaring an emergency.

**SJR 45**—By Howard of the Senate and Abbott of the House—A Joint Resolution establishing the Oklahoma Commission on Ad Valorem Tax Structure and Public School Finance; providing for jurisdiction of commission, appointment of members and filling of vacancies; authorizing payment of per diem and travel; providing for assistance to commission by all state agencies; requiring a report of findings and recommendations; and declaring an emergency.

## SECOND READING

The following Bills and/or Resolutions were read the second time and referred to Committees indicated:

**SB 480**—Judiciary.

**SB 481**—Wildlife.

**SB 482**—Professions and Occupations.

**SB 483**—Wildlife.

**SB 484**—Professions and Occupations.

**SB 485**—Revenue and Taxation.

**SB 486**—Judiciary—Public Health.

**SB 487**—Rules.

**SB 488**—Industrial and Labor Relations.

**SB 489**—Appropriations and Budget.

**SB 490**—Bank and Banking.

**SB 491**—Bank and Banking.

**SJR 44**—Judiciary.

**HB 1566**—Appropriaticns and Budget.

**HB 1607**—Governmental Reform.

**HB 1612**—Appropriations and Budget.

**HB 1616**—Appropriations and Budget.

## GENERAL ORDER

**SB 440** was taken up for further consideration.

Senator Smalley presiding.

Upon motion of Senator Grantham, **SB 440,** as co-authored, was advanced to engrossment.

By unanimous consent, upon request of Senator Grantham, **SB 440,** as co-authored, was considered engrossed and placed on third reading and final passage.

## THIRD READING

**SB 440** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Berrong, Birdsong, Boecher, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Keels, Lane, McCune, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Smalley, Stansberry, Stipe, Taliaferro, Terrill, Trent, Williams. —37.

Nay: Rogers.—1.

Excused: Baldwin, Bradley, Breckinridge, Lamb, Luton, McGraw, Phillips, Porter, Smith, Young.—10.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baggett, Berrong, Birdsong, Boecher, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Keels, Lane, McCune, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Smalley, Stansberry, Stipe, Taliaferro, Terrill, Trent, Williams. —37.

Nay: Rogers.—1.

Excused: Baldwin, Bradley, Breckinridge, Lamb, Luton, McGraw, Phillips, Porter, Smith, Young.—10.

The emergency was declared passed.

**SB 440** was referred for engrossment.

## MESSAGE FROM THE HOUSE

Advising passage of and transmitting for consideration Engrossed **HJR 1037,** the Special Election Section of said Joint Resolution having received the constitutional two-thirds vote of the members elected to and constituting the House of Representatives.

**HJR 1037**—By Privett, Wolf (Leland), Skeith, Mountford, Harrison, Sandlin, Andrews, Bernard, Avey, Coffin, Cox, Elder, Townsend and Williamson of the House and Murphy, Terrill and Smalley 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 X of the Constitution of the state of Oklahoma; authorizing the Oklahoma State Legislature to enact law authorizing indebtedness of the state of Oklahoma in an amount not to exceed two hundred fifty million dollars, in order to provide safe highways; providing for the payment of said debt from a portion of the now existing gasoline tax and from funds not otherwise obligated; authorizing issuance of general obligation bonds with full faith and credit of the state of Oklahoma; providing for a ballot title; and ordering a special election.

The above numbered **HR** was read for the first time.

## MESSAGE FROM THE HOUSE

Advising fourth reading of and transmitting for signature Enrolled **HBs 1549, 1550, 1552, 1553,** and **1560.**

The above numbered Enrolled Bills were, after fourth reading, properly signed and ordered returned to the Honorable House.

## GENERAL ORDER

**SJR 42** by Field of the Senate and Harrison of the House was read and considered.

Upon motion of Senator Field, **SJR 42** was advanced to engrossment.

By unanimous consent, upon request of Senator Field, **SJR 42** was considered engrossed and placed on third reading and final passage.

## THIRD READING

Senator Field moved to reconsider the vote by which **SJR 42** was considered engrossed and placed on third reading and final passage, which motion was declared adopted.

Senator Field moved to reconsider the vote by which **SJR 42** was advanced to engrossment, which motion was declared adopted.

## GENERAL ORDER

Senators Murphy and Howard moved to amend **SJR 42,** page 6, Lines 6, 7, 8 and 9 by striking after the word "election" and before the word "at" on Line 9, the following language: ", whichever is earlier," and by deleting the words on Line 6, "on the date of the" and all of Line 7, which amendment was declared adopted.

Upon motion of Senator Field, **SJR 42,** as amended, was advanced to engrossment.

By unanimous consent, upon request of Senator Field, **SJR 42,** as amended, was considered engrossed and placed on third reading and final passage.

## THIRD READING

**SJR 42,** as amended, was read for the third time at length, as follows:

**SJR 42,** as amended—By Field of the Senate and Harrison of the House—A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection a proposed amendment to the Oklahoma Constitution, amending Section 6 of Article XI thereof; providing for the investment of permanent school and other educational funds and increasing the percentage of the reasonable valuation which may be loaned on farm lands; providing a ballot title; and ordering a special election.

Be it resolved by the Senate and the House of Representatives of the 2nd Session of the 33d Oklahoma Legislature:

SECTION 1. The Secretary of State shall refer to the people for their approval or rejection, as and in the manner provided by law, the following proposed amendment to Section 6 of Article XI of the Oklahoma Constitution, to read as follows:

§ 6. The permanent common school and other educational funds shall be invested in first mortgages upon good and improved farm lands within the State (and in no case shall more than [*fifty per centum (50%)*] SEVENTY PER CENT (70%) of the reasonable valuation of the lands without improvements be loaned on any tract,) Oklahoma State bonds, county bonds of the counties of Oklahoma, school district bonds of the school districts of Oklahoma, United States bonds, preference to be given to the securities in the order named. The said funds may also be invested in deposits in banks or trust companies in Oklahoma to the extent such deposit is insured by the Federal Deposit Insurance Corporation.

The Legislature shall provide the manner of selecting the securities aforesaid, prescribe the rules, regulations, restrictions, and conditions upon which the funds aforesaid shall be loaned or invested, and do all things necessary for the safety of the funds and permanency of the investment.

Said funds may also be invested in loans secured by first mortgages bearing interest at the rate to be same for all loans made during same period, of not less than three [*per centum*] PERCENT (3%) per annum, given by any honorably discharged member of the armed forces of the United States, or of an ally thereof, who served in World War I, World War II, Korean War or the Viet Nam Conflict, or any future war or conflict in which the United States may become engaged, and a resident of the State of Oklahoma for not less than five (5) years, on improved or unimproved

farm lands within this state. In no case shall more than ninety-three and one-half [*per centum*] PERCENT (93½%) of the reasonable value of the land and improvements be loaned on any tract. Any such member, before acquiring title to such a tract of land, may apply for a loan of money to be secured by such a mortgage, said loan to be advanced and mortgage executed when and as he secures title to said tract. Said loan and mortgage securing the same shall be negotiated and executed, until otherwise provided by law, under rules and regulations prescribed by the Commissioners of the Land Office; provided, however, that the loan may not be transferred or assigned within five (5) years.

In the event of adoption of this Act by the people of the state of Oklahoma, the same shall have no legal force or effect unless vitalized by the Legislature, prescribing rules and regulations relating to investments of deposits in banks and trust companies in Oklahoma.

SECTION 2. The ballot title for the proposed amendment to the Oklahoma Constitution shall be in the following form:

BALLOT TITLE

Legislative Referendum No.....

State Question No.....

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

Shall a Constitutional Amendment amending Section 6, Article XI, Oklahoma Constitution, to increase from fifty percent (50%) to *seventy per cent (70%)* the percentage of the reasonable valuation of farm land which may be loaned on such land out of the permanent common school and the other educational funds be approved by the people?

☐ YES

SHALL THE PROPOSED AMENDMENT BE APPROVED?

☐ NO

SECTION 3, The President Pro Tempore of the Senate shall, immediately after the effective date of this Resolution, prepare and file one copy thereof, including said ballot title, with the Secretary of State and one copy with the Attorney General.

SECTION 4. A special election is hereby ordered to be held throughout the State of Oklahoma on the date of the next ensuing statewide primary election, at which the proposed amendment to the Constitution of the State of Oklahoma set forth in Section 1 of this Resolution shall be submitted to the people of Oklahoma for their approval as and in the manner provided by law.

On the question of the passage of Resolution, the roll call was as follows:

Aye: Baggett, Berrong, Birdsong, Boecher, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Keels, Lane, McCune, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Phillips, Rogers, Smalley, Smith, Stansberry, Stipe, Taliaferro, Terrill, Trent, Williams, Young.—41.

Excused: Baldwin, Bradley, Breckinridge, Lamb, Luton, McGraw, Porter.—7.

The Resolution was declared passed.

The question being, "Shall **SJR 42,** by Field of the Senate and Harrison of the House entitled:

A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection a proposed amendment to the Oklahoma Constitution, amending section 6 of Article XI thereof; providing for the investment of permanent school and other educational funds and increasing the percentage of the reasonable valuation which may be loaned on farm lands; providing a ballot title; and ordering a special election.

be ordered referred by the legislature of the State of Oklahoma for approval or rejection at a special election to be held throughout the State of Oklahoma on the date of the next ensuing statewide primary election as provided in Section 4 of said Resolution, which Special Election is hereby ordered and authorized on the date of

the next ensuing statewide primary election, as provided in Section 1, of Article 24, of the Constitution of Oklahoma?"

The roll was ordered called and resulted as follows:

Aye: Baggett, Berrong, Birdsong, Boecher, Capps, Crow, Dahl, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Keels, Lane, McCune, McSpadden, Martin, Medearis, Miller, Nichols, Payne, Phillips, Smalley, Smith, Stansberry, Stipe, Taliaferro, Terrill, Trent, Williams, Young.—38.

Excused: Baldwin, Bradley, Breckinridge, Ferrell, Lamb, Luton, McGraw, Murphy, Porter, Rogers.—10.

The Presiding Officer,, in open session, declared that a constitutional two-thirds majority of the members elected to and constituting the Senate had voted in favor of calling the special Election.

## MOTION TO RECONSIDER VOTE

Senator Field moved to reconsider the vote by which **SJR 42** was passed.

Senator Field asked unanimous consent that the rules be suspended and his motion to reconsider the vote on **SJR 42** be taken up for immediate consideration, which was the order.

The vote occurring on the Field motion, it was declared adopted upon a roll call as follows:

Aye: Baggett, Berrong, Birdsong, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Hargrave, Holden, Howard, Inhofe, Keels, Lane, Luton, McCune, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Porter, Rogers, Smalley, Smith, Stansberry, Stipe, Taliaferro, Trent, Williams, Young.—39.

Excused: Baldwin, Boecher, Bradley, Breckinridge, Howell, Lamb, McGraw, Phillips, Terrill.—9.

Senator Field moved to reconsider the vote by which **SJR 42** was considered engrossed and placed on third reading and final passage, which motion was declared adopted.

Senator Field moved to reconsider the vote by which **SJR 42** was advanced to engrossment, which motion was declared adopted.

## GENERAL ORDER

Senator Ferrell moved to amend **SJR 42** Page 2, Line 12, by adding after the word "Oklahoma", and before the word "United" on Line 12, the following language: "promissory notes evidencing Federal and State insured loans made to students under any Federal or State of Oklahoma insured loan program," which amendment was declared adopted.

Upon motion of Senator Field, **SJR 42,** as amended, was advanced to engrossment.

By unanimous consent, upon request of Senator McSpadden, **SJR 42,** as amended was considered engrossed and placed on third reading and final passage.

## THIRD READING

**SJR 42,** as amended, was read for the third time at length, as follows:

**SJR 42,** as amended—By Field of the Senate and Harrison of the House—A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection a proposed amendment to the Oklahoma Constitution, amending Section 6 of Article XI thereof; providing for the investment of permanent school and other educational funds and increasing the percentage of the reasonable valuation which may be loaned on farm lands; providing a ballot title; and ordering a special election.

Be it resolved by the Senate and the House of Representatives of the 2nd Session of the 33d Oklahoma Legislature:

SECTION 1. The Secretary of State shall refer to the people for their approval or rejection, as and in the manner provided by

law, the following proposed amendment to Section 6 of Article XI of the Oklahoma Constitution, to read as follows:

§ 6. The permanent common school and other educational funds shall be invested in first mortgages upon good and improved farm lands within the State (and in no case shall more than [*fifty per centum (50%)*] SEVENTY PER CENT (70%) of the reasonable valuation of the lands without improvements be loaned on any tract,) Oklahoma State bonds, county bonds of the counties of Oklahoma, school district bonds of the school districts of Oklahoma, *promissory notes evidencing Federal and State insured loans made to students under any Federal or State of Oklahoma insured loan program,* United States bonds, preference to be given to the securities in the order named. The said funds may also be invested in deposits in banks or trust companies in Oklahoma to the extent such deposit is insured by the Federal Deposit Insurance Corporation.

The Legislature shall provide the manner of selecting the securities aforesaid, prescribe the rules, regulations, restrictions, and conditions upon which the funds aforesaid shall be loaned or invested, and do all things necessary for the safety of the funds and permanency of the investment.

Said funds may also be invested in loans secured by first mortgages bearing interest at the rate to be same for all loans made during same period, of not less than three [*per centum*] PERCENT (3%) per annum, given by any honorably discharged member of the armed forces of the United States, or of an ally thereof, who served in World War I, World War II, Korean War or the Viet Nam Conflict, or any future war or conflict in which the United States may become engaged, and a resident of the State of Oklahoma for not less than five (5) years, on improved or unimproved farm lands within this state. In no case shall more than ninety-three and one-half [*per centum*] PERCENT (93½%) of the reasonable value of the land and improvements be loaned on any tract. Any such member, before acquiring title to such a tract of land, may apply for a loan of money to be secured by such a mortgage, said loan to be advanced and mortgage executed when and as he secures title to said tract. Said loan and mortgage securing the same shall be negotiated and executed, until otherwise provided by law, under rules and regulations prescribed by the Commissioners of the Land Office; provided, however, that the loan may not be transferred or assigned within five (5) years.

In the event of adoption of this Act by the people of the state of Oklahoma, the same shall have no legal force or effect unless vitalized by the Legislature, prescribing rules and regulations relating to investments of deposits in banks and trust companies in Oklahoma.

SECTION 2. The ballot title for the proposed amendment to the Oklahoma Constitution shall be in the following form:

BALLOT TITLE

Legislative Referendum No._____

State Question No._____

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

Shall a Constitutional Amendment amending Section 6, Article XI, Oklahoma Constitution, to increase from fifty percent (50%) to *seventy per cent (70%)* the percentage of the reasonable valuation of farm land which may be loaned on such land out of the permanent common school and the other educational funds be approved by the people?

☐ YES

SHALL THE PROPOSED AMENDMENT BE APPROVED?

☐ NO

SECTION 3. The President Pro Tempore of the Senate shall, immediately after the effective date of this Resolution, prepare and file one copy thereof, including said ballot title, with the Secretary of State and one copy with the Attorney General.

SECTION 4. A special election is hereby ordered to be held throughout the State of

Oklahoma on the date of the next ensuing statewide primary election, at which the proposed amendment to the Constitution of the State of Oklahoma set forth in Section 1 of this Resolution shall be submitted to the people of Oklahoma for their approval as and in the manner provided by law.

On the question of the passage of Resolution, the roll call was as follows:

Aye: Baggett, Berrong, Birdsong, Boecher, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Keels, Lane, Luton, McCune, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Porter, Rogers, Smalley, Smith, Stansberry, Stipe, Taliaferro, Trent, Williams, Young.—41.

Excused: Baldwin, Bradley, Breckinridge, Lamb, McGraw, Phillips, Terrill.—7.

The Resolution was declared passed.

The question being, "Shall **SJR 42,** by Field of the Senate and Harrison of the House entitled:

A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection a proposed amendment to the Oklahoma Constitution, amending section 6 of Article XI thereof; providing for the investment of permanent school and other educational funds and increasing the percentage of the reasonable valuation which may be loaned on farm lands; providing a ballot title; and ordering a special election.

be ordered referred by the legislature of the State of Oklahoma for approval or rejection at a special election to be held throughout the State of Oklahoma on the date of the next ensuing statewide primary election as provided in Section 4 of said Resolution, which Special Election is hereby ordered and authorized on the date of the next ensuing statewide primary election, as provided in Section 1, of Article 24, of the Constitution of Oklahoma?"

The roll was ordered called and resulted as follows:

Aye: Baggett, Berrong, Birdsong, Boecher, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Lane, Luton, McCune, McSpadden, Martin, Medearis, Miller, Nichols, Payne, Rogers, Smalley, Smith, Stansberry, Stipe, Taliaferro, Trent, Williams, Young.—38.

Excused: Baldwin, Bradley, Breckinridge, Keels, Lamb, McGraw, Murphy, Phillips, Porter, Terrill.—10.

The Presiding Officer, in open session, declared that a constitutional two-thirds majority of the members elected to and constituting the Senate had voted in favor of calling the special Election.

**SJR 42,** as amended, was ordered referred for engrossment.

## REPORT OF ENGROSSED AND ENROLLED BILLS

**SBs 445, 459** and **HBs 1551, 1561, 1562, 1563** and **1564** each correctly engrossed.

**SR 73** correctly enrolled.

Engrossed **SBs 445** and **459** were each properly signed and ordered transmitted to the Honorable House for consideration.

Engrossed **HBs 1551, 1561, 1562, 1563** and **1564,** together with Engrossed **SAs,** were properly signed and ordered returned to the Honorable House.

Enrolled **SR 73** was properly signed and ordered transmitted to the Secretary of State.

## MESSAGE FROM THE HOUSE

Advising passage of and transmitting for consideration Engrossed:

**HJR 1023**—By Sandlin of the House and Nichols of the Senate—A Joint Resolution relating to the standard of time to apply in Oklahoma; directing the secretary of state to refer to the people for their approval or rejection a proposal that the standard be central standard time throughout each year; providing for a ballot title.

The above numbered **HR** was read read for the first time.

## MESSAGE FROM THE HOUSE

Advising concurrence in **SAs** to and passage of Engrossed **HB 1345,** as amended.

## GENERAL ORDER

**SB 461** by Hamilton, Smith, Hargrave, Howard, Medearis, and McGraw of the Senate and Willis, et al, of the House was read and considered.

Senators Inhofe, Payne, Boecher, Ferrell, Martin, and Phillips asked to be made co-authors of **SB 461,** which was the order.

Senators Hamilton and Smith moved to amend **SB 461,** Page 3, Line 6, by adding after the word "Fund" and before the word "not" the following: "of the State Treasury for the fiscal year ending June 30, 1973," which amendment was declared adopted.

Upon motion of Senator Hamilton, **SB 461,** as co-authored and amended, was advanced to engrossment.

By unanimous consent, upon request of Senator Hamilton, **SB 461,** as co-authored and amended, was considered engrossed and placed on third reading and final passage.

## THIRD READING

**SB 461** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Berrong, Birdsong, Boecher, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Lamb, Lane, Luton, McSpadden, Martin, Medearis, Nichols, Payne, Phillips, Smith, Stansberry, Stipe, Trent, Williams, Young.—34.

Nay: Baggett, McCune, Miller, Murphy, Smalley.—5.

Excused: Baldwin, Bradley, Breckinridge, Keels, McGraw, Porter, Rogers, Taliaferro, Terrill.—9.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baldwin, Berrong, Birdsong, Boecher, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Lamb, Lane, Luton, McSpadden, Martin, Medearis, Nichols, Payne, Phillips, Smith, Stansberry, Stipe, Terrill, Trent, Williams, Young.—36.

Nay: Baggett, McCune, Miller, Murphy, Smalley.—5.

Excused: Bradley, Breckinridge, Keels, McGraw, Porter, Rogers, Taliaferro.—7.

The emergency was declared passed.

**SB 461** was referred for engrossment.

## DECLARATION OF VOTE

Senator Terrill asked that the record show had he been present at the time of Third Reading and final passage of **SB 461,** he would have voted AYE on the Bill, which was the order.

## GENERAL ORDER

**HJR 1021** by Huddleston, et al, of the House and Baggett of the Senate was read and considered.

Senator Field presiding

Senator Terrill moved to amend **HJR 1021,** Page 2, Lines 7½ through 14 by striking all language on said lines 7½ through 14, which amendment was tabled upon motion of Senator Nichols, the roll call thereon being as follows:

Aye: Baggett, Baldwin, Berrong, Birdsong, Boecher, Capps, Crow, Ferrell, Field, Garrett, Garrison, Graves, Ham, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Lamb, Lane, Luton, McCune, McSpadden, Martin, Medearis, Mur-

phy, Nichols, Payne, Phillips, Smalley, Smith, Stipe, Trent, Williams.—35.

Nay: Dahl, Grantham, Terrill, Young.—4.

Excused: Bradley, Breckinridge, Keels, McGraw, Miller, Porter, Rogers, Stansberry, Taliaferro.—9.

President Pro Tempore Smith presiding.

Senator Baggett moved to amend **HJR 1021,** Page 5, Lines 8 and 9 by striking the words "the next special election or on the date of" in Line 8; and, by striking the words "whichever is earlier" in Line 9, which amendment was declared adopted.

Senator Martin moved to amend **HJR 1021,** Page 4, Line 1, by inserting after the word "years", and before the "period (.)", the following: "provided, further, that the legislature shall be authorized to establish a method for recall elections for county officers", which amendment was tabled upon motion of Senator Baggett.

Upon motion of Senator Baggett, **HJR 1021,** as amended, was advanced to engrossment.

By unanimous consent, upon request of Senator Baggett, **HJR 1021,** as amended, was considered engrossed and placed on third reading and final passage.

## THIRD READING

**HJR 1021,** as amended, was read for the third time at length, as follows:

**HJR 1021**—By Huddleston and Bradley of the House and Baggett of the Senate. A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection a proposal relating to public office; adopting a new Section 10 of Article V of the Constitution of the State of Oklahoma and repealing Section 10A of Article V of the Constitution of the State of Oklahoma; amending Section 2 of Article XVII of the Constitution of the State of Oklahoma; providing for the apportioning of the State into one hundred one House of Representatives Districts; providing for the election of one Representative from each district to serve four-year terms; providing for County Officers; providing for four-year terms for County Officers; providing for ballot title; and providing for a special election.

Be it resolved by the House of Representatives and the Senate of the 1st Session of the 33rd Oklahoma Legislature:

SECTION 1. The Secretary of State shall refer to the people for their approval or rejection, as and in the manner provided by law, the following proposed amendment to the Constitution of the State of Oklahoma:

Section 1. Article V of the Constitution of the State of Oklahoma is hereby amended by adding thereto the following new section:

§ 10. The state shall be apportioned into one hundred one (101) House of Representives districts and one Representative shall be nominated and elected from each district. Each Representative shall hold office for four (4) years.

Section 2. Section 10A of Article V of the Constitution of the State of Oklahoma is hereby repealed.

Section 3. Section 2 of Article XVII of the Constitution of the State of Oklahoma is amended to read as follows:

§ 2. There are hereby created, subject to change by the Legislature, in and for each organized county of this state, the offices of [*Judge of the County Court, County Attorney, Clerk of the District Court,*] County Clerk, Sheriff, County Treasurer, [*Register of Deeds.*] County Surveyor, Superintendent of Public Instruction, COURT CLERK, COUNTY ASSESSOR, AND three County Commissioners, [*and such municipal township officers as are now provided for under the laws of the Territory of Oklahoma, except as in this Constitution otherwise provided.*]

ALL SUCH COUNTY OFFICERS SHALL BE ELECTED FOR FOUR-YEAR TERMS. IN IMPLEMENTING THIS PROVISION, HOWEVER, THE LEGISLATURE MAY PROVIDE FOR INITIAL TERMS FOR

CERTAIN OFFICERS TO BE LESS THAN FOUR (4) YEARS AND MAY PROVIDE THAT TERMS FOR CERTAIN OFFICERS BE BASED ON FISCAL OR SCHOOL YEARS.

SECTION 2. The ballot title for the proposed Constitutional Amendment as set forth in SECTION 1 of this Resolution shall be in the following form:

BALLOT TITLE

Legislative Referendum No. ____

State Question No. ____

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

Shall a Constitutional Amendment repealing present Section 10A and adopting a new Section 10 of Article V and amending Section 2 of Article XVII of the Oklahoma Constitution to provide for four-year terms for House of Representatives members and for county officers and fixing the number of Representatives at one hundred one

be approved by the people?

☐ YES

SHALL THE PROPOSED AMENDMENT BE APPROVED?

☐ NO

SECTION 3. The Chief Clerk of the House of Representatives shall immediately after the effective date of this Resolution prepare and file one copy thereof, including said ballot title, with the Secretary of State and one copy with the Attorney General.

SECTION 4. A special election is hereby ordered to be held throughout the State of Oklahoma on the date of the next primary election, at which the proposed amendment to the Constitution of the State of Oklahoma as set forth in Section 1 of this Resolution shall be submitted to the people of Oklahoma for their approval or rejection in the manner provided by law.

On the question of the passage of Resolution, the roll call was as follows:

Aye: Baggett, Baldwin, Berrong, Birdsong, Boecher, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Lamb, Lane, Luton, McCune, McSpadden, Martin, Mediearis, Murphy, Nichols, Payne, Phillips, Smalley, Smith, Stipe, Terrill, Trent, Williams, Young.—39.

Excused: Bradley, Breckinridge, Keels, McGraw, Miller, Porter, Rogers, Stansberry, Taliaferro.—9.

The Resolution was declared passed.

The question being, "Shall **HJR, 1021,** by Huddleston, et al, of the House and Baggett of the Senate, entitled:

A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection a proposal relating to public office; adopting a new section 10 of Article V of the Constitution of the State of Oklahoma and repealing Section 10A of Article V of the Constitution of the State of Oklahoma; amending section 2 of Article XVII of the Constitution of the State of Oklahoma; providing for the apportioning of the state into one hundred one House of Representatives districts; providing for the election of one representative from each district to serve four-year terms; providing for county officers; providing for four year terms for county officers; providing for ballot title; and providing for a special election.

be ordered referred by the Legislature of the State of Oklahoma for approval or rejection at a special election to be held throughout the State of Oklahoma on the date of the next primary election as provided in Section 4 of said Resolution, which Special Election is hereby ordered and authorized on the date of the next primary election, as provided in Section 1, of Article 24, of the Constitution of Oklahoma?"

The roll was ordered called and resulted as follows:

Aye: Baggett, Baldwin, Berrong, Birdsong, Boecher, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham,

Graves, Ham, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Lamb, Lane, Luton, McCune, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Phillips, Smith, Stipe, Terrill, Trent, Williams, Young.—39.

Excused: Bradley, Breckinridge, Keels, McGraw, Porter, Rogers, Smalley, Stansberry, Taliaferro.—9.

The President Pro Tempore, in open session, declared that a constitutional two-thirds majority of the members elected to and constituting the Senate had voted in favor of calling the Special Election.

**HJR 1021,** as amended, was ordered referred for engrossment.

## DECLARATION OF VOTE

Senator Miller asked that the record show had he been present at the time of Third Reading and final passage of **HJR 1021,** he would have voted AYE on the Bill, which was the order.

Senator Luton presiding.

## GENERAL ORDER

**HB 1587** by Privett of the House and Smith of the Senate was read and considered.

Upon motion of President Pro Tempore Smith, **HB 1587** was advanced to engrossment.

By unanimous consent, upon request of President Pro Tempore Smith, **HB 1587** was considered engrossed and placed on third reading and final passage.

## THIRD READING

**HB 1587** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Baldwin, Berrong, Birdsong, Boecher, Capps, Crow, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Lamb, Lane, Luton, McCune, Martin, Medearis, Miller, Murphy, Nichols, Payne, Phillips, Smalley, Smith, Stipe, Terrill, Williams, Young.—37.

Excused: Bradley, Breckinridge, Dahl, Keels, McGraw, McSpadden, Porter, Rogers, Stansberry, Taliaferro, Trent.—11.

The bill was declared passed.

On the question of passage of emergency the roll call resulted as follows:

Aye: Baggett, Baldwin, Berrong, Birdsong, Boecher, Capps, Crow, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Lamb, Lane, Luton, McCune, Martin, Medearis, Miller, Murphy, Nichols, Payne, Phillips, Smalley, Smith, Stipe, Terrill, Williams, Young.—37.

Excused: Bradley, Breckinridge, Dahl, Keels, McGraw, McSpadden, Porter, Rogers, Stansberry, Taliaferro, Trent.—11.

The emergency was declared passed.

**HB 1587** was ordered withheld pursuant to Rule 19(f).

## UNANIMOUS CONSENT— BILL WITHDRAWN

Senator Garrett asked unanimous consent that **HB 1443** be withdrawn from the calendar and re-referred to the Committee on Revenue and Taxation, which was the order.

Senator Terrill moved after the Clerk's desk is cleared, that the Senate stand adjourned to meet Wednesday, February 2, 1972, at 1:00 P.M., which motion pre-

## BILL RELEASED

**HB 1587** was properly signed and ordered returned to the Honorable House.

Upon motion of Senator Terrill, the Senate adjourned to meet Wednesday, February 2, 1972, at 1:00 P.M.

# Eighteenth Legislative Day

## Wednesday, February 2, 1972

Pursuant to adjournment, the Senate was called to order by President Pro Tempore Smith.

Upon roll call, the following members were present:

Aye: Baggett, Berrong, Birdsong, Boecher, Bradley, Breckinridge, Crow, Dahl, Ferfer, Field, Garrett, Garrison, Grantham, Graves, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Keels, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Phillips, Porter, Rogers, Smalley, Smith, Stansberry, Stipe, Williams, Young.—42.

Excused: Baldwin, Capps, Ham, Taliaferro, Terrill, Trent.—6.

The President Pro Tempore declared a quorum present.

The following prayer was offered by the Chaplain and incorporated upon request of Senator Payne:

Heavenly Father, The ultimate reality in this life is human relationships.

Everything else must become servant to that.

Bring together in this chamber a group of men who will learn—if they have not already learned— to respect and even to love one another.

God make the men who occupy these seats big enough to fight for principles.

And, Father, when programs are being debated here—as they should be debated —keep reminding each man involved that it is not the future of the State he is considering but the future of people—the human beings who make up this State.

The Bible says you have created man but a little lower than the angels and have crowned him with glory and honor. Keep us from doing anything that tends to make just one man less than You have made him to be.

This prayer comes to you in the name of that Perfect Man who becomes the Model for us all—Jesus. Amen.

The Journal for the last legislative day was declared approved.

## REQUEST FOR LOBBY PERMIT

Request for Lobby Permit was filed by the following person and ordered referred to the Committee on Lobby Permits:

Dr. Homer A.M. Cozart, 1840 N. W. 10th Street, Oklahoma City, Oklahoma, representing Oklahoma Chiropractic Physicians Association.

Pursuant to the Baldwin motion made January 25, 1972, relative to the final day for introduction of Senate Bills, the following Communication and list of Senate measures were received:

## COMMUNICATION

Honorable Finis W. Smith
President Pro Tempore
State Senate
State Capitol Building

Dear Mr. President:

Attached you will find a list of drafting requests for bills and joint resolutions received from members of the Senate as of the close of the day January 31, 1972, and not completed as of this date.

The list is divided by author-requestors and each pending request is further identi-

fied by our official request number and the general subject matter of the request.

The drafting of pending requests will be completed as expeditiously as possible.

RESPECTFULLY YOURS,
JACK A. RHODES
DIRECTOR

**DRAFTING REQUESTS**

| AUTHOR-REQUESTOR | REQUEST NO. | GENERAL SUBJECT |
|---|---|---|
| BAGGETT | | |
| | 19 | Children |
| | 863 | Civil Defense Advisory Council |
| | 871 | Oklahoma Educational Television |
| | 884 | Children |
| | 942 | Revenue and Taxation |
| | 943 | Constitutional Amendment |
| | 944 | Insurance |
| | 945 | Elections |
| | 946 | Cities and Towns |
| | 947 | Revenue and Taxation |
| | 948 | Counties |
| | 949 | Constitutional Amendment |
| | 950 | Constitutional Amendment |
| | 951 | Constitutional Amendment |
| | 952 | Constitutional Amendment |
| | 953 | Revenue and Taxation |
| | 954 | Publications |
| | 955 | Oklahoma Tax Commission |
| | 956 | State Legislative Council |
| | 957 | Education |
| | 958 | Bonds |
| | 959 | Revenue and Taxation |
| | 960 | Education |
| | 961 | Education |
| | 962 | Education |
| | 963 | Bonds |
| | 965 | Fees |
| | 966 | Elections |
| | 967 | Elections |
| | 968 | Revenue and Taxation |
| | 969 | Constitutional Amendment |
| | 970 | Children |
| | 971 | Commercial Code |
| | 972 | Bonds |
| | 973 | Education |
| BERRONG | | |
| | 34 | Leasing |
| | 880 | Insurance |
| | 894 | Public Health |
| | 895 | Public Health |
| | 896 | Public Health |
| | 897 | Public Health |
| | 905 | Insurance |
| | 913 | Insurance |
| | 914 | Insurance |
| | 916 | Insurance |
| | 917 | Insurance |
| | 918 | Leasing |
| | 919 | Public Trust |
| BIRDSONG | | |
| | 598 | Pensions |
| | 854 | Insurance |
| | 855 | Public Interest |
| | 856 | Insurance |
| | 857 | Judiciary |
| BOECHER | | |
| | 874 | Wildlife Conservation |
| | 883 | Industrial Development |
| | 877 | Industrial Development |
| BRECKINRIDGE | | |
| | 536 | Agriculture |
| | 537 | Agriculture |
| CAPPS | | |
| | 813 | Agriculture |
| | 819 | Agriculture |
| | 820 | Banks |
| CROW | | |
| | 108 | Water Rights |

| AUTHOR-REQUESTOR | REQUEST NO. | GENERAL SUBJECT |
|---|---|---|
| | 109 | Wildlife Conservation |
| | 562 | Revenue and Taxation |
| | 747 | Ambulance Services |
| | 825 | State Officers |
| | 827 | Agriculture |
| | 839 | Cities and Towns |
| | 840 | Civil Procedure |
| | 898 | Motor Vehicles |
| | 899 | Cable T.V. |
| | 974 | Cable T.V. |
| DAHL | | |
| | 818 | Workmen's Compensation |
| | 868 | Mental Health |
| FERRELL | | |
| | 760 | Education |
| FIELD | | |
| | 500 | Agriculture |
| GARRETT | | |
| | 732 | Civil Procedure |
| | 788 | State Employees |
| | 920 | Criminal Code |
| GARRISON | | |
| | 436 | Counties |
| | 501 | Education |
| | 845 | Civil Procedure |
| | 925 | Fireworks |
| | 964 | Cities and Towns |
| | 978 | Historic Sites |
| GRANTHAM | | |
| | 263 | Courts |
| | 306 | Civil Procedure |
| | 838 | Public Building |
| | 879 | Children |
| | 903 | Electric Service |
| | 904 | Highways |
| GRAVES | | |
| | 227 | Purchasing |
| | 773 | Elections |
| | 886 | Banks and Banking |
| HAM | | |
| | 369 | Crime and Punishment |
| | 808 | Water and Water Rights |
| | 832 | Revenue and Taxation |
| HAMILTON | | |
| | 233 | Legislature |
| | 409 | Education |
| | 573 | Controlled Dangerous Substances |
| | 575 | Insurance |
| | 623 | Licenses |
| | 786 | Contractors |
| | 891 | Education |
| | 893 | State Officers and Employees |
| | 900 | Retirement |
| | 901 | Courts |
| | 907 | Courts |
| | 908 | Courts |
| | 915 | Historic Sites |
| | 976 | Controlled Dangerous Substances |
| HARGRAVE | | |
| | 742 | Intoxicating Liquors |
| | 826 | Counties and County Officers |
| | 872 | Railroads |
| HOLDEN | | |
| | 785 | Property |
| HOWARD | | |
| | 739 | Revenue and Taxation |
| | 833 | Obscene Material |
| | 860 | Commissions |
| HOWELL | | |
| | 162 | Dept. of Public Safety |
| | 221 | Children |
| | 388 | Real Estate |
| | 403 | Revenue and Taxation |
| | 404 | Animals |
| | 771 | State Officers and Employees |
| | 774 | Courts |
| | 779 | Motor Vehicles |
| | 846 | Motor Vehicles |

| AUTHOR-REQUESTOR | REQUEST NO. | GENERAL SUBJECT |
|---|---|---|
| | 859 | Motor Vehicles |
| | 911 | Motor Vehicles |
| | 912 | Controlled Dangerous Substances |
| INHOFE | | |
| | 475 | Public Finance |
| | 780 | Public Finance |
| LAMB | | |
| | 869 | Civil Procedure |
| | 870 | Public Defender |
| | 882 | Children |
| LANE | | |
| | 861 | Compensation |
| LUTON | | |
| | 540 | Fairfax-Kaw City Authority |
| | 541 | Grand River Dam Authority |
| | 668 | Education |
| | 766 | Professions and Occupations |
| | 790 | Elections |
| | 823 | Counties and County Officers |
| | 929 | Elections |
| MARTIN | | |
| | 853 | Motor Vehicles |
| | 876 | Motor Vehicles |
| | 881 | Motor Vehicles |
| MILLER | | |
| | 550 | Education |
| | 551 | Education |
| | 552 | Education |
| | 829 | Education |
| | 862 | Education |
| MURPHY | | |
| | 100 | Children |
| | 472 | Education |
| | 811 | Motor Vehicles |
| | 851 | Water and Water Rights |
| McCUNE | | |
| | 211 | Retirement |
| | 367 | Consumer Credit Code |
| | 921 | Liens |
| McGRAW | | |
| | 246 | Education |
| | 421 | Civil Procedure |
| | 422 | Civil Procedure |
| | 459 | Legislature |
| | 512 | Insurance |
| | 548 | Public Health |
| | 571 | Public Health |
| | 770 | Public Health |
| | 776 | Revenue and Taxation |
| McSPADDEN | | |
| | 794 | Highways |
| | 795 | Commissions |
| | 847 | Education |
| NICHOLS | | |
| | 208 | Board of Public Affairs |
| PHILLIPS | | |
| | 593 | Education |
| | 594 | Courts |
| PORTER | | |
| | 939 | State Officers |
| | 940 | Roads and Highways |
| | 941 | Cities and Towns |
| ROGERS | | |
| | 394 | Courts |
| SMALLEY | | |
| | 667 | Veterans Loan Authority |
| | 681 | Board of Public Affairs |
| | 758 | Education |
| | 801 | Courts |
| | 812 | Bonds |
| | 875 | Dept. of Public Safety |
| | 878 | Revenue and Taxation |
| SMITH | | |
| | 26 | Legislature |
| | 104 | Education |
| | 364 | Oklahoma Statutes |
| | 396 | Professions and Occupations |
| | 476 | Revenue and Taxation |
| | 740 | Education |

| AUTHOR-REQUESTOR | REQUEST NO. | GENERAL SUBJECT |
|---|---|---|
| | 797 | Consumer Affairs |
| | 799 | Elections |
| | 928 | Professions and Occupations |
| | 930 | Elections |
| | 932 | Courts |
| | 933 | Revenue and Taxation |
| | 934 | General Government |
| | 935 | Governmental Reform |
| STIPE | | |
| | 411 | Professions and Occupations |
| | 525 | Motor Vehicles |
| | 730 | Workmen's Compensation |
| | 759 | Labor |
| | 809 | Children |
| | 810 | Employment Security |
| | 864 | Retirement |
| | 865 | Department of Corrections |
| | 877 | Licensing |
| | 885 | Education |
| | 909 | Education |
| | 910 | Education |
| | 975 | Employment Security |
| TERRILL | | |
| | 48 | Revenue and Taxation |
| | 453 | Compensations |
| | 752 | Collection Agencies |
| | 831 | Education |
| TRENT | | |
| | 800 | Elections |
| | 816 | Education |
| | 817 | Parks |
| YOUNG | | |
| | 180 | Courts |
| | 447 | Insurance |
| | 602 | Crime Commission |
| | 729 | Insurance |
| | 828 | Insurance |
| | 830 | Insurance |
| | 841 | Insurance |
| | 842 | Insurance |
| | 843 | Contributions |
| | 844 | Insurance |
| | 866 | Agriculture |
| | 867 | Agriculture |

## COMMIITTEE REPORTS

The following Bills and/or resolutions were reported by the Committees named, ordered printed and placed upon the Calendar unless otherwise indicated:

DO PASS:

**SJR 29**—State and Federal Government.

**HB 1511**—Judiciary.

**HB 1546**—Judiciary.

**HB 1615**—Judiciary.

DO PASS, As Amended:

**SB 453**—Education—Higher, as co-authored by Luton, Miller and Medearis of the Senate and Kennedy of the House.

## FIRST READING

The following Bills and/or Resolutions were introduced and read the first time:

**SB 493**—By Breckinridge—An Act relating to schools; amending 70 O.S. 1971, § 3415; deleting the provisions for an advisory committee to the Director of the Oklahoma Agricultural Experiment Station.

**SB 494**—By McGraw—An Act relating to insurance; creating a "State Property Insurance Fund"; providing for administration and stating purpose of the fund; providing composition of fund and providing for extent of coverage and premium; stating entities to be covered; stating types of coverage to be provided; stating powers and duties of State Insurance Fund Commissioner; providing for severability; and declaring an emergency.

**SB 495**—By McGraw and Hamilton—An Act relating to licensing and registration of motor vehicles; defining and classifying "ambulance service vehicles" specially

for license fee purposes; fixing amount of annual license fee thereon; apportioning revenue; providing for codification; and declaring an emergency.

## SECOND READING

The following Bills and/or Resolutions were read the second time and referred to Committees indicated:

**SB 492**—Banks and Banking.

**SJR 45**—Revenue and Taxation.

**HJR 1023**—Governmental Reform.

**HJR 1037**—Roads and Highways.

## UNANIMOUS CONSENT— BILL WITHDRAWN

Senator Murphy asked unanimous consent that **SB 470** be withdrawn from the calendar and re-referred to the Committee on Roads and Highways, which was the order.

## GENERAL ORDER

**HB 1093** by Briscoe, et al, of the House and McSpadden, Ferrell and Smalley of the Senate was read and considered.

Senators Crow and Dahl asked to be made co-authors of **HB 1093**, which was the order.

Upon motion of Senator McSpadden, **HB 1093,** as co-authored, was advanced to engrossment.

By unanimous consent, upon request of Senator McSpadden, **HB 1093,** as co-authored, was considered engrossed and placed on third reading and final passage.

## THIRD READING

**HB 1093** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Birdsong, Boecher, Bradley, Breckinridge, Crow, Dahl, Ferrell, Field, Grantham, Graves, Hamilton, Hargrave, Holden, Howard, Howell, Keels, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Phillips, Porter, Rogers, Smalley, Smith, Stansberry, Stipe, Williams, Young.—38.

Excused: Baldwin, Berrong, Capps, Garrett, Garrison, Ham, Inhofe, Taliaferro, Terrill, Trent.—10.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baggett, Birdsong, Boecher, Bradley, Breckinridge, Crow, Dahl, Ferrell, Field, Grantham, Graves, Hamilton, Hargrave, Holden, Howard, Howell, Keels, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Phillips, Porter, Rogers, Smalley, Smith, Stansberry, Stipe, Williams, Young.—38.

Excused: Baldwin, Berrong, Capps, Garrett, Garrison, Ham, Inhofe, Taliaferro, Terrill, Trent.—10.

The emergency was declared passed.

**HB 1093** was referred for engrossment.

## GENERAL ORDER

**SB 404,** by McSpadden and Hamilton of the Senate and Willis, et al, of the House was read and considered.

Senator Inhofe asked to be made a co-author of **SB 404,** which was the order.

Senator Stipe moved to amend **SB 404,** Page 1, by crippling the title.

Senator Baggett moved to table the Stipe motion, which motion failed of adoption.

The vote occurring on the Stipe amendment, it was declared adopted.

Upon motion of Senator McSpadden, **SB 404,** as co-authored and amended, was advanced to engrossment.

By unanimous consent, upon request of Senator McSpadden, **SB 404,** as co-authored and amended, was considered engrossed and placed on third reading and final passage.

## THIRD READING

**SB 404** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Birdsong, Boecher, Bradley, Breckinridge, Crow, Dahl, Ferrell, Field, Grantham, Graves, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Miller, Murphy, Nichols, Payne, Phillips, Porter, Rogers, Smalley, Smith, Stansberry, Stipe, Williams, Young.—37.

Nay: Keels.—1.

Excused: Baldwin, Berrong, Capps, Garrett, Garrison, Ham, Medearis, Taliaferro, Terrill, Trent.—10.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baggett, Birdsong, Boecher, Bradley, Breckinridge, Crow, Dahl, Ferrell, Field, Grantham, Graves, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Miller, Murphy, Nichols, Payne, Phillips, Porter, Rogers, Smalley, Smith, Stansberry, Stipe, Williams, Young.—37.

Nay: Keels.—1.

Excused: Baldwin, Berrong, Capps, Garrett, Garrison, Ham, Medearis, Taliaferro, Terrill, Trent.—10.

The emergency was declared passed.

**SB 404** was referred for engrossment.

## RESOLUTIONS

Senator Hamilton introduced the following Resolution:

**SCR 81**—By Hamilton—A Concurrent Resolution requesting the Oklahoma State Regents for Higher Education to change the name of Poteau Junior College to Carl Albert Junior College; and directing notification accordingly.

Senator Hamilton asked unanimous consent that all other Senators be made co-authors of **SCR 81,** which was the order.

Senator Hamilton, citing Rule 8(c), asked unanimous consent that Representative Sullivan be added as House author of **SCR 81,** which was the order.

**SCR 81,** as co-authored, was read at length, adopted upon motion of Senator Hamilton and ordered referred for engrossment.

Senator Birdsong introduced the following Resolution:

**SCR 80**—By Birdsong of the Senate and Hopkins of the House—A Concurrent Resolution expressing the profound regret and sorrow of the members of the 33rd legislature at the death of Lieutenant Darrell D. Pierce of the Oklahoma City Police Department, and extending the heartfelt sympathy of all members of the 33rd Legislature to the family and relatives of the deceased; and directing distribution.

Senator Birdsong asked unanimous consent that all other Senators be made co-authors of **SCR 80,** which was the order.

**SCR 80,** as co-authored, was read at length as follows, adopted upon motion of Senator Birdsong and ordered referred for engrossment.

**SCR 80**—By Birdsong, Baggett, Baldwin, Berrong, Boecher, Bradley, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Keels, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Phillips, Porter, Rogers, Smalley, Smith, Stansberry, Stipe, Taliaferro, Terrill, Trent, Williams and Young of the Senate and Hopkins of the House.

A Concurrent Resolution expressing the profound regret and sorrow of the members of the 33d Legislature at the death of Lieutenant Darrell D. Pierce of the Oklahoma City Police Department, and extending the heartfelt sympathy of all members of the 33d Legislature to the family and relatives of the deceased; and directing distribution.

WHEREAS, on the 25th day of January, 1972, death claimed Lieutenant Darrell D. Pierce, a member of the Oklahoma City Police Force; and

WHEREAS, he was vigorous in his support of liberty and freedom and understood that those great human rights were pro-

tected by vigorous enforcement of the law; and

WHEREAS, his courage was displayed not only in the field of law enforcement, but in the field of medicine by his voluntary contribution to medical research; and

WHEREAS, the relentless efforts of this beloved man were continuously utilized in perpetuating the welfare and progress of not only the community in which he lived, but the whole world as well.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE 2ND SESSION OF THE 33RD OKLAHOMA LEGISLATURE, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

SECTION 1. The members of the 33rd Legislature express their profound regret and sorrow at the death of Lieutenant Darrell D. Pierce, of the Oklahoma City Police Department, and express heartfelt sympathy to the family and relatives of the deceased.

SECTION 2. Copies of this Resolution shall be distributed to wife and other members of Lieutenant Pierce's family and a copy to the Oklahoma City Police Department.

Senator Howell presiding.

## GENERAL ORDER

**SB 124** by Smalley, Berrong, Ferrell, Garrett and McSpadden of the Senate was read and considered.

Senator Williams asked to be made co-author of **SB 124,** which was the order.

Senator Smalley asked unanimous consent that further consideration of **SB 124** be deferred momentarily, which was the order.

## MESSAGE FROM THE HOUSE

Advising passage of and returning Engrossed **SB 12,** as co-authored and amended.

**HA** to **SB 12** read as follows, and consideration deferred:

Authors: Add the following coauthors: Cate and Payne of the House.

Amendment No. 1. Strike the Title, Enactment Clause and entire Bill and substitute the following:

An Act relating to collection agencies; defining terms; providing for the good of the general public; providing for the grant of certain authority to Department of Consumer Affairs; providing for examinations; providing for applications and issuance of licenses; making it unlawful to operate or conduct business of collection agency without valid license; providing for revocation and other proceedings, including appeals; providing penalty for violations; providing exclusions; providing for severability; and declaring an emergency.

Be it enacted by the people of the State of Oklahoma:

SECTION 1. When used in this act the following words and terms, unless the context clearly indicates otherwise, shall be construed as having the meaning ascribed to them in this section:

1. "Collection agency" means and includes all persons engaging, directly or indirectly and as a primary or secondary object, business or pursuit, in soliciting claims for collection or in the collection of claims owed or due or asserted to be owed or due to another. Any person, when engaged in collecting claims for another, where the employment is for one or more persons, is engaged as a collection agency.

2. "Fictitious name" means and includes all persons using a fictitious name in collecting their own claims with the intention of conveying to the debtor that a third party has been employed or the use of any deceptive representation or deceptive means to collect or attempt to collect debts or to obtain information concerning debtors.

3. "Collection forms" means any forms, letters or questionnaires, to effect or assist in collection of debts.

4. "Person" includes an individual, partnership, corporation, firm or association.

5. "Accounts" means all claims assigned to or solicited by a person for collection and those assigned to a person shall be considered to have been given or assigned for a good and valuable consideration, and such assignment shall vest in such person all rights which would vest in an assignee for collection, including the right to be represented by counsel at all stages, and for all purposes incidental to the collection of accounts.

6. "Debt" shall mean money which is due or alleged to be due from one to another.

7. "Debtor" shall mean one who owes or is alleged to owe a money debt.

8. "Creditor" shall mean one to whom a money debt is due or is alleged to be due.

9. "Customer or client" is a creditor employing services of collection agency.

SECTION 2. The Department of Consumer Affairs shall be responsible for the administration of the provisions of this act. All applications for licenses provided for in this act shall be made to the Department of Consumer Affairs for investigation. The Department of Consumer Affairs shall investigate the qualifications of each applicant. The Department of Consumer Affairs shall, after investigating the qualifications of each applicant for a license, determine whether such license should or should not be granted. If the Department of Consumer Affairs finds that the applicant is unqualified it shall refuse to issue a license to the applicant but, if the determination is that the applicant is qualified, it shall issue a license to the applicant upon the payment of the license fee and the furnishing of the bond provided for in this act. Any applicant who is refused a license under this act may appeal from such refusal to the district court of Oklahoma County or the district court of the county in which such applicant, in his or its application, states his or its personal place of business in the state is to be located.

SECTION 3. A. The Department of Consumer Affairs shall have the authority to adopt and issue, and from time to time may amend, rules of general application for the administration of this act, for regulating the business of collection agencies and for the protection of the general public; provided, such rules and regulations are consonant with the provisions of this act and further that the Department of Consumer Affairs shall keep a record of all of the proceedings, transactions, communications, and official acts of the Department of Consumer Affairs, be custodian of all the records and perform such other duties as may be necessary to carry out the intent and purpose of the act.

B. The Department of Consumer Affairs shall prescribe the form of licenses to be issued by it and the forms of the applications for such licenses and for renewals thereof.

SECTION 4. A. The license provided for by this act shall be issued only to persons who are trustworthy, have a good reputation for honesty and fair dealings, who are financially responsible, and who are, in the opinion of the Department of Consumer Affairs, competent to conduct or operate a collection agency. The fee for said license or any renewal thereof shall be Fifty Dollars ($50.00) per year on a calendar year basis.

B. At such times as the Administrator shall deem necessary, the Administrator or his duly authorized representative shall make an examination of the place or places of business of each licensee and shall inquire into and examine the loans, transactions, books, accounts, papers, correspondence and records of such licensee insofar as they pertain to the business regulated by this act. In the course of such examination, the Administrator or his duly authorized representative shall have free access to the office, place of business, files, safes and vaults of such licensee, and shall have the right to make

copies of such books, accounts, papers, correspondence and records. The Administrator or his duly authorized representative may, during the course of such examination, administer oaths and examine any person under oath upon any subject pertinent to any matter about which the Administrator is authorized or required by this act to consider, investigate or secure information. Any licensee who shall fail or refuse to let the Administrator or his duly authorized representative examine or make copies of such books, or other relevant documents, shall thereby be deemed in violation of this act and such failure or refusal shall constitute grounds for the suspension or revocation of such license. The information obtained in the course of such examination shall be confidential. Each licensee shall pay to the Administrator an amount assessed by the Administrator to cover the direct and indirect cost of such examination and a proportionate share of general administrative expense, and the total cost so assessed and charged a licensee in any one calendar year shall not exceed One Hundred Dollars ($100.00) for each licensed office.

SECTION 5. A. As a means of enabling the Department of Consumer Affairs to judge the financial responsibility of the applicant for a license or for a renewal license, there shall be attached to each application for a license, or application for a renewal license, a financial statement of the applicant and partners, showing assets and liabilities of the applicant and truly reflecting the applicant's net worth, which financial statement shall be acknowledged by the applicant before some person authorized to administer oaths in this state.

B. The application for a license or for a renewal license, as the case may be, shall be made on the form therefor prescribed by the Departmnt of Consumer Affairs and shall be accompanied by a cashier's check in the amount of Fifty Dollars ($50.00) payable to the order of the Department of Consumer Affairs, which sum shall be retained by the Department of Consumer Affairs as payment of the annual fee for such license or renewal license if application is approved and if the license or renewal license is thereafter issued.

C. No such license shall be issued to any person, firm, corporation or association who or which is not a resident of this state or does not keep and maintain a regular office in this state in which are kept complete records of collections and claims handled by such person, firm, corporation or association for creditors residing in this state and against debtors residing in this state, nor shall any license be issued to any person, firm, corporation or association who or which has, or the principal officers of which have, within the past five (5) years, been convicted in any court of fraud or have been convicted of or had judgment entered against them in any court for failure to account to their client or customer for money or property collected by them for such client or customer.

D. If the applicant for license or for renewal of a license is an individual, the application shall state the full residence address and business address of the applicant, and that the applicant is to be personally and actively in charge of the business for which the license is sought, or if any other person is to be actively in charge of such business the application shall so state and set forth the name and address of such person.

E. If the applicant for license is a partnership, the application shall state the true names and addresses of all partners and the name of the partner to be actively in charge of the business for which the license is sought; or if a person other than a partner is to be actively in charge of the business then the application shall state the name and address of such person. Each such application shall be subscribed and verified by all the partners, and if any other person is to be actively in charge of the business the application shall also state whether any of the partners or the person to be in charge has ever been ad-

judged a bankrupt or made an assignment for the benefit of his creditors.

F. If the applicant for license is a corporation, the application shall state the true names and addresses of all officers and the name of the officer to be actively in charge of the business for which the license is sought; or if a person other than an officer is to be actively in charge of the business then the application shall state the name and address of such person. Each such application shall be subscribed and verified by the principal officers, and if any other person is to be actively in charge of the business the application shall also state whether any of the officers or the person to be in charge has ever been adjudged a bankrupt or made an assignment for the benefit of his creditors.

G. No license shall be issued in any fictitious name which may be confused with or which is similar to any federal, state, county or municipal governmental function or agency, or in any name which may tend to describe any business function or enterprise not actually engaged in by the applicant, or in any name which is the same as or so similar to that of any existing licensee as would tend to deceive the public, or in any name which would otherwise tend to be deceptive or misleading. The foregoing shall not necessarily preclude the use of a name which may be followed by a geographically descriptive title which would distinguish it from a similar name licensed but operating in a different geographical area. No person licensed or exempted under this act shall use, issue or present to a debtor, any document, instrument or paper constructed and designed to be deceptive by appearing to be a court instrument, order or other legal process.

H. The application shall also state whether the applicant has ever been adjudged a bankrupt, has a judgment of record against him or made an assignment for the benefit of his creditors.

I. The application shall be subscribed and verified by the applicant, and if any other person is to be actively in charge of such business the application shall also be subscribed and verified by such person.

SECTION 6. A. The Department shall notify the applicant within thirty (30) days after receipt of the application of the time and date of hearing. Said hearing shall be held within sixty (60) days of the date of the application. The Department of Consumer Affairs shall notify the applicant upon Commission approval of the application. Within thirty (30) days after receipt of notice that his application has been approved, the applicant shall furnish to the Department of Consumer Affairs a good and sufficient corporate surety bond in the penal sum of Five Thousand Dollars ($5,000.00), payable to the State of Oklahoma and conditioned that the principal named in the bond shall truly and faithfully account for and pay to his clients and customers each month or at such time as otherwise agreed between said principal and his clients and customers all sums collected by him on their behalf during the preceding month. Upon approval of said bond, the license shall be issued by the Department of Consumer Affairs.

B. If such application is not approved, or if after approval thereof the applicant fails to furnish the corporate surety bond within the period of time as above provided, then and in either of said events, the Department of Consumer Affairs shall not return said applicant's cashier's check to him but shall furnish the applicant with an explanation as to why he was rejected.

C. When the applicant has furnished and given sufficient corporate surety bond in the sum of Five Thousand Dollars ($5,000.00) conditioned that the licensee shall truly and faithfully perform all agreements entered into with the licensee's clients or customers, and conditioned that the licensee shall not damage or defraud the general public or any member thereof, which bond shall be in such form as approved by the Department of Consumer Affairs and shall be filed in the office thereof, an action may be brought in any court of competent jurisdiction upon such bond by any person

to whom the licensee fails to account and pay as set forth in such bond or who has been damaged by failure of the licensee to comply with all agreements entered into with such person; provided, that the aggregate liability of the surety to all such persons shall in no event exceed the sum of such bond.

SECTION 7. All licenses issued under the provisions of this act shall expire on December 31 following the date of issuance unless renewed as provided in this section prior to such date. Each licensee shall, if he desires to have his license renewed, make application to the Department of Consumer Affairs for such renewal on or before December 1 of each year and shall, with such application, furnish the bond required by this act or furnish evidence of the continuation in effect of the prior bond so furnished and pay the renewal fee provided for in this act. Such licenses shall be renewed by the Department of Consumer Affairs unless its recommendation is that such application for renewal be denied. If an application for renewal of a license is denied, the applicant may appeal from such refusal the same as from the refusal to issue an original license. Upon renewal of a license, the Department of Consumer Affairs shall issue to the licensee a new license or a certificate of renewal of the previous license as shall be determined by the Department of Consumer Affairs and in such form as it shall determine.

SECTION 8. A. Upon final conviction of any licensee by any court in the State of Oklahoma of fraud or embezzlement or upon final judgment against such licensee in any court in the State of Oklahoma for fraud or embezzlement or for failure to report to and pay to his or its clients or customers the net proceeds of all collection due to each client or customer, or upon the termination of the bond furnished by the licensee under this act without another sufficient bond being substituted therefor, the Department of Consumer Affairs shall forthwith cancel and terminate such license. Such license shall also be canceled and terminated by the Department of Consumer Affairs at any time a licensee fails to maintain a regular office in this state in which are kept complete records of all collections and claims handled and being handled by such licensee or at any time the licensee becomes a nonresident of this state or, in the case of a corporation, is no longer licensed to do business in this state. Such license shall also be canceled and terminated if after a hearing, as provided in this act, the Department of Consumer Affairs recommends that such license or certificate be canceled and terminated.

B. The Department of Consumer Affairs shall have the duty and authority to investigate any complaint and upon its own motion or upon the sworn complaint of any customer or client of a licensee cite such licensee to appear before it at a time and place as set forth in such citation to show cause, if any there be, why such license should not be canceled or terminated. Such citation shall be in writing and shall set forth the exact charges against the licensee and a true copy thereof shall be served on such licensee at least twenty (20) days prior to the day of hearing in the same manner as summons of the district courts are served and by an officer authorized to serve such summons.

C. In the preparation for and the conduct of such hearings, the Department of Consumer Affairs shall have the power to issue subpoenas to require the attendance and testimony of witnesses and the production of any pertinent records, papers, books and documents and may administer oaths, examine witnesses and take any evidence it deems pertinent to a proper determination of the charge. The party against whom such citation is issued shall have the right to obtain from the Department of Consumer Affairs subpoenas for witnesses such party may desire to have at such hearing. Depositions may be taken and used at such hearings

the same as taken and used in civil actions in the district courts of this state.

D. After such hearing, the Department of Consumer Affairs shall state its findings and recommendations in the matter. If the Department of Consumer Affairs finds that the cited licensee has failed to comply with the intent and purposes of this act, or has failed to account to a customer or client or has defrauded any member of the general public as provided for in this act or is not financially responsible, it shall cancel such license. A certified copy of the findings of the Department of Consumer Affairs shall be served upon the cited licensee by either certified or registered mail within five (5) days from the filing of such findings by the Department of Consumer Affairs.

SECTION 9. A. Any refusal to grant a license under the provisions of this act or the revocation of the license may be reversed, vacated or modified by the district court of the county where the applicant for a license or a licensee resides or has his or its principal place of business in the state. The procedure to obtain such reversal, vacation or modification shall be by the filing with the Department of Consumer Affairs of a notice of intention to appeal, followed by the filing of a petition in the district court setting forth the contentions upon which such party relies for such reversal, vacation or modification. Such notice of intention to appeal shall be filed with the Department of Consumer Affairs within twenty (20) days following the mailing of a copy of the findings of the Department of Consumer Affairs as required by this act. The petition shall be filed in the district court within ten (10) days of the filing of such notice of appeal. It shall be unnecessary to issue or serve a summons upon the filing of the petition referred to in this section. It shall be deemed to be sufficient notice of the filing of such petition if a copy thereof is filed with the Department of Consumer Affairs. The time for answering or otherwise pleading to such petition shall be as in other cases in the district court. Upon the filing of a notice of intention to appeal with the Department of Consumer Affairs as provided in this section, the Department of Consumer Affairs shall prepare and deliver to the appellant on request a transcript of the proceedings and a transcript of the testimony and evidence before the Department of Consumer Affairs, which transcript of the proceedings shall contain:

1. a copy of the application for license;

2. a copy of the findings and recommendations of the Department of Consumer Affairs; and

3. a copy of the order of the Department of Consumer Affairs refusing to grant the license or canceling the license, as the case may be.

Such transcript shall be filed in the district court of the proper county as designated in this section with the petition, if received by the appellant within the time permitted for the filing of the petition, if not, as soon thereafter as the same may be received from the Department of Consumer Affairs. The jurisdiction of the district court shall attach when the petition on appeal has been filed and shall not depend upon the filing of the transcript. The appeal provided for in this section shall be heard and tried de novo in the district court in the manner provided for the trial of suits in equity. Additional testimony may be introduced at the hearing on appeal. The appellant shall deposit with the Department of Consumer Affairs the costs of the transcript of the proceedings and the transcript of the testimony and evidence before the Department of Consumer Affairs when requesting the same. Unless otherwise provided by this act, the Oklahoma Administrative Procedures Act (Title 75 O.S., § 301 et seq.) shall be followed in carrying out the provisions of this act, and in conducting any appeals to the district courts.

B. Pending final determination of an appeal as provided in subsection A of this section, the holder of a license shall be permitted to do business as a collection

agency until final determination of said appeal is made.

SECTION 10. Should a licensed collection agency change the location of its place of business, the licensee shall forthwith notify the Department of Consumer Affairs within ten (10) days of such change and the Department of Consumer Affairs shall thereupon issue a new license setting forth the new address. Said licensee shall display his or its license in a conspicuous place in his or its principal place of business whether it be the original license or renewal of same.

SECTION 11. All fees for licenses issued under the provisions of this act shall be remitted by the Department of Consumer Affairs to the State Treasurer and by him deposited to the credit of the General Revenue Fund.

SECTION 12. It shall be unlawful for any person, firm, corporation or association to engage in the business of collecting or soliciting claims, accounts or obligations for others, or to conduct or operate a collection agency in this state unless he, she or it has obtained and is the holder of a valid license issued pursuant to the provisions of this act. No person shall use, cause to be used in his behalf, sell or otherwise place in the hands of others for use, in connection with the collection of or the attempt to collect a debt, or in connection with obtaining or attempting to obtain information concerning a debtor, any forms, letters, questionnaires or other material printed or written which do not clearly and conspicuously disclose that such are used for the purpose of collecting or attempting to collect a debt or to obtain or attempt to obtain information concerning the debtor when the communication suggests that its objective is other than to collect a debt or obtain information concerning a debtor. Any person, firm, corporation or association violating this section shall be guilty of a misdemeanor, and upon conviction thereof be punished by a fine of not less than One Hundred Dollars ($100.00) nor more than Five Hundred Dollars ($500.00) or be confined in the county jail not less than ten (10) days nor more than thirty (30) days, or both such fine and imprisonment for each day that such unlawful business is conducted. Any officer or agent of the firm, corporation or association, if he shall personally participate in any violation of this act, shall be subject to the same penalties as set forth in this section.

SECTION 13. The provisions of this act shall not apply to:

1. Attorneys at law;

2. Any person who is a regular full-time or part-time employee acting on behalf of his employer or affiliate, associate or subsidiary of his employer;

3. A person collecting accounts for not more than one employer if all collection efforts of such person are carried on in the name of said employer and an employer-employee relation exists between them;

4. Court officials;

5. Duly licensed real estate brokers or agents in transactions involved in their real estate business;

6. A person registered as a broker-dealer, agent or investment advisor under the provisions of Section 202 of Title 71 of the Oklahoma Statutes;

7. Savings and loan associations;

8. Any supervised lender licensed under the supervision of the Department of Consumer Affairs;

9. Any title insurance company;

10. Any state or national bank or trust company;

11. A parent company or its subsidiary who collects their own debts owing to the other company, which debts result from the sale of goods, wares or merchandise, in the ordinary course of their respective businesses;

12. Common carriers;

13. Any person acting pursuant to a judgment or order of a court or pursuant to any law of this state or of the United States;

14. Nonprofit consumer counseling services, even though a charge may be made for such services;

15. Any person who makes an intermittent or casual collection of a debt and who is not engaged in the business or practice of collection of debts and who does not hold himself out as being regularly engaged in the business of collecting debts; or

16. Any state or national bank or trust company acting pursuant to a reciprocal agreement.

SECTION 14. The provisions of this act are severable and if any part or provision hereof shall be held void the decision of the court so holding shall not affect or impair any of the remaining parts or provisions of this act.

SECTION 15. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

## MESSAGE FROM THE HOUSE

Advising fourth reading of and transmitting for signature Enrolled **HBs 1345** and **1587.**

The above numbered Enrolled Bills were, after fourth reading, properly signed and ordered returned to the Honorable House.

## GENERAL ORDER

**SB 455** by McCune and Lamb of the Senate was read and considered.

Upon motion of Senator McCune, **SB 455** was advanced to engrossment.

By unanimous consent, upon request of Senator McCune, **SB 455** was considered engrossed and placed on third reading and final passage.

## THIRD READING

**SB 455** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Berrong, Birdsong, Boecher, Bradley, Breckinridge, Crow, Dahl, Ferrell, Field, Garrison, Grantham, Graves, Hargrave, Howard, Howell, Inhofe, Keels, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Payne, Phillips, Porter, Rogers, Smith, Stansberry, Stipe, Williams, Young. —36.

Excused: Baggett, Baldwin, Capps, Garrett, Ham, Hamilton, Holden, Nichols, Smalley, Taliaferro, Terrill, Trent.—12.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Berrong, Birdsong, Boecher, Bradley, Breckinridge, Crow, Dahl, Ferrell, Field, Garrison, Grantham, Graves, Hargrave, Howard, Howell, Inhofe, Keels, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Payne, Phillips, Porter, Rogers, Smith, Stansberry, Stipe, Williams, Young. —36.

Excused: Baggett, Baldwin, Capps, Garrett, Ham, Hamilton, Holden, Nichols, Smalley, Taliaferro, Terrill, Trent.—12.

The emergency was declared passed.

**SB 455** was referred for engrossment.

## GENERAL ORDER

**SB 436** by Young and Grantham of the Senate was read and considered.

Upon motion of Senator Young, **SB 436** was advanced to engrossment.

By unanimous consent, upon request of Senator Young, **SB 436** was considered engrossed and placed on third reading and final passage.

## THIRD READING

**SB 436** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Birdsong, Boecher, Bradley, Breckinridge, Crow, Dahl, Ferrell, Field, Grantham, Graves, Hargrave, Howard, Howell, Inhofe, Keels, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Phillips, Porter, Rogers, Smith, Stansberry, Williams, Young.—34.

Nay: Garrison, Stipe.—2.

Excused: Baggett, Baldwin, Berrong, Capps, Garrett, Ham, Hamilton, Holden, Smalley, Taliaferro, Terrill, Trent.—12.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Birdsong, Boecher, Bradley, Breckinridge, Crow, Dahl, Ferrell, Field, Grantham, Graves, Hargrave, Howard, Howell, Inhofe, Keels, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Phillips, Porter, Rogers, Smith, Stansberry, Williams, Young.—34.

Nay: Garrison, Stipe.—2.

Excused: Baggett, Baldwin, Berrong, Capps, Garrett, Ham, Hamilton, Holden, Smalley, Taliaferro, Terrill, Trent.—12.

The emergency was declared passed.

**SB 436** was referred for engrossment.

## GENERAL ORDER

**SB 447**—By Young and Grantham of the Senate and McCune of the House was read and considered.

Upon motion of Senator Young, **SB 447** was advanced to engrossment.

By unanimous consent, upon request of Senator Young, **SB 447** was considered engrossed and placed on third reading and final passage.

## THIRD READING

**SB 447** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Birdsong, Boecher, Bradley, Breckinridge, Crow, Dahl, Ferrell, Field, Garrison, Grantham, Graves, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Keels, Lamb, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Payne, Phillips, Rogers, Smalley, Smith, Stansberry, Stipe, Williams, Young.—37.

Excused: Baldwin, Berrong, Capps, Garrett, Ham, Lane, Nichols, Porter, Taliaferro, Terrill, Trent.—11.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baggett, Birdsong, Boecher, Bradley, Breckinridge, Crow, Dahl, Ferrell, Field, Garrison, Grantham, Graves, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Keels, Lamb, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Payne, Phillips, Rogers, Smalley, Smith, Stansberry, Stipe, Williams, Young.—37.

Excused: Baldwin, Berrong, Capps, Garrett, Ham, Lane, Nichols, Porter, Taliaferro, Terrill, Trent.—11.

The emergency was declared passed.

**SB 447** was referred for engrossment.

## MESSAGE FROM THE HOUSE

Advising passage of and returning Engrossed **SBs 401** and **424.**

The above numbered Bills were referred for enrollment.

## MESSAGE FROM THE HOUSE

Advising rejection of **SAs** to Engrossed **HBs 1551, 1561, 1562, 1563,** and **1564,** requesting Conference and referring said Bills to **GCCA.**

## REPORT OF ENGROSSED AND ENROLLED BILLS

**SBs 440, 461, SCR 81, SJR 42,** and **HJR 1021** each correctly engrossed.

Engrossed **SBs 440, 461 SCR 81,** and **SJR 42,** were each properly signed and or-

dered transmitted to the Honorable House for consideration.

Engrossed **HJR 1021,** together with Engrossed **SAs**, was properly signed and ordered returned to the Honorable House.

## GENERAL ORDER

**SB 451** by Martin and Miller of the Senate was read and considered.

Senator Martin, citing Rule 8(c) asked unanimous consent that Representative Payne be added as House Author of **SB 451,** which was the order.

Senator Hamilton, citing Rule 8(c), asked unanimous consent that Representative Sullivan be added as House Author of **SB 451,** which was the order.

Senator Martin asked unanimous consent that further consideration of **SB 451** be deferred for this legislative day, with amendments attached thereto, which was the order.

**SB 124** was taken up for further consideration.

Senators Smalley and Holden moved to amend **SB 124,** Page 10, by restoring the language on Lines 8 through 10, which amendment was declared adopted.

Upon motion of Senator Smalley, **SB 124,** as co-authored and amended, was advanced to engrossment.

By unanimous consent, upon request of Senator Smalley, **SB 124,** as co-authored and amended, was considered engrossed and placed on third reading and final passage.

## THIRD READING

**SB 124** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Berrong, Birdsong, Breckinridge, Crow, Dahl, Ferrell, Field, Garrett, Grantham, Graves, Hamilton, Hargrave, Howard, Howell, Inhofe, Keels, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Miller, Murphy, Payne, Phillips, Porter, Rogers, Smalley, Smith, Stansberry, Stipe, Williams.—35.

Nay: Garrison, Holden.—2.

Excused: Baldwin, Boecher, Bradley, Capps, Ham, Medearis, Nichols, Taliaferro, Terrill, Trent, Young.—11.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baggett, Berrong, Birdsong, Breckinridge, Crow, Dahl, Ferrell, Field, Garrett, Grantham, Graves, Hamilton, Hargrave, Howard, Howell, Inhofe, Keels, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Miller, Murphy, Payne, Phillips, Porter, Rogers, Smalley, Smith, Stansberry, Stipe, Williams.—35.

Nay: Garrison, Holden.—2.

Excused: Baldwin, Boecher, Bradley, Capps, Ham, Medearis, Nichols, Taliaferro, Terrill, Trent, Young.—11.

The emergency was declared passed.

**SB 124** was referred for engrossment.

## GENERAL ORDER

**SB 468** by Miller of the Senate was read and considered.

Senator Crow, citing Rule 8(c), asked unanimous consent that Representative Abbott be added as House Author of **SB 468,** which was the order.

Senators Crow, Stipe, Garrison, Ferrell, Payne, Lane, Phillips, Berrong, Williams, Field, McCune, and Lamb moved to amend **SB 468,** Page 6, Line 18½ by adding a new section 2 to read as follows: "SECTION 2. 70 O.S. 1971, § 18-102 is hereby repealed.", and by renumbering subsequent sections and conforming title thereto.

Senator Miller asked unanimous consent that further consideration of **SB 468** be deferred this legislative day, with amendments attached thereto, which was the order.

**HB 1513** by McCune, et al, of the House and Grantham of the Senate was read and considered.

Upon motion of Senator Grantham, **HB 1513** was advanced to engrossment.

By unanimous consent, upon request of Senator Grantham, **HB 1513** was considered engrossed and placed on third reading and final passage.

## THIRD READING

**HB 1513** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Berrong, Birdsong, Boecher, Breckinridge, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Hamilton, Holden, Howard, Howell, Inhofe, Keels, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Phillips, Smith, Stansberry, Stipe, Williams, Young.—37.

Excused: Baldwin, Bradley, Capps, Ham, Hargrave, Porter, Rogers, Smalley, Taliaferro, Terrill, Trent.—11.

The bill was declared passed.

On the question of passage of emergency the roll call resulted as follows:

Aye: Baggett, Berrong, Birdsong, Boecher, Breckinridge, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Hamilton, Holden, Howard, Howell, Inhofe, Keels, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Phillips, Smith, Stansberry, Stipe, Williams, Young.—37.

Excused: Baldwin, Bradley, Capps, Ham, Hargrave, Porter, Rogers, Smalley, Taliaferro, Terrill, Trent.—11.

The emergency was declared passed.

**HB 1513** was ordered withheld pursuant to Rule 19(f).

Senator Birdsong moved when the Clerk's desk is cleared, that the Senate stand adjourned to meet Thursday, February 3, 1972, at 10:00 A.M., which motion prevailed.

## BILL RELEASED

**HB 1513** was properly signed and ordered returned to the Honorable House.

Upon motion of Senator Birdsong, the Senate adjourned to meet Thursday, February 3, 1972, at 10:00 A.M.

# Nineteenth Legislative Day

## Thursday, February 3, 1972

Pursuant to adjournment, the Senate was called to order by President Pro Tempore Smith.

Upon roll call, the following members were present:

Baggett, Berrong, Birdsong, Boecher, Breckinridge, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Hamilton, Holden, Howard, Howell, Inhofe, Keels, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Mediearis, Miller, Murphy, Nichols, Payne, Phillips, Porter, Rogers, Smalley, Smith, Stansberry, Stipe, Terrill, Williams, Young. —41.

Excused: Baldwin, Bradley, Capps, Ham, Hargrave, Taliaferro, Trent.—7.

The President Pro Tempore declared a quorum present.

Prayer was offered by Senator Nichols.

The Journal for the last legislative day was declared approved.

### FIRST READING

The following Bills and/or Resolutions were introduced and read the first time:

**SB 496**—By Berrong of the Senate and Miskelly, Dunn and Cartwright of the House—An Act relating to state officers and employees; enacting the "State Travel Reimbursement Act"; providing procedures and circumstances under which travel expense by state officers and employees and certain others may be reimbursed; making provisions mandatory on state officers and employees; providing for review of expenditures; repealing 74 O.S. 1971, §§ 291, 500.1 through 500.14, and 516, and certain conflicting laws; directing codification; making provisions severable; providing an operative date; and declaring an emergency.

**SB 497**—By Stipe—An Act relating to motor vehicles; amending 47 O.S. 1971, § 22.4; authorizing the Oklahoma Tax Commission to prescribe, within certain limitations, the size of vehicle license plates and the size and number of letters and figure combinations on such license plates, including personalized plates; directing codification; and declaring an emergency.

**SB 498**—By Stipe of the Senate and Hopkins of the House—An Act relating to insurance; amending 36 O.S. 1971, § 312.1; providing for report, disbursement and appropriation of insurance premium taxes; providing for records and statements; providing for increase in amount of premium tax allowable to police pension and retirement systems in 1973, 1974 and thereafter; and declaring an emergency.

### SECOND READING

The following Bills and/or Resolutions were read the second time and referred to Committees indicated.

**SB 493**—Education—Higher.

**SB 494**—Insurance.

**SB 495**—Roads and Highways.

### DECLARATION OF VOTE

Senator Terrill asked that the record show had he been present at the time of Third Reading and final passage of **SB 404** and the adoption of **SCRs 80** and **81,** he would have voted AYE on the Bill and the Resolutions, which was the order.

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

Upon motion of Senator McSpadden, the request of the Honorable House for conference on **HBs 1561, 1551, 1562, 1563** and 1564 was granted, said Bills to be referred to **GCCA.**

**RESOLUTION**

Senator Berrong introduced the following Resolution:

**SCR 82**—By Berrong of the Senate and and Willis of the House—A Concurrent Resolution expressing the grateful appreciation of the State Senate and House of Representatives to the Honorable Paul S. Cooke upon his retirement and commending his distinguished record of service to the Legislature and the People of Oklahoma; expressing best wishes upon his retirement from Public Service; and directing distribution.

Senator Berrong asked unanimous consent that all other Senators be made co-authors of **SCR 82,** which was the order.

**SCR 82,** as co-authored, was read at length, adopted upon motion of Senator Berrong and ordered referred for engrossment.

Senator Rogers presiding.

**GENERAL ORDER**

**SJR 43** by Young of the Senate was read and considered.

Upon motion of Senator Young, **SJR 43** was advanced to engrossment.

By unanimous consent, upon request of Senator Young, **SJR 43** was considered engrossed and placed on third reading and final passage.

**THIRD READING**

**SJR 43,** as amended, was read for the third time at length, as follows:

**SJR 43,** as amended—By Young.—A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection a proposed amendment to the Constitution of Oklahoma amending Section 8, Article VII of the Oklahoma Constitution, by deleting the provision that there be at least one Associate District Judge for each county from Section 8, Article VII, which provides for classification of judges, their qualifications, jurisdictions, powers and terms of office; providing for a ballot title; and ordering a special election.

Be it resolved by the Senate and the House of Representatives of the 2nd session of the 33rd Oklahoma Legislature:

SECTION 1. The Secretary of State of the State of Oklahoma shall refer to the people for their approval or rejection, as and in the manner provided by law, the following proposed amendment to the Constitution of Oklahoma, amending Section 8, Article VII, to read as follows:

SECTION 8. (a) The judges of the district court shall be district judges, associate district judges, and special judges. Each district judge, each associate district judge, and each special judge shall be selected according to the provisions of this article.

(b) Superior court judges shall become district court judges on the effective date of this article.

(c) Common pleas, county, children's and juvenile court judges shall become associate district judges in the following manner: Those judges whose terms expire after the effective date of this article shall become associate district judges on the effective date of this article. Those judges whose terms expire on or before the effective date of this article, shall be subject to selection, in a manner provided by law, as associate district judges for a term expiring the day preceding the second Monday in January, 1971, and the selectees shall become associate district judges on the effective date of this article.

*(d) There shall be at least one Associate District Judge for each County in the State.* The number of district judges, including superior court judges who become district judges, and associate dis-

trict judges shall continue at the number held over under this article until changed by statute. The district judges and associate district judges shall exercise all jurisdiction in the district court except as otherwise provided by law. The district courts, or any judges thereof, shall have the power to issue any writs, remedial or otherwise, necessary or proper to carry into effect their orders, judgments, or decrees.

(e) The appointment of any judge to any court abolished by this article made after its adoption shall be for a period ending on the day preceding the effective day of this article.

(f) The terms of district judges and associate district judges shall be for four (4) years commencing on the second Monday of January in 1971 and vacancies shall be filled in the manner provided by law.

(g) Each district judge shall have had, prior to election or appointment, a minimum of four (4) years' experience as a licensed practicing attorney, or as a judge of a court of record, or both, within the State of Oklahoma; shall be a qualified elector of the respective district; and shall have such additional qualifications as may be prescribed by statute. Each associate district judge shall be an attorney licensed to practice in the State of Oklahoma and an elector in the county at the time of filing; and they shall have such additional qualifications as prescribed by statute. Both district judges and associate district judges shall continue to be licensed attorneys while in office.

(h) The district judges in each judicial administrative district shall appoint special judges to serve at their pleasure. The district judges may appoint a nonlawyer as a special judge if no qualified licensed attorney is available. The jurisdiction of special judges shall be limited as may be prescribed by statute. The formula used for the number of special judges to be allowed to each judicial administrative district shall be set by the Legislature. All judges of special sessions courts shall become special judges for the remainder of their terms.

(i) District judges, associate district judges and special judges may hold court anywhere in this state authorized by a rule of the Supreme Court.

SECTION 2. The ballot title for the proposed amendment to the Oklahoma Constitution shall be in the following form:

BALLOT TITLE

Legislative Referendum No.____

State Question No.____

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

Shall a Constitutional Amendment

amending Section 8, Article VII, of the Constitution of the State of Oklahoma by deleting the provision that there be at least one associate district judge for each county in the state from Section 8, Article VII, which provides for classification of judges, qualifications, their jurisdictions, powers and terms of office

be approved by the people?

☐ YES

SHALL THE PROPOSED AMENDMENT BE APPROVED?

☐ NO

SECTION 3. The President Pro Tempore of the Senate shall immediately alter the effective date of this Resolution, prepare and file one copy thereof, including said ballot title, with the Secretary of State, and one copy with the Attorney General.

SECTION 4. A special election is hereby ordered to be held throughout the State of Oklahoma on the date of the next ensuing statewide primary election, at which the proposed amendment to the Constitution of the State of Oklahoma set forth in Section 1 of this Resolution shall be submitted to the people of Oklahoma for their approval as and in the manner provided by law.

On the question of the passage of Resolution, the roll call was as follows:

Aye: Baggett, Berrong, Birdsong, Breck-

inridge, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Howard, Howell, Inhofe, Keels, Luton, McCune, McGraw, Martin, Medearis, Miller, Murphy, Nichols, Smalley, Smith, Terrill, Young.—26.

Nay: Boecher, Crow, Dahl, Hamilton, Holden, Lamb, Lane, McSpadden, Payne, Phillips, Porter, Rogers, Stansberry, Stipe, Williams.—15.

Excused: Baldwin, Bradley, Capps, Ham, Hargrave, Taliaferro, Trent.—7.

The Resolution was declared passed.

The question being, "Shall **SJR 43,** by Young of the Senate entitled:

A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection a proposed amendment to the Constitution of Oklahoma amending Section 8, Article VII of the Oklahoma Constitution, by deleting the provision that there be at least one associate district judge for each county from Section 8, Article VII, which provides for classification of judges, their qualifications, jurisdictions, powers and terms of office; providing for a ballot title; and ordering a special election.
be ordered referred by the Legislature of the State of Oklahoma for approval or rejection at a special election to be held throughout the State of Oklahoma on the date of the next ensuing Statewide Primary Election as provided in Section 4 of said Resolution, which Special Election is hereby ordered and authorized on the date of the next ensuing Statewide Primary Election, as provided in Section 1, of Article 24, of the Constitution of Oklahoma?"

The roll was ordered called and resulted as follows:

Aye: Baggett, Berrong, Birdsong, Breckinridge, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Howard, Howell, Inhofe, Keels, Lamb, Luton, McCune, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Rogers, Smalley, Smith, Terrill, Young.—28.

Nay: Boecher, Crow, Dahl, Hamilton, Holden, Lane, Payne, Phillips, Porter, Stansberry, Stipe, Williams.—12.

Excused: Baldwin, Bradley, Capps, Ham, Hargrave, McGraw, Taliaferro, Trent.—8.

The Presiding Officer, in open session, declared the Special Election Feature, having failed to receive a constitutional two-thirds majority vote of the members elected to and constituting the Senate, failed of passage.

## MOTION TO RECONSIDER VOTE

As provided under Rule 19(b), Senator Young moved that the vote be reconsidered by which the Special Election Feature of **SJR 43** failed of passage.

As provided under Rule 19(b), Senator Crow moved the vote be reconsidered by which **SJR 43** passed.

## MESSAGE FROM THE HOUSE

Advising adoption of and returning Engrossed **SCR 81,** as co-authored by entire House Membership.

The above numbered Resolution was referred for enrollment.

## MESSAGE FROM THE HOUSE

Advising passage of and transmitting for consideration Engrossed:

**HB 1670**—By Miskelly and Witt—An Act relating to state officers and employees; amending 74 O.S. 1971, §§ 1253 and 1256; fixing assignment period to an interchange program; and providing for supervision of salaries and duties of the assigned employee.

**HB 1680**—By Willis and Miskelly of the House and McSpadden and Hamilton of the Senate—(Appropriations from designated State Funds to pay unpaid claims and emergency).

The above numbered **HBs** were read for the first time.

## MESSAGE FROM THE HOUSE

Advising adoption of and transmitting for consideration Engrossed:

**HCR 1061**—By Payne of the House and Trent of the Senate—A Concurrent Resolution recognizing the National Sandbass Festival in Madill, Oklahoma; declaring the week of June 11 through June 17, 1972, as National Sandbass Festival Week in the State of Oklahoma; and directing distribution.

**HCR 1062**—By Andrews, et al, of the House—A Concurrent Resolution expressing the esteem of the Oklahoma Legislature for Mr. Ward Fowler and the gratitude of the Legislature for his years of service to the State and its people on the occasion of his retiring from his post as Assistant Secretary of the State Election Board; and directing distribution.

Consideration of the Resolutions was deferred for this Legislative day.

## MESSAGE FROM THE HOUSE

Advising passage of and returning Engrossed **SBs 409** and **415,** as co-authored and amended, and **SBs 399, 416, 425** and **426,** as amended.

**HAs** to **SB 409** read as follows, and consideration deferred:

Authors: Add the following coauthor: Hatchett of the House.

Amendment No. 1. Amend Page 1, Line 10, by restoring the Title to read as follows:

"An Act relating to the office of the Oklahoma Historical Society and making appropriation thereto; stating the purpose; providing that the administrative secretary shall fix the duties and compensation of employees; providing the administrative secretary with authority to buy equipment, pay hourly wages and other necessary expenses from the appropriation for microfilming; providing lapse date; making provisions of this Act severable; and declaring an emergency."

Amendment No. 2. Amend Page 1, Line 14, by striking the Enacting clause.

**HAs** to **SB 415** read as follows, and consideration deferred:

Authors: Add the following coauthor: Hatchett of the House.

Amendment No. 1. Amend Page 1, Line 10, by restoring the Title to read as follows:

"An Act relating to the Oklahoma Department of Veterans Affairs, the Oklahoma Veterans Center, Sulphur, Okla, the Oklahoma Veterans Center, Ardmore, Oklahoma, and the Oklahoma War Veterans Commission and making appropriations thereto; stating the purpose; providing for transfer of funds; making an appropriation from the War Veterans Commission revolving fund and stating the purpose; providing for administration of The Department of Veterans Affairs, and each of the institutions listed in this Act; providing for appointment and compensation of personnel; providing for authority to enter into agreements with the Vocational Rehabilitation Division of the Oklahoma Public Welfare Department, for rehabilitation of disabled veterans; providing for method of making purchases; appropriating funds for contracting with the Department of Mental Health for services rendered veterans; prescribing method of aiding destitute minor dependents; providing for lapse date; making provisions of this Act severable; and declaring an emergency."

Amendment No. 2. Amend Page 1, Line 16, by striking the Enacting Clause.

**HAs** to **SB 399** read as follows, and consideration deferred:

Amendment No. 1. Amend Page 1, Line 10, by restoring the Title to read as follows:

"An Act relating to the Office of the Attorney General and making appropriations thereto; stating the purpose; making an appropriation for the operation of the Office of the Commissioner of Narcotics and Dangerous Drugs Control; providing that the Attorney General shall fix the duties and compensation of employees; providing lapse date; making provisions of this Act severable; and declaring an emergency."

Amendment No. 2. Amend Page 1, Line 18, by striking the Enacting Clause.

**HAs** to **SB 416** read as follows, and consideration deferred:

Amendment No. 1—Amend Page 1, Line 11½, by restoring the Title to read as follows:

"An Act relating to the State Accrediting Agency and making an appropriation to said Agency; stating the purpose; authorizing transfer of funds; authorizing appointment of personnel and expenditure of funds; providing lapse date; making provisions of this Act severable; and declaring an emergency."

Amendment No. 2—Amend Page 1, Line 17, by striking the Enacting Clause.

**HAs** to **SB 425** read as follows and consideration deferred:

Amendment No. 1—Amend Page 1, Line 10, by restoring the Title to read as follows:

"An Act relating to the office of the Chief Mine Inspector and making appropriations thereto; stating the purpose; appropriating funds for Mine Inspectors' Institute of America Convention; providing that the Chief Mine Inspector shall fix the duties and compensation of employees within certain limitations; providing lapse date; making provisions of this Act severable; and declaring an emergency."

Amendment No. 2—Amend Page 1, Line 17, by striking the Enacting Clause.

**HA** to **SB 426** read as follows, and consideration deferred:

Amendment No. 1—Amend Page 1, Line 10, by striking the Title and substitute in lieu thereof the following:

(State Mining Board and emergency).

Senator Smalley presiding.

## REPORT OF ENGROSSED AND ENROLLED BILLS

**SBs 404, 436, 447, 455, SCR 80** and **HB 1093** each correctly engrossed.

**SBs 401** and **424** each correctly enrolled.

Engrossed **SBs 404, 436, 447, 455** and **SCR 80** were each properly signed and ordered transmitted to the Honorable House for consideration.

Engrossed **HB 1093,** together with Engrossed **SAs,** was properly signed and ordered returned to the Honorable House.

Enrolled **SBs 401** and **424** were, after fourth reading, properly signed and ordered transmitted to the Honorable House for the signature of the Speaker.

## GENERAL ORDER

**SB 451** was considered further.

Upon motion of Senator Martin, **SB 451** was advanced to engrossment.

Senator Martin moved to reconsider the vote by which **SB 451** was advanced to engrossment, which motion was declared adopted.

Senators Miller and Hamilton moved to amend **SB 451,** Page 2, Line 18, by striking after the word "OF" on Line 17 and before the word "but" on Line 18, the words "EACH WARD" and substituting therefor the words "the outlying territory", which amendment was declared adopted.

Senator Miller moved to amend **SB 451,** Page 2, Line 14, by striking after the word "COMPRISES", and before the word "TEN" on Line 15, the words "LESS THAN" and substituting the words "at least", which amendment was declared adopted.

Senator Payne presiding.

Senator Baggett moved to amend **SB 451,** Page 2, Line 8, by striking all of Line 8 on Page 2 through the word "ward" in Line 3 on Page 3 and substitute the following: "Within six (6) months after the publication of each decenniel census the board of education of each school district shall divide the territory of the school district into the number of election districts equal to the number of members of such board. One member of the board must be elected from each such election

district and reside therein during his term.

Senator Martin asked unanimous consent that further consideration of **SB 451** be deferred for this legisaltive day, amendments attached thereto, which was the order.

There being matters on the President's desk for the consideration of the Senate in executive session, it was upon motion of Senator Terrill that the Senate closed its doors and went into executive session.

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The Senate reassembled in open session, with President Pro Tempore Smith presiding, who made the following announcements:

The Senate, in executive session, and upon motion of Senator Lane, advised and consented to the confirmation of CARL ASKEW, JR., Hugo, Oklahoma, as a Member of the State Board of Pharmacy for a five (5) year term ending June 30, 1973, and effective upon Senate confirmation. Mr. Askew succeeds Clyde Miller.

The Senate, in executive session, and upon motion of Senator Terrill, advised and consented to the confirmation of JACK CARTER, Lawton, Oklahoma, as a Member of the Oklahoma Industrial Development and Park Commission for a six (6) year term ending August 1, 1977, and effective upon Senate confirmation. Mr. Carter succeeds Mr. Frank Sneed.

The Senate, in executive session, and upon motion of Senator Holden, advised and consented to the confirmation of SCOTT OUSLEY, Marlow, Oklahoma, as a Member of the Board of Regents for the Oklahoma College of Liberal Arts for a seven (7) year term ending July 1, 1975, and effective upon Senate confirmation. Mr. Ousley succeeds Dr. Ed Calhoun.

The Senate, in executive session, and upon motion of Senator Miller, advised and consented to the confirmation of MACK M. BRALY, Ada, Oklahoma, as a Member of the Board of Regents of Oklahoma University for a seven (7) year term ending March 29, 1977, and effective upon Senate confirmation. Mr. Braly succeeds Dr. V. M. Lockard.

The Senate, in executive session, and upon motion of Senator McCune, advised and consented to the confirmation of JOEL CARSON, Oklahoma City, Oklahoma, as a Member of the Board of Regents, Oklahoma College of Liberal Arts, for a seven (7) year term ending July 1, 1973, and effective upon Senate confirmation. Mr. Carson will serve the unexpired term of Mr. Grady Harris, Jr.

The Senate, in executive session, and upon motion of Senator McCune, advised and consented to the confirmation of DR. JAMES B. LOWE, Oklahoma City, Oklahoma, as a Member of the Board of Regents for Higher Education for a nine (9) year term ending May 16, 1980, and effective upon Senator confirmation. Dr. Lowe succeeds William T. Payne.

The Senate, in executive session, and upon motion of Senator Keels, advised and consented to the confirmation of JOHN MISKOVSKY, Oklahoma City, Oklahoma, as a Member of the Oklahoma Boxing Commission for a six (6) year term ending December 31, 1977, and effective upon Senate confirmation.

The Senate, in executive session, and upon motion of Senator Field, advised and consented to the confirmation of JULIUS COX, Boise City, Oklahoma, as a Member of the Oklahoma Railroad Maintenance Authority for a two (2) year term ending July 1, 1973, and effective upon Senate confirmation.

The Senate, in executive session, and upon motion of Senator McCune, advised and consented to the confirmation of MRS. CELIA P. MIDDLETON, Oklahoma City, Oklahoma, as a Member of the Oklahoma State Board of Electrology for a term ending May 10, 1974, and effective upon Senate confirmation. Mrs. Middleton succeeds R. H. Burgtorf.

The Senate, in executive session, and upon motion of Senator Berrong, advised and consented to the confirmation of

BRYAN POTTER, Elk City, Oklahoma, as a Member of the State Board of Pharmacy for a five (5) year term ending June 30, 1976, and effective upon Senate confirmation. Mr. Potter succeeds John Wright.

The Senate, in executive session, and upon motion of Senator Breckinridge, advised and consented to the confirmation of MRS. PATRICIA A. OTTO, Tulsa, Oklahoma, as a Member of the State Board of Electrology for a three (3) year term ending May 10, 1975, and effective upon Senate confirmation. Mrs. Otto succeeds Yvonne Bullard.

The Senate, in executive session, and upon motion of Senator Berrong, advised and consented to the confirmation of ROY CRAIG, Leedy, Oklahoma, as a Member of the Oklahoma Railroad Maintenance Authority for a six (6) year term ending July 1, 1977, and effective upon Senate confirmation.

The Senate, in executive session, and upon motion of Senator Williams, advised and consented to the confirmation of BRANDON FROST, Woodward, Oklahoma, as a Member of the Oklahoma Railroad Maintenance Authority for a four (4) year term ending July 1, 1975, and effective upon Senate confirmation.

The Senate, in executive session, and upon motion of Senator Inhofe, advised and consented to the confirmation of REAVIS M. PAGE, Tulsa, Oklahoma, as a Member of the Oklahoma State Board of Public Accountancy for a five (5) year term ending June 30, 1976, and effective upon Senate confirmation. Mr. Page succeeds Mr. Paul S. Lovoi.

The Senate, in executive session, and upon motion of Senator Hamilton, advised and consented to the confirmation of HERMAN L. THOMAS, Poteau, Oklahoma, as a Member of the Board of Trustees, Poteau Junior College, for a four (4) year term ending November 24, 1975, and effective upon Senate confirmation. This is an original appointment.

The Senate, in executive session and upon motion of Senator Hamilton, advised and consented to the confirmation of BOB LEE KIDD, JR., Poteau, Oklahoma, as a Member of the Board of Trustees, Poteau Junior College, for a three (3) year term ending November 24, 1972, and effective upon Senate confirmation. This is an original appointment.

The Senate, in executive session, and upon motion of Senator Hamilton, advised and consented to the confirmation of MIKE SNAPP, Poteau, Oklahoma, as a Member of the Board of Trustees, Poteau Junior College for a two (2) year term ending November 24, 1973, and effective upon Senate confirmation. This is an original appointment.

The Senate, in executive session, and upon motion of Senator Terrill, on behalf of Senator McSpadden, advised and consented to the confirmation of JAMES SUMMERLIN, Claremore, Oklahoma, as a Member of the Board of Regents for Claremore Junior College for a five (5) year term ending June 30, 1976, and effective upon Senate confirmation. Mr. Summerlin succeeds Mr. Bob Kidd.

The Senate, in executive session, and upon motion of President Pro Tempore Smith, on behalf of Senator Bradley, advised and consented to the confirmation of MARSHALL PERRY, Sand Springs, Oklahoma, as a Member of the Oklahoma Liquefied Petroleum Gas Board for a four year term ending June 30, 1974, and effective upon Senate confirmation. Mr. Perry succeeds himself.

The Senate, in executive session, and upon motion of Senator Crow, advised and consented to the confirmation of CARL HATTON, Altus, Oklahoma, as a Member of the Liquefied Petroleum Gas Board for a four (4) year term ending June 30, 1975, and effective upon Senate confirmation. Mr. Hatton succeeds himself.

**UNANIMOUS CONSENT — BILL WITHDRAWN**

Senator Miller asked unanimous consent

that **SB 467** be withdrawn from the calendar, and re-referred to the Committee on Education—Common, which was the order.

Senator Terrill moved after the Clerk's desk is cleared, that the Senate stand adjourned to meet Monday, February 7, 1972, at 1:00 P.M., which motion prevailed.

Upon motion of Senator Terrill, the Senate adjourned to meet Monday, February 7, 1972, at 1:00 P.M.

# Twentieth Legislative Day

## Monday, February 7, 1972

Pursuant to adjournment, the Senate was called to order by Senator Terrill, who was designated so to do by the President Pro Tempore.

Upon roll call, the following members were present:

Aye: Baggett, Baldwin, Berrong, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Keels, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Phillips, Rogers, Smalley, Smith, Stansberry, Stipe, Taliaferro, Terrill, Trent, Williams, Young. —46.

Excused: Bradley, Porter.—2.

The Presiding Officer declared a quorum present.

The following prayer was offered by Reverend Don Wells, Pastor, First Presbyterian Church, Cushing, Oklahoma, and incorporated upon request of Senator Murphy:

Our Father, we worry a lot. We become too occupied with all the things we feel that we have to do.

As a result, we don't take time for You and we don't take time for ourselves.

When we feel trapped by everything we are doing, we worry.

Lord, we know that worrying is stewing without doing.

We know that it wastes our time, takes our strength, and overloads us with guilt, but we still we worry.

We worry about how those at home are going to react to us.

We worry about numerous details. We worry about each other, we worry about ourselves.

Help us to re-examine our priorities, change our worry to concern, take our concern and help us to put it into action that will serve Your purpose. Amen.

President Pro Tempore Smith presiding.

The Journal for the last legislative day was declared approved.

## COMMITTEE REPORTS

The following Bills and/or Resolutions were reported by the Committees named, ordered printed and placed upon the Calendar unless otherwise indicated:

DO PASS:

**SB 419**—Appropriations and Budget.

DO PASS, As Amended:

**SB 402**—Appropriations and Budget.

**SB 411**—Appropriations and Budget, coauthored by Senator Crow.

**SB 418**—Appropriations and Budget.

**SB 428**—Appropriations and Budget, coauthored by Senator Crow.

**SB 430**—Appropriations and Budget, coauthored by Senator Crow.

**CS** for **SB 463**—Appropriations and Budget.

**SB 473**—Insurance.

**SB 474**—Insurance.

**SB 475**—Insurance.

**HJR 1037**—Roads and Highways.

**FIRST READING**

The following Bills and/or Resolutions were introduced and read the first time:

**SB 499**—By Boecher of the Senate and York of the House—An Act relating to Industrial development; creating the Oklahoma Industrial Development Commission; providing for appointment and qualification of members; providing for per diem and travel expenses; fixing authority and duties of the Commission; creating the Department of Industrial Development in the Office of the Governor; authorizing the Governor to appoint a director, assistant director and other employees, and fix their salaries; providing that certain personnel shall be in the unclassified service of the state; creating an Industrial Division, Research Division and Information and Advertising Division within the department, and prescribing authority and duties of each; authorizing Governor to create other divisions and define their authority by executive order; abolishing Oklahoma Industrial Development and Park Commission and Oklahoma Industrial Development and Park Department as to their authority and duties relating to industrial, business and economic development, and research, and transferring their authority, duties, records, functions, contractural obligations, equipment, supplies and personnel to the department herein created; providing that employees under merit system be retained under merit system; defining duties and authority of director; authorizing director and other employees of industrial division to be reimbursed for necessary travel and subsistence within and without the state; directing transfer of funds to department; repealing 74 O.S. 1971 §§ 671, 673, 675, 676 and 679 through 685; providing for severability; providing for operative date; and declaring an emergency.

**SB 500**—By Howard of the Senate and Abbott of the House—An Act relating to the Oklahoma Commission on Ad Valorem Tax Structure and Public School Finance; appropriating the sum of fifteen thousand dollars thereto for the purpose of paying per diem and travel expenses of nonlegislative members thereof; providing that appropriation shall be fiscal; and declaring an emergency.

**SB 501**—By Dahl and Stipe—An Act relating to Workmen's compensation; amending 85 O.S. 1971, § 22; providing compensation for deafness due to industrial causes including occupations which are hazardous to hearing; and declaring an emergency.

**SB 502**—By Hargrave and Smith—An Act relating to counties and county officers; amending 19 O.S. 1971, § 215.15; providing for assistants, investigators, clerks and stenographers appointed by the District Attorney; and declaring an emergency.

**SB 503**—By Garrett of the Senate and McCune of the House—An Act relating to cities and towns; amending 11 O.S. 1971, § 20.1; allowing disposition of municipal court files and papers pertaining to violations of city ordinances, except court dockets, after five years instead of fifteen years; and declaring an emergency.

**SB 504**—By Young—An Act relating to insurance; prohibiting the acquisition of certain stock by domestic insurers; directing codification; and setting an effective date.

**SB 505**—By Smith—An Act relating to revenue and taxation; amending 68 O.S. 1971, §§ 2353, 2358 and 2362; providing definitions of terms; providing distinctions to a result that the tax imposed by 68 O.S. 1971, § 2355, be inapplicable to trustees of irrevocable trusts created by Oklahoma nonresidents for Oklahoma nonresident beneficiaries; providing for adjustments to arrive at Oklahoma taxable income and Oklahoma adjusted gross income; providing options in valuation of property received by beneficiaries from wills or trust estates where a valuation basis of other than value at date of decedent's death was applied for federal estate taxation; providing for severability; and declaring an emergency.

**SB 506**—By Luton and Baggett of the Senate and Odom and Monks of the House

—An Act relating to professions and occupations; recognizing the profession of physician's assistant and requiring a certificate; granting to the board of Medical Examiners the power and authority to regulate said profession; directing codification; and declaring an emergency.

**SB 507**—By McGraw—An Act relating to revenue and taxation; amending 68 O.S. 1971, § 2358; allowing as a deduction certain expenses up to five hundred dollars for taxpayers or dependents who are enrolled and attending institutions of learning; specifying minimum number of months as a student and course work load; and defining terms.

**SB 508**—By Breckinridge—An Act relating to the Oklahoma Livestock Registry Board; repealing 4 O.S. 1971 §§ 211 through 230; and declaring an emergency.

**SB 509**—By Luton—An Act relating to elections; amending 26 O.S. 1971, § 102.1; providing the County Election Board of any county having a population of 56,000 to 80,000 is directed to provide for a general reregistration of electors and redistricting of such county; and declaring an emergency.

**SB 510**—By Garrison of the Senate and Ford of the House—An Act relating to schools; eliminating the office of county superintendent of schools; allowing completion of present terms of office; transferring duties, authority and functions to the State Superintendent of Schools; transferring the duties and functions of county school district clerk to the State superintendent of Schools; repealing 70 O.S. 1971, §§ 4-101 through 4-111, and all laws and parts of laws in conflict herewith; and declaring an emergency.

**SB 511**—By McSpadden and Dahl of the Senate and Abbott of the House—An Act relating to schools; amending 70 O.S. 1971, § 4-101, fixing qualifications for county superintendent; providing for standard master's degree or administrator's certificate as a qualification; and declaring an emergency.

**SB 512**—By Smalley—An Act relating to the Standardization Committee; repealing 74 O.S. 1971, § 86.3, which establishes such Committee; and declaring an emergency.

**SB 513**—By Smalley—An Act relating to veterans; repealing 72 O.S. 1971, §§ 261 through 278, which establish the Oklahoma Veterans Loan Authority; and declaring an emergency.

**SB 514**—By Smalley—An Act relating to civil procedure; providing in any action for damages for failure to deliver goods, wares or merchandise, the prevailing party shall be allowed attorney fees, to be taxed on costs against the losing party; and declaring an emergency.

## SECOND READING

The following Bills and/or Resolutions were read the second time and referred to Committees indicated:

**SB 496**—Appropriations and Budget.

**SB 497**— Revenue and Taxation.

**SB 498**—Appropriations and Budget.

**HB 1670**—Parks, Forestry and Industrial Development.

**HB 1680**—Appropriations and Budget.

## GENERAL ORDER

**SJR 29** by Dahl of the Senate was read and considered.

Senators Boecher and Hamilton asked to be made co-authors of **SJR 29,** which was the order.

Upon motion of Senator Dahl, **SJR 29,** as co-authored, was advanced to engrossment.

By unanimous consent, upon request of Senator Dahl, **SJR 29,** as co-authored, was considered engrossed and placed on third reading and final passage.

## THIRD READING

**SJR 29** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follow:

Aye: Baggett, Berrong, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Keels, Lamb, Lane, McCune, McGraw, McSpadden, Martin, Miller, Murphy, Payne, Phillips, Smalley, Smith, Stansberry, Stipe, Terrill, Young.—37.

Excused: Baldwin, Bradley, Ham, Luton, Medearis, Nichols, Porter, Rogers, Taliaferro, Trent, Williams.—11.

The bill was declared passed.

**SJR 29** was referred for engrossment.

## GENERAL ORDER

**SB 449** by Howell of the Senate was read and considered.

Senator Payne presiding.

Senator Howell asked unanimous consent that further consideration of **SB 449** be deferred for this legislative day, which was the order.

## MESSAGE FROM THE HOUSE

Advising passage of and transmitting for consideration Engrossed:

**HB 1520**—By Elder and McCune of the House and Lamb of the Senate—An Act relating to records in the offices of court clerks; authorizing destruction of certain papers after the elapse of a prescribed period; and declaring an emergency.

**HB 1602**—By McCune—An Act relating to records in court clerks' offices; amending 12 O.S. 1971, §§ 23, 30 and 705; prescribing bookkeeping methods; repealing 12 O.S. 1971, §§ 702 and 703; renumbering 12 O.S. 1971, §§ 704 and 705; and declaring an emergency.

**HB 1613**—By Willis and Miskelly of the House and McSpadden and Hamilton of the Senate—An Act relating to various state agencies and making a supplemental appropriation thereto; stating the purposes; providing lapse date; making provisions of this Act severable; and declaring an emergency.

**HB 1648**—By Pierce—An Act relating to schools; amending 70 O.S. 1971, § 1-114; providing certain tuition exception for first grade students; and counting such attendance as legal.

**HB 1649**—By Privett, Willis, Mountford, Miskelly and Whorton of the House and Smith, McSpadden and Hamilton of the Senate—An Act relating to state officers and employees; amending 47 O.S. 1971, § 2-304, and 74 O.S. 1971, §§ 919 and 920; providing for employer contributions and payroll deductions of the Retirement and Pension Fund of the Department of Public Safety; providing for payroll deductions and employer contributions for the Oklahoma Public Employees Retirement System; revising certain payroll deductions and employer contributions; directing codification; providing operative date; and declaring an emergency.

**HB 1662**—By Boatner and Sullivan—An Act relating to courts; amending 20 O.S. 1971, § 1202, to provide for quarterly transfer of money from District Court Fund to Law Library Fund, beginning July 1, 1972, in the amount of one dollar for all civil cases, except those on the small claims docket, which were filed in the district court in which regular cost deposit was made; provided that in counties having a population in excess of two hundred seventy-five thousand and containing a city having a population in excess of two hundred twenty-five thousand, according to the latest federal decennial census, the amount shall be one dollar and fifty cents for each such filing; repealing 20 O.S. 1971, §§ 1203 and 1218; providing for codification; establishing an operative date; and declaring an emergency.

The above numbered **HBs** were read for the first time.

## MESSAGE FROM THE HOUSE

Advising passage of and returning Engrossed **SB 412,** as amended.

**HAs** to **SB 412** read as follows, and consideration deferred:

Amendment No. 1. Restore Title:

"AN ACT RELATING TO THE OFFICE OF THE GOVERNOR - DIVISION OF ECONOMIC OPPORTUNITY AND MAKING AN APPROPRIATION THERETO; STATING THE PURPOSE; PROVIDING FOR APPOINTMENT AND COMPENSATION OF PERSONNEL; PROVIDING LAPSE DATE; MAKING PROVISIONS OF THIS ACT SEVERABLE; AND DECLARING AN EMERGENCY."

Amendment No. 2. Strike the Enacting Clause.

## MESSAGE FROM THE HOUSE

Advising fourth reading of and returning Enrolled **SBs 401** and **424.**

The above numbered Enrolled Bills were referred to the Governor.

## MESSAGE FROM THE HOUSE

Advising fourth reading of and transmitting for signature Enrolled **HB 1513.**

The above numbered Enrolled Bill was, after fourth reading, properly signed and ordered returned to the Honorable House.

## REPORT OF ENGROSSED AND ENROLLED BILLS

**SCR 82** correctly engrossed.

**SCR 81** correctly enrolled

Engrossed **SCR 82** was properly signed and ordered transmitted to the Honorable House for consideration.

Enrolled **SCR 81** was properly signed and ordered transmitted to the Honorable House for the signature of the Speaker.

## GENERAL ORDER

**HB 1546** by Elder, et al, of the House and Garrett of the Senate was read and considered.

Senators Birdsong, Luton and Terrill asked to be made co-authors of **HB 1546,** which was the order.

Senator Martin moved to amend **HB 1546,** Page 4, Line 18, as follows: by striking all of Line 18 which reads "14. PENTAZOCINE", which amendment was declared adopted.

Senator Martin moved to amend **HB 1546,** Page 5, Lines 1 through 11, by removing the brackets and re-numbering in proper sequence, which amendment was declared adopted.

Senator Martin moved to amend **HB 1546,** Page 10, Lines 7 and 8, by striking after the word "in" on Line 7, and before the word "from" on Line 8 the words "subsections A and B" and substituting therefor the words "sections 2 and 3".

Senator Martin asked unanimous consent that his foregoing amendment be withdrawn, which was the order.

Senator Martin asked unanimous consent that further consideration of **HB 1546** be deferred momentarily, which was the order.

## GENERAL ORDER - RESOLUTION

**SCR 69** by Terrill and Taliaferro of the Senate and Lindstrom of the House was called up for consideration.

**SCR 69** was read at length, adopted upon motion of Senator Terrill and ordered referred for engrossment.

## GENERAL ORDER

**HB 1546** was considered further.

Senators Martin, Birdsong, Baggett, McSpadden and Dahl moved to amend **HB 1546,** Page 15, Line 11½, by adding after Line 11, and before Line 12, the following: "Section 6. The Board of Pharmacy shall create rules and regulations governing the sale of hypodermic syringes and hypodermic needles. This shall not apply to veterinary syringes and needles.", and renumber the succeeding section and amend the title to conform, which amendment was declared adopted.

Upon motion of Senator Garrett, **HB 1546,** as co-authored and amended, was advanced to engrossment.

By unanimous consent, upon request of

Senator Garrett, **HB 1546,** as co-authored and amended, was considered engrossed and placed on third reading and final passage.

## THIRD READING

**HB 1546** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Baldwin, Berrong, Birdsong, Boecher, Capps, Crow, Dahl, Ferrell, Field, Garrett, Grantham, Graves, Ham, Hamilton, Hargrave, Holden, Howard, Howell, Lamb, Lane, Luton, McCune, McSpadden, Martin, Miller, Murphy, Payne, Rogers, Smalley, Smith, Stipe, Taliaferro, Terrill, Trent, Williams.—36.

Nay: Breckinridge, Keels, McGraw, Medearis, Stansberry.—5.

Excused: Bradley, Garrison, Inhofe, Nichols, Phillips, Porter, Young.—7.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baggett, Baldwin, Berrong, Birdsong, Boecher, Capps, Crow, Dahl, Ferrell, Field, Garrett, Grantham, Graves, Ham, Hamilton, Hargrave, Holden, Howard, Howell, Lamb, Lane, Luton, McCune, McSpadden, Martin, Miller, Murphy, Payne, Rogers, Smalley, Smith, Stipe, Taliaferro, Terrill, Trent, Williams.—36.

Nay: Breckinridge, Keels, McGraw, Medearis, Stansberry.—5.

Excused: Bradley, Garrison, Inhofe, Nichols, Phillips, Porter, Young.—7.

The emergency was declared passed.

**HB 1546** was referred for engrossment.

## MESSAGE FROM THE HOUSE

Advising the signing of and returning Enrolled **SCR 81.**

The above numbered Enrolled Resolution was ordered referred to the Secretary of State.

## MESSAGE FROM THE GOVERNOR

Advising approval by him Feb 4, 1972, of Enrolled **SBs 395, 398, 417, 422** and **427** entitled:

**SB 395**—By McSpadden and Hamilton of the Senate and Willis and Miskelly of the House—An Act relating to the Office of the State Auditor and making an appropriation thereto; *** and declaring an emergency.

**SB 398**—By McSpadden and Hamilton of the Senate and Willis and Miskelly of the House—An Act relating to the Office of the State Treasurer and making an appropriation thereto; *** and declaring an emergency.

**SB 417**—By McSpadden and Hamilton of the Senate and Willis and Miskelly of the House—An Act relating to the Office of Civil Defense and making an appropriation thereto; *** and declaring an emergency.

**SB 422**—By McSpadden and Hamilton of the Senate and Willis and Miskelly of the House—An Act relating to the Council on Law Enforcement Education and Training and making an appropriation thereto; *** and declaring an emergency.

**SB 427**—By McSpadden and Hamilton of the Senate and Willis and Miskelly of the House—An Act relating to the Office of the Securities Commission and making an appropriation thereto; *** and declaring an emergency.

## PENDING SENATE ACTION ON HAs

Upon motion of Senator Terrill, the Senate refused to concur in **HAs** to **SB 12**, and requested a conference thereon. As provided under Rule 3(d), President Pro Tempore Smith appointed the following Senate Conferees:

**SB 12:** Senators Terrill, Capps and Lamb.

## GENERAL ORDER

**HB 1615** by McCune, et al, of the House and Martin of the Senate was read and considered.

Senator Terrill asked to be made a co-author of **HB 1615,** which was the order.

Upon motion of Senator Martin, **HB 1615** as co-authored, was advanced to engrossment.

By unanimous consent, upon request of Senator Martin, **HB 1615,** as co-authored, was considered engrossed and placed on third reading and final passage.

Senator Martin moved to reconsider the vote by which **HB 1615** was considered engrossed and placed on third reading and final passage, which motion was declared adopted.

Senator Martin moved to reconsider the vote by which **HB 1615** was advanced to engrossment, which motion was declared adopted.

Senator Baggett moved to amend **HB 1615,** Page 3, Line 4, by adding after the word "employment", the words "this provision shall include nurses, pharmacists and similar agents or employees when working under the supervision and control of a person who is registered under Sections 2-302 and 2-303."

Senator Hamilton moved, as a substitute to the Baggett amendment, to amend **HB 1615,** as follows: Strike Paragraph 5, 6 and 7 on pages 3 and 4. Add new sentence on Page 6 at Line 2: "If a pharmacy is registered, a pharmacist need not pay a license fee when he is registered." Strike new language on Lines 16, 17, 18, Page 5 and Line 1, Page 6, which amendment was declared adopted.

Senator Stansberry moved to amend **HB 1615,** Page 4, Line 4, by adding a new paragraph: "8. Physicians licensed by the Bureau of Narcotics and Dangerous Drugs.", which amendment was tabled, upon motion of Senator Hamilton.

Upon motion of Senator Martin, **HB 1615** as co-authored and amended, was advanced to engrossment.

By unanimous consent, upon request of Senator Martin, **HB 1615,** as co-authored and amended, was considered engrossed and placed on third reading and final passage.

## THIRD READING

**HB 1615** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Berrong, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Garrett, Graves, Ham, Hamilton, Hargrave, Holden, Howard, Howell, Keels, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Miller, Murphy, Nichols, Payne, Rogers, Smalley, Smith, Taliaferro, Terrill, Williams.—35.

Nay: Phillips, Stansberry, Young.—3.

Excused: Baldwin, Bradley, Field, Garrison, Grantham, Inhofe, Medearis, Porter, Stipe, Trent.—10.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baggett, Berrong, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Garrett, Graves, Ham, Hamilton, Hargrave, Holden, Howard, Howell, Keels, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Miller, Murphy, Nichols, Payne, Rogers, Smalley, Smith, Taliaferro, Terrill, Williams.—35.

Nay: Phillips, Stansberry, Young.—3.

Excused: Baldwin, Bradley, Field, Garrison, Grantham, Inhofe, Medearis, Porter, Stipe, Trent.—10.

The emergency was declared passed.

**HB 1615** was referred for engrossment.

## GENERAL ORDER

**SB 453** by Smith, Hamilton, Howard, Bradley, Hargrave, Garrison, McGraw, Breckinridge, Luton, Miller, and Medearis of the Senate and Kennedy of the House was read and considered.

Senators Ferrell, Stansberry, Payne, Inhofe, Phillips, and Terrill asked to be made co-authors of **SB 453**, which was the order.

Upon motion of President Pro Tempore Smith, **SB 453,** as co-authored, was advanced to engrossment.

By unanimous consent, upon request of President Pro Tempore Smith, **SB 453,** as co-authored, was considered engrossed and placed on third reading and final passage.

## THIRD READING

**SB 453** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Graves, Ham, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Keels, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Phillips, Rogers, Smalley, Smith, Stansberry, Taliaferro, Terrill, Williams, Young.—41.

Excused: Baldwin, Berrong, Bradley, Grantham, Porter, Stipe, Trent.—7.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baggett, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Graves, Ham, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Keels, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Phillips, Rogers, Smalley, Smith, Stansberry, Taliaferro, Terrill, Williams, Young.—41.

Excused: Baldwin, Berrong, Bradley, Grantham, Porter, Stipe, Trent.—7.

The emergency was declared passed.

**SB 453** was referred for engrossment.

## RESOLUTION

The following Resolution was introduced and consideration deferred for this legislative day.

**SCR 83**—By Terrill and McSpadden—A Concurrent Resolution memorializing the Congress of the United States to take all necessary steps to insure a National Defense capability commensurate with national commitments and international realities; and directing distribution.

## UNANIMOUS CONSENT— BILLS WITHDRAWN

President Pro Tempore Smith asked unanimous consent that **SB 485** be withdrawn from the Committee on Revenue and Taxation and referred to the Committee on Education-Common, which was the order.

President Pro Tempore Smith asked unanimous consent that **HB 1670** be withdrawn from the Committee on Parks, Forestry, and Industrial Development and referred to the Committee on State and Federal Government, which was the order.

There being matters on the President's desk for the consideration of the Senate in executive session, it was upon motion of Senator Terrill that the Senate closed its doors and went into executive session.

*

The Senate reassembled in open session, with Senator Payne presiding.

Senator Birdsong moved after the Clerk's desk is cleared, that the Senate stand adjourned to meet Tuesday, February 8, 1972, at 1:00 P.M., which motion prevailed.

President Pro Tempore Smith presiding.

## MESSAGE FROM THE HOUSE

Advising Conference granted on Engrossed **SB 12,** and naming House Conferees as follows: Cate, Payne and Bamberger.

## MESSAGE FROM THE HOUSE

Advising rejection of **SAs** to Engrossed **HJR 1021** and requesting Conference.

## UNANIMOUS CONSENT— BILL WITHDRAWN

Senator Miller asked unanimous consent that **SB 467** be withdrawn from the calendar and re-referred to the Committee

on Education-Common, which was the order.

Upon motion of Senator Birdsong, the Senate adjourned to meet Tuesday, February 8, 1972, at 1:00 P.M.

# Twenty-first Legislative Day

## Tuesday, February 8, 1972

Pursuant to adjournment, the Senate was called to order by President Pro Tempore Smith.

Upon roll call, the following members were present:

Baggett, Baldwin, Berrong, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Keels, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Phillips, Porter, Rogers, Smalley, Smith, Stansberry, Stipe, Taliaferro, Terrill, Trent, Williams, Young.—46.

Excused: Bradley, Ham.—2.

The President Pro Tempore declared a quorum present.

The following prayer was offered by the Chaplain and incorporated upon request of Senator Young

Father, we ask you to send the Holy Spirit into our lives.

Open our ears to hear what you are saying to us in the things that happen to us and in the people we meet.

Open our eyes to see the needs of the people around us.

Open our hands to do our work well, to help when help is needed.

Open our lips to bring comfort, happiness and laughter to other people.

Open our minds to discover new truth about you and the world.

Open our hearts to love you and our fellow man as you have loved us.

In the darkness of our uncertainty when we don't know what to do, when decisions are hard to make, Lord, give us light to guide us.

In the darkness of our anxiety — when we are worried about what the future may bring when we don't know where to turn: Lord Give us the light of your peace.

In the darkness of our despair — when life seems empty, when we feel there is no point in going on: Lord, give us the light of your hope. In your name we ask it. Amen.

The Journal for the last legislative day was declared approved.

## COMMITTEE REPORTS— LOBBY PERMITS

Senator Berrong submitted the following report on Requests for Lobby Permits and asked that consideration be deferred for this Legislative Day:

Mr. President:

The Committee on Lobby Permits to which was referred requests for Lobby Permits, after careful consideration, recommends that the following petitioners be granted Lobby Permits. Lobby Permits will be issued in the Office of the President Pro Tempore.

Cozart, Dr. Homer A.M., 1840 N.W. 10th Street, Oklahoma City. Oklahoma Chiropractic Physicians Association.

Frye, Jack, 3862 Bristol Drive, Norman. Oklahoma Farm Bureau.

Renshaw, Lesley A., 305 North Dogwood,

Luther. Oklahomans for Right-To-Work.

Respectfully submitted,
Senator Ed Berrong,
Vice-Chairman
Committee on Lobby Permits

## COMMITTEE REPORTS

The following Bills and/or resolutions were reported by the Committees named, ordered printed and placed upon the Calendar unless otherwise indicated:

DO PASS, as amended:

**CS** for **HJR 1005**—Revenue and Taxation, co-authored by Senators Garrison, McSpadden, Dahl and Boecher.

## FIRST READING

The following Bills and/or Resolutions were introduced and read the first time:

**SB 515**—By Murphy—An Act relating to rights and obligations of minors and adults; amending 10 O.S. 1971, §§ 91 and 1101, 12 O. S. 1971, § 700, 15 O.S. 1971, §§ 13, 17, 19, and 33, 16 O.S. 1971, § 1, 19 O.S. 1971, §§ 19 and 82, 26 O.S. 1971, §§ 93.7 and 603, 37 O.S. 1971, § 163.11, 38 O.S. 1971, § 28, 43 O.S. 1971, § 3, 46 O.S. 1971, § 31, 56 O.S. 1971, § 40, 60 O.S. 1971, § 401, 70 O.S. 1971, § 625.6 and 72 O.S. 1971, § 49.1; Authorizing District Courts to confer rights of majority; defining terms for provisions relating to delinquent children, children in need of supervision and dependent or neglected children; permitting infants to show cause against judgment; defining minors; providing who may contract and the enforceability of obligations; providing requirement to convey property; providing voter requirements; providing for permits to sell nonintoxicating beverages; providing qualifications of jurors; providing who may marry; providing who may execute deeds of trust; providing who may receive county relief; defining terms for uniform gifts to minors act; providing for contracts for rural medical loans; providing for removal of disability of minority for military benefits, repealing 10 O.S. 1971, § 1101A; and setting an effective date.

**SB 516**—By Howell—An Act relating to motor vehicles; amending 47 O.S. 1971, § 11-202; providing for right turn after stop where sign is posted; and declaring an emergency.

**SB 517**—By Luton—An act relating to the Grand River Dam Authority; repealing 82 O.S. 1971, §§ 883 through 886, providing for an advisory committee to the Grand River Dam Authority; and declaring an emergency.

**SB 518**—By Luton—An Act relating to the Fairfax-Kaw City Authority; repealing 82 O.S. 1971, §§ 951 through 970; and declaring an emergency.

**SB 519**—By Martin—An Act relating to motor vehicles; amending 47 O.S. 1971, § 116.21; authorizing the use of State and U.S. highways for the transportation of items of certain size a maximum distance of seventy-five miles per day; and declaring an emergency.

**SB 520**—By Field—An Act relating to predatory animals; providing that it shall be lawful for the owner or lessee of fenced area of land, his agent or employee, to exterminate prairie dogs, gophers and other burrowing predatory animals and rodents therefrom; providing wide range of methods of extermination; and declaring an emergency.

## SECOND READING

The following Bills and/or Resolutions were read the second time and referred to Committees indicated:

**SB 499**—Parks, Forestry and Industrial Development.

**SB 500**—Appropriations and Budget.

**SB 501**—Industrial and Labor Relations.

**SB 502**—Judiciary.

**SB 503**—Judiciary.

**SB 504**—Insurance.

**SB 505**—Revenue and Taxation.

**SB 506**—Public and Mental Health.

**SB 507**—Revenue and Taxation.

**SB 508**—Agriculture.

**SB 509**—Committee on Rules.

**SB 510**—Education—Common.

**SB 511**—Education-Common.

**SB 512**—Governmental Reform

**SB 513**—Public and Mental Health.

**SB 514**—Judiciary.

**HB 1520**—Judiciary.

**HB 1602**—Judiciary.

**HB 1613**—Appropriations and Budget.

**HB 1648**—Education—Common.

**HB 1649**—Appropriations and Budget.

**HB 1662**—Judiciary.

## GENERAL ORDER

**SB 402** by McSpadden and Hamilton of the Senate and Willis, et al, of the House was read and considered.

Senator Birdsong asked to be made a co-author of **SB 402,** which was the order.

Upon motion of Senator McSpadden, **SB 402,** as co-authored, was advanced to engrossment.

By unanimous consent, upon request of Senator McSpadden, **SB 402**, as co-authored, was considered engrossed and placed on third reading and final passage.

## THIRD READING

**SB 402** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Baldwin, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrison, Grantham, Graves, Hamilton, Hargrave, Howard, Howell, Inhofe, Keels, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Phillips, Smalley, Smith, Stansberry, Taliaferro, Terrill, Trent, Williams, Young.—40.

Nay: Porter.—1.

Excused: Berrong, Bradley, Garrett, Ham, Holden, Rogers, Stipe.—7.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baggett, Baldwin, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrison, Grantham, Graves, Hamilton, Hargrave, Howard, Howell, Inhofe, Keels, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Phillips, Smalley, Smith, Stansberry, Taliaferro, Terrill, Trent, Williams, Young.—40.

Nay: Porter.—1.

Excused: Berrong, Bradley, Garrett, Ham, Holden, Rogers, Stipe.—7.

The emergency was declared passed.

**SB 402** was referred for engrossment.

## MESSAGE FROM THE HOUSE

Advising adoption of and returning Engrossed **SCRs 80** and **82,** as coauthored by entire House Membership.

The above numbered Resolutions were referred for enrollment.

## MESSAGE FROM THE HOUSE

Advising passage of and transmitting for consideration Engrossed:

**HB 1684**—By Privett, Wolf (Leland), Skeith, Elder, Davis, Monks, Duke and Williamson of the House and Murphy and Terrill of the Senate—an Act particularly describing highway facilities to be provided from proceeds of bond issue authorized by constitutional amendment identified as House Joint Resolution No. 1037 of the 2nd session of the 33rd Oklahoma Legislature, if, as and when approved by the people; adopting a program relating to highway facilities to be known as "Freeway 77"; identifying and describing the projects and programs of the State Highway Commission to be included in "Freeway 77"; providing that proceeds of bond issues be allocated and expended upon "Freeway 77" and not for any other use or purpose; limiting the expenditure of bond proceeds to the projects and programs identified and described in this act; setting an operative date upon adoption of constitutional amendment; and declaring an emergency.

The above numbered **HB** was read for the first time.

**GENERAL ORDER**

**SB 411** by McSpadden, Hamilton and Crow of the Senate and Willis, et al, of the House was read and considered.

Senator Terrill asked to be made a co-author of **SB 411,** which was the order.

Senator Baggett moved to amend **SB 411,** Page 2, Line 14, as follows: by striking Section 2, which amendment was tabled upon motion of Senator McSpadden, the roll call thereon being as follows:

Aye: Baldwin, Berrong, Boecher, Capps, Crow, Dahl, Ferrell, Garrison, Grantham, Hamilton, Hargrave, Lamb, Lane, McSpadden, Martin, Miller, Murphy, Nichols, Payne, Phillips, Smalley, Stipe, Taliaferro, Terrill.—24.

Nay: Baggett, Birdsong, Breckinridge, Field, Garrett, Graves, Holden, Howell, Inhofe, Keels, Luton, McCune, McGraw, Medearis, Porter, Smith, Stansberry, Williams, Young.—19.

Excused: Bradley, Ham, Howard, Rogers, Trent.—5.

Upon motion of Senator McSpadden, **SB 411**, as co-authored, was advanced to engrossment.

By unanimous consent, upon request of Senator McSpadden, **SB 411,** as co-authored, was considered engrossed and placed on third reading and final passage.

**THIRD READING**

**SB 411** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baldwin, Berrong, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Hamilton, Hargrave, Holden, Howell, Inhofe, Lane, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Phillips, Porter, Smalley, Smith, Stansberry, Stipe, Taliaferro, Terrill, Williams, Young.—40.

Nay: Baggett, Keels.—2.

Excused: Bradley, Ham, Howard, Lamb, Rogers, Trent.—6.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baldwin, Berrong, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Hamilton, Hargrave, Holden, Howell, Inhofe, Lane, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Phillips, Porter, Smalley, Smith, Stansberry, Stipe, Taliaferro, Terrill, Williams, Young.—40.

Nay: Baggett, Keels.—2.

Excused: Bradley, Ham, Howard, Lamb, Rogers, Trent.—6.

The emergency was declared passed.

**SB 411** was referred for engrossment.

**GENERAL ORDER**

**SB 418** by McSpadden and Hamilton of the Senate and Willis, et al, of the House was read and considered.

Upon motion of Senator McSpadden, **SB 418** was advanced to engrossment.

By unanimous consent, upon request of Senator McSpadden, **SB 418** was considered engrossed and placed on third reading and final passage.

**THIRD READING**

**SB 418** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Baldwin, Berrong, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Field, Garrett, Garrison, Grantham, Graves, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Keels, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Phillips, Porter, Smith,

Stansberry, Stipe, Taliaferro, Terrill, Williams, Young.—42.

Excused: Bradley, Ferrell, Ham, Rogers, Smalley, Trent.—6.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baggett, Baldwin, Berrong, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Field, Garrett, Garrison, Grantham, Graves, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Keels, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Phillips, Porter, Smith, Stansberry, Stipe, Taliaferro, Terrill, Williams, Young.—42.

Excused: Bradley, Ferrell, Ham, Rogers, Smalley, Trent.—6.

The emergency was declared passed.

**SB 418** was referred for engrossment.

## GENERAL ORDER

**SB 419** by McSpadden and Hamilton of the Senate and Willis, et al, of the House was read and considered.

Senator Ferrell asked to be made a co-author of **SB 419,** which was the order.

Upon motion of Senator McSpadden, **SB 419,** as co-authored, was advanced to engrossment.

By unanimous consent, upon request of Senator McSpadden, **SB 419,** as co-authored, was considered engrossed and placed on third reading and final passage.

## THIRD READING

**SB 419** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baldwin, B e r r o n g, Birdsong, Boecher, Breckinridge, Capps, C r o w, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Hamilton, Holden, Howard, Howell, Inhofe, Keels, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Murphy, Nichols, Payne, Phillips, Porter, Smalley, Smith, Stansberry, Stipe, Taliaferro, Terrill, Trent, Williams, Young.—42.

Nay: Baggett.—1.

Excused: Bradley, Ham, Hargrave, Miller, Rogers.—5.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baldwin, B e r r o n g, Birdsong, Boecher, Breckinridge, Capps, C r o w, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Hamilton, Holden, Howard, Howell, Inhofe, Keels, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Murphy, Nichols, Payne, Phillips, Porter, Smalley, Smith, Stansberry, Stipe, Taliaferro, Terrill, Trent, Williams, Young.—42.

Nay: Baggett.—1.

Excused: Bradley, Ham, Hargrave, Miller, Rogers.—5.

The emergency was declared passed.

**SB 419** was referred for engrossment.

## GENERAL ORDER

**SB 428** by McSpadden, Hamilton and Crow of the Senate and Willis, et al, of the House was read and considered.

Senator McSpadden moved to amend **SB 428,** Page 4, Line 8, by changing the total figures from $2,542,720.00 to $2,592,720.00, which amendment was declared adopted.

Upon motion of Senator McSpadden, **SB 428,** as amended, was advanced to engrossment.

By unanimous consent, upon request of Senator McSpadden, **SB 428,** as amended, was considered engrossed and placed on third reading and final passage.

## THIRD READING

**SB 428** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Berrong, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Fer-

rell, Field, Garrett, Garrison, Grantham, Graves, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Keels, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Payne, Phillips, Porter, Rogers, Smalley, Smith, Stansberry, Stipe, Taliaferro, Terrill, Trent, Williams, Young.—44

Excused: Baldwin, Bradley, Ham, Nichols.—4.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baggett, Berrong, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Keels, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Payne, Phillips, Porter, Rogers, Smalley, Smith, Stansberry, Stipe, Taliaferro, Terrill, Trent, Williams, Young.—44

Excused: Baldwin, Bradley, Ham, Nichols.—4.

The emergency was declared passed.

**SB 428** was referred for engrossment.

## GENERAL ORDER

**SB 430** by McSpadden, Hamilton and Crow of the Senate and Willis, et al, of the House was read and considered.

Upon motion of Senator McSpadden, **SB 430** was advanced to engrossment.

By unanimous consent, upon request of Senator McSpadden, **SB 430** was considered engrossed and placed on third reading and final passage.

## THIRD READING

**SB 430** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Baldwin, Berrong, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Keels, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Phillips, Porter, Rogers, Smalley, Smith, Stansberry, Stipe, Taliaferro, Terrill, Trent, Williams, Young.—46.

Excused: Bradley, Ham.—2.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baggett, Baldwin, Berrong, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Keels, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Phillips, Porter, Rogers, Smalley, Smith, Stansberry, Stipe, Taliaferro, Terrill, Trent, Williams, Young.—46.

Excused: Bradley, Ham.—2.

The emergency was declared passed.

**SB 430** was referred for engrossment.

## GENERAL ORDER

**SB 463** by McSpadden of the Senate was read and considered.

Senator Payne presiding.

Upon motion of Senator McSpadden, **SB 463** was advanced to engrossment.

By unanimous consent, upon request of Senator McSpadden, **SB 463** was considered engrossed and placed on third reading and final passage.

President Pro Tempore Smith presiding.

## THIRD READING

**SB 463** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Baldwin, Berrong, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Keels,

Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Phillips, Rogers, Smalley, Smith, Stansberry, Stipe, Taliaferro, Terrill, Trent, Williams, Young.—45.

Excused: Bradley, Ham, Porter.—3.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baggett, Baldwin, Berrong, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Keels, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Phillips, Rogers, Smalley, Smith, Stansberry, Stipe, Taliaferro, Terrill, Trent, Williams, Young.—45.

Excused: Bradley, Ham, Porter.—3.

The emergency was declared passed.

**SB 463** was referred for engrossment.

## MESSAGE FROM THE HOUSE

Advising passage of and transmitting for consideration Engrossed:

**HB 1636**—By Nance—An Act relating to motor vehicles; authorizing a Police Officer to arrest, without warrant, a traffic violator; requiring perception based upon a speed-measuring device; amending title 47 O.S. 1971, section 11-202; and allowing vehicular traffic facing a steady red signal to turn after stopping if permitted by a sign and granting right-of-way to pedestrians.

The above numbered **HB** was read for the first time.

## REPORT OF ENGROSSED AND ENROLLED BILLS

**SBs 124, 453, SCR 69, SJR 29, HBs 1546** and **1615** each correctly engrossed.

Engrossed **SBs 124, 453, SCR 69** and **SJR 29** were each properly signed and ordered transmitted to the Honorable House for consideration.

Engrossed **HBs 1546** and **1615,** together with Engrossed **SAs**, were properly signed and ordered returned to the Honorable House.

## RESOLUTION

The following Resolution was introduced and consideration deferred for this legislative day:

**SCR 84**—By Berrong and Baldwin of the Senate and Willis of the House—A Concurrent Resolution expressing grateful appreciation to the Honorable Ward Fowler upon his retirement as Assistant Secretary of the State Election Board; commending his distinguished record of loyal and dedicated public service; extending best wishes for his retirement years; and directing distribution.

## GENERAL ORDER

**HJR 1037** by Privett, et al, of the House and Murphy, Terrill and Smalley of the Senate was read and considered.

Senator Payne asked to be made a co-author of **HJR 1037,** which was the order.

Senator Payne raised a point of order, citing Rule 7(n), that the routing and priorities were not included in **HJR 1037** and that these matters were not germane, which point of order the Chair overruled.

Senator Inhofe moved to amend **HJR 1037,** Page 2, Line 13, as follows: By adding after the word "state," and before the word "Not" in Line 14, the following sentence: "Twenty-Five percent (25%) of said indebtedness shall be specifically reserved for maintenance and resurfacing and shall not be spent for new construction.", and amend the title to conform thereto, which amendment was tabled upon motion of Senator Terrill, the roll call thereon being as follows:

Aye: Birdsong, Boecher, Capps, Dahl, Grantham, Graves, Hamilton, Hargrave, Howard, Howell, Lane, Luton, McSpadden, Martin, Miller, Murphy, Nichols, Payne, Phillips, Smalley, Stipe, Taliaferro, Terrill, Trent, Young.—25.

Nay: Baggett, Berrong, Breckinridge,

Ferrell, Field, Garrett, Garrison, Holden, Inhofe, Keels, Lamb, McCune, McGraw, Rogers, Smith, Williams.—16.

Excused: Baldwin, Bradley, Crow, Ham, Medearis, Porter, Stansberry.—7.

Senator Baggett moved to amend **HJR 1037,** Page 2, Line 14, by striking the following: "Not less than eight percent (8%) of said amount shall be spent in each existing Highway Commissioner's District for an accelerated road program for multiple projects throughout said District which were programmed on December 31, 1971.", which amendment was tabled upon motion of Senator Smalley, the roll call thereon being as follows:

Aye: Baldwin, Berrong, Boecher, Capps, Crow, Dahl, Ferrell, Field, Garrison, Grantham, Graves, Hamilton, Hargrave, Holden, Lamb, Lane, Luton, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Phillips, Smalley, Smith, Stipe, Taliaferro, Terrill, Trent, Williams, Young.—34.

Nay: Baggett, Birdsong, Breckinridge, Garrett, Howard, Howell, Inhofe, Keels, McCune, Porter, Rogers.—11.

Excused: Bradley, Ham, Stansberry.—3.

Senator Rogers moved to amend **HJR 1037,** Page 2, Line 13, as follows: By adding the following sentence after the word "state." on Line 13: "All proceeds derived from such indebtedness shall bear interest until spent."

Senator Stipe moved to table the foregoing Rogers amendment, which motion to table failed of adoption.

The vote occurring on the Rogers amendment, it was declared adopted upon roll call as follows:

Aye: Baggett, Berrong, Birdsong, Breckinridge, Crow, Ferrell, Field, Garrison, Grantham, Hamilton, Howard, Howell, Inhofe, Keels, Lamb, McCune, McGraw, Martin, Miller, Nichols, Phillips, Porter, Rogers, Smith, Williams, Young.—26.

Nay: Baldwin, Boecher, Capps, Dahl, Graves, Hargrave, Holden, Lane, Luton, McSpadden, Medearis, Murphy, Payne, Smalley, Stipe, Taliaferro, Terrill, Trent.—18.

Excused: Bradley, Garrett, Ham, Stansberry.—4.

Senator Garrison moved to amend **HJR 1037,** Page 2, Line 13, by adding before the word "interest", the words "highest rate obtainable".

Senator Hamilton raised a point of order that an amendment cannot be amended, which point of order the Chair overruled.

Senator Garrison asked unanimous consent that his foregoing amendment be withdrawn, which was the order.

Senator Berrong moved to amend **HJR 1037,** Page 2, Line 13, by adding after the word "state." on Line 13 and before the word "Not" on Line 14, the following: "All bond proceeds, until actually used for road construction purposes, shall draw the highest rate of interest, said rate to be determined by open, competitive bids, after public advertising."

Senator Berrong asked unanimous consent that his foregoing amendment be withdrawn, which was the order.

Senators Smalley and Lamb moved to amend **HJR 1037,** Page 3, Line 1, by adding after the word "each" and before the word "existing", the following: "of the eight now", which amendment was declared adopted upon roll call as follows:

Aye: Baldwin, Berrong, Boecher, Capps, Crow, Dahl, Ferrell, Field, Garrison, Graves, Hamilton, Holden, Howard, Lamb, Lane, Luton, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Phillips, Smalley, Smith, Stipe, Taliaferro, Terrill, Trent, Williams, Young.—32.

Nay: Baggett, Birdsong, Breckinridge, Garrett, Howell, Inhofe, Keels, McCune, McGraw, Porter, Rogers.—11.

Excused: Bradley, Grantham, Ham, Hargrave, Stansberry.—5.

Senators Baggett, Birdsong, Garrett, Howell, Keels, Porter, and Rogers moved

to amend **HJR 1037,** Page 3, Line 1, by striking the word "existing.", which amendment was tabled upon motion of Senator Murphy.

Senators Baggett, Garrett, Porter, and Rogers moved to amend **HJR 1037,** Page 3, Lines 3 and 4, by striking after the words "said District", and before the words "Such law", the following language: "which were programmed on December 31, 1971.", which amendment was tabled upon motion of Senator Terrill.

Senator Murphy moved to amend **HJR 1037,** Page 3, Line 4, by deleting the words "on December 31, 1971, to January 26, 1972."

Senator Murphy asked unanimous consent that his foregoing amendment be withdrawn, which was the order.

Senators Baggett, Birdsong, Garrett, Howell, Keels, Porter and Rogers moved to amend **HJR 1037,** Page 3, Line 4, by inserting after the period in Line 4, and before the words "Such law" the following: "The State Highway Commission shall be composed of two members from each Congressional District in the State as such Districts are currently defined and as such Districts are hereafter defined by law. Each member shall be appointed by the Governor with the advice and consent of the State Senate. The term of office of a member shall be four years. The Legislature shall by law define the initial terms of such members so as to provide for staggered terms.", which amendment was tabled upon motion of Senator Murphy, the roll call thereon being as follows:

Aye: Baldwin, Berrong, Boecher, Capps, Crow, Dahl, Ferrell, Field, Garrison, Grantham, Graves, Hamilton, Hargrave, Holden, Lamb, Lane, Luton, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Phillips, Smalley, Stipe, Taliaferro, Terrill, Trent, Williams, Young.—32.

Nay: Baggett, Birdsong, Breckinridge, Garrett, Howard, Howell, Inhofe, Keels, McCune, McGraw, Porter, Rogers, Smith. —13.

Excused: Bradley, Ham, Stansberry.—3.

Senator Inhofe moved to amend **HJR 1037,** Page 3, Line 8, by adding after the word "Department" a period and deleting the remainder of Line 8, all of Lines 9, 10, 11, 12, 13, 14 and through the word "State." in Line 15, which amendment was tabled upon motion of Senator Murphy.

Senators Baggett, Keels and Rogers moved to amend **HJR 1037,** Page 3, Line 10, by adding after the word "income", and before the words "The legislation shall" the following new sentence: "No new or increased taxes may be levied by the Legislature for the purpose of paying, either directly or indirectly, the principal or interest of such bonds without the same being first submitted to the people at a special, primary or general election for their approval or rejection.", which amendment was tabled upon motion of Senator Smalley, the roll call being as follows:

Aye: Baldwin, Berrong. Birdsong, Boecher, Capps, Crow, Dahl, Grantham, Graves, Hamilton, Hargrave, Holden, Howard, Howell, Lamb, Lane, Luton, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Phillips, Smalley, Stipe, Taliaferro, Terrill, Trent, Young.—31.

Nay: Baggett, Breckinridge, Ferrell, Field, Garrett, Garrison, Inhofe, Keels, McCune, McGraw, Porter, Rogers, Smith, Williams.—14.

Excused: Bradley, Ham, Stansberry.—3.

Senators Baggett, Keels, Rogers and Smith moved to amend **HJR 1037,** Page 3, Line 10½, by inserting after Line 10, and before Line 11 the following: "Until all bonds issued pursuant hereto have been paid and retired the Legislature may not appropriate, directly or indirectly, more than Eighteen Million Nine Hundred Thousand Dollars ($18,900,000) per fiscal year to the State Highway Department or any other agency for the purpose of constructing and maintaining the State Highways or operating such Department, in addition to those revenues which are presently dedi-

cated and earmarked to the Department for such purposes.", which amendment was tabled upon motion of Senator Nichols, the roll call thereon being as follows:

Aye: Baldwin, Berrong, Boecher, Capps, Crow, Dahl, Garrison, Grantham, Graves, Hamilton, Hargrave, Holden, Howard, Lamb, Lane, Luton, McGraw, McSpadden, Martin, Medearis, Murphy, Nichols, Payne, Phillips, Porter, Smalley, Stipe, Taliaferro, Terrill, Trent.—30.

Nay: Baggett, Birdsong, Breckinridge, Ferrell, Field, Garrett, Howell, Inhofe, Keels, McCune, Miller, Rogers, Smith, Williams. Young.—15.

Excused: Bradley Ham, Stansberry.—3.

Senators Baggett, Birdsong, Garrett, Howell, Keels, Porter and Rogers moved to amend **HJR 1037,** Page 3, Line 15, by striking the words "The legislation shall further provide that" and by capitalizing the "t" of "the" in Line 16. and Line 18 by striking the words "shall specifically prohibit", and in Line 3 on Page 4 by adding the following after the word "bonds", "is hereby specifically prohibited", which amendment was declared adopted.

Senator Baldwin presiding.

Senators Baggett, Birdsong, Garrett, Keels, Porter and Rogers moved to amend **HJR 1037,** Page 4, Line 3, by inserting after the word "bonds", and before the words "The Legislation" the following: "The Legislation shall also prohibit any direct or indirect requirement or suggestion that the purchaser or purchasers of such bonds employ any particular person or persons as an attorney, bond advisor or in any other capacity whatsoever.", which amendment was declared adopted.

Senator Stipe moved to amend **HJR 1037,** Page 4, Line 9, by striking the words "THE EXPENDITURES AND," which amendment was declared adopted.

Senators Inhofe and Garrison moved to amend **HJR 1037,** Page 4, Line 13, by adding after the word "indebtedness." and before the word "The", the following language: "Such commission shall deposit or invest at least Ninety percent of all monies not currently used for highway construction or maintenance in certificates of deposits or government obligations at the highest interest rate available. All deposit or investment decisions of the Commission shall be made in preannounced public meetings.", and by amending the title to conform thereto.

President Pro Tempore Smith presiding.

Senator Graves asked unanimous consent that his amendment be read as follows, before any further action be taken on the Inhofe-Garrison amendment, which was the order:

Senators Graves, Lane, Murphy, and Terrill moved to amend **HJR 1037,** Page 4, Line 14, by striking after the word "of" on Page 4, Line 14, the words "SEVEN (7) MEMBERS, WITH" and all of Lines 15, 16, 17, 18, and on Page 5, all of Lines 1, 2, 3, 4, and 5, and, substituting in lieu thereof the following language: "The State Highway Commission. Said Bond Commission is hereby directed to invest all unexpended bond proceeds, either in Oklahoma banks willing to pay the highest rate of interest for the use thereof, or in government obligations, or both, and the meetings of such Commissions shall be preannounced and public."

Senator Inhofe requested that his foregoing amendment be withdrawn, which was the order.

The vote occurring on the foregoing Graves, et al, amendment, it was declared adopted.

Senator Stipe moved to amend **HJR 1037,** Page 4, Line 16, by striking after the word "The", the words "Oklahoma Bar Association" and inserting in lieu thereof, the following: "Oklahoma A.F.L.-C.I.O."

Senator Stipe asked unanimous consent that his foregoing amendment be withdrawn, which was the order.

Senator Grantham moved to amend **HJR 1037,** Page 2, the title, by adding after the word "OKLAHOMA", and before the word "PROVIDING" in the title, the words

"AUTHORIZING THE LEGISLATURE TO CREATE A STATE HIGHWAY BOND COMMISSION", which amendment was declared adopted.

Senator Garrison moved to amend **HJR 1037,** Page 5, Line 5, by adding the provision as follows: "All meetings of such Commission shall be preannounced and open to the public."

Senator Garrison asked unanimous consent that his foregoing amendment be withdrawn, which was the order.

Senator Young moved to amend **HJR 1037,** Page 5, Line 5, after the word "SENATE" and before the word "SECTION", a new sentence as follows: "The legislation shall further provide that each project on a county primary road system in which said bond proceeds are to be used shall be financed on the basis of Fifty Percent (50%) federal matching funds, Forty Percent (40%) bond proceeds, and Ten Percent (10%) county highway funds, which amendment was tabled upon motion of Senator Stipe, the roll call thereon being as follows:

Aye: Baldwin, Berrong, Boecher, Capps, Crow, Dahl, Ferrell, Field, Grantham, Hamilton, Hargrave, Holden, Lamb, Lane, Luton, McCune, McSpadden, Martin, Mediearis, Murphy, Nichols, Payne, Phillips, Smalley, Stipe, Terrill, Trent.—27.

Nay: Baggett, Birdsong, Breckinridge, Garrett, Garrison, Howard, Howell, Inhofe, Keels, McGraw, Porter, Rogers, Smith, Stansberry, Williams, Young.—16.

Excused: Bradley. Graves. Ham. Miller. Taliaferro.—5.

Senator Inhofe moved to amend **HJR 1037,** Page 5, Line 5½ by adding a new Section as follows: "SECTION 2. The State Highway Department shall announce publicly, no later than fifteen (15) days prior to the special election, the precise locations of all roads to be constructed by virtue of the amendment.", and renumber succeeding sections and amending title to conform thereto.

Senator Inhofe asked unanimous consent that his foregoing amendment be withdrawn, which was the order.

Senator Terrill moved to amend **HJR 1037,** Page 5, Line 9, by striking all of Lines 9 through 18 on Page 5, and Lines 1 through 13 on Page 6, and adding the following language:

"BALLOT TITLE

"Legislative Referendum No. ----

"State Question No. ----

"THE GIST OF THE PROPOSITION IS AS FOLLOWS:

"Shall a Constitutional Amendment

authorizing Legislature to enact legislation whereby the state may become indebted not to exceed Two Hundred Fifty Million Dollars ($250,000,000.00) for the purpose of providing safe highways, eliminating hazardous highway conditions, acquiring, constructing, reconstructing, extending and improving highway facilities; specifying expenditures in existing districts; providing debt payment from a portion of existing gasoline tax allocated to State Highway Department, and other unobligated funds; if such funds should become insufficient, then from other state income; creating bond commission and sinking fund, directing investment; Attorney General to perform legal work; providing issuance of general obligation bonds with full faith and credit of state.", which amendment was declared adopted.

Senator Inhofe moved to amend **HJR 1037,** Page 7, Line 5½ by adding a new Section as follows: "SECTION 4. The State Highway Department shall announce publicly, no later than fifteen (15) days prior to the special election, the precise locations of all roads to be constructed by virtue of the amendment." and by renumbering succeeding sections, which amendment was tabled upon motion of Senator Terrill, the roll call thereon being as follows:

Aye: Baldwin, Boecher, Capps, Crow, Dahl, Grantham, Graves, Hamilton, Hargrave, Holden, Howard, Lamb, Lane, Lu-

ton, McSpadden, Murphy, Nichols, Payne, Phillips, Smalley, Stipe, Terrill, Trent.—23.

Nay: Baggett, Berrong, Birdsong, Breckinridge, Ferrell, Field, Garrett, Garrison, Howell, Inhofe, Keels, McCune, McGraw, Martin, Porter, Rogers, Smith, Stansberry, Williams, Young.—20.

Excused: Bradley, Ham, Medearis, Miller, Taliaferro.—5.

Senator Terrill moved to amend **HJR 1037,** Page 7, Lines 7 and 8, after the word "on" on Line 7 and before the word "at" on Line 8, by striking the language "the date of the next statewide special election," and adding: the words and figures "March 7, 1972," which amendment was declared adopted.

Senator Baggett moved to amend **HJR 1037,** Page 7, Lines 7 and 8, by striking the words: "on the date of the next statewide special election,", and substituting therefor the following: "March 14, 1972".

Senator Baggett asked unanimous consent that his foregoing amendment be withdrawn, which was the order.

Upon motion of Senator Murphy, **HJR 1037,** as co-authored and amended, was advanced to engrossment.

By unanimous consent, upon request of Senator Murphy, **HJR 1037,** as co-authored and amended, was considered engrossed and placed on third reading and final passage.

Senator Rogers presiding.

President Pro Tempore Smith presiding.

## THIRD READING

**HJR 1037,** as amended, was read for the third time at length, as follows:

**HJR 1037**—By Privett, Wolf, (Leland), Skeith, Mountford, Harrison, Sandlin, Andrews, Bernard, Avey, Coffin, Cox, Elder, Townsend and Williamson of the House and Murphy, Terrill Smalley and Payne 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 X of the Constitution of the State of Oklahoma; authorizing the Oklahoma State Legislature to enact law authorizing indebtedness of the State of Oklahoma in an amount not to exceed Two Hundred Fifty Million Dollars, in order to provide safe highways; providing for the payment of said debt from a portion of the now existing Gasoline Tax and from funds not otherwise obligated; authorizing issuance of General Obligation Bonds with full faith and credit of the State of Oklahoma; authorizing the Legislature to create a State Highway Bond Commission and Sinking Fund; directing investment of funds; authorizing Attorney General to perform legal work; providing for a Ballot Title; and ordering a Special Election on March 7, 1972.

Be it Resolved by the House of Representatives and the Senate of the 2nd Session of the 33rd Oklahoma Legislature:

SECTION 1. The Secretary of State shall refer to the people for their approval or rejection, as and in the manner provided by law, the following proposed amendment to Article X of the Constitution of the State of Oklahoma by adding a new section to be designated Section 39, which shall read as follows:

§ 39. The Legislature is hereby authorized to enact a law or laws whereby the state may become indebted in an amount not to exceed two Hundred Fifty Million Dollars ($250,000,000.00) for the purpose of providing safe highways, eliminating hazardous highway conditions, and acquiring, constructing, reconstructing, extending, and improving highway facilities in the state. All proceeds derived from such indebtedness shall bear interest until spent. Not less than eight per cent (8%) of said amount shall be spent in each of the eight now existing Highway Commissioners' Districts for an accelerated road program for multiple projects throughout said District which were programmed on December 31, 1971. Such law or laws shall provide for the payment and discharge of the principal and interest of such debt from a

portion of the existing gasoline tax now allocated to the State Highway Department; and from any funds of the state not otherwise obligated; and if all such funds should ever become insufficient, then from other sources of state income. The legislation shall provide for the issuance of bonds evidencing the indebtedness and shall contain any and all provisions necessary to make such bonds marketable as general obligations with the full faith and credit of the state. The State Attorney General's Office shall be responsible for all legal work attendant to the issuance of the bonds and the payment of any of the bond proceeds or any other state monies to private legal counsel for any service related to the issuance of the bonds is hereby specifically prohibited.

The Legislation shall also prohibit any direct or indirect requirement or suggestion that the purchaser or purchasers of such bonds employ any particular person or persons as an attorney, bond advisor or in any other capacity whatsoever. The legislation shall further provide for the creation of a State Highway Bond Commission which shall be the State agency by and through which the state of Oklahoma shall incur such indebtedness. Such Commission shall direct investment of the proceeds of the indebtedness, and direct the investment of the Sinking Fund to be created for retirement of the indebtedness. The State Highway Bond Commission shall consist of the State Highway Commission. Said Bond Commission is hereby directed to invest all unexpended bond proceeds either in Oklahoma banks willing to pay the highest rate of interest for the use thereof, or in government obligations, or both. The meetings of such Commission shall be preannounced and public.

SECTION 2. The Ballot Title for the proposed amendment as set forth in Section 1 of this Resolution shall be in the following form:

BALLOT TITLE

Legislative Referendum No.....

State Question No.....

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

Shall a Constitutional Amendment

authorizing Legislature to enact legislation whereby the state may become indebted not to exceed Two Hundred Fifty Million Dollars ($250,000,000.00) for the purpose of providing safe highways, eliminating hazardous highway conditions, acquiring, constructing, reconstructing, extending and improving highway facilities; specifying expenditures in existing districts; providing debt payment from a portion of existing gasoline tax allocated to State Highway Department, and other unobligated funds; if such funds should become insufficient, then from other state income; creating bond commission and sinking fund, directing investment; Attorney General to perform legal work; providing issuance of general obligation bonds with full faith and credit of state.

be approved by the people?

☐ YES

SHALL THE PROPOSED AMENDMENT BE APPROVED

☐ NO

SECTION 3. The Chief Clerk of the House of Representatives shall, immediately after the effective date of this Resolution, prepare and file one copy thereof, including said ballot title, with the Secretary of State and one copy with the Attorney General.

SECTION 4. A special election is hereby ordered to be held throughout the State of Oklahoma on March 7, 1972, at which time the proposed amendment to the Constitution of the State of Oklahoma, as set forth in Section 1 of this Resolution, shall be submitted to the people of Oklahoma for their approval or rejection as and in the manner provided by law.

On the question of the passage of Resolution, the roll call was as follows:

Aye: Baldwin, Berrong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Garrison, Grantham, Graves, Hamilton, Har-

grave, Holden, Howard, Howell, Lamb, Lane, Luton, McGraw, McSpadden, Martin, Medearis, Murphy, Nichols, Payne, Phillips, Smalley, Smith, Stipe, Taliaferro, Terrill, Trent, Young.—34.

Nay: Baggett, Birdsong, Field, Garrett, Inhofe, Keels, McCune, Porter, Rogers, Stansberry, Williams.—11.

Excused: Bradley, Ham, Miller.—3.

The Resolution was declared passed.

The question being, "Shall **HJR 1037,** by Privett, et al, of the House and Murphy, Terrill, Smalley, and Payne of the Senate, entitled:

A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection a proposed amendment to Article X of the Constitution of the State of Oklahoma; authorizing the Oklahoma State Legislature to enact law authorizing indebtedness of the State of Oklahoma in an amount not to exceed Two Hundred Fifty Million Dollars, in order to provide safe highways; providing for the payment of said debt from a portion of the now existing gasoline tax and from funds not otherwise obligated; authorizing issuance of general obligation bonds with full faith and credit of the State of Oklahoma; authorizing the Legislature to create a State Highway Bond Commission and sinking fund; directing investment of funds; authorizing Attorney General to perform legal work; providing for a ballot title; and ordering a special election on March 7, 1972.

be ordered referred by the Legislature of the State of Oklahoma for approval or rejection at a special election to be held throughout the State of Oklahoma on March 7, 1972 as provided in Section 4 of said Resolution, which Special Election is hereby ordered and authorized on March 7, 1972, as provided in Section 1, of Article 24, of the Constitution of Oklahoma?"

The roll was ordered called and resulted as follows:

Aye: Baldwin, Berrong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Garrison, Grantham, Graves, Hamilton, Hargrave, Holden, Howard, Howell, Lamb, Lane, Luton, McGraw, McSpadden, Martin, Medearis, Murphy, Nichols, Payne, Phillips, Porter, Smalley, Smith, Stipe, Taliaferro, Terrill, Trent, Young.—35.

Nay: Baggett, Birdsong, Field, Garrett, Inhofe, Keels, McCune, Rogers, Stansberry, Williams.—10.

Excused: Bradley, Ham, Miller.—3.

The President Pro Tempore, in open session, declared that a constitutional two-thirds majority of the members elected to and constituting the Senate had voted in favor of calling the Special Election.

**HJR 1037,** as amended, was ordered referred for engrossment.

Senator Murphy presiding.

Senator McCune presiding.

Senator Murphy presiding.

Senator Terrill asked unanimous consent, which was granted, that Rule 19(f) be suspended and **HJR 1037** be signed immediately upon Engrossment and returned to the Honorable House.

## REPORT OF ENGROSSED AND ENROLLED BILLS

**HJR 1037** correctly engrossed.

Engrossed **HJR 1037,** together with Engrossed **SAs,** was properly signed and ordered returned to the Honorable House.

Senator Terrill moved after the Clerk's desk is cleared, that the Senate stand adjourned to meet Wednesday, February 9, 1972, at 1:00 P.M., which motion prevailed.

Upon motion of Senator Terrill, the Senate adjourned to meet Wednesday, February 9, 1972, at 1:00 P.M.

# Twenty-second Legislative Day

## Wednesday, February 9, 1972

Pursuant to adjournment, the Senate was called to order by Senator Boecher, who was designated so to do by the President Pro Tempore.

Upon roll call, the following members were present:

Aye: Baggett, Baldwin, Berrong, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrison, Grantham, Graves, Ham, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Keels, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Nichols, Payne, Phillips, Rogers, Smalley, Smith, Stansberry, Stipe, Taliaferro, Terrill, Trent, Williams, Young.—44.

Excused: Bradley, Garrett, Murphy, Porter.—4.

The Presiding Officer declared a quorum present.

The following prayer was offered by the Chaplain and incorporated upon request of Senator Payne:

Our Father sometimes we feel lousy, our tiredness colors our whole world. It makes us impatient at times.

It causes us to be aware of the many things that are wrong. Our aches and pains haunt us when we are tired. Yet Lord even in our tiredness, we have things to be joyful for. We are thankful for life. It has its hard moments its inconveniences yet most of the time it is great to be alive. We are thankful for people who bring joy into our lives. Our loved ones, our friends and our colleagues, who say the right thing. We thank you for those who comfort us when we need comfort. Who bring us laughter when our world is gloomy, and give us understanding when we feel that no one understands it. We are joyful that some measures are behind us at least for the time being.

We are even thankful for Oklahoma Winters. They show us how much Variety is present in your world. They make us aware of how much you are in control of your universe. Try as we may we are unable to legislate a sunny day. So we appreciate you more when the sun does choose to show itself.

Lord we are thankful that when we take you for granted, you do not take us for granted. Amen.

The Journal for the last legislative day was declared approved.

## COMMITTEE REPORTS

The following Bills and/or resolutions were reported by the committees named, ordered printed and placed upon the Calendar unless otherwise indicated:

DO PASS:

**SB 420**—Appropriations and Budget.

**SB 421**—Appropriations and Budget.

**SB 435**—Public and Mental Health.

**SB 466**—State and Federal Government.

**HB 1566**—Appropriations and Budget.

**HB 1570**—Appropriations and Budget.

DO PASS, As Amended:

**SB 117**—Appropriations and Budget.

**SB 240**—State and Federal Government.

**SB 347**—Public and Mental Health.

**SB 387**—Soil and Water Resources, co-authored by Senator Murphy.

**SB 397**—Appropriations and Budget.

**SB 408**—Appropriations and Budget.

**SB 429**—Appropriations and Budget.

**CS** for **SB 456**—Judiciary.

**CS** for **SB 477**—Insurance.

**HB 1567**—Appropriations and Budget.

## PENDING CONSIDERATION OF LOBBY PERMITS

Senator Berrong moved that the Committee Reports on Lobby Permits, as reflected in the Journal of Wednesday, January 26, 1972, the Fourteenth Legislative Day, and of Tuesday, February 8, 1972, the Twenty-first Legislative Day, be adopted, which was the order.

## FIRST READING

The following Bills and/or Resolutions were introduced and read the first time:

**SB 521**—By Graves—An Act relating to banks; amending 6 O.S. 1971, §§ 802 and 1404; authorizing the increase of limitations on maximum indebtedness to bank and limitations on total obligations of any person, copartnership, association or corporation; providing exceptions; authorizing the increase of limitations on loans to managing officers of bank; and declaring an emergency.

**SB 522**—By Baggett—An Act relating to the Department of Civil Defense; repealing 63 O.S. 1971, § 683.6, which provides for a Civil Defense Advisory Council; and declaring an emergency.

**SB 523**—By Baggett—An Act relating to the Oklahoma Educational Television Authority; repealing 70 O.S. 1971, § 23-103, which provides for an Advisory Committee to the Oklahoma Educational Television Authority; and declaring an emergency.

**SB 524**—By Baggett—An act relating to rights and obligations of minors and adults; amending 6 O.S. 1971, § 2106, 10 O.S. 1971, §§ 91, 60.3, 175.3 and 1101, 12 O.S. 1971, § 700, 15 O.S. 1971, §§ 13, 17, 19 and 33, 16 O.S. 1971, § 1, 19 O.S. 1971, §§ 19 and 82, 26 O.S. 1971, §§ 93.7 and 603, 37 O.S. 1971, §§ 241 and 243, 38 O.S. 1971, § 28, 40 O.S. 1971, § 229, 43 O.S. 1971, § 3, 46 O.S. 1971, § 31, 56 O.S. 1971, § 40, 59 O.S. 1971, §§ 15.8, 45.11, 144, 328.21, 396.3, 584, 628, 698.9, 708, 805, 1305, 1307, 1362 and 1458, 60 O.S. 1971, § 401, 70 O.S. 1971, § 625.6, 72 O.S. 1971, § 49.1 and 47 O.S. 1971, § 2-105; providing qualifications to engage in the business of selling checks; authorizing District Courts to confer rights of majority; providing who may adopt a child; defining the term "child in crippled children act; defining terms for provisions relating to dependent or neglected children, delinquent children and children in need of supervision; permitting infants to show cause against judgment; defining minors; providing who may contract and the enforceability of obligations; providing who may convey property; providing voter requirements; providing for permits to sell and regulating the sale of nonintoxicating beverages; providing qualifications of jurors; defining terms of employment security act; providing who may marry; providing who may execute deeds of trust; providing regulations governing highway patrol personnel; providing who may receive county relief; providing requirements of applicants for licensing in certain professions and occupations; defining terms for uniform gifts to minors act; providing for contracts for rural medical loans; providing for removal of disability of minority and military benefits; repealing 10 O.S. 1971, § 1101A; and setting an effective date.

**SB 525**—By Howell and Smith—An Act relating to schools; authorizing use of certain materials; directing codification; and declaring an emergency.

**SB 526**—By Trent—An Act relating to schools; repealing 70 O.S. 1971, § 18-102, relating to Ad Valorem Taxes; and declaring an emergency.

**SB 527**—By Stipe—An Act relating to state officers and employees; amending 74 O.S. 1971, § 913; providing prior service credit and participating service credit, providing an operative date; and declaring an emergency.

**SB 528**—By Stipe of the Senate and Huddleston of the House—An Act relating to Higher Education; stating a Legislative recognition of fact regarding the current functions of Eastern Oklahoma State College of Agriculture and Applied Science; directing the State Regents to examine the functions and file appropriate certification accordingly; changing the name of the institution; changing the government of the institution; establishing an operative date; repealing 70 O.S. 1971, § 3406; and declaring an emergency.

**SB 529**—By Grantham of the Senate and Conaghan and Boettcher of the House—An Act relating to employees of the Capitol Cafeteria; providing Merit System laws shall not apply to their selection, retention or dismissal; stating intent as to insurance and retirement benefits; and declaring an emergency.

**SB 530**—By Young— An Act relating to insurance; amending 36 O.S. 1971, § 2131; providing procedures for approval of mergers and consolidations of stock insurers; and setting an effective date.

**SB 531**—By Young—An Act relating to insurance; amending 36 O.S. 1971, §§ 308 and 309; providing for examination and audit of domestic and foreign insurers; providing for payment of expenses; providing penalties; and setting an effective date.

**SB 532**—By Young—An Act relating to insurance; requiring insurance commissioner to be appointed as receiver in delinquency proceedings; and declaring an emergency.

**SJR 46**—By Baggett—A Joint Resolution directing the Secretary of the State to refer to the people for their approval or rejection a proposed amendment to the Oklahoma Constitution, the same to be added to Article X and identified as Section 23b, providing that all revenues of the State of Oklahoma from taxes, fees, except student fees and revenue from athletic events, licenses, permits and all other receipts shall be deposited in the General Revenue Fund to be expended only upon appropriations; prohibiting the earmarking of State revenues with specific exceptions; repealing acts and constitutional provisions inconsistent herewith; providing an effective date of June 30, 1973; prescribing the ballot title; providing for notification of the proper state officers and ordering a special election thereon, to be held on the date of the next ensuing primary election.

**SJR 47**—By Stipe of the Senate and Huddleston of the House—A Joint Resolution relating to Higher Education; providing that Eastern Oklahoma State College of Agriculture and Applied Science shall share in distribution of Section 13 and new college funds; fixing an operative date; and declaring an emergency.

## SECOND READING

The follow Bills and/or Resolutions were read the second time and referred to Committees indicated:

**SB 515**—Judiciary.

**SB 516**—Roads and Highways.

**SB 517**—State and Federal Government.

**SB 518**—State and Federal Government.

**SB 519**—Roads and Highways.

**SB 520**—Wildlife.

**HB 1636**—Judiciary.

**HB 1684**—Roads and Highways.

President Pro Tempore Smith presiding.

## MESSAGE FROM THE HOUSE

Advising passage of and transmitting for consideration engrossed:

**HB 1531**—By Cole— An Act relating to animals; prohibiting the application of harmful chemical substances on domestic animals; providing a penalty; and declaring an emergency.

**HB 1558**—By Willis and Miskelly of the House and McSpadden and Hamilton of the Senate—An Act relating to courts; making an appropriation to the Office of District Courts and stating the purpose; authorizing cooperation with federal agen-

cies; providing for the payment of salaries, travel and other expenses for authorized personnel of the District Courts within certain limitations; providing lapse date; making the provisions of this act severable; and declaring an emergency.

**HB 1559**—By Willis and Miskelly of the House and McSpadden and Hamilton of the Senate—An Act relating to the Office of the State Supreme Court and making appropriations thereto; stating the purpose; authorizing cooperation with federal agencies; providing that the Supreme Court Justices shall fix the duties and compensation of employees within certain limitations; making an appropriation for the Court of Appeals, stating the purpose and limiting expenditures for personal services; making an appropriation for expenses of the court on the Judiciary; making an appropriation for the expenses of the judicial nominating commission; limiting expenditures and transfer of certain funds; appropriating funds to the State Judicial Retirement Fund and directing transfer of funds; providing lapse date; making provisions of this act severable; and declaring an emergency.

**HB 1591**—By Skeith of the House and Stipe of the Senate—An Act relating to public works; providing that contractors on public works projects shall not be liable for damages arising out of incidents or accidents occurring after completion of such contract work, including maintenance obligations, and acceptance thereof; providing for nonapplicability to any cause of action on behalf of the contracting agency; providing for codification; and declaring an emergency.

**HB 1600**—By Sandlin, Huddleston, Payne and Hargrave of the House and Hargrave of the Senate—An Act relating to counties and county officers; amending 19 O.S. 1971, § 131; providing for elections of county officers; providing terms of office; providing qualifications for candidacy for a county officer to an office other than that held by him; and declaring an emergency.

The above numbered **HBs** were read for the first time.

## MESSAGE FROM THE HOUSE

Advising adoption of and transmitting for consideration engrossed:

**HCR 1063**—By Kennedy, et al, of the House and Dahl of the Senate—A Concurrent Resolution officially recognizing the city of Pawhuska for having had the first Boy Scout Troop in the United States.

**HCR 1064**—By Spearman, et al, of the House and Baggett of the Senate—A Concurrent Resolution naming the Dwight F. Whelan Memorial Highway; and directing the erection of suitable plaques.

Consideration of the Resolutions was deferred for this Legislative day.

## DECLARATION OF VOTES

Senators Ham and Miller asked that the record show had they been present at the time of Third Reading and final passage of **HJR 1037,** they would have voted AYE on the Resolution and Special Election Feature, which was the order.

## GENERAL ORDER

**SB 462,** was considered further.

Senator Grantham asked unanimous consent, which was granted, to consider his amendment before further consideration of the pending Stipe amendment.

Senator Grantham moved to amend **SB 462,** Page 1, Lines 1 and 2, by striking after the word "judge" on Line 1, and before the word "shall" on Line 2, the words "or associate district judge", and amending the title to conform to the body of the bill, which amendment was declared adopted.

The pending Stipe amendment to **SB 462,** Page 2, Line 10, was considered further.

The vote occurring on the Stipe amendment, it was declared adopted.

Upon motion of Senator Grantham, **SB 462,** as amended, was advanced to engrossment.

By unanimous consent, upon request of Senator Grantham, **SB 462**, as amended, was considered engrossed and placed on third reading and final passage.

Senator Smalley asked unanimous consent that the Howell amendment to **SB 462**, Page 2, Line 3, adopted January 31, 1972, be stricken from the Bill, which was the order.

## THIRD READING

Senator Grantham moved to reconsider the vote by which **SB 462** was considered engrossed and placed on third reading and final passage, which motion was declared adopted.

Senator Grantham moved to reconsider the vote by which **SB 462** was advanced to engrossment, which motion was declared adopted.

## GENERAL ORDER

Senator Grantham asked unanimous consent that further consideration of **SB 462** be deferred for this legislative day, which was the order.

## REPORT OF ENGROSSED AND ENROLLED BILLS

**SBs 402, 411, 418, 419, 428, 430** and **463** each correctly engrossed.

**SCR 82** correctly enrolled.

Engrossed **SBs 402, 411, 418, 419, 428, 430,** and **463** were each properly signed and ordered transmitted to the Honorable House for consideration.

Enrolled **SCR 82** was properly signed and ordered transmitted to the Honorable House for the signature of the Speaker.

## MESSAGE FROM THE HOUSE

Advising concurrence in **SAs** to and passage of Engrossed **HJR 1037,** as amended; the Special Election section having received the constitutional two-thirds majority of votes of members elected to and consituting the House of Representatives.

## MESSAGE FROM THE HOUSE

Advising fourth reading of and transmitting for signature Enrolled **HJR 1037.**

The above numbered Enrolled Resolution was, after fourth reading, properly signed and ordered returned to the Honorable House.

## MESSAGE FROM THE HOUSE

Advising rejection of **SAs** to engrossed **HB 1546**, requesting Conference and naming Conferees as follows: Elder, McCune, and Camp.

## MESSAGE FROM THE HOUSE

Advising rejection of **SAs** to engrossed **HB 1615,** requesting Conference and naming Conferees as follows: McCune, Elder, and Sparkman.

## RESOLUTION

Senator Crow introduced **SCR 85.**

Senator Crow asked unanimous consent that all other members of the Senate be made co-authors of **SCR 85,** to which objection was heard.

Senators Berrong, Boecher, Ferrell, Field, Luton, McGraw, Phillips, Taliaferro and Williams asked to be made co-authors of **SCR 85**, which was the order.

**SCR 85,** as co-authored was read at length and adopted upon motion of Senator Crow, the roll call thereon being as follows:

Aye: Baldwin, Berrong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Grantham, Graves, Ham, Hamilton, Holden, Howell, Inhofe, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Nichols, Payne, Phillips, Smalley, Stipe, Taliaferro, Terrill, Williams, Young.—34.

Nay: Birdsong, Howard, Keels, Rogers, Smith, Stansberry.—6.

Excused: Baggett, Bradley, Garrett, Garrison, Hargrave, Murphy, Porter, Trent. —8.

The following **SCR 85,** as adopted, was referred for engrossment:

**SCR 85**—By Crow, Berrong, Boecher, Ferrell, Field, Luton, McGraw, Phillips, Taliaferro, Williams—A Concurrent Resolution memorializing Congress to enact legislation which will exempt ambulance services from the Federal Wage and Hour Law; and directing distribution.

WHEREAS, the Federal Wage and Hour Law imposes an onerous burden upon businesses which operate ambulances; and

WHEREAS, the offering of ambulance services involves little more than being available much of the time for which a wage at time and a half rates is disproportionate to benefits to his employer from the employee's services; and

WHEREAS, because of the requirements of the Wage and Hour Law in such respect it is difficult for a concern which offers ambulance services to stay in business.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE 2ND SESSION OF THE 33RD OKLAHOMA LEGISLATURE, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

SECTION 1. That the Oklahoma Legislature memorialize the Congress of the United States to enact legislation that will have the effect of exempting businesses which furnish ambulance service to the public from the Federal Wage and Hour Law provisions requiring the payment to employees of overtime wages.

SECTION 2. An authenticated copy of this Resolution shall be sent to each member of the Oklahoma Congressional Delegation.

Senator Smalley presiding.

## MOTION TO RECONSIDER VOTE

Senator Crow asked for consideration of his motion to reconsider the vote by which **SJR 43** passed, which motion to reconsider was tabled upon motion of Senator Young, the roll call thereon being as follows:

Aye: Baggett, Baldwin, Berrong, Birdsong, Breckinridge, Ferrell, Garrison, Grantham, Graves, Howard, Howell, Inhofe, Keels, Luton, McCune, McGraw, McSpadden, Medearis, Miller, Nichols, Rogers, Smalley, Smith, Stansberry, Terrill, Young.—26.

Nay: Boecher, Capps, Crow, Dahl, Ham, Hamilton, Holden, Lamb, Lane, Martin, Payne, Phillips, Stipe, Taliaferro, Trent, Williams.—16.

Excused: Bradley, Field, Garrett, Hargrave, Murphy, Porter.—6.

Senator Young asked unanimous consent that the time for consideration of his motion to reconsider the vote by which the Special Election Feature of **SJR 43** failed of passage be extended one legslative day, to which objection was heard.

Senator Young asked for consideration of his motion to reconsider the vote by which the Special Election Feature of **SJR 43** failed of passage.

President Pro Tempore Smith presiding.

The vote occurring on the Young motion to reconsider, it was declared adopted upon roll call as follows:

Aye: Baggett, Baldwin, Berrong, Birdsong, Breckinridge, Ferrell, Garrison, Grantham, Graves, Howard, Howell, Inhofe, Keels, Lamb, Luton, McCune, McGraw, McSpadden, Miller, Nichols, Rogers, Smalley, Smith, Stansberry, Taliaferro, Terrill, Young.—27.

Nay: Boecher, Capps, Crow, Dahl, Ham, Hamilton, Holden, Lane, Martin, Payne, Phillips, Stipe, Trent.—13.

Excused: Bradley, Field, Garrett, Hargrave, Medearis, Murphy, Porter, Williams.—8.

Senator Young asked unanimous consent that further consideration of **SJR 43** be deferred for this legislative day, to which objection was heard.

Senator Young moved that further con-

sideration of **SJR 43** be deferred to some future legislative day.

Senator Baldwin raised a point of order, citing Rule 19(a), that it takes suspension of the rules or unanimous consent to postpone consideration of the above matter to some future legislative day, which point of order the Chair sustained.

Senator Young asked unanimous consent that further consideration of **SJR 43** be deferred momentarily, which was the order.

## GENERAL ORDER

**HB 1511** by Elder, et al, of the House and Grantham of the Senate was read and considered.

Senator Grantham moved to amend **HB 1511,** Page 1, Line 2, by adding after the word "repealed.", a new SECTION to be labeled "SECTION 2." and to read as follows: "SECTION 2. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.", and amend the title to conform thereto, which amendment was declared adopted.

Upon motion of Senator Grantham, **HB 1511,** as amended, was advanced to engrossment.

By unanimous consent, upon request of Senator Grantham, **HB 1511,** as amended, was considered engrossed and placed on third reading and final passage.

## THIRD READING

**HB 1511** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Baldwin, Berrong, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrison, Grantham, Graves, Ham, Hamilton, Holden, Howard, Howell, Inhofe, Keels, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Miller, Payne, Phillips, Rogers, Smalley, Smith, Stansberry, Stipe, Taliaferro, Terrill, Williams, Young.—40.

Excused: Bradley, Garrett, Hargrave, Medearis, Murphy, Nichols, Porter, Trent. —8.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baggett, Baldwin, Berrong, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrison, Grantham, Graves, Ham, Hamilton, Holden, Howard, Howell, Inhofe, Keels, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Miller, Payne, Phillips, Rogers, Smalley, Smith, Stansberry, Stipe, Taliaferro, Terrill, Williams, Young.—40.

Excused: Bradley, Garrett, Hargrave, Medearis, Murphy, Nichols, Porter, Trent. —8.

The emergency was declared passed.

**HB 1511** was referred for engrossment.

## PENDING SENATE ACTION — RESOLUTIONS

**SCR 83** was considered further.

Senator Garrison asked unanimous consent that all other members of the Senate be made co-authors of **SCR 83,** which was the order.

**SCR 83,** as co-authored, was read at length as follows, adopted upon motion of Senator Garrison, and ordered referred for engrossment.

**SCR 83**—By Terrill, McSpadden, Lamb, McCune, Ferrell, Crow, Baggett, Baldwin, Berrong, Birdsong, Boecher, Bradley, Breckinridge, Capps, Dahl, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Keels, Lane, Luton, McGraw, Martin, Medearis, Miller, Murphy, Nichols, Payne, Phillips, Porter, Rogers, Smalley, Smith, Stansberry, Stipe, Taliaferro, Trent, Williams and Young of the Senate— A Concurrent Resolution memorializing the Congress of the United States to take

all necessary steps to insure a National defense capability commensurate with national commitments and international realities; and directing distribution.

WHEREAS, since emerging from the Second World War as the preeminent world power and the unquestioned leader of those nations bound together in determined opposition to totalitarianism in all its virulent forms, whether fascism, nazism or communism; and

WHEREAS, commensurate with its post-World War II internationalist orientation and resulting commitments in the defense of world peace and freedom, the United States of America erected a national defense establishment capable not only of guaranteeing the meeting of its commitments but also—by the very fact of its preeminence—capable of effectively discouraging any miscalculations by potential enemy or aggressor nations concerning the implementation of their totalitarian objectives; and

WHEREAS, opposed to the United States and those nations embracing the ideals of peace, freedom and human dignity have been the insidious forces of totalitarian world communism as inspired and marshalled by the Soviet Union; and

WHEREAS, despite national varieties within the camp of world communism and occasional disagreements between components as to tactics, the goal of world communism was and continues to be the subjugation, through whatever method, of all alien ideologies and beliefs; and

WHEREAS, in the pursuit of its declared objectives, the Soviet Union has systematically developed a military establishment of profound capabilities, leading to the conclusion by many experts that the once preeminent position of the United States in its defensive capabilities has been effectively eclipsed in several vital aspects, including warships, submarines, total naval vessels, airpower, and most vital—in an era where the world lives in constant dread of thermonuclear warfare and total devastation—missiles and missile defenses; and

WHEREAS, only through subordination of other claims to a portion of the national wealth, to the superior military priority, including claims of the individual Soviet citizen to the fruits of his labor as well as essential freedom and dignity, could the Soviet Union have progressed so far so quickly in the development of its military potential and thus concomitantly imperil the forces of peace and freedom; and

WHEREAS, the ruthless suppression of the individual freedom and dignity of its own citizens in pursuit of the larger goals of the Soviet state leaves little to the imagination as to the fate of subject peoples wherever totalitarian communism emerges victorious in its insidious and unending struggle against all opposing beliefs; and

WHEREAS, the ineluctable evidence of history emphasizes the fate of those nations who have ignored or misjudged facts or sought to avoid the sacrifices necessary to the development and maintenance of adequate defenses against potential enemies or aggressors; and

WHEREAS, any doubts as to the validity of overwhelming evidence pointing to the existence of critical potentially fatal gaps in the national defense establishment should and must be resolved on the side of a defensive force—in all its manifestations—adequate, hopefully, to deter potential aggressors and, at a minimum, defend the nation against attack and honor its international commitments.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE 2D SESSION OF THE 33D OKLAHOMA LEGISLATURE, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

SECTION 1. That the Congress of the United States of America be and hereby is respectfully memorialized, in the light of persuasive evidence developed by its own experts and by experts within and without

the national defense establishment, to take all steps necessary to eliminate the gaps between the United States and the Soviet Union in several vital areas of military weaponry, if in the considered conclusion of the Congress such gaps are deemed to exist.

SECTION 2. That duly authenticated copies of this Resolution be transmitted to the presiding officers of the United States Senate and House of Representatives and to each member of the Oklahoma delegation in Congress.

**SCR 84** was considered further.

Senator Berrong asked unanimous consent that all other members of the Senate be made co-authors of **SCR 84,** which was the order.

Senator Berrong asked unanimous consent that **SCR 84** be printed at length in this day's Journal, which was the order.

**SCR 84,** as co-authored, was read at length as follows, adopted upon motion of Senator Berrong, and ordered referred for engrossment.

**SCR 84**—By Berrong, Baldwin, Baggett, Birdsong, Boecher, Bradley, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Keels, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Phillips, Porter, Rogers, Smalley, Smith, Stansberry, Stipe, Taliaferro, Terrill, Trent, Williams and Young of the Senate and Willis of the House—A Concurrent Resolution expressing grateful appreciation to the Honorable Ward Fowler upon his retirement as Assistant Secretary of the State Election Board; commending his distinguished record of loyal and dedicated public service; extending best wishes for his retirement years; and directing distribution.

WHEREAS, on January 31, 1972, following the sixty-fifth anniversary of his birth, the Honorable Ward Fowler retired as Assistant Secretary of the State Election Board and from a distinguished career in the public service; and

WHEREAS, in serving the State Election Board on a full-time basis since 1958 and on a part-time basis and in other capacities since 1930, Mr. Fowler established a deserved reputation as a fair, impartial and expert administrator, in the field of election laws and processes, whose loyalty, dependability and reliability, in the tradition of career civil servants, quickly gained the trust of those for whom and with whom he served; and

WHEREAS, Mr. Fowler, with knowledge and expertise gained through his many years of study and experience, provided indispensable continuity and stability in the State Election Board's administration of the state's election laws and machinery; and

WHEREAS, possessed with a warm and responsive personality and with an innate desire to "lend a helping hand" to others, Mr. Fowler's absence from his usual place will be sorely felt, not only by those with whom he worked most closely from day to day but also by members of the state's local election boards and by countless others in public and private life who relied extensively and continuously on his expert and authoritative knowledge of the state's election laws and electoral processes; and

WHEREAS, during his long tenure with the State Election Board, Mr. Fowler participated in the implementation of important reforms in voting laws and procedures, including changes in absentee balloting and a uniform registration law, which have operated to assure the electorate of efficient, honest and impartial conduct of elections on a statewide and local basis; and

WHEREAS, Mr. Fowler, a native of Oklahoma City, attended the University of Kansas and later, while Assistant Secretary of the State Election Board, the Oklahoma City University Law School, and engaged in private business prior to joining

the State Election Board on a full-time basis; and

WHEREAS, Mr. Fowler and his gracious wife and helpmate, Dorothy, are the parents of a daughter, Mrs. Jerry Kyle, a son, Ward, Jr., and the very proud grandparents of Christian Scott Kyle; and

WHEREAS, it is both fitting and proper that the Legislature express its grateful appreciation to a dedicated public servant who has given the best of himself throughout an honorable and distinguished career to the end that the voice of the people, when expressed, shall be registered in such manner that their government in fact shall be and remain forevermore a government of the people, by the people and for the people.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE 2D SESSION OF THE 33D OKLAHOMA LEGISLATURE, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

SECTION 1. That the sincere and grateful appreciation of the Oklahoma Legislature be and hereby is officially extended to the Honorable Ward Fowler, upon his retirement from a distinguished career in the public service, for the many years of his life given to the administration and improvement of the state's election laws and processes and thus to the cause of better government.

SECTION 2. That Mr. Fowler's distinguished record of service to the people of this great state be and hereby is officially commended and extolled.

SECTION 3. That the best wishes of the Legislature to Mr. Fowler and his gracious wife, Dorothy, for the fullest measure of happiness during their retirement years, be and hereby are sincerely extended.

SECTION 4. That a duly authenticated copy of this Resolution be forwarded to Mr. Fowler at 2436 N. W. 35, Oklahoma City, 73112, and to his beloved grandson, Christian Scott Kyle, at 2441 N. W. 35, Oklahoma City, 73112.

## PENDING SENATE ACTION

**SJR 43** was taken up for further consideration.

The question being, "Shall **SJR 43,** by Young entitled:

A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection a proposed amendment to the Constitution of Oklahoma amending Section 8, Article VII of the Oklahoma Constitution, by deleting the provision that there be at least one associate district judge for each county from Section 8, Article VII, which provides for classification of judges, their qualifications, jurisdictions, powers and terms of office; providing for a ballot title; and ordering a special election.

be ordered referred by the legislature of the State of Oklahoma for approval or rejection at a special election to be held throughout the state of Oklahoma on the date of the next ensuing statewide primary election as provided in Section 4 of said Resolution, which Special Election is hereby ordered and authorized on the date of the next ensuing statewide primary election, as provided in Section 1, of Article 24, of the Constitution of Oklahoma?"

The roll was ordered called and resulted as follows:

Aye: Baldwin, Berrong, Birdsong, Breckinridge, Ferrell, Garrison, Grantham, Graves, Howard, Howell, Inhofe, Keels, Lamb, Luton, McCune, McGraw, McSpadden, Medearis, Miller, Nichols, Smalley, Smith, Terrill, Williams, Young. —25.

Nay: Boecher, Capps, Crow, Dahl, Ham, Hamilton, Holden, Lane, Martin, Payne, Phillips, Rogers, Stipe, Trent.—14.

Excused: Baggett, Bradley, Field, Garrett, Hargrave, Murphy, Porter, Stansberry, Taliaferro.—9.

The President Pro Tempore, in open session, declared the Special Election Feature, having failed to receive a

constitutional two-thirds majority vote of the members elected to and constituting the Senate, failed of passage.

**SJR 43,** as amended, was ordered referred for engrossment.

## MESSAGE FROM THE HOUSE

Advising the signing of and returning Enrolled **SCR 82.**

The above numbered Enrolled Resolution was ordered referred to the Secretary of State.

Senator Terrill moved after the Clerk's desk is cleared, that the Senate stand adjourned to meet Thursday, February 10, 1972, at 11:00 A.M., which motion prevailed.

Upon motion of Senator Terrill, the Senate adjourned to meet Thursday, February 10, 1972, at 11:00 A.M.

# Twenty-third Legislative Day

## Thursday, February 10, 1972

Pursuant to adjournment, the Senate was called to order by President Pro Tempore Smith.

Upon roll call, the following members were present:

Aye: Baggett, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Holden, Howard, Howell, Inhofe, Keels, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Miller, Murphy, Nichols, Payne, Phillips, Porter, Rogers, Smalley, Smith, Stipe, Taliaferro, Terrill, Trent, Williams, Young.—42.

Excused: Baldwin, Berrong, Bradley, Hargrave, Medearis, Stansberry.—6.

The President Pro Tempore declared a quorum present.

The following prayer was offered by the Chaplain and incorporated upon request of Senator Murphy:

Lord God, we come to adore You. You are the ground of all that is. You have created us, without You we could not be. Before we were born, before time began, before the universe came into being, You were.

When time is finished, when the universe is no more, You will still be. Nothing can take Your Power away from You.

And now in Your presence we can only be silent before the mystery of Your being, for no words of ours can do justice to Your greatness.

Yet You have spoken to us. Out of universal silence Your living word has sprung. You have spoken, and given form and beauty to the world.

You have spoken, and given purpose to human life. You have spoken and declared the forgiveness of our sin. You have spoken and freed us from the fear of death.

Lord Jesus Christ, speak to us now. Show us the beauty of life; unite us to Your purpose; remove our guilt; conquer the fear of death in our hearts. Speak and let us hear for Your name sake.

The Journal for the last legislative day was declared approved.

### REQUEST FOR LOBBY PERMIT

Request for Lobby Permit was filed by the following person and ordered referred to the Committee on Lobby Permits:

Irvin Owen, 1429 N. Broadway, Shawnee, Oklahoma, representing Credit Research Institute.

### COMMITTEE REPORTS

The following Bills and/or Resolutions were reported by the Committees named, ordered printed and placed upon the Calendar unless otherwise indicated:

DO PASS:

**SB 374**—Social Welfare, co-authored by Senators Porter, Ham, Payne, Birdsong and Miller.

### FIRST READING

The following Bills and/or Resolutions were introduced and read the first time:

**SB 533**—By Murphy—An Act relating to the Oklahoma Travel League Commission and making an appropriation thereto; stating the purpose; providing lapse date; and declaring an emergency.

**SB 534**—By Crow—An Act relating to small claims procedure; providing proced-

ures relating to entry of judgments on judgment docket; and setting an effective date.

**SB 535**—By Birdsong, Holden, Stipe, Ham, Lamb, Baggett, McSpadden, Ferrell, Rogers, Garrison, Porter, Keels, Miller, Luton, Terrill, Murphy, Smith, Martin, Phillips, McCune, Crow, Lane and Garrett of the Senate and Hopkins of the House—An Act relating to police pension and retirement; creating the Police Pension and Retirement Board of the State of Oklahoma; providing for organization, powers and duties of board; directing reports to board; repealing inconsistent acts; setting operative date; and declaring an emergency.

**SJR 48**—By Stipe—A Joint Resolution directing the Secretary of State to refer to the people, for their approval or rejection, a proposed amendment to Article X, Oklahoma Constitution, by adding a new section 40 thereto; providing for a bond issue for capital improvements for the Department of Corrections of this state; providing for a ballot title; and ordering a special election.

## SECOND READING

The following Bills and/or Resolutions were read the second time and referred to Committees indicated:

**SB 521**—Banks and Banking.

**SB 522**—State and Federal Government.

**SB 523**—Education—Common.

**SB 524**—Judiciary.

**SB 525**—Education—Common.

**SB 526**—Education—Common.

**SB 527**—State and Federal Government.

**SB 528**—Education—Higher.

**SB 529**—State and Federal Government.

**SB 530**—Insurance.

**SB 531**—Insurance.

**SB 532**—Insurance.

**SJR 46**—Constitutional Revision and Redistricting.

**SJR 47**—Education—Higher.

**HB 1531**—Agriculture.

**HB 1558**—Appropriations and Budget.

**HB 1559**—Appropriations and Budget.

**HB 1591**—Roads and Highways.

**HB 1600**—Governmental Reform.

## MESSAGE FROM THE HOUSE

Advising passage of and transmitting for consideration Engrossed:

**HB 1401**—By York, Atkins, Bamberger, Frates, Kennedy, Monks and Payne—An Act relating to public health and safety; amending 63 O.S. 1971 §§ 931, 933 through 951, and 954; changing Board of Unexplained Deaths to the Board of Medicolegal Investigations; providing for members of said board, and defining its duties and powers; providing for chief medical examiner, fixing his qualifications and defining his authority and duties; providing for medical examiners in each county and fixing their authority, duties and compensation; providing for investigations to determine cause and/or manner of certain human deaths; providing for autopsies; providing for exhumation of human bodies in certain cases; providing for death certificates; defining duties of State Registrar of Vital Statistics; providing procedure for admitting records and transcripts pertaining to examinations and autopsies into evidence in civil cases; authorizing transport of bodies of deceased persons for autopsies and scientific tests; and authorizing payment for services; authorizing Board of Medicolegal Investigations to accept grants, gifts, fees and funds; providing for severability; and declaring an emergency.

**HB 1448**—By Boettcher—An Act relating to civil procedure; amending 12 O.S. 1961, § 1580, to provide for allowance of attorney fees in actions for the recovery of personal property; and declaring an emergency.

**HB 1545**—By McCune and Bamberger—An Act relating to the courts; amending 20 O.S. 1971, § 123; providing that special judges have jurisdiction of certain matters; enlarging the authority of special

judges, except nonlawyer special judges, to include certain matters; and declaring an emergency.

**HB 1577**—By Willis and Miskelly of the House and McSpadden and Hamilton of the Senate—An Act relating to the Oklahoma Alcoholic Beverage Control Board and making an appropriation thereto; stating the purpose; providing that the Alcoholic Beverage Control Board shall fix the duties and compensation of employees, including the Director; providing maximum salary for the Director; authorizing the purchase of insurance on motor vehicles; authorizing purchase of automobiles; providing for the transfer of the unappropriated balance in the Alcoholic Beverage Control Fund; providing lapse date; providing for severability; and declaring an emergency.

**HB 1578**—By Willis and Miskelly of the House and McSpadden and Hamilton of the Senate—An Act relating to the office of the Banking Department and making an appropriation thereto; stating the purpose; providing that the Bank Commissioner shall fix the duties and compensation of employees; providing for per diem of Banking Board members and Savings and Loan Board members; providing lapse date; making provisions of this act severable; and declaring an emergency.

The above numbered **HBs** were read for the first time.

## MESSAGE FROM THE HOUSE

Advising passage of and returning Engrossed **SB 132,** as co-authored by Miskelly.

The above numbered Bill was referred for enrollment.

## GENERAL ORDER

**SB 240** by Keels and Birdsong of the Senate was read and considered.

Senator Keels asked unanimous consent that further consideration of **SB 240** be deferred for this legislative day, which was the order.

**SB 468** was considered further.

Senator Grantham asked to be made a co-author of **SB 468,** which was the order.

Senator Crow asked unanimous consent that his pending amendment to **SB 468,** Page 6, Line 18½, shown February 2, 1972, be withdrawn, which was the order.

Senator Luton moved to amend **SB 468,** Page 6, Line 6, by adding after the word "elec-tion". and before the word "The" a new sentence: "The said pollbook shall provide space for the voter to sign his name and address, which information must be given in full before he can vote in any school election.", which amendment was declared adopted.

Upon motion of Senator Miller, **SB 468,** as co-authored and amended, was advanced to engrossment.

By unanimous consent, upon request of Senator Miller, **SB 468,** as co-authored and amended, was considered engrossed and placed on third reading and final passage.

## THIRD READING

**SB 468** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Holden, Howard, Howell, Inhofe, Keels, Lamb, Lane, Luton, McCune, McGraw, Martin, Miller, Murphy, Nichols, Payne, Phillips, Porter, Rogers, Smalley, Smith, Stipe, Terrill, Trent, Williams, Young.—40.

Excused: Baldwin, Berrong, Bradley, Hargrave, McSpadden, Medearis, Stansberry, Taliaferro.—8.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baggett, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Holden, Howard, Howell,

Inhofe, Keels, Lamb, Lane, Luton, McCune, McGraw, Martin, Miller, Murphy, Nichols, Payne, Phillips, Porter, Rogers, Smalley, Smith, Stipe, Terrill, Trent, Williams, Young.—40.

Excused: Baldwin, Berrong, Bradley, Hargrave, McSpadden, Medearis, Stansberry, Taliaferro.—8.

The emergency was declared passed.

**SB 468** was referred for engrossment.

## GENERAL ORDER

**SB 435** by Luton of the Senate was read and considered.

Senator Murphy asked to be made a co-author of **SB 435,** which was the order.

Senator Howell presiding.

Senator Luton asked unanimous consent that further consideration of **SB 435** be deferred for this legislative day, which was the order.

## RESOLUTIONS

Senator Grantham introduced **SCR 86.**

Senator Grantham asked unanimous consent that all other members of the Senate be made co-authors of **SCR 86,** which was the order.

**SCR 86,** as co-authored, was read at length, adopted upon motion of Senator Grantham and ordered referred for engrossment.

**SCR 86**—By Grantham of the Senate and Boettcher, et al, of the House—A Concurrent Resolution expressing sadness at the death of L. W. (Lew) Prunty, Ponca City, Oklahoma, and offering condolences to his family and friends; recognizing his life's contributions to peoples' betterment and his useful activity in the Democratic Party; and directing distribution of authenticated copies of this resolution.

Senator Smalley introduced the following Resolution:

**SR 74**—By Smalley and Garrison—A Resolution authorizing the State Board of Public Affairs to engage the services of an exterminator to rid the Capitol Building of insects; and directing distribution.

**SR 74** was read at length, adopted upon motion of Senator Smalley and ordered referred for enrollment.

## GENERAL ORDER

**SB 397** by McSpadden and Hamilton of the Senate and Willis, et al, of the House was read and considered.

Senator McSpadden asked unanimous consent that further consideration of **SB 397** be deferred momentarily, which was the order.

**SB 408** by McSpadden and Hamilton of the Senate and Willis, et al, of the House was read and considered.

Upon motion of Senator McSpadden, **SB 408** was advanced to engrossment.

By unanimous consent, upon request of Senator McSpadden, **SB 408** was considered engrossed and placed on third reading and final passage.

## THIRD READING

**SB 408** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Holden, Howard, Howell, Inhofe, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Miller, Murphy, Nichols, Payne, Porter, Rogers, Smalley, Stipe, Taliaferro, Terrill, Trent, Williams, Young.—38.

Nay: Keels.—1.

Excused: Baldwin, Berrong, Bradley, Ferrell, Hargrave, Medearis, Phillips, Smith, Stansberry.—9.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baggett, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Field, Garrett,

Garrison, Grantham, Graves, Ham, Hamilton, Holden, Howard, Howell, Inhofe, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Miller, Murphy, Nichols, Payne, Porter, Rogers, Smalley, Stipe, Taliaferro, Terrill, Trent, Williams, Young.—38.

Nay: Keels.—1.

Excused: Baldwin, Berrong, Bradley, Ferrell, Hargrave, Medearis, Phillips, Smith, Stansberry.—9.

The emergency was declared passed.

**SB 408** was referred for engrossment.

## GENERAL ORDER—BILL WITHDRAWN

Senator McSpadden asked unanimous consent that **SB 420** be withdrawn from the calendar and re-referred to the Committee on Appropriations and Budget, which was the order.

**SB 421** by McSpadden and Hamilton of the Senate and Willis, et al, of the House was read and considered.

Senators Luton and Inhofe asked to be made co-authors of **SB 421,** which was the order.

Upon motion of Senator McSpadden, **SB 421,** as co-authored, was advanced to engrossment.

By unanimous consent, upon request of Senator McSpadden, **SB 421,** as co-authored, was considered engrossed and placed on third reading and final passage.

## THIRD READING

**SB 421** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Graves, Ham, Hamilton, Holden, Howard, Howell, Inhofe, Keels, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Miller, Murphy, Payne, Porter, Rogers, Smalley, Smith, Stipe, Taliaferro, Terrill, Trent, Williams, Young.—39.

Nay: Grantham.—1.

Excused: Baldwin, Berrong, Bradley, Hargrave, Medearis, Nichols, Phillips, Stansberry.—8.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baggett, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Graves, Ham, Hamilton, Holden, Howard, Howell, Inhofe, Keels, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Miller, Murphy, Payne, Porter, Rogers, Smalley, Smith, Stipe, Taliaferro, Terrill, Trent, Williams, Young.—39.

Nay: Grantham.—1.

Excused: Baldwin, Berrong, Bradley, Hargrave, Medearis, Nichols, Phillips, Stansberry.—8.

The emergency was declared passed.

**SB 421** was referred for engrossment.

## REPORT OF ENGROSSED AND ENROLLED BILLS

**SCRs 83, 84, 85, SJR 43** and **HB 1511** each correctly engrossed.

**SCR 80** correctly enrolled.

Engrossed **SCRs 83, 84, 85** and **SJR 43** were properly each signed and ordered transmitted to the Honorable House for consideration.

Engrossed **HB 1511,** together with Engrossed **SAs,** was properly signed and ordered returned to the Honorable House.

Enrolled **SCR 80** was properly signed and ordered transmitted to the Honorable House for the signature of the Speaker.

## GENERAL ORDER

**SB 429** by McSpadden and Hamilton of the Senate and Willis, et al, of the House was read and considered.

Upon motion of Senator McSpadden, **SB 429** was advanced to engrossment.

By unanimous consent, upon request of Senator McSpadden, **SB 429** was considered

engrossed and placed on third reading and final passage.

**THIRD READING**

**SB 429** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Holden, Howard, Howell, Inhofe, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Miller, Murphy, Nichols, Payne, Porter, Rogers, Smalley, Smith, Stipe, Taliaferro, Terrill, Trent, Williams, Young.—39.

Excused: Baggett, Baldwin, Berrong, Bradley, Hargrave, Keels, Medearis, Phillips, Stansberry.—9.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Holden, Howard, Howell, Inhofe, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Miller, Murphy, Nichols, Payne, Porter, Rogers, Smalley, Smith, Stipe, Taliaferro, Terrill, Trent, Williams, Young.—39.

Excused: Baggett, Baldwin, Berrong, Bradley, Hargrave, Keels, Medearis, Phillips, Stansberry.—9.

The emergency was declared passed.

**SB 429** was referred for engrossment.

**GENERAL ORDER**

**HB 1567** by Willis, et al, of the House and McSpadden and Hamilton of the Senate was read and considered.

Upon motion of Senator McSpadden, **HB 1567** was advanced to engrossment.

By unanimous consent, upon request of Senator McSpadden, **HB 1567** was considered engrossed and placed on third reading and final passage.

**THIRD READING**

**HB 1567** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Holden, Howard, Howell, Inhofe, Lamb, Lane, Luton, McGraw, McSpadden, Martin, Miller, Murphy, Nichols, Payne, Porter, Smalley, Smith, Stipe, Taliaferro, Terrill, Williams, Young.—37.

Nay: Keels, McCune, Rogers.—3.

Excused: Baldwin, Berrong, Bradley, Hargrave, Medearis, Phillips, Stansberry, Trent.—8.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baggett, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Holden, Howard, Howell, Inhofe, Lamb, Lane, Luton, McGraw, McSpadden, Martin, Miller, Murphy, Nichols, Payne, Porter, Smalley, Smith, Stipe, Taliaferro, Terrill, Williams, Young.—37.

Nay: Keels, McCune, Rogers.—3.

Excused: Baldwin, Berrong, Bradley, Hargrave, Medearis, Phillips, Stansberry, Trent.—8.

The emergency was declared passed.

**HB 1567** was referred for engrossment.

**GENERAL ORDER**

**HB 1566** by Willis, et al, of the House and McSpadden and Hamilton of the Senate was read and considered.

Upon motion of Senator McSpadden, **HB 1566** was advanced to engrossment.

By unanimous consent, upon request of Senator McSpadden, **HB 1566** was considered engrossed and placed on third reading and final passage.

## THIRD READING

**HB 1566** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Holden, Howard, Howell, Inhofe, Keels, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Miller, Murphy, Payne, Porter, Rogers, Smith, Stipe, Taliaferro, Trent, Williams, Young. —38.

Excused: Baldwin, Berrong, Bradley, Hargrave, Medearis, Nichols, Phillips, Smalley, Stansberry, Terrill.—10.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baggett, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Holden, Howard, Howell, Inhofe, Keels, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Miller, Murphy, Payne, Porter, Rogers, Smith, Stipe, Taliaferro, Trent, Williams, Young. —38.

Excused: Baldwin, Berrong, Bradley, Hargrave, Medearis, Nichols, Phillips, Smalley, Stansberry, Terrill.—10.

The emergency was declared passed.

**HB 1566** was ordered withheld pursuant to Rule 19(f).

## GENERAL ORDER

**SB 397** was considered further.

Senator Baggett moved to amend **SB 397,** Page 2, Line 3, as follows: By substituting the figures "701,410.00" for the figures "$751,410.00"; and, by inserting the following language at Line 3½: "To fulfill the requirements of 73 O.S. 1971, Sections 83 through 83.11, as to the preparation and execution of a comprehensive master plan for the Capitol-Medical Center area—$50,000.", which amendment was declared adopted.

Upon motion of Senator McSpadden, **SB 397,** as amended, was advanced to engrossment.

By unanimous consent, upon request of Senator McSpadden, **SB 397,** as amended, was considered engrossed and placed on third reading and final passage.

## THIRD READING

**SB 397** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Holden, Howard, Howell, Inhofe, Keels, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Miller, Murphy, Nichols, Payne, Rogers, Smith, Stipe, Terrill, Trent, Williams, Young.—38.

Excused: Baldwin, Berrong, Bradley, Hargrave, Medearis, Phillips, Porter, Smalley, Stansberry, Taliaferro.—10.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baggett, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Holden, Howard, Howell, Inhofe, Keels, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Miller, Murphy, Nichols, Payne, Rogers, Smalley, Smith, Stipe, Terrill, Trent, Williams, Young.—39.

Excused: Baldwin, Berrong, Bradley, Hargrave, Medearis, Phillips, Porter, Stansberry, Taliaferro.—9.

The emergency was declared passed.

**SB 397** was referred for engrossment.

## GENERAL ORDER

**HB 1570** by Willis, et al, of the House and McSpadden and Hamilton of the Senate was read and considered.

Senators Lamb and Inhofe asked to be

made co-authors of **HB 1570,** which was the order.

Upon motion of Senator McSpadden, **HB 1570,** as co-authored, was advanced to engrossment.

By unanimous consent, upon request of Senator McSpadden, **HB 1570,** as co-authored, was considered engrossed and placed on third reading and final passage.

**THIRD READING**

**HB 1570** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Garrison, Graves, Ham, Holden, Howard, Howell, Inhofe, Keels, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Miller, Murphy, Nichols, Payne, Porter, Smalley, Smith, Stipe, Taliaferro, Terrill, Trent, Williams, Young.—36.

Nay: Field.—1.

Excused: Baldwin, Berrong, Bradley, Garrett, Grantham, Hamilton, Hargrave, Medearis, Phillips, Rogers, Stansberry.—11.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baggett, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Garrison, Graves, Ham, Holden, Howard, Howell, Inhofe, Keels, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Miller, Murphy, Nichols, Payne, Porter, Smalley, Smith, Stipe, Taliaferro, Terrill, Trent, Williams, Young.—36.

Nay: Field.—1.

Excused: Baldwin, Berrong, Bradley, Garrett, Grantham, Hamilton, Hargrave, Medearis, Phillips, Rogers, Stansberry.—11.

The emergency was declared passed.

**HB 1570** was ordered withheld pursuant to Rule 19(f).

**GENERAL ORDER**

**SB 473** by Young of the Senate was read and considered.

Senator Terrill, citing Rule 8(e), asked unanimous consent that Representative Ferrell be added as House Author of **SB 473,** which was the order.

Senator Inhofe moved to amend **SB 473,** Page 1, Line 2, by adding after the word "Property", and before the word "on," the following: "owned by an insurance company", which amendment was declared adopted.

Senator Rogers moved to amend **SB 473,** Page 1, Line 5, by adding after the word "society", the words, "or whose appraisals are regularly accepted by the courts of the general area where the property is located."

Senator Young asked unanimous consent that further consideration of **SB 473** be deferred this legislative day, with amendments attached thereto, which was the order.

There being matters on the President's desk for consideration of the Senate in executive session, it was upon motion of Senator Birdsong, that the Senate closed its doors and went into executive session.

*

The Senate reassembled in open session, with Senator Howell presiding, who made the following announcements:

The Senate, in executive session, and upon motion of Senator Trent, advised and consented to the confirmation of JOE GARY, Durant, Oklahoma, as a Member of the Oklahoma State Regents for Higher Education, for a nine (9) year term, beginning May 16, 1970, and ending May 16, 1979, and effective upon Senate confirmation. Mr. Gary succeeds Mrs. S. T. Ditmars.

The Senate, in executive session, and upon motion of Senator Capps, advised and consented to the confirmation of R. L. PATTON, Mangum, Oklahoma, as a Member of the Oklahoma Railroad Maintenance Authority for an eight (8) year term ending July 1, 1979, and effective upon Senate confirmation.

The Senate, in executive session, and up-

on motion of Senator Capps, advised and consented to the confirmation of BERNIECE UNDERWOOD, Willow, Oklahoma, as a Member of the Board of Regents, Altus Junior College, for a term ending June 1, 1974, and effective upon Senate confirmation.

The Senate, in executive session, and upon motion of Senator Smalley, advised and consented to the confirmation of MARVIN LIDDELL, Norman, Oklahoma, as a Member of the Oklahoma Boxing Commission for a four (4) year term ending December, 31, 1975, and effective upon Senate confirmation.

The Senate, in executive session, and upon motion of Senator Grantham, advised and consented to the confirmation of JOE HART, Ponca City, Oklahoma, as a Member of the Oklahoma Boxing Commission for a two (2) year term ending December 31, 1973, and effective upon Senate confirmation.

The Senate, in executive session, and upon motion of President Pro Tempore Smith, advised and consented to the confirmation of DR. DAVID SHAPIRO, Tulsa, Oklahoma, as a Member of the Oklahoma Boxing Commission for a five (5) year term ending December 31, 1976, and effective upon Senate confirmation.

The Senate, in executive session, and upon motion of Senator Crow, advised and consented to the confirmation of JAMES McMANUS, Frederick, Oklahoma, as a Member of the Oklahoma Railroad Maintenance Authority for a ten (10) year term ending July 1, 1981, and effective upon Senate confirmation.

The Senate, in executive session, and upon motion of Senator Inhofe, advised and consented to the confirmation of OLLIE BELL STINES, Tulsa, Oklahoma, as a Member of the State Board of Electrology for a three (3) year term ending May 10, 1976, and effective upon Senate confirmation. Mrs. Stines succeeds Mary Crozier.

## RESOLUTION

The following Resolution was introduced and consideration deferred this legislative day:

**SCR 87**—By Lane of the Senate and Murphy of the House—A Concurrent Resolution expressing legislative intent as to compensation to be paid nonlawyer special judges during the remainder of the current fiscal year.

Senator Smalley moved after the Clerk's desk is cleared, that the Senate stand adjourned to meet Monday, February 14, 1972, at 1:00 P.M., which motion prevailed.

## BILLS RELEASED

**HBs 1566** and **1570** were properly signed and ordered returned to the Honorable House.

Upon motion of Senator Smalley, the Senate adjourned to meet Monday, February 14, 1972, at 1:00 P.M.

# Twenty-fourth Legislative Day

## Monday, February 14, 1972

Pursuant to adjournment, the Senate was called to order by Senator Terrill, who was designated so to do by the President Pro Tempore.

Upon roll call, the following members were present:

Baggett, Baldwin, Berrong, Birdsong, Boecher, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Keels, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Phillips, Porter, Rogers, Smith, Stansberry, Stipe, Taliaferro, Terrill, Trent, Williams, Young.—45.

Excused: Bradley, Breckinridge, Smalley.—3.

The Presiding Officer declared a quorum present.

The following prayer was offered by Reverend Gary W. Cook, Pastor, First Baptist Church, Sapulpa, Oklahoma, and incorporated upon request of Senator Young.

Holy Father: During these days in which we are mindful of the great leaders Washington and Lincoln, may we rededicate ourselves to the continuing task of leadership. We thank you for the opportunity that is ours. We are mindful that with this opportunity goes great responsibility. Remind us continually of our responsibility to the people and to you.

We seek to be useful servants in making our state a better place to live. Lead us we pray, that this day may be productive. Help us to give ourselves to the task before us. It is in the name of the Christ we pray. Amen.

President Pro Tempore Smith presiding.

The Journal for the last legislative day was declared approved.

## COMMITTEE REPORTS

The following Bills and/or Resolutions were reported by the Committees named, ordered printed and placed upon the Calendar unless otherwise indicated:

DO PASS, As Amended:

**SB 380**—Judiciary.

**SB 389**—Judiciary.

## FIRST READING

The following Bills and/or Resolutions were introduced and read the first time:

**SB 536**—By Capps of the Senate and Wiedemann of the House—An Act relating to utilization, research and market development of sheep and wool produced in Oklahoma; providing for the creation of a Sheep and Wool Commission; defining terms; declaring public policy; providing for the selection and appointment of members of such Commission; providing powers and duties of such Commission; providing for the establishment and location of an administrative office; providing for the imposing of promotional fees and the payment, collection and use thereof; providing for refunds of such fees; requiring certain reports; making certain acts and practices unlawful; providing penalties; providing for severability; and declaring an emergency.

**SB 537**—By Berrong of the Senate and Stratton of the House—An Act relating to motor vehicles; amending 47 O.S. 1971, §§ 7-201 and 10-101; extending the provisions

pertaining to accident reports and financial responsibility to all areas of the state.

**SB 538**—By Crow of the Senate and Cotner of the House—An Act relating to City Clerk, City Treasurer and City Clerk-Treasurer of certain cities; authorizing selection by either election or appointment; providing manner of appointment or removal; and declaring an emergency.

**SB 539**—By Smith—An Act relating to courts; creating the position of trial court administrator for the Oklahoma-Canadian Judicial Administrative District and the Tulsa-Pawnee Judicial Administrative District; providing for appointment by presiding judge; providing a salary to be paid from court funds; providing an operative date; and declaring an emergency.

**SB 540**—By Smith of the Senate and Riggs of the House—An Act relating to schools; amending 70 O.S. 1971, § 5-107; providing for elections of school board members; permitting certain members to serve out their terms; providing for elections to fill certain vacancies; and declaring an emergency.

**SB 541**—By Smith—An Act relating to legislative apportionment; amending, with respect to Senate Districts 10, 31, 32, 35, 36, 39, 41, 44, 45, 46, 50 and 54, 14 O.S. 1971, § 80.4; fixing the boundaries of Senate Districts 10, 31, 32, 36, 44, 45, 50 and 54; and declaring an emergency.

**SB 542**—By Howell and Hamilton—An Act relating to data processing planning and management; amending 74 O.S. 1971, § 118.8; requiring certain expenditures related to data processing to be reviewed by the data processing specialist; providing procedures relating to such review; providing duties of Director of Data Processing planning, including purchase or leasing of certain equipment and supplies in compliance with the Central Purchasing Act; providing for codification; providing for renumbering of Sections 118.10 through 118.16 of Title 74; and declaring an emergency.

**SB 543**—By Hamilton of the Senate and Fine of the House—An Act relating to the Judiciary; amending 20 O.S. 1971, § 122; providing that a special judge shall be appointed for each county within the administrative district with a population of at least twenty-three thousand, as determined by the 1960 Federal Decennial Census; providing further that an additional special judge shall be appointed for each additional fifty thousand in population in a county within the administrative district, as determined by the 1960 Federal Decennial Census; and declaring an emergency.

**SB 544**—By Hamilton of the Senate and Willis of the House—An Act relating to public finance; requiring itemization of data processing expenses in certain reports to the State Director of Finance; and declaring an emergency.

**SB 545**—By Crow—An Act relating to cable television transmitting systems; declaring the same to be a public utility; providing for their regulation by the Corporation Commission; prescribing procedures for securing certificates of convenience and necessity; expressing Legislative intent that all stations offer educational programs; making the provisions of this Act cumulative to existing law; and declaring an emergency.

**SB 546**—By Young—An Act relating to insurance; requiring the advertising for bids on certain contracts to be awarded to a stockholder, officer or director of a domestic insurer; and setting an effective date.

**SB 547**—By Young—An Act relating to insurance; amending 36 O.S. 1971, §1702; stating purpose of deposits of insurers; and setting an effective date.

**SB 548**—By Young—An Act relating to crimes and punishments; making it a felony to cause political contributions to be made with funds of insurers; and declaring an emergency.

**SB 549**—By Holden, Nichols, Harrison, and Hargrave of the Senate and Spearman, Green, Harper, Sullivan and Bradley of the House—An Act relating to the acquisition and distribution of federal surplus and excess property by the state and

certain political subdivisions; amending 80 O.S. 1971, §§ 34.1, 34.3, 34.4, and 34.6; providing for authority and duties of surplus property agent; making agent sole authority for representing state and subdivisions in matters relating to federal surplus and excess property; authorizing agent to promulgate rules, prescribe forms and delegate authority in writing; providing for certification of certain costs and expenses; and declaring an emergency.

**SB 550**—By Phillips—An Act relating to higher education; creating a governing board for the representation of faculty members of institutions of higher learning in the area of collective bargaining; stating a purpose; defining terms; providing for rules and regulations; and declaring an emergency.

## SECOND READING

The following Bills and/or Resolutions were read the second time and referred to Committees indicated:

**SB 533**—Appropriations and Budget.

**SB 534**—Judiciary.

**SB 535**—State and Federal Government.

**SJR 48**—Constitutional Revision and Redistricting.

**HB 1401**—Public and Mental Health—Judiciary.

**HB 1448**—Judiciary.

**HB 1545**—Judiciary.

**HB 1577**—Appropriations and Budget.

**HB 1578**—Appropriations and Budget.

## GENERAL ORDER

**SB 347** by Martin of the Senate was read and considered.

Upon motion of Senator Martin, **SB 347** was advanced to engrossment.

By unanimous consent, upon request of Senator Martin, **SB 347** was considered engrossed and placed on third reading and final passage.

## THIRD READING

**SB 347** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Baldwin, Berrong, Birdsong, Boecher, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Keels, Lamb, Lane, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Payne, Phillips, Smith, Taliaferro, Terrill, Trent, Williams, Young.—39.

Excused: Bradley, Breckinridge, Luton, Nichols, Porter, Rogers, Smalley, Stansberry, Stipe.—9.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baggett, Baldwin, Berrong, Birdsong, Boecher, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Keels, Lamb, Lane, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Payne, Phillips, Smith, Taliaferro, Terrill, Trent, Williams, Young.—39.

Excused: Bradley, Breckinridge, Luton, Nichols, Porter, Rogers, Smalley, Stansberry, Stipe.—9.

The emergency was declared passed.

**SB 347** was referred for engrossment.

Senator Payne presiding.

## GENERAL ORDER

**SB 466** by McCune of the Senate was read and considered.

Senator Ferrell asked to be made a co-author of **SB 466,** which was the order.

Senator McCune, citing Rule 8(c), asked unanimous consent that Representative Witt be added as House author of **SB 466,** which was the order.

Senators Hamilton and McSpadden asked unanimous consent that **SB 466** be with-

drawn from the Calendar and referred to the Committee on Appropriations and Budget, which was the order.

## MESSAGE FROM THE HOUSE

Advising adoption of and transmitting for consideration Engrossed:

**HCR 1065**—By Bengtson—A Resolution memorializing Congress to reimburse local school districts and states for monies necessarily expended by them as the result of a federal edict, order, decree, regulation or decision for bussing pupils of public schools; and directing distribution.

**HCR 1067**—By Elder, et al, of the House and Lamb of the Senate—A Concurrent Resolution commending Harold "Red" Reid on being selected College Athletic Business Manager of the Year; and directing distribution.

Consideration of the Resolutions was deferred for this Legislative day.

## MESSAGE FROM THE HOUSE

Advising passage of and returning Engrossed **SB 404,** as amended.

**HA** to **SB 404** read as follows, and consideration deferred:

Amendment No. 1. Amend Page 1, Line 16, by striking the Enacting Clause.

## GENERAL ORDER

**SB 462** was considered further.

Senator Lamb moved to amend **SB 462,** Page 2, Line 5, by inserting after the comma, and before the word "the" the following: "provided no other person or persons have filed for said office" and change the words "as of" to "until".

Senator Young moved that **SB 462** be re-referred to the Committee on Judiciary, which motion was tabled by Senator Grantham.

The vote occurring on the Lamb amendment, it was declared adopted.

Upon motion of Senator Grantham, **SB 462,** as amended, was advanced to engrossment.

By unanimous consent, upon request of Senator Grantham, **SB 462,** as amended, was considered engrossed and placed on third reading and final passage.

## THIRD READING

**SB 462** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Baldwin, Berrong, Birdsong, Crow, Ferrell, Garrett, Garrison, Grantham, Hargrave, Howard, Howell, Inhofe, Luton, McCune, Nichols, Smith, Taliaferro, Terrill, Williams.—20.

Nay: Boecher, Capps, Dahl, Graves, Hamilton, Holden, Keels, Lamb, Lane, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Payne, Phillips, Stansberry, Young.—19.

Excused: Bradley, Breckinridge, Field, Ham, Porter, Rogers, Smalley, Stipe, Trent.—9.

The bill was declared failed of passage.

## MOTION TO RECONSIDER VOTE

As provided under Rule 19(b), Senator Grantham moved that the vote be reconsidered by which **SB 462** failed of passage.

## GENERAL ORDER

**SB 240** was considered further.

Upon motion of Senator Keels, **SB 240** was advanced to engrossment.

By unanimous consent, upon request of Senator Keels, **SB 240** was considered engrossed and placed on third reading and final passage.

## THIRD READING

**SB 240** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Birdsong, Capps, Dahl, Ferrell, Graves, Howell, Keels, Luton, McGraw, Payne, Phillips, Rogers, Taliaferro, Terrill.—15.

Nay: Baldwin, Boecher, Crow, Field, Garrett, Garrison, Grantham, Hamilton, Hargrave, Holden, Howard, Inhofe, Lamb, Lane, McCune, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Smith, Stansberry, Trent, Williams, Young.—26.

Excused: Berrong, Bradley, Breckinridge, Ham, Porter, Smalley, Stipe.—7.

The bill was declared failed of passage.

## MOTION TO RECONSIDER VOTE

As provided under Rule 19(b), Senator Keels moved that the vote be reconsidered by which **SB 240** failed of passage.

## GENERAL ORDER

**SB 117** by Smith of the Senate was read and considered.

Senators Hamilton, Murphy, Payne and Terrill asked to be made co-authors of **SB 117,** which was the order.

President Pro Tempore Smith moved to amend **SB 117,** Page 1, Line 7, by substituting "1973" for "1972", which amendment was declared adopted.

President Pro Tempore Smith moved to amend **SB 117,** Page 2, Line 12, by striking after the word "to" and before the word "not", the word "expand" and inserting the word "expend" therein, which amendment was declared adopted.

Upon motion of President Pro Tempore Smith, **SB 117,** as amended, was advanced to engrossment.

By unanimous consent, upon request of President Pro Tempore Smith, **SB 117,** as amended, was considered engrossed and placed on third reading and final passage.

## THIRD READING

**SB 117** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Baldwin, Berrong, Birdsong, Boecher, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Keels, Lamb, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Phillips, Rogers, Smith, Stansberry, Terrill, Trent, Williams, Young.—40.

Excused: Bradley, Breckinridge, Ham, Lane, Porter, Smalley, Stipe, Taliaferro.—8.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baggett, Baldwin, Berrong, Birdsong, Boecher, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Keels, Lamb, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Phillips, Rogers, Smith, Stansberry, Terrill, Trent, Williams, Young.—40.

Excused: Bradley, Breckinridge, Ham, Lane, Porter, Smalley, Stipe, Taliaferro.—8.

The emergency was declared passed.

**SB 117** was referred for engrossment.

## REPORT OF ENGROSSED AND ENROLLED BILLS

**SBs 397, 408, 421, 429, 468, SCR 86** and **HB 1567** each correctly engrossed.

**SB 132** and **SR 74** each correctly enrolled.

Engrossed **SBs 397, 408, 421, 429, 468** and **SCR 86** were each properly signed and ordered transmitted to the Honorable House for consideration.

Engrossed **HB 1567,** together with Engrossed **SAs,** was properly signed and ordered returned to the Honorable House.

Enrolled **SB 132** was, after fourth reading, properly signed and ordered transmitted to the Honorable House for the signature of the Speaker.

Enrolled **SR 74** was properly signed and ordered transmitted to the Secretary of State.

## GENERAL ORDER

**SB 374** by Smith, Porter, Payne, Birdsong, Ham and Miller of the Senate and Sparkman of the House was read and considered.

President Pro Tempore Smith asked unanimous consent, which was granted, that all other members of the Senate be made co-authors of **SB 374** which are as follows: Senators Luton, Boecher, Terrill, Grantham, Hamilton, Lamb, Williams, McGraw, Ferrell, Graves, Baggett, Baldwin, Berrong, Bradley, Breckinridge, Capps, Crow, Dahl, Field, Garrett, Garrison, Hargrave, Holden, Howard, Howell, Inhofe, Keels, Lane, McCune, McSpadden, Martin, Medearis, Murphy, Nichols, Phillips, Rogers, Smalley, Stansberry, Stipe, Taliaferro, Trent, Young.

President Pro Tempore Smith moved to amend **SB 374**, Page 1, Line 1, as follows: By striking Section 1, and inserting in lieu thereof another Section 1 to read as follows: "SECTION 1. The official name and designation of the diagnostic and evaluation center for children situated at Sand Springs, Oklahoma, shall be Lloyd E. Rader Children's Diagnostic and Evaluation Center." and striking the title to **SB 374** and inserting in lieu thereof the following: "AN ACT RELATING TO STATE INSTITUTIONS; FIXING THE OFFICIAL NAME AND DESIGNATION OF THE DIAGNOSTIC AND EVALUATION CENTER FOR CHILDREN LOCATED AT SAND SPRINGS, OKLAHOMA; DIRECTING CODIFICATION; AND DECLARING AN EMERGENCY.", which amendment was declared adopted.

Upon motion of President Pro Tempore Smith, **SB 374,** as co-authored and amended, was advanced to engrossment.

By unanimous consent, upon request of President Pro Tempore Smith, **SB 374,** as co-authored and amended, was considered engrossed and placed on third reading and final passage.

## THIRD READING

**SB 374** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Baldwin, Berrong, Birdsong, Boecher, Capps, Crow, Dahl, Ferrell, Garrett, Garrison, Grantham, Graves, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Keels, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Phillips, Rogers, Smith, Stansberry, Taliaferro, Terrill, Trent, Williams, Young.—41.

Excused: Bradley, Breckinridge, Field, Ham, Porter, Smalley, Stipe.—7.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baggett, Baldwin, Berrong, Birdsong, Boecher, Capps, Crow, Dahl, Ferrell, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Keels, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Phillips, Rogers, Smith, Stansberry, Taliaferro, Terrill, Trent, Williams, Young.—41.

Excused: Bradley, Breckinridge, Field, Ham, Porter, Smalley, Stipe.—7.

The emergency was declared passed.

**SB 374** was referred for engrossment.

## MESSAGE FROM THE HOUSE

Advising the signing of and returning Enrolled **SCR 80.**

The above numbered Enrolled Resolution was ordered referred to the Secretary of State.

## PENDING SENATE ACTION ON HAs

Upon motion of Senator McSpadden, the Senate refused to concur in **HAs** to **SBs 399, 409, 413, 415, 416, 425, 426** and **412,** and conferences requested, said Bills to be referred to **GCCA.**

Upon motion of Senator McSpadden, the Senate concurred in **HAs** to **SB 407.**

**SB 407,** as amended by the Honorable House, was read at length.

On the question of passage of bill, as amended, the roll call resulted as follows:

Aye: Baggett, Birdsong, Boecher, Capps, Crow, Dahl, Field, Garrison, Grantham, Graves, Ham, Hamilton, Holden, Howard, Inhofe, Keels, Lamb, Luton, McCune, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Phillips, Smith, Taliaferro, Terrill, Trent, Williams, Young. —33.

Excused: Baldwin, Berrong, Bradley, Breckinridge, Ferrell, Garrett, Hargrave, Howell, Lane, McGraw, Porter, Rogers, Smalley, Stansberry, Stipe.—15.

The bill, as amended, was declared passed.

On question of passage of emergency, the roll call resulted as follows:

Aye: Baggett, Birdsong, Boecher, Capps, Crow, Dahl, Field, Garrison, Grantham, Graves, Ham, Hamilton, Holden, Howard, Inhofe, Keels, Lamb, Luton, McCune, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Phillips, Smith, Taliaferro, Terrill, Trent, Williams, Young. —33.

Excused: Baldwin, Berrong, Bradley, Breckinridge, Ferrell, Garrett, Hargrave, Howell, Lane, McGraw, Porter, Rogers, Smalley, Stansberry, Stipe.—15.

The emergency was declared passed.

House Amendments were properly signed and above numbered bill, as amended, was referred for enrollment.

## GENERAL ORDER

**SB 435** was considered further.

Senator McCune moved to amend **SB 435,** Page 5, Line 15, by adding after the word "PSYCHOLOGIST", and before the word "doctor", the words: "who holds a doctorate degree in clinical psychology", which amendment was declared adopted.

Senator McCune moved to amend **SB 435,** Page 7, Line 4, by adding after the word "as", the words: "who holds a doctorate degree in clinical psychology", which amendment was declared adopted.

Upon motion of Senator Luton, **SB 435,** as co-authored and amended, was advanced to engrossment.

By unanimous consent, upon request of Senator Luton, **SB 435,** as co-authored and amended, was considered engrossed and placed on third reading and final passage.

## THIRD READING—BILL WITHDRAWN

Senator Luton asked unanimous consent that **SB 435** be withdrawn and re-referred to the Committee on Public and Mental Health, which was the order.

## GENERAL ORDER

**SB 473** was considered further.

Senator Rogers asked unanimous consent that his pending amendment to **SB 473,** Page 1, Line 5, shown on February 10, 1972, be withdrawn, which was the order.

Senator Rogers moved to amend **SB 473,** Page 1, Line 5, by adding after the word "society", the words: ", or whose appraisals are regularly accepted as expert opinion in contested matters in the courts of the general area where the property is located."

Senator Rogers asked unanimous consent that the following substitute amendment be read, which was the order.

Senator Rogers moved, as a substitute motion, to amend **SB 473,** Page 1, Line 5, after the word "society", the words: "or has been actively engaged in appraising like or similar properties for five (5) years immediately preceding the use of his services or who has been a licensed real estate broker in the State of Oklahoma for five (5) years immediately preceding the use of his services."

Senator Rogers requested that his second amendment be withdrawn, which was the order.

Senator Rogers pressed his former mo-

tion to adopt his substitute amendment, which amendment was declared adopted.

Senator Baggett moved to amend **SB 473,** Page 2, Line 18, by inserting the following new section: "SECTION 6. 36 O.S. 1971, Section 1513 B is hereby amended to read as follows:

"1513 B. Other real property held by an insurer shall not be valued at an amount in excess of fair value as determined by a recent appraisal or cost, whichever is less. If valuation is based on an appraisal more than three (3) years old, the Insurance Commissioner may at his discretion call for and require a new appraisal in order to determine fair value.", which amendment was declared adopted.

Upon motion of Senator Young, **SB 473,** as co-authored and amended, was advanced to engrossment.

By unanimous consent, upon request of Senator Young, **SB 473,** as co-authored and amended, was considered engrossed and placed on third reading and final passage.

## THIRD READING

**SB 473** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Berrong, Birdsong, Capps, Crow, Dahl, Field, Garrison, Grantham, Graves, Hamilton, Holden, Howard, Howell, Inhofe, Keels, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Miller, Murphy, Payne, Porter, Smith, Taliaferro, Terrill, Williams, Young.—32.

Nay: Boecher, Ham, Hargrave, Rogers. —4.

Excused: Baldwin, Bradley, Breckinridge, Ferrell, Garrett, Medearis, Nichols, Phillips, Smalley, Stansberry, Stipe, Trent. —12.

The bill was declared passed.

**SB 473** was referred for engrossment.

## GENERAL ORDER

**SB 474** by Young of the Senate was read and considered.

Senator Terrill, citing Rule 8(c), asked unanimous consent that Representative Ferrell be added as House author of **SB 474,** which was the order.

Upon motion of Senator Young, **SB 474,** as co-authored, was advanced to engrossment.

By unanimous consent, upon request of Senator Young, **SB 474,** as co-authored was considered engrossed and placed on third reading and final passage.

## THIRD READING

**SB 474** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Berrong, Birdsong, Boecher, Crow, Dahl, Field, Garrison, Grantham, Graves, Ham, Hamilton, Hargrave, Holden, Howard, Inhofe, Keels, Lamb, Lane, Luton, McCune, McGraw, Martin, Miller, Murphy, Payne, Rogers, Smith, Taliaferro, Terrill, Trent, Williams, Young.—33.

Excused: Baldwin, Bradley, Breckinridge, Capps, Ferrell, Garrett, Howell, McSpadden, Medearis, Nichols, Phillips, Porter, Smalley, Stansberry, Stipe.—15.

The bill was declared passed.

**SB 474** was referred for engrossment.

## GENERAL ORDER

**SB 475** by Young of the Senate was read and considered.

Senator Terrill, citing Rule 8(c), asked unanimous consent that Representative Ferrell be added as House author of **SB 475,** which was the order.

Senator Inhofe moved to amend **SB 475,** Page 2, Line 3½, by adding the following language: "However, no director or officer of an insurer, who is also a policy holder, shall be denied any policy benefits afforded any other policy holder.", which amendment was declared adopted.

Senator Terrill moved to amend **SB 475,** Page 2, Line 8, by adding after the semicolon (;) and before the word "nor", the following: "except if said officer or director shall borrow against cash values of a policy of which he is an owner, notwithstanding the fact the policy is issued by the insurer of which he is an officer or director;".

Senator Terrill asked unanimous consent that his foregoing amendment be withdrawn, which was the order.

Upon motion of Senator Young, **SB 475,** as co-authored and amended, was advanced to engrossment.

By unanimous consent, upon request of Senator Young, **SB 475,** as co-authored and amended, was considered engrossed and placed on third reading and final passage.

## THIRD READING

**SB 475** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Berrong, Birdsong, Boecher, Capps, Crow, Dahl, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Hargrave, Holden, Howard, Inhofe, Keels, Lamb, Luton, McCune, McGraw, McSpadden, Martin, Miller, Murphy, Nichols, Payne, Rogers, Smith, Taliaferro, Terrill, Trent, Williams, Young.—35.

Excused: Baggett, Baldwin, Bradley, Breckinridge, Ferrell, Howell, Lane, Medearis, Phillips, Porter, Smalley, Stansberry, Stipe.—13.

The bill was declared passed.

**SB 475** was referred for engrossment.

## GENERAL ORDER

**SB 477** by Young of the Senate was read and considered.

Senator Young asked unanimous consent that further consideration of **SB 477** be deferred this legislative day, with amendments attached thereto, which was the order.

## RESOLUTION

President Pro Tempore Smith introduced the following Resolution:

**SCR 88**—By Smith of the Senate and Privett of the House—A Concurrent Resolution relating to State Legislative-Congressional liaison and action by the Oklahoma Legislature to facilitate a closer and continuing exchange of views between Oklahoma Legislators and members of the Congressional Delegation; expressing gratitude and appreciation to members of the Oklahoma Congressional Delegation; for their cooperative assistance; and directing that a copy of this resolution be presented to each member of said delegation at a joint meeting scheduled with the Legislative Council Committee on Interstate Cooperation for February 18, 1972, at the State Capitol.

President Pro Tempore Smith asked unanimous consent that all other Senators be made co-authors of **SCR 88,** which was the order.

**SCR 88,** as co-authored, was read at length, adopted upon motion of President Pro Tempore Smith, and ordered referred for engrossment.

Senator Terrill moved, after the Clerk's desk is cleared, that the Senate stand adjourned to meet Tuesday, February 15, 1972, at 1:00 P.M., which motion prevailed.

## MESSAGE FROM THE GOVERNOR

Advising approval by him, February 11, 1972, of Enrolled **SBs 401** and **424,** entitled:

**SB 401**—By McSpadden, Hamilton and Birdsong of the Senate and Willis and Miskelly of the House—An Act relating to the Office of the Attorney General and Offices of district attorneys and making an appropriation thereto: * * *; and declaring an emergency.

**SB 424**—By McSpadden and Hamilton of the Senate and Willis and Miskelly of the House—An Act relating to the Commission

on Consumer Affairs and making an appropriation thereto; * * : and declaring an emergency.

**MESSAGE FROM THE HOUSE**

Advising fourth reading of and returning Enrolled **SB 132**.

The above numbered Enrolled Bill was referred to the Governor.

Upon motion of Senator Terrill, the Senate adjourned to meet Tuesday, February 15, 1972, at 1:00 P.M.

# Twenty-fifth Legislative Day

## Tuesday, February 15, 1972

Pursuant to adjournment, the Senate was called to order by President Pro Tempore Smith.

Upon roll call, the following members were present:

Baggett, Baldwin, Berrong, Birdsong, Boecher, Bradley, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Keels, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Phillips, Porter, Rogers, Smalley, Smith, Stansberry, Stipe, Taliaferro, Terrill, Trent, Williams, Young.—48.

The President Pro Tempore declared a quorum present.

The following prayer was offered by the Chaplain and incorporated upon request of Senator Young:

Our Father in Heaven; We thank you for the beauty of the day and the joys of life. For our freedom and our heritage we are grateful.

For the opportunity to determine our own destiny both as individuals and as a society, We thank you. We accept today the responsibility of work for the good of all men. Lead us we pray towards this end. In the name of the Christ we pray. Amen.

The Journal for the last legislative day was declared approved.

### ANNOUNCEMENT

Senator Graves asked unanimous consent, which was granted, that Krista Weedman, Jayna Weedman, Bart Weedman and Karen Fluke be designated as Honorary Pages for this legislative day.

### COMMITTEE REPORTS

The following Bills and/or Resolutions were reported by the Committees named, ordered printed and placed upon the Calendar unless otherwise indicated:

DO PASS:

**SB 388**—Soil and Water Resources.

**SB 511**—Education—Common, co-authored by Senators Trent, Crow, Field and Howell.

**SB 520**—Wildlife.

**HB 1569**—Appropriations and Budget.

**HB 1576**—Appropriations and Budget, co-authored by Senators Berrong, Capps, Crow, Ferrell, Grantham, McCune, Murphy and Taliaferro.

**HB 1583**—Appropriations and Budget.

**HB 1590**—Parks, Forestry and Industrial Development.

**HB 1613**—Appropriations and Budget.

DO PASS, As Amended:

**SB 405**—Appropriations and Budget.

**SB 454**—Wildlife.

**CS** for **SB 497**—Revenue and Taxation.

**HB 1379**—Wildlife, co-authored by Senator Dahl.

**HB 1582**—Appropriations and Budget, co-authored by Senator Trent.

### FIRST READING

The following Bills and/or resolutions were introduced and read the first time:

**SB 551**—By Young—An Act relating to the Insurance Commissioner; prohibiting certain acts; and declaring an emergency.

**SB 552**—By Baggett—An Act relating to taxation; making banks and credit unions pay the ad valorem tax on their personal property just like everybody else has to; amending 68 O.S. 1971, §§ 2370 and 2371, to that effect; and providing an effective date.

**SB 553**—By Baggett—An Act concerning causes of action for damages for libel, slander, invasion of privacy or other torts resulting from publication, exhibition or utterance; establishing the rule of one cause of action for a single publication, exhibition or utterance; making uniform the law; and prohibiting retroactive application.

**SB 554**—By Baggett—An Act relating to revenue and taxation; amending 68 O.S. 1971, § 2457; enlarging county boards of equalization and county excise boards from three to five members and providing the manner of appointment of additional members; and declaring an emergency.

**SB 555**—By Baggett—An Act relating to fees of Secretary of State; amending 28 O.S. 1971, § 111; providing for increase in filing fees of Secretary of State for filing articles of incorporation and issuing licenses; fixing formula for determining amount of authorized capital stock to be invested in Oklahoma; increasing fees on all other instruments filed or attested by Secretary of State; and declaring an emergency.

**SB 556**—By Garrison, Smith, Crow, Hamilton, Terrill, Grantham, Field, Williams, McSpadden, Murphy, Holden, Inhofe, Breckinridge, Lamb, Ferrell, Nichols, Berrong and Boecher of the Senate and Gooden, Anderson, McKee, Wiedemann, Coffin, Cox, Spearman, Sanguin and Lindstrom of the House—An Act relating to the prehistoric and historic cultural materials and resources of Oklahoma; providing for their preservation; creating an Oklahoma Historic Properties Registration Council; providing for powers and duties; creating a nonfiscal fund; imposing penalties; allowing tax exemption; repealing 70 O.S. 1971, § 3309; providing for severability; and declaring an emergency.

**SB 557**—By Baggett—An Act relating to children; amending 10 O.S. 1971, § 1101; defining terms for provisions relating to dependent or neglected children, delinquent children and children in need of supervision; repealing 10 O.S. 1971, § 1101A; and setting an effective date.

**SB 558**—By Baggett—An Act relating to revenue and taxation; providing that all revenues derived from taxes levied on gasoline and other motor fuels shall be deposited in the "Roads, Streets and Highways Fund" in the State Treasury; creating such Fund and providing for Legislative appropriations therefrom; repealing conflicting statutes; and providing an effective date.

**SJR 49**—By McGraw of the Senate and Williamson of the House—A Joint Resolution providing for payments by the Senate and the House of Representatives to the National Society of State Legislators; and declaring an emergency.

## SECOND READING

The following Bills and/or Resolutions were read the second time and referred to Committees indicated:

**SB 536**—Agriculture.

**SB 537**—Insurance.

**SB 538**—Municipal Government.

**SB 539**—Judiciary.

**SB 540**—Education—Common.

**SB 541**—Rules Committee.

**SB 542**—State and Federal Government.

**SB 543**—Judiciary.

**SB 544**—Education—Common.

**SB 545**—Constitutional Revision and Redistricting.

**SB 546**—Insurance.

**SB 547**—Insurance.

**SB 548**—Rules.

**SB 549**—State and Federal Government.

**SB 550**—Education—Higher.

## MESSAGE FROM THE HOUSE

Advising passage of and transmitting for consideration Engrossed:

**HB 1519**—By Payne—An Act relating to water and water rights; amending 82 O.S. 1971, § 1501-403; providing for date of election and designation of Conservation Day; deleting provision for term of directors at first election; and declaring an emergency.

**HB 1619**—By Miskelly, Trent and Clemons—An Act relating to schools; amending 70 O.S. 1971, § 6-104; and providing for minimum number of emergency leave days during a year.

**HB 1639**—By Skeith, Andrews, Privett, Sullivan, Avey, Bernard, Green, Greenhaw, Harper, Holaday, Musgrave, Tarwater, Thornhill, Williams, Williamson, Duke, Kennedy, Monks and Whorton of the House and Smith, Terrill, McSpadden, Murphy and Smalley of the Senate—An Act relating to highways; amending 47 O.S. 1971, §§ 14-101 and 14-103; providing that size, weight and load provisions shall be subject to limitations of 23 U.S.C.A., § 127, and authorizations of United States Congress; defining State Highway Trunk System; increasing maximums of vehicle width and length provisions on roads and highways; amending 47 O.S. 1971, §§ 14-107 and 14-109; providing tables or schedules for gross weight and axle load limitations for various classifications of roads and highways; providing for additional fees for licensing of certain vehicles and designating use of said funds; repealing 47 O.S. 1971, § 14-102; and declaring an emergency.

**HB 1640**—By Skeith, Privett, Sullivan, Avey, Bernard, Green, Greenhaw, Harper, Holaday, Musgrave, Payne, Tarwater, Thornhill, Williams, Williamson, Monks, Duke, Whorton and Kennedy of the House and Murphy, Terrill, Smith, McSpadden and Smalley of the Senate—An Act relating to motor vehicles; providing for movement of oversize and overweight vehicles on roads and highways; prescribing duties of State Highway Commission and Commissioner of Public Safety; providing for publication of load limit maps; authorizing issuance of annual permits for moving oversize and overweight vehicles; authorizing use of saddle mounts; repealing 47 O.S. 1971, §§ 14-104, 14-112 and 14-115; and declaring an emergency.

The above numbered **HBs** were read for the first time.

## MESSAGE FROM THE HOUSE

Advising fourth reading of and transmitting for signature Enrolled **HBs 1566** and **1570.**

The above numbered Enrolled Bills were, after fourth reading, properly signed and ordered returned to the Honorable House.

## MESSAGE FROM THE HOUSE

Advising Conference granted on Engrossed **SBs 399, 409, 412, 413, 415, 416, 425** and **426** and referring said bills to **GCCA.**

## GENERAL ORDER

**SB 449** was considered further.

Senator Howell moved to amend **SB 449,** Page 4, Line 6, by adding after the word "annexation", and before the word "is", the following: "of an entire district", which amendment was declared adopted.

Senator Howell moved to amend **SB 449,** Page 4, Line 14, by striking after the word "lies", and before the word "the" on Line 17, all the proposed new language and removing brackets therein, which amendment was declared adopted.

Senator Howell moved to amend **SB 449,** Page 6, Line 1, by changing the word "THE" to "A", which amendment was declared adopted.

Upon motion of Senator Howell, **SB 449,** as amended, was advanced to engrossment.

By unanimous consent, upon request of Senator Howell, **SB 449,** as amended, was considered engrossed and placed on third reading and final passage.

## THIRD READING

**SB 449** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baldwin, Berrong, Birdsong, Boecher, Bradley, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Grantham, Graves, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Lamb, Lane, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Phillips, Smalley, Smith, Stansberry, Stipe, Terrill, Williams, Young.—36.

Nay: Baggett, Keels, Payne.—3.

Excused: Garrison, Ham, Luton, Murphy, Nichols, Porter, Rogers, Taliaferro, Trent.—9.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baldwin, Berrong, Birdsong, Boecher, Bradley, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Grantham, Graves, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Lamb, Lane, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Phillips, Smalley, Smith, Stansberry, Stipe, Terrill, Williams, Young.—36.

Nay: Baggett, Keels, Payne.—3.

Excused: Garrison, Ham, Luton, Murphy, Nichols, Porter, Rogers, Taliaferro, Trent.—9.

The emergency was declared passed.

**SB 449** was referred for engrossment.

## GENERAL ORDER

**SB 380** by Garrett of the Senate was read and considered.

Senator Young moved to amend **SB 380,** Page 2, Line 3, by inserting after the word "trial", and before the word "if", a period and strike the remainder of the sentence, which amendment was declared adopted.

Senator Berrong moved to amend **SB 380**, Page 1, Line 6, by inserting after the word "located" a comma (,) and after the word "judgment" in Line 7 a comma (,), which amendment was declared adopted.

Upon motion of Senator Garrett, **SB 380,** as amended, was advanced to engrossment.

By unanimous consent, upon request of Senator Garrett, **SB 380,** as amended, was considered engrossed and placed on third reading and final passage.

## THIRD READING

**SB 380** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Berrong, Birdsong, Boecher, Bradley, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Grantham, Graves, Hamilton, Hargrave, Howard, Howell, Inhofe, Keels, Lane, Luton, McGraw, McSpadden, Martin, Medearis, Miller, Nichols, Payne, Phillips, Rogers, Smith, Stipe, Taliaferro, Terrill, Trent, Young.—37.

Nay: Baldwin, Holden, Lamb, McCune, Smalley, Stansberry, Williams.—7.

Excused: Garrison, Ham, Murphy, Porter.—4.

The bill was declared passed.

**SB 380** was referred for engrossment.

## MESSAGE FROM THE HOUSE

Advising adoption of and returning Engrossed **SCR 69; SCR 83,** as co-authored by Monks, Lindstrom, and then the entire House Membership; **SCR 84,** as co-authored by the entire House Membership.

The above numbered Resolutions were referred for enrollment.

## GENERAL ORDER

**SB 389** by Garrett of the Senate was read and considered.

Senator Baldwin presiding.

Senator Baggett moved to amend **SB 389,** Page 2, Lines 1 through 12 as follows: by striking Line 1 through the word

"CIRCUMSTANCES" in Line 12 on Page 2.

## GENERAL ORDER—BILL WITHDRAWN

Senator Smalley asked unanimous consent that **SB 389** be withdrawn from the Calendar and re-referred to the Committee on Judiciary, with amendments attached thereto, which was the order.

Senator Payne presiding.

## REPORT OF ENGROSSED AND ENROLLED BILLS

**SBs 117, 347, 374, 473, 474, 475** and **SCR 88** each correctly engrossed.

**SB 407** correctly enrolled.

Engrossed **SBs 117, 347, 374, 473, 474, 475** and **SCR 88** were each properly signed and ordered transmitted to the Honorable House for consideration.

Enrolled **SB 407** was, after fourth reading, properly signed and ordered transmitted to the Honorable House for the signature of the Speaker.

## MESSAGE FROM THE HOUSE

Advising passage of and transmitting for consideration Engrossed:

**HB 1611**—By Stratton, Briscoe and Bernard—An Act relating to weights and measures; defining terms; recognizing systems of weights and measures; providing for State physical standards; providing for regulation of weighing and measuring devices, purchased commodities, and bulk sales; prescribing powers of State Board of Agriculture and local officials; providing for licensing of scale repairing and testing; providing schedule of fees; prohibiting certain acts; providing exemptions; repealing 2 O.S. 1971, §§ 5-41 through 5-58 and 83 O.S. 1971, §§ 1 through 7, 21 through 42, 61, and 81 through 93; making provisions severable; s e t t i n g operative date; and declaring an emergency.

The above numbered **HB** was read for the first time.

## GENERAL ORDER

**HJR 1005** by Briscoe, et al, of the House and Crow, Graves, Garrison, McSpadden, Dahl and Boecher of the Senate was read and considered.

Senators Stipe and Martin asked to be made co-authors of **HJR 1005,** which was the order.

Senators Smith and Crow moved to amend **HJR 1005**, Page 2, Line 13, as follows: By striking all new language from the word "PROVIDED" in Line 6, on Page 2, through "VIOLATION" in Line 6, on Page 4, and substitute therefor the following:

"No real property shall be assessed for ad valorem taxation at a value greater than its fair cash value for the highest, best and most profitable use for which such property was actually used during the calendar year next preceding the first day of January on which the assessment is made. Provided, further, that the transfer of property without a change in its use classification shall not constitute a basis for reassessment based upon the sale value of such property. In connection with the foregoing, the legislature shall be empowered to enact laws defining classifications of use such as 'commercial farming' or 'ranch property' for the purpose of applying standards to facilitate uniform assessment procedures in this state.", and amend the ballot title and title of the resolution to conform.

President Pro Tempore Smith asked unanimous consent to amend his foregoing amendment by striking after the word "fair", and before the word "value", the word "cash" on Line 2 thereof, which was the order.

Senator Smalley moved to amend the Smith-Crow amendment, as amended.

The Chair overruled his motion to amend, citing Rules 18(b) and 20(c), stating that after an amendment is read and debated, it cannot be amended before passage of same.

Senator Smalley moved to table the Smith-Crow amendment, as amended,

which motion to table failed upon roll call as follows:

Aye: Baldwin, Berrong, Boecher, Field, Grantham, Hamilton, Hargrave, Lamb, Martin, Miller, Smalley, Williams.—12.

Nay: Baggett, Birdsong, Breckinridge, Capps, Crow, Dahl, Ferrell, Garrett, Garrison, Graves, Holden, Howard, Howell, Inhofe, Keels, Lane, Luton, McCune, McGraw, McSpadden, Medearis, Murphy, Nichols, Payne, Phillips, Porter, Rogers, Smith, Stipe, Taliaferro, Terrill, Trent, Young,.—33.

Excused: Bradley, Ham, Stansberry.—3.

The Smith-Crow amendment, as amended, was declared adopted upon roll call as follows:

Aye: Baggett, Birdsong, Breckinridge, Capps, Crow, Dahl, Ferrell, Garrett, Garrison, Graves, Holden, Howard, Howell, Inhofe, Keels, Lane, McCune, McGraw, McSpadden, Medearis, Murphy, Nichols, Payne, Phillips, Porter, Rogers, Smith, Stipe, Taliaferro, Terrill, Trent.—31.

Nay: Baldwin, Berrong, Boecher, Field, Grantham, Hamilton, Hargrave, Lamb, Martin, Miller, Smalley, Williams, Young. —13.

Excused: Bradley, Ham, Luton, Stansberry.—4.

Senator Smalley moved to amend the foregoing Smith-Crow amendment, as amended, by striking the second sentence beginning with the word "Provided" and ending with the word "property".

Senator Smalley asked unanimous consent that his foregoing amendment to the Smith-Crow amendment, as amended, be withdrawn, which was the order.

Senator Baggett moved to amend **HJR 1005**, Page 2, Line 6, as follows: By striking from the beginning of Page 2, Line 6, through the word "sale" on Page 2, Line 13, and substituting therefor the following:

"§8. All real property and all tangible personal property shall be assessed for ad valorem taxation at percent of its fair cash value, estimated at the price it would bring at a fair voluntary sale;", and amend the ballot title and title of the resolution to conform thereto.

## MOTIONS

Senator Ferrell moved that **HJR 1005** be withdrawn from the calendar and rereferred to the Committee on Revenue and Taxation, with amendments attached thereto.

President Pro Tempore Smith moved, as a substitute motion, that **HJR 1005** be withdrawn from the calendar and rereferred to the Committee on Revenue and Taxation, with amendments attached thereto, with instructions that **HJR 1005** be returned to the Senate on or before March 1, 1972.

Senator Trent moved, as an in lieu motion, to defer further consideration of **HJR 1005,** and that it remain on the calendar, with amendments attached thereto, which motion prevailed.

## PENDING SENATE ACTION ON HOUSE REQUEST FOR CONFERENCE

Upon motion of Senator Martin, the request of the Honorable House for a conference on **HB 1615** was ordered granted, President Pro Tempore Smith naming as Senate Conferees the following: Senators Berrong, Miller, and Martin.

## COMMITTEE REFERRAL

President Pro Tempore Smith asked unanimous consent that **HB 1401** be referred only to the Committee on Judiciary, which was the order.

Senator Terrill moved after the Clerk's desk is cleared, that the Senate stand adjourned to meet Wednesday, February 16, 1972, at 1:00 P.M., which motion prevailed.

## MESSAGE FROM THE HOUSE

Advising fourth reading of and returning Enrolled **SB 407.**

The above numbered Enrolled Bill was referred to the Governor.

**MESSAGE FROM THE HOUSE**

Advising concurrence in **SAs** to and passage of Engrossed **HBs 1093** and **1511,** as amended.

**MESSAGE FROM THE HOUSE**

Advising rejection of **SAs** to Engrossed **HB 1567** requesting Conference, and referring said Bill to **GCCA.**

Upon motion of Senator Terrill, the Senate adjourned to meet Wednesday, February 16, 1972, at 1:00 P.M.

# Twenty-sixth Legislative Day

## Wednesday, February 16, 1972

Pursuant to adjournment, the Senate was called to order by Senator Smalley, who was designated so to do by the President Pro Tempore.

Upon roll call, the following members were present:

Baggett, Baldwin, Berrong, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Holden, Howard, Howell, Inhofe, Keels, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Phillips, Porter, Rogers, Smalley, Smith, Stansberry, Stipe, Taliaferro, Terrill, Trent, Williams, Young.—46.

Excused: Bradley, Hargrave.—2.

President Pro Tempore Smith presiding.

The President Pro Tempore declared a quorum present.

The following prayer was offered by the Chaplain and incorporated upon request of Senator Young:

Our Lord and Father; Grant us this day the wisdom to meet the issues of life and to deal with the real problems of our people. Help us to recognize our daily responsibility to lead and to represent.

Give to us the attributes of courage and compassion. Assure us of your care and leadership in all that we do. In the name of Jesus Christ we pray. Amen.

The Journal for the last legislative day was declared approved.

## INTRODUCTIONS

Senator Baggett asked unanimous consent, which was granted, to introduce Dr. Joseph W. Cassidy, Associate Director of International Relations for the Education Commission of the States, of Denver, Colorado.

Senator Smalley asked unanimous consent, which was granted to introduce and grant privilege of the floor to Mr. Steve Mann, Vice-President of Region Four, Vocational Industrial Clubs of America, from Moore, Oklahoma.

President Pro Tempore Smith appointed Senator Smalley to escort Mr. Mann to the President's desk for the purpose of addressing the Senate.

## COMMUNICATION

President Pro Tempore Smith asked unanimous consent, which was granted, to have read and incorporated in the Journal the following communication:

Honorable Finis W. Smith
President Pro Tempore
State Senate
State Capitol
Oklahoma City, Oklahoma

Dear Sir:

Governor Hall, Chairman of the Committee on Rural and Urban Development for the National Governors' Conference has asked that you announce that any Senators interested would be welcome to attend the briefing sessions of the Committee of the Advisory Task Force on Rural and Urban Development for the National Governors' Conference, Thursday, February 17.

Frank Carlucci, Association Director of the Office of Management and Budget, Charles Orlebeke, Assistant Secretary of

Housing and Urban Development and William Coffee, Assistant Secretary of Agriculture, will be in attendance. These officials from Washington, D. C. will be briefing Governor Hall and the Task Force on pending legislation and programs relating to Rural and Urban Development.

The briefing sessions are scheduled to convene at 9:00 A.M., in the Governor's Conference Room, State Capitol.

Respectfully,
Billy Ray Gowdy

## COMMITTEE REPORTS

The following Bills and/or Resolutions were reported by the Committee named, ordered printed and placed upon the Calendar unless otherwise indicated:

DO PASS:

**SB 376**—Rules.

**SB 480**—Judiciary.

**SCR 71**—Rules.

**HB 1591**—Roads and Highways.

**HB 1684**—Roads and Highways.

DO PASS, as amended:

**SB 432**—Appropriations and Budget (2d).

**SB 495**—Roads and Highways.

**SB 498**—Appropriations and Budget, co-authored by Senators Boecher, Birdsong, Ferrell, Howard, Inhofe and Medearis.

**SB 535**—State and Federal Government, co-authored by Senator McGraw.

**HB 1571**—Appropriations and Budget.

## FIRST READING

The following Bills and/or Resolutions were introduced and read the first time:

**SB 559**—By Lamb—An Act relating to counties and county officers; providing for the office of public defender; allowing district judge or judges to create office and make appointments where board of county commissioners fails to do so; requiring the need and sufficient court funds prior to creation of said office; renumbering 19 O.S. 1971, § 137.3; directing codification; and declaring an emergency.

**SB 560**—By Lamb of the Senate and Rogers and Anderson of the House—An Act relating to children; amending 10 O.S. 1971, § 1505; providing for appointment of juvenile officer and assistant by associate district judges; providing for compensation; and declaring an emergency.

**SB 561**—By Baggett of the Senate and Willis of the House—An Act relating to the Oklahoma State Regents for Higher Education; providing for continuation and reappropriation of unexpended balances of appropriations previously made; continuing purpose of original appropriations; providing for the use of federal funds; providing that amounts appropriated be nonfiscal; making provisions of this Act severable; and declaring an emergency.

**SB 562**—By Howard and Smith—An Act relating to crimes and punishments; defining terms; prohibiting sale or exhibition to minors of indecent publications, pictures or articles; providing a penalty; and declaring an emergency.

**SB 563**—By Dahl—An Act relating to public health; amending 63 O.S. 1971, § 1-219; eliminating the county department of health requirement and the financial qualifications prior to providing a child guidance program; and declaring an emergency.

**SB 564**—By Garrison—An Act relating to cities and towns; amending 11 O.S. 1971, § 541 u; providing that retired peace officers may retain their status as police officers including the right to keep and bear arms; and declaring an emergency.

**SB 565**—By Garrett—An Act relating to criminal procedure; providing a short title; declaring a purpose; defining terms; providing that the State of Oklahoma may, if the accused so desires, dispose of a criminal charge pending against the accused, in another state; providing exceptions; providing procedures, rules and regulations; and declaring an effective date.

## SECOND READING

The following Bills and/or Resolutions were read the second time and referred to Committees indicated:

**SB 551**—Insurance.

**SB 552**—Banks and Banking.

**SB 553**—Judiciary.

**SB 554**—Governmental Reform.

**SB 555**—Revenue and Taxation.

**SB 556**—State and Federal Government.

**SB 557**—Social Welfare.

**SB 558**—Revenue and Taxation.

**SJR 49**—Rules.

**HB 1519**—Soil and Water Resources.

**HB 1611**—Agriculture.

**HB 1619**—Education - Common.

**HB 1639**—Roads and Highways.

**HB 1640**—Roads and Highways.

## MESSAGE FROM THE HOUSE

Advising fourth reading of and transmitting for signature Enrolled **HBs 1093** and **1511.**

The above numbered Enrolled Bills were, after fourth reading, properly signed and ordered returned to the Honorable House.

## MESSAGE FROM THE HOUSE

Advising passage of and transmitting for consideration Engrossed:

**HB 1630**—By Stratton, Privett, Riggs, Miskelly, Thornhill, R o g e r s, Pierce, Gooden, Lindstrom, Nance and Williamson of the House and Miller of the Senate—An Act relating to motor vehicles; amending 47 O.S. 1971, § 756; providing that in a trial of criminal actions the results of chemical tests will be relevant evidence or prima facie evidence of whether a person was operating a motor vehicle while his ability was impaired or while under the influence of alcohol; providing that it is unlawful to operate a motor vehicle while a person's ability is impaired by the consumption of alcohol; providing for penalty and suspension of driver's license; providing such violation shall not be bondable.

The above numbered **HB** was read for the first time.

## MESSAGE FROM THE HOUSE

Advising adoption of and transmitting for consideration Engrossed:

**HCR 1068**—By Abbott of the House and Miller of the Senate.

A Concurrent Resolution naming the Oklahoma Tricky Trotters as Physical Education ambassadors of good will; commending Byng school for its physical education program; and directing distribution.

**HCR 1069**—By Lindstrom, et al, of the House and Taliaferro and Terrill of the Senate.

A Concurrent Resolution designating "The Wes Miller Memorial Building"; and directing placement of suitable plaques.

Consideration of the Resolutions was deferred for this Legislative day.

## GENERAL ORDER

**SB 454** by Crow of the Senate was read and considered.

Senator Grantham asked to be made a co-author of **SB 454,** which was the order.

Upon motion of Senator Crow, **SB 454,** as co-authored, was advanced to engrossment.

By unanimous consent, upon request of Senator Crow, **SB 454,** as co-authored, was considered engrossed and placed on third reading and final passage.

## THIRD READING

**SB 454** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Baldwin, Berrong, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Grantham, Graves, Hamilton, Holden, Howard, Howell, Inhofe, Keels, Lamb, Lane, McCune, McGraw,

McSpadden, Medearis, Murphy, Nichols, Payne, Rogers, Smith, Taliaferro, Williams.—32.

Nay: Garrison, Ham, Luton, Martin, Miller, Phillips, Smalley, Stansberry, Trent.—9.

Excused: Bradley, Garrett, Hargrave, Porter, Stipe, Terrill, Young.—7.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baggett, Baldwin, Berrong, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Grantham, Graves, Hamilton, Holden, Howard, Howell, Inhofe, Keels, Lamb, Lane, McCune, McGraw, McSpadden, Medearis, Murphy, Nichols, Payne, Rogers, Smith, Taliaferro, Williams.—32.

Nay: Garrison, Ham, Luton, Martin, Miller, Phillips, Smalley, Stansberry, Trent.—9.

Excused: Bradley, Garrett, Hargrave, Porter, Stipe, Terrill, Young.—7.

The emergency was declared passed.

**SB 454** was referred for engrossment.

## GENERAL ORDER

**SB 520** by Field of the Senate was read and considered.

Upon motion of Senator Field, **SB 520** was advanced to engrossment.

By unanimous consent, upon request of Senator Field, **SB 520** was considered engrossed and placed on third reading and final passage.

## THIRD READING

**SB 520** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baldwin, Berrong, Birdsong, Boecher, Capps, Crow, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Howard, Keels, Lamb, Lane, McSpadden, Nichols, Payne, Smalley, Taliaferro, Trent, Williams.—24.

Nay: Baggett, Breckinridge, Ferrell, Holden, Howell, Inhofe, Luton, McCune, McGraw, Martin, Medearis, Miller, Murphy, Phillips, Smith, Young.—16.

Excused: Bradley, Dahl, Hargrave, Porter, Rogers, Stansberry, Stipe, Terrill.—8.

The bill was declared failed of passage.

## MOTION TO RECONSIDER VOTE

As provided under Rule 19(b), Senator Field moved that the vote be reconsidered by which **SB 520** failed of passage.

## GENERAL ORDER

**SB 511** by McSpadden, Dahl, Trent, Crow, Field and Howell of the Senate and Abbott of the House was read and considered.

Senator Baggett moved to amend **SB 511,** Page 2, Lines 16 and 17, by striking Line 16 and the words "dent school districts in the county", which amendment was tabled upon motion of Senator McSpadden, the roll call thereon being as follows:

Aye: Boecher, Capps, Crow, Dahl, Ferrell, Field, Grantham, Graves, Ham, Hamilton, Holden, Howard, Lane, Luton, McSpadden, Martin, Miller, Murphy, Nichols, Payne, Taliaferro, Trent.—22.

Nay: Baggett, Baldwin, Berrong, Birdsong, Breckinridge, Garrett, Garrison, Howell, Inhofe, Keels, Lamb, McCune, McGraw, Medearis, Rogers, Smalley, Smith, Stansberry, Young.—19.

Excused: Bradley, Hargrave, Phillips, Porter, Stipe, Terrill, Williams.—7.

Upon motion of Senator McSpadden, **SB 511** was advanced to engrossment.

By unanimous consent, upon request of Senator McSpadden, **SB 511** was considered engrossed and placed on third reading and final passage.

## THIRD READING

**SB 511** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Berrong, Birdsong, Boecher, Breck-

inridge, Capps, Crow, Dahl, Field, Garrison, Grantham, Graves, Ham, Hamilton, Holden, Howard, Inhofe, Keels, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Medearis, Miller, Murphy, Nichols, Phillips, Smith, Stansberry, Taliaferro, Trent, Young.—33.

Nay: Baggett, Baldwin, Garrett, Howell, Payne, Smalley.—6.

Excused: Bradley, Ferrell, Hargrave, Martin, Porter, Rogers, Stipe, Terrill, Williams.—9.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Berrong, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Field, Garrison, Grantham, Graves, Ham, Hamilton, Holden, Howard, Inhofe, Keels, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Medearis, Miller, Murphy, Nichols, Phillips, Smith, Stansberry, Taliaferro, Trent, Young.—33.

Nay: Baggett, Baldwin, Garrett, Howell, Payne, Smalley.—6.

Excused: Bradley, Ferrell, Hargrave, Martin, Porter, Rogers, Stipe, Terrill, Williams.—9.

The emergency was declared passed.

**SB 511** was referred for engrossment.

## GENERAL ORDER

**SB 405** by McSpadden and Hamilton of the Senate and Willis, et al, of the House was read and considered.

Upon motion of Senator McSpadden, **SB 405** was advanced to engrossment.

By unanimous consent, upon request of Senator McSpadden, **SB 405** was considered engrossed and placed on third reading and final passage.

## THIRD READING

**SB 405** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baldwin, Berrong, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Garrett, Garrison, Grantham, Ham, Hamilton, Holden, Howard, Inhofe, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Murphy, Nichols, Payne, Phillips, Smalley, Smith, Stansberry, Taliaferro, Terrill, Trent, Young.—35.

Nay: Baggett, Howell, Keels.—3.

Excused: Bradley, Ferrell, Field, Graves, Hargrave, Miller, Porter, Rogers, Stipe, Williams.—10.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baldwin, Berrong, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Garrett, Garrison, Grantham, Ham, Hamilton, Holden, Howard, Inhofe, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Phillips, Smalley, Smith, Stansberry, Taliaferro, Terrill, Trent, Young.—36.

Nay: Baggett, Howell, Keels.—3.

Excused: Bradley, Ferrell, Field, Graves, Hargrave, Porter, Rogers, Stipe, Williams.—9.

The emergency was declared passed.

**SB 405** was referred for engrossment.

## GENERAL ORDER

**HB 1569** by Willis, et al, of the House and McSpadden and Hamilton of the Senate was read and considered.

Upon motion of Senator McSpadden, **HB 1569** was advanced to engrossment.

By unanimous consent, upon request of Senator McSpadden, **HB 1569** was considered engrossed and placed on third reading and final passage.

## THIRD READING

**HB 1569** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Baldwin, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Howard, Howell, Inhofe, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Phillips, Smalley, Smith, Stansberry, Taliaferro, Terrill, Young.—37.

Nay: Keels, Trent.—2.

Excused: Berrong, Bradley, Ferrell, Hargrave, Holden, Porter, Rogers, Stipe, Williams.—9.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baggett, Baldwin, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Howard, Howell, Inhofe, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Phillips, Smalley, Smith, Stansberry, Taliaferro, Terrill, Young.—37.

Nay: Keels, Trent.—2.

Excused: Berrong, Bradley, Ferrell, Hargrave, Holden, Porter, Rogers, Stipe, Williams.—9.

The emergency was declared passed.

**HB 1569** was ordered withheld pursuant to Rule 19(f).

## GENERAL ORDER

**HB 1576** by Willis et al, of the House and McSpadden, Hamilton, Berrong, Capps, Crow, Ferrell, Grantham, McCune, Murphy, and Taliaferro of the Senate was read and considered.

Upon motion of Senator McSpadden, **HB 1576** was advanced to engrossment.

By unanimous consent, upon request of Senator McSpadden, **HB 1576** was considered engrossed and placed on third reading and final passage.

## THIRD READING

**HB 1576** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Baldwin, Berrong, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Holden, Howard, Howell, Keels, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Phillips, Smalley, Smith, Stansberry, Taliaferro, Terrill, Trent, Young.—41.

Excused: Bradley, Hargrave, Inhofe, Porter, Rogers, Stipe, Williams.—7.

The bill was declared passed.

On the question of passage of emergency, the roll resulted as follows:

Aye: Baggett, Baldwin, Berrong, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Holden, Howard, Howell, Keels, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Phillips, Smalley, Smith, Stansberry, Taliaferro, Terrill, Trent, Young.—41.

Excused: Bradley, Hargrave, Inhofe, Porter, Rogers, Stipe, Williams.—7.

The emergency was declared passed.

**HB 1576** was ordered witheld pursuant to Rule 19(f).

## GENERAL ORDER

**HB 1582** by Willis, et al, of the House and McSpadden, Hamilton and Trent of the Senate was read and considered.

Upon motion of Senator McSpadden, **HB 1582** was advanced to engrossment.

By unanimous consent, upon request of Senator McSpadden, **HB 1582** was considered engrossed and placed on third reading and final passage.

## THIRD READING

**HB 1582** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Baldwin, Berrong, Birdsong, Boecher, Breckinridge, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Howard, Howell, Keels, Lamb, Luton, McGraw, McSpadden, Martin, Medearis, Murphy, Payne, Phillips, Smalley, Smith, Stansberry, Taliaferro, Terrill, Trent, Young.—35.

Excused: Bradley, Capps, Hargrave, Holden, Inhofe, Lane, McCune, Miller, Nichols, Porter, Rogers, Stipe, Williams.—13.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baggett, Baldwin, Berrong, Birdsong, Boecher, Breckinridge, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Howard, Howell, Keels, Lamb, Luton, McGraw, McSpadden, Martin, Medearis, Murphy, Payne, Phillips, Smalley, Smith, Stansberry, Taliaferro, Terrill, Trent, Young.—35.

Excused: Bradley, Capps, Hargrave, Holden, Inhofe, Lane, McCune, Miller, Nichols, Porter, Rogers, Stipe, Williams.—13.

The emergency was declared passed.

**HB 1582** was referred for engrossment.

## GENERAL ORDER

**HB 1583** by Willis, et al, of the House and McSpadden and Hamilton of the Senate was read and considered.

Upon motion of Senator McSpadden, **HB 1583** was advanced to engrossment.

By unanimous consent, upon request of Senator McSpadden, **HB 1583** was considered engrossed and placed on third reading and final passage.

## THIRD READING

**HB 1583** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Baldwin, Berrong, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Holden, Howard, Howell, Inhofe, Keels, Lamb, Lane, Luton, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Payne, Phillips, Smalley, Smith, Stansberry, Taliaferro, Trent, Young.—39.

Excused: Bradley, Hargrave, McCune, Nichols, Porter, Rogers, Stipe, Terrill, Williams.—9.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baggett, Baldwin, Berrong, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Holden, Howard, Howell, Inhofe, Keels, Lamb, Lane, Luton, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Payne, Phillips, Smalley, Smith, Stansberry, Taliaferro, Trent, Young.—39.

Excused: Bradley, Hargrave, McCune, Nichols, Porter, Rogers, Stipe, Terrill, Williams.—9.

The emergency was declared passed.

**HB 1583** was ordered withheld pursuant to Rule 19(f).

## MESSAGE FROM THE HOUSE

Advising passage of and returning Engrossed **SB 463,** as co-authored by Willis, Odom, and Whorton.

The above numbered Bill was referred for enrollment.

## MESSAGE FROM THE HOUSE

Advising adoption of and returning Engrossed **SCRs 85** and **86;** and **SCR 88,** as co-authored by entire House membership.

The above numbered Bills and/or Resolutions were referred for enrollment.

## GENERAL ORDER

**HJR 1005** was considered further.

Senator Baggett moved the adoption of

his pending amendment to **HJR 1005,** Re: Page 2, Line 6, shown February 15, 1972.

Senator Trent raised a point of order that the remarks of Senator Baggett were not germane to his pending amendment, which point of order the Chair overruled.

Senator Crow moved to table the pending Baggett amendment.

Senator Garrison raised a point of order stating that the word "sale", contained in the pending Baggett amendment, did not appear on Line 12 as read by the Clerk.

The Chair overruled his point of order stating that this was a scrivener's error, which had been previously corrected, and the amendment was in order to be voted upon.

The vote occurring on the Crow motion to table the pending Baggett amendment, it was declared to have prevailed upon roll call as follows:

Aye: Baldwin, Berrong, Boecher, Capps, Crow, Dahl, Ferrell, Field, Grantham, Graves, Ham, Hamilton, Holden, Lamb, Lane, Luton, McSpadden, Medearis, Nichols, Payne, Stipe, Taliaferro, Terrill, Trent, Williams, Young.—26.

Nay: Baggett, Birdsong, Breckinridge, Garrett, Garrison, Howard, Howell, Inhofe, Keels, McCune, McGraw, Martin, Miller, Murphy, Phillips, Rogers, Smalley, Smith. —18.

Excused: Bradley, Hargrave, Porter, Stansberry.—4.

Senator Baggett asked unanimous consent that all amendments having reference to the percentage rate in his first amendment be withdrawn, which was the order.

President Pro Tempore Smith moved to amend **HJR 1005,** Page 6, Lines 7 and 8 by striking after the word "Oklahoma", the balance of the language on Line 7 and all of Line 8, which amendment was declared adopted.

Upon motion of Senator Crow, **HJR 1005,** as amended, was advanced to engrossment.

Senator Baldwin presiding.

Senator Baggett moved to reconsider the vote by which **HJR 1005** was advanced to engrossment for the purposes of amending **HJR 1005** as follows:

Senator Baggett moved to amend **HJR 1005,** Page 4, Line 12 ½ by inserting after Line 12, and before Line 13, the following: "and the following proposed amendment to Sections 1 and 2 of Article XII-A of the Constitution of the State of Oklahoma to read as follows:

"§1. All homesteads as [*is or may be defined under the laws of the State of Oklahoma for tax exemption purposes*] DEFINED BY LAW SHALL [*may hereafter*] be exempted from [*all forms of*] ad valorem taxation [*by the Legislature*] AS TO THE FIRST TWO THOUSAND DOLLARS ($2,000.00) OF ASSESSED VALUATION OR FIFTY (50) PERCENT OF THE ASSESSED VALUATION, WHICHEVER IS LESS; provided, that all assessments, levies, encumbrances and other contract obligations incurred or made prior to the taking effect of such act of the Legislature shall in no way be affected or impaired by the exercise of Legislative power as authorized by this amendment. THE LEGISLATURE MAY AMEND THIS SECTION.

"§2. Section 2 of Article XII-A of the Constitution of the State of Oklahoma is hereby repealed."

Senator Garrison raised a point of order stating that the foregoing Baggett amendment, amended two provisions in the Constitution of the State of Oklahoma, which point of order the Chair refused to rule upon, until the Baggett motion to reconsider was dispensed with.

Senator Crow moved to table the Baggett motion to reconsider the vote by which **HJR 1005** was advanced.

Senator Baggett asked unanimous consent that he be granted privilege of the Senate.

Senator Payne, citing Rule 18(b), stated that a motion was under debate, which point of order the Chair sustained.

The vote occurring on the Crow motion to table the Baggett motion to reconsider the vote whereby **HJR 1005** was advanced, it was declared adopted upon roll call as follows:

Aye: Baldwin, Berrong, Boecher, Capps, Crow, Dahl, Ferrell, Field, Garrison, Grantham, Ham, Hamilton, Holden, Lane, Luton, McSpadden, Medearis, Nichols, Payne, Stipe, Taliaferro, Terrill, Trent, Williams, Young.—25.

Nay: Baggett, Birdsong, Breckinridge, Garrett, Graves, Howard, Howell, Inhofe, Keels, Lamb, McCune, McGraw, Martin, Miller, Murphy, Phillips, Rogers, Smalley, Smith.—19.

Excused: Bradley, Hargrave, Porter, Stansberry.—4.

## MOTION TO RECOMMIT

Senator Baggett moved to recommit **HJR 1005** to the Committee on Revenue and Taxation with instructions to adopt the following amendment:

Senator Baggett moved to amend **HJR 1005**, Page 4, Line 12½, by inserting after Line 12, and before Line 13, the following: "and the following proposed amendment to Sections 1 and 2 of Article XII-A of the Constitution of the State of Oklahoma to read as follows:

"§ 1. All homesteads as [*is or may be defined under the Laws of the State of Oklahoma for tax exemption purposes*] DEFINED BY LAW SHALL [*may hereafter*] be exempted from [*all forms of*] ad valorem taxation [*by the Legislature*] AS TO THE FIRST $2,000 OF ASSESSED VALUATION OR FIFTY PER CENT OF THE ASSESSED VALUATION, WHICHEVER IS LESS; provided, that all assessments, levies, encumbrances and other contract obligations incurred or made prior to the taking effect of such act of the Legislature shall in no way be affected or impaired by the exercise of Legislative power as authorized by this amendment. THE LEGISLATURE MAY AMEND THIS SECTION.

"§ 2. Section 2 of Article XII-A of the Constitution of the State of Oklahoma is hereby repealed.", which motion to commit failed of adoption upon roll call as follows:

Aye: Baggett, Breckinridge, Garrett, Howard, Howell, Inhofe, Keels, Lamb, McCune, McGraw, Martin, Murphy, Phillips, Rogers, Smalley, Smith.—16.

Nay: Baldwin, Berrong, Boecher, Capps, Crow, Dahl, Ferrell, Field, Garrison, Grantham, Graves, Ham, Hamilton, Holden, Lane, Luton, McSpadden, Medearis, Miller, Payne, Stipe, Taliaferro, Trent, Williams, Young.—25.

Excused: Birdsong, Bradley, Hargrave, Nichols, Porter, Stansberry, Terrill.—7.

Senator Hamilton moved to recommit **HJR 1005** to special committee appointed by the President Pro Tempore, with all amendments attached and with instructions that the measure be returned to the Senate floor no later than March 2, 1972.

Senator Stipe moved to table the Hamilton motion to recommit.

Senator Stipe asked unanimous consent to withdraw his foregoing motion to table, which was the order.

Senator Hamilton asked unanimous consent to amend his motion to recommit by changing the date thereon from March 2, 1972, to February 29, 1972, which was the order.

President Pro Tempore Smith presiding.

The vote occurring on the Hamilton motion to recommit, as amended, it was declared adopted upon roll call as follows:

Aye: Baggett, Berrong, Birdsong, Boecher, Breckinridge, Ferrell, Field, Grantham, Graves, Ham, Hamilton, Holden, Howard, Howell, Inhofe, Keels, Lamb, McCune, McGraw, Martin, Miller, Murphy, Nichols, Phillips, Rogers, Smalley, Smith, Trent, Williams.—29.

Nay: Baldwin, Capps, Crow, Dahl, Garrett, Garrison, Lane, Luton, McSpadden, Medearis, Payne, Stipe, Taliaferro, Terrill, Young.—15.

Excused: Bradley, Hargrave, Porter, Stansberry.—4.

## SPECIAL COMMITTEE APPOINTMENT

President Pro Tempore Smith announced the appointment of Senators Crow, Baggett, Hamilton, Smalley, Smith, Taliaferro, and Williams, pursuant to Rule 3(e) as a special committee to study **HJR 1005.**

## RESOLUTION

Senator Stipe introduced the following Resolution, consideration of which was deferred for this legislative day:

**SCR 89**—By Stipe of the Senate and Huddleston of the House.

A Concurrent Resolution requesting the Oklahoma Department of Wildlife Conservation stock Lake Eufaula when necessary; and directing distribution.

## REPORT OF ENGROSSED AND ENROLLED BILLS

**SBs 380** and **449** each correctly engrossed.

**SCRs 69, 83** and **84** each correctly enrolled.

Engrossed **SBs 380** and **449** were each properly signed and ordered transmitted to the Honorable House for consideration.

Enrolled **SCRs 69, 83** and **84** were properly signed and ordered transmitted to the Honorable House for the signature of the Speaker.

## GENERAL ORDER—BILL WITHDRAWN

Senator Stipe asked unanimous consent that **SB 497** be withdrawn from the Calendar and re-referred to the Committee on Revenue and Taxation, which was the order.

## PENDING SENATE ACTION ON HOUSE REQUEST FOR CONFERENCE

Upon motion of Senator Garrett, the request of the Honorable House for a conference on **HB 1546** was ordered granted, President Pro Tempore Smith naming as Senate Conferees the following:

**HB 1546**: Senators Garrett, Martin and Payne

## MESSAGE FROM THE HOUSE

Advising the signing of and returning Enrolled **SCRs 69** and **84.**

The above numbered Enrolled Resolutions were ordered referred to the Secretary of State.

## MESSAGE FROM THE HOUSE

Advising the signing of and returning Enrolled **SCR 83.**

The above numbered Enrolled Resolution was ordered referred to the Secretary of State.

There being matters on the President's desk for the consideration of the Senate in executive session, it was upon motion of Senator Terrill that the Senate closed its doors and went into executive session.

*

The Senate reassembled in open session, with President Pro Tempore Smith presiding, who made the following announcements:

The Senate, in executive session, and upon motion of Senator Young, advised and consented to the confirmation of ROBERT H. SCULLY, Okemah, Oklahoma, as a Member of the Oklahoma Alcoholic Beverage Control Board for a seven (7) year term, ending June 23, 1977, and effective upon Senate confirmation. Mr. Scully replaces Mr. Clinton Beard.

The Senate, in executive session, and upon motion of Senator Boecher, advised and consented to the confirmation of T.G. JOHNSON, El Reno, Oklahoma, as a Member of the Board of Trustees, El Reno Junior College, for a one (1) year term ending January 20, 1973, and effective upon Senate confirmation. This is an original appointment.

The Senate, in executive session, and upon motion of Senator Boecher, advised and consented to the confirmation of DWIGHT STEPHENS, El Reno, Oklahoma, as a Member of the Board of Trustees, El

Reno Junior College, for a two (2) year term ending January 20, 1974, and effective upon Senate confirmation. This is an original appointment.

The Senate, in executive session, and upon motion of Senator Boecher, advised and consented to the confirmation of CHARLES F. HUNDLEY, El Reno, Oklahoma, as a Member of the Board of Trustees, El Reno Junior College, for a four (4) year term ending January 20, 1976, and effective upon Senate confirmation. This is an original appointment.

The Senate, in executive session, and upon motion of Senator Boecher, advised and consented to the confirmation of MORRIS HURST, El Reno, Oklahoma, as a Member of the El Reno Junior College Board of Trustees for a three (3) year term ending January 20, 1975, and effective upon Senate confirmation. This is an original appointment.

Senator Terrill moved after the Clerk's desk is cleared, that the Senate stand adjourned to meet Thursday, February 17, 1972, at 11:00 A.M., which motion prevailed.

## BILLS RELEASED

**HBs 1569, 1576** and **1583** were properly signed and ordered returned to the Honorable House.

Upon motion of Senator Terrill, the Senate adjourned to meet Thursday, February 17, 1972, at 11 A.M.

# Twenty-seventh Legislative Day

## Thursday, February 17, 1972

Pursuant to adjournment, the Senate was called to order by President Pro Tempore Smith.

Upon roll call, the following members were present:

Baggett, Baldwin, Berrong, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Holden, Howard, Howell, Inhofe, Keels, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Rogers, Smalley, Smith, Stansberry, Taliaferro, Terrill, Trent, Williams, Young.—43.

Excused: Bradley, Hargrave, Phillips, Porter, Stipe.—5.

The President Pro Tempore declared a quorum present.

The following prayer was offered by the Chaplain and incorporated upon request of Senator Young.

Dear Father: Thank You for these men who are giving themselves to public service. I pray that you will continually lead them in determining the future of the state we love. Give to them strength and wisdom to perform their duties faithfully. Lead them now in the deliberations of this day. In the name of Jesus Christ we pray. Amen.

The Journal for the last legislative day was declared approved.

### COMMITTEE REPORT
### LOBBY PERMITS

Senator Berrong submitted the following report on Requests for Lobby Permits and asked that consideration be deferred for this Legislative Day:

Mr. President:

The Committee on Lobby Permits to which was referred requests for Lobby Permits after careful consideration recommends that the following petitioners be granted Lobby Permits. Lobby Permits will be issued in the Office of the President Pro Tempore.

Irvin Owen, 1429 N. Broadway, Shawnee, Oklahoma, Credit Research Institute.

Respectfully submitted,
Ed Berrong, Vice Chairman
Committeee on Lobby Permits

### COMMITTEE REPORTS

The following Bills and/or Resolutions were reported by the Committees named, ordered printed and placed upon the Calendar unless otherwise indicated:

DO PASS:

**SB 482**—Professions and Occupations.

### FIRST READING

The following Bills and/or Resolutions were introduced and read the first time:

**SB 566**—By Ham—An Act relating to public health and safety; providing a short title; defining terms; providing exceptions; providing for rules, regulations and procedures; providing for inspection; providing for licenses; providing for fees; providing for written notice for suspected violation of this Act; providing procedures; providing for hearings; providing penalties; providing for severability; and providing an effective date.

**SB 567**—By McCune—An Act relating to

state officers and employees; amending 74 O.S. 1971, § 913; providing adjustments of certain prior and participating service credits; providing prior service credits for active military service; providing exceptions; providing an operative date; and declaring an emergency.

**SB 568**—By Young—An Act relating to insurance; amending 36 O.S. 1971, §§ 312.1, 624, 625 and 626; providing for certain fees and taxes; providing for collection of taxes by the Oklahoma Tax Commission; setting an operative date; and declaring an emergency.

**SB 569**—By Young—An Act relating to insurance; amending 36 O.S. 1971, § 307; providing duties of Insurance Commissioner; requiring certain information in reports; and declaring an emergency.

## SECOND READING

The following Bills and/or Resolutions were read the second time and referred to Committees indicated:

**SB 559**—Judiciary.

**SB 560**—Judiciary.

**SB 561**—Appropriations and Budget.

**SB 562**—Judiciary.

**SB 563**—Social Welfare.

**SB 564**—Judiciary.

**SB 565**—Judiciary.

**HB 1630**—Judiciary.

## MESSAGE FROM THE HOUSE

Advising passage of and transmitting for consideration Engrossed:

**HB 1718**—By Townsend of the House and Boecher of the Senate—An Act relating to game and fish; amending 29 O.S. 1971, § 252; extending current hunting and fishing license fees until January 1, 1974.

**HB 1722**—By Gooden—An Act relating to the State Department of Agriculture; reappropriating unencumbered and unexpended balance of special appropriation made for State Poultry Show, pursuant to House Bill No. 1148, 1st Session, 33d Legislature, to State Department of Agriculture for State Broiler Show; stating the purpose; providing lapse date; and declaring an emergency.

The above numbered **HBs** were read for the first time.

## MESSAGE FROM THE HOUSE

Advising passage of and returning Engrossed **SBs 402, 411, 418, 419,** and **430,** as amended.

**HAs** to **SB 402** read as follows, and consideration deferred:

Amendment No. 1. Restore Title to read as follows:

"An Act relating to the Office of the State Industrial Court and making appropriations thereto; stating the purpose; providing that the judges shall fix the duties and compensation of employees within certain limitations; providing lapse date; making provisions of this act severable; and declaring an emergency."

Amendment No. 2. Amend by striking the Enacting Clause.

**HAs** to **SB 411** read as follows, and consideration deferred:

Amendment No. 1. Amend Page 1, Section 1, Line 34, by striking the figure "5,-239,512.00" and inserting in lieu thereof the figure "5,439,512.00".

Amendment No 2. Amend Page 1, Section 1, Line 35, by striking the figure "2,-939,914.00" and inserting in lieu thereof the figure "3,039,914.00".

Amendment No. 3. Amend Page 1, Section 1, Line 36, by striking the figure $16,-262,952.00" and inserting in lieu thereof the figure "$16,562,952.00".

**HAs** to **SB 418** read as follows, and consideration deferred:

Amendment No. 1. Restore Title as follows:

"An Act relating to the State Bureau of Investigation and making an appropriation thereto; stating the purpose; authorizing the Director to create positions and fix

the salaries of necessary employees; making an appropriation for the purchase of automobiles; making an appropriation for the purchase of controlled dangerous substances and other evidence costs; authorizing use of all funds appropriated for federal matching purposes; providing lapse date; making provisions of this Act severable; and declaring an emergency."

Amendment No. 2. Amend by striking the Enacting Clause.

**HAs** to **SB 419** read as follows, and consideration deferred:

Amendment No. 1. Amend Page 1, Section 4, Line 34, by inserting the following new Section 4 and renumbering the following sections accordingly:

"SECTION 4. The amount of Fifty Thousand Dollars ($50,000.00) originally appropriated to the Office of the Oklahoma Military Department by Section 3, Chapter 160, O.S.L. 1970, from any monies in the General Revenue Fund of the State Treasury, for the fiscal year ending June 30, 1971, not otherwise appropriated, and reappropriated in Section 4, Chapter 256, O.S.L. 1971, for capital outlay in preparing Camp Gruber for National Guard purposes, is hereby continued and reappropriated to the Office of the Oklahoma Military Department, in the original amount as adjusted by transfer, less the amount that has been expended upon the date that this act becomes effective."

Amendment No. 2. Amend Page 2, present Section 4, Line 1, after the word "through" strike the figure "57.136" and insert in lieu thereof the figure "57.156". and after the figure "1969," insert the words and figures "and Senate Bill No. 656, Chapter 329, O.S.L. 1970, ".

Amendment No. 3. Amend the Title to conform with Amendment No. 1 as follows:

"An Act relating to the Office of the Oklahoma Military Department and making an appropriation of General Revenue Funds thereto; stating the purpose; providing for appointment, duties and compensation of personnel; making an appropriation of Public Building Funds and stating purpose; making an appropriation of building bond interest and stating purpose; reappropriating certain funds; providing lapse date; making provisions of this Act severable; and declaring an emergency."

**HAs** to **SB 430** read as follows, and consideration deferred:

Amendment No. 1. Restore Title to read as follows:

"An Act relating to the Oklahoma Conservation Commission and making an appropriation thereto; stating the purpose; providing for the payment of operational expenses by the Oklahoma Conservation Commission; providing for the appointment and compensation of employees; providing for the payment of district supervisors; providing lapse date; making the provisions of this Act severable; and declaring an emergency."

Amendment No. 2 Amend by striking the Enacting Clause.

## MOTION TO RECONSIDER VOTE

Senator Keels asked for consideration of his motion to reconsider the vote by which **SB 240** failed of passage.

The vote occurring on the Keels motion, it was declared adopted upon a roll call as follows:

Aye: Berrong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Graves, Ham, Hamilton, Howard, Howell, Inhofe, Keels, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Mediearis, Miller, Murphy, Nichols, Payne, Smalley, Smith, Stansberry, Terrill.—32.

Excused: Baggett, Baldwin, Birdsong, Bradley, Garrison, Grantham, Hargrave, Holden, Phillips, Porter, Rogers, Stipe, Taliaferro, Trent, Williams, Young.—16.

## BILL WITHDRAWN

Senator Keels asked unanimous consent that **SB 240** be withdrawn from the Calendar and re-referred to the Committee on

State and Federal Government, which was the order.

Senator Smalley presiding.

## REPORT OF ENGROSSED AND ENROLLED BILLS

**SCR 88** correctly enrolled.

Enrolled **SCR 88** was properly signed and ordered transmitted to the Honorable House for the signature of the Speaker.

## GENERAL ORDER

**SB 535** by Birdsong, Holden, Stipe, Ham, Lamb, Baggett, McSpadden, Ferrell, Rogers, Garrison, Porter, Keels, Miller, Luton, Terrill, Murphy, Smith, Martin, Phillips, McCune, Crow, Lane, Garrett, and McGraw of the Senate and Hopkins of the House was read and considered.

Senators Inhofe, Payne and Medearis asked to be made co-authors of **SB 535,** which was the order.

Upon motion of Senator Birdsong, **SB 535,** as co-authored, was advanced to engrossment.

By unanimous consent, upon request of Senator Birdsong, **SB 535,** as co-authored, was considered engrossed and placed on third reading and final passage.

## THIRD READING

**SB 535** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baldwin, Berrong, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Grantham, Graves, Ham, Hamilton, Holden, Howard, Howell, Inhofe, Keels, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Rogers, Smalley, Stansberry, Taliaferro, Terrill, Williams.—38.

Excused: Baggett, Bradley, Garrison, Hargrave, Phillips, Porter, Smith, Stipe, Trent, Young.—10.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baldwin, Berrong, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Grantham, Graves, Ham, Hamilton, Holden, Howard, Howell, Inhofe, Keels, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Rogers, Smalley, Stansberry, Taliaferro, Terrill, Williams.—38.

Ercused: Baggett, Bradley, Garrison, Hargrave, Phillips, Porter, Smith, Stipe, Trent, Young.—10.

The emergency was declared passed.

**SB 535** was referred for engrossment.

Senator Crow presiding.

## PENDING SENATE ACTION - RESOLUTION

**HCR 1067** by Elder, et al, of the House and Lamb of the Senate was called up for consideration.

Senator Lamb asked unanimous consent that all others Senators be made co-authors of **HCR 1067,** which was the order.

**HCR 1067,** as co-authored, was read at length, adopted upon motion of Senator Lamb, properly signed and ordered returned to the Honorable House.

## GENERAL ORDER

**SB 376** by Smith of the Senate and Privett of the House was read and considered.

Upon motion of President Pro Tempore Smith, **SB 376** was advanced to engrossment.

By unanimous consent, upon request of President Pro Tempore Smith, **SB 376** was considered engrossed and placed on Third reading and final passage.

## THIRD READING

**SB 376** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Baldwin, Birdsong, Boe-

cher, Capps, Crow, Dahl, Ferrell, Garrett, Grantham, Graves, Ham, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Keels, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Payne, Rogers, Smalley, Smith, Stansberry, Taliaferro, Terrill, Trent, Williams, Young.—38.

Excused: Berrong, Bradley, Breckinridge, Field, Garrison, Murphy, Nichols, Phillips, Porter, Stipe.—10.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baggett, Baldwin, Birdsong, Boecher, Capps, Crow, Dahl, Ferrell, Garrett, Grantham, Graves, Ham, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Keels, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Payne, Rogers, Smalley, Smith, Stansberry, Taliaferro, Terrill, Trent, Williams, Young.—39.

Excused: Berrong, Bradley, Breckinridge, Field, Garrison, Nichols, Phillips, Porter, Stipe.—9.

The emergency was declared passed.

**SB 376** was referred for engrossment.

## REPORT OF ENGROSSED AND ENROLLED BILLS

**SBs 405, 454, 511** and **HB 1582** each correctly engrossed.

**SB 463, SCRs 85** and **86** each correctly enrolled.

Engrossed **SBs 405, 454** and **511** were each properly signed and ordered transmitted to the Honorable House for consideration.

Engrossed **HB 1582,** together with Engrossed **SAs,** was properly signed and ordered returned to the Honorable House.

Enrolled **SB 463** was, after fourth reading, properly signed and ordered transmitted to the Honorable House for the signature of the Speaker.

Enrolled **SCRs 85** and **86** were properly signed and ordered transmitted to the Honorable House for the signature of the Speaker.

## GENERAL ORDER

**SB 477** was considered further.

Senator Terrill moved to amend **SB 477,** Page 2, Lines 8 through 13, by placing a period (.) after the word "accountancy" and striking all of Lines 9, 10, 11, 12 and down to the word "all" on Line 13, which amendment was declared adopted.

Senators Berrong and Inhofe moved to amend **SB 477,** Page 4, Line 8, by inserting after the word "INSURANCE", and before the word "This", the following: "other than from life insurance policies owned by the aforementioned officers.", which amendment was declared adopted.

Senators, Grantham, Ham, Baldwin, Nichols, Holden, Payne, Taliaferro, and Terrill, moved to amend **SB 477,** Page 4, Line 11½, by adding after the word "organizations" on Line 11, a new section to be labled Section 2 and to read as follows:

"SECTION 2. This act shall not apply to any person now holding the position of Deputy Commissioners.", and by renumbering subsequent sections and correcting the title to conform to the body of the bill, which amendment was declared adopted.

Senators Rogers moved to amend **SB 477,** Page 2, Line 14, by inserting after the words "who shall be", and before the word "certified", the word "attorneys", which amendment was declared adopted.

Upon motion of Senator Young, **SB 477,** as amended, was advanced to engrossment.

By unanimous consent, upon request of Senator Young, **SB 477,** as amended, was considered engrossed and placed on third reading and final passage.

## THIRD READING

**SB 477** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Baldwin, Berrong, Birdsong, Boecher, Breckinridge, Capps, Crow,

Dahl, Ferrell, Field, Garrett, Grantham, Graves, Ham, Hamilton, Holden, Howard, Howell, Inhofe, Keels, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Miller, Murphy, Nichols, Payne, Rogers, Smalley, Smith, Taliaferro, Terrill, Trent, Williams, Young.—40.

Excused: Bradley, Garrison, Hargrave, Medearis, Phillips, Porter, Stansberry, Stipe.—8.

The bill was declared passed.

**SB 477** was referred for engrossment.

## GENERAL ORDER

**SB 480** by Graves of the Senate was read and considered.

Upon motion of Senator Graves, **SB 480** was advanced to engrossment.

By unanimous consent, upon request of Senator Graves, **SB 480** was considered engrossed and placed on third reading and final passage.

## THIRD READING

Senator Graves asked unanimous consent that further consideration of **SB 480** be deferred for this legislative day, which was the order.

## GENERAL ORDER

**SB 432** by McSpadden and Hamilton of the Senate and Willis, et al, of the House was read and considered.

Upon motion of Senator McSpadden, **SB 432** was advanced to engrossment.

By unanimous consent, upon request of Senator McSpadden, **SB 432** was considered engrossed and placed on third reading and final passage.

## THIRD READING

**SB 432** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Baldwin, Berrong, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Holden, Howard, Howell, Inhofe, Keels, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Rogers, Smalley, Smith, Taliaferro, Terrill, Trent, Williams, Young.—41.

Excused: Bradley, Field, Hargrave, Phillips, Porter, Stansberry, Stipe.—7.

The bill was declared passed.

On the question of passage of emergency the roll call resulted as follows:

Aye: Baggett, Baldwin, Berrong, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Holden, Howard, Howell, Inhofe, Keels, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Rogers, Smalley, Smith, Taliaferro, Terrill, Trent, Williams, Young.—41.

Excused: Bradley, Field, Hargrave, Phillips, Porter, Stansberry, Stipe.—7.

The emergency was declared passed.

**SB 432** was referred for engrossment.

## MOTION TO RECONSIDER VOTE

Senator Grantham asked unanimous consent, which was granted, that the time be extended until Monday, February 21, 1972, for consideration of his motion to reconsider the vote by which **SB 462** failed of passage.

## GENERAL ORDER

**HB 1571** by Willis, et al, of the House and McSpadden and Hamilton of the Senate was read and considered.

Senator Terrill asked to be made a co-author of **HB 1571,** which was the order.

Upon motion of Senator McSpadden, **HB 1571,** as co-authored, was advanced to engrossment.

By unanimous consent, upon request of Senator McSpadden, **HB 1571,** as co-authored, was considered engrossed and placed on third reading and final passage.

**THIRD READING**

**HB 1571** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Baldwin, Berrong, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrison, Grantham, Graves, Ham, Hamilton, Holden, Howard, Howell, Inhofe, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Rogers, Smalley, Smith, Taliaferro, Terrill, Trent, Williams, Young.—40.

Excused: Bradley, Garrett, Hargrave, Keels, Phillips, Porter, Stansberry, Stipe.—8.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baggett, Baldwin, Berrong, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrison, Grantham, Graves, Ham, Hamilton, Holden, Howard, Howell, Inhofe, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Rogers, Smalley, Smith, Taliaferro, Terrill, Trent, Williams, Young.—40.

Excused: Bradley, Garrett, Hargrave, Keels, Phillips, Porter, Stansberry, Stipe.—8.

The emergency was declared passed.

**HB 1571** was referred for engrossment.

**GENERAL ORDER — RESOLUTION**

**SCR 71** was considered further.

**SCR 71** was read at length, adopted upon motion of Senator Field, and ordered referred for engrossment.

**GENERAL ORDER**

**HB 1379** by Abbott of the House and Dahl of the Senate was read and considered.

Senator Baggett moved to amend **HB 1379,** the title, by inserting after the word "RANGERS", and before the word "DIRECTING", the words: "ALLOWING A RETIRED OR DECEASED RANGER OR HIS BENEFICIARY TO RETAIN CUSTODY AND POSSESSION OF THE SIDEARM CARRIED BY SUCH RANGER;", which amendment was declared adopted.

Senator Grantham moved to amend **HB 1379,** Page 2, Line 2, by adding after the word "retirement", and before the "semicolon(;)", the words: "upon his request", which amendment was declared adopted.

Senator Berrong moved to amend **HB 1379,** Page 2, Line 2, after the word retirement", by placing a "period(.)" thereafter and striking the balance of Lines 2, 3, and 4, which amendment was declared adopted.

Senator Berrong moved to amend **HB 1379,** Page 1, Line 5, by striking after the word "of", and before the word "disability", the word "death", which amendment was declared adopted.

Upon motion of Senator Dahl, **HB 1379,** as amended, was advanced to engrossment.

By unanimous consent, upon request of Senator Dahl, **HB 1379,** as amended, was considered engrossed and placed on third reading and final passage.

**THIRD READING**

**HB 1379** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Baldwin, Berrong, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Holden, Howard, Inhofe, Lane, McGraw, McSpadden, Martin, Medearis, Miller, Nichols, Payne, Rogers, Smalley, Terrill, Williams.—32.

Nay: Howell, Lamb, Luton, McCune, Murphy, Smith, Trent, Young.—8.

Excused: Bradley, Hargrave, Keels, Phillips, Porter, Stansberry, Stipe, Taliaferro.—8.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baggett, Baldwin, Berrong, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Holden, Howard, Inhofe, Lane, McGraw, McSpadden, Martin, Medearis, Miller, Nichols, Payne, Rogers, Smalley, Terrill, Williams.—32.

Nay: Howell, Lamb, Luton, McCune, Murphy, Smith, Trent, Young.—8.

Excused: Bradley, Hargrave, Keels, Phillips, Porter, Stansberry, Stipe, Taliaferro.—8.

The emergency was declared passed.

**HB 1379** was referred for engrossment.

## GENERAL ORDER

**SB 495** by McGraw and Hamilton of the Senate was read and considered.

Senators Crow and Luton asked to be made co-authors of **SB 495,** which was the order.

Upon motion of Senator McGraw, **SB 495,** as co-authored, was advanced to engrossment.

By unanimous consent, upon request of Senator McGraw, **SB 495,** as co-authored, was considered engrossed and placed on third reading and final passage.

## THIRD READING

**SB 495** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Baldwin, Berrong, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Holden, Howard, Howell, Inhofe, Keels, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Smalley, Smith, Terrill, Williams.—38.

Nay: Trent.—1.

Excused: Bradley, Hargrave, Phillips, Porter, Rogers, Stansberry, Stipe, Taliaferro, Young.—9.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baggett, Baldwin, Berrong, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Holden, Howard, Howell, Inhofe, Keels, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Smalley, Smith, Terrill, Williams.—38.

Nay: Trent.—1.

Excused: Bradley, Hargrave, Phillips, Porter, Rogers, Stansberry, Stipe, Taliaferro, Young.—9.

The emergency was declared passed.

**SB 495** was referred for engrossment.

## DECLARATION OF VOTE

Senator Ferrell asked that the record show had he been present at the time of Third Reading and final passage of **SB 511,** he would have voted AYE on the Bill and its Emergency, which was the order.

Senator Terrill moved after the Clerk's desk is cleared, that the Senate stand adjourned to meet Monday, February 21, 1972, at 1:00 P.M.

**MESSAGE FROM THE HOUSE**

Advising the signing of and returning Enrolled **SCR 88**

The above numbered Enrolled Resolution was ordered referred to the Secretary of State.

Upon motion of Senator Terrill, the Senate adjourned to meet Monday, February 21, 1972, at 1:00 P.M.

# Twenty-eighth Legislative Day

## Monday, February 21, 1972

Pursuant to adjournment, the Senate was called to order by President Pro Tempore Smith.

Upon roll call, the following members were present:

Baggett, Baldwin, Berrong, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Hamilton, Holden, Howard, Howell, Inhofe, Keels, Lamb, Luton, McCune, McGraw, McSpadden, Martin, Mediearis, Miller, Murphy, Nichols, Payne, Phillips, Rogers, Smalley, Smith. Stansberry, Stipe, Taliaferro, Trent, Williams, Young.—42.

Excused: Bradley, Ham, Hargrave, Lane, Porter, Terrill.—6.

The President Pro Tempore declared a quorum present.

The following prayer was offered by Reverend Elbert L. Shumaker, Pastor, First United Methodist Church, Hollis, Oklahoma, and incorporated upon request of Senator Capps:

O Lord, our heavenly Father, whose glory is in all the world, and who dost from thy throne behold all the dwellers upon earth: Most heartily we beseech thee, with thy favor to behold and bless thy servants, the governor of our state, the Senators and Representatives and all others who are in places of leadership in our government. Grant them wisdom and strength to know and to do thy will. Fill them with the love of truth and righteousness. So rule their hearts and prosper their endeavors, that law and order, justice and peace may prevail, to the honor of thy holy name; through Jesus Christ our Lord. Amen.

The Journal for the last legislative day was declared approved.

## INTRODUCTION

Senator Baldwin asked unanimous consent, which was granted, to introduce and grant privileges of the floor to Miss Vicki Wright, Peanut Princess, from Oney, Oklahoma.

President Pro Tempore Smith appointed Senator Baldwin to escort Miss Wright to the President's desk for the purpose of addressing the Senate.

## COMMITTEE REPORTS

The following Bills and/or Resolutions were reported by the Committees named, ordered printed and placed upon the Calender unless otherwise indicated:

DO PASS:

**SB 521**—Banks and Banking.

## FIRST READING

The following Bills and/or resolutions were introduced and read the first time:

**SB 570**—By Howell and Hamilton—An Act relating to state agencies; amending 74 O.S. 1971, § 85.4; providing for acquisitions; prohibiting agreements by state agencies for acquiring equipment by lease payments or payment of rentals on equipment; and declaring an emergency.

**SB 571**—By Berrong—An Act relating to insurance; making declaration of purpose; providing that Act shall be supplemental and cumulative to existing laws; defining terms; prohibiting approval or issuance of certain insurance policies and

annuity contracts; making certain requirements for insurance policies and annuity contracts and providing regulations and restrictions therefor; providing for certain prohibitions and regulations covering insurers, their agents and representatives, and brokers; providing for severability; fixing operative date; and declaring an emergency.

**SB 572**—By Garrison of the Senate and Ford of the House—An Act relating to schools; creating the Oklahoma Educational Accountability Act; stating purpose; prescribing guideline and basis for programs; providing powers and duties of Oklahoma State Board of Education; providing for the appointment of an advisory committee; providing for implementation of accountability programs; providing for reporting; setting operative date; and declaring an emergency.

**SB 573**—By Garrison of the Senate and McCune of the House—An Act relating to conveyances; amending 16 O.S. 1971, § 62; prescribing jurisdiction of courts and orders thereof; specifying certain muniments as to interest in land where purchased for value; making muniments in certain instances invalid as to purchaser receiving marketable title; and declaring an emergency.

**SB 574**—By Smith—An Act relating to mobile homes; defining the term "mobile homes"; requiring certain tie-down equipment and facilities; providing penalties; and setting an effective date.

**SB 575**—By Hamilton—An Act relating to community junior colleges; amending 70 O.S. 1971, § 4404; providing for board of trustees; and changing date for election of trustees.

## SECOND READING

The following Bills and/or Resolutions were read the second time and referred to Committees indicated:

**SB 566**—Constitutional Revision and Redistricting.

**SB 567**—State and Federal Government.

**SB 568**—Insurance.

**SB 569**—Insurance.

**HB 1718**—Wildlife.

**HB 1722**—Agriculture.

## GENERAL ORDER

**SB 482** by Hamilton of the Senate and Willis of the House was read and considered.

Upon motion of Senator Hamilton, **SB 482** was advanced to engrossment.

By unanimous consent, upon request of Senator Hamilton, **SB 482** was considered engrossed and placed on third reading and final passage.

## THIRD READING

**SB 482** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baldwin, Berrong, Birdsong, Boecher, Capps, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Hamilton, Holden, Howard, Howell, Inhofe, Lamb, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Payne, Phillips, Rogers, Smalley, Smith, Stansberry, Taliaferro, Trent, Williams, Young.—35.

Nay: Crow.—1.

Excused: Baggett, Bradley, Breckinridge, Ham, Hargrave, Keels, Lane, Luton, Nichols, Porter, Stipe, Terrill.—12.

The bill was declared passed.

**SB 482** was referred for engrossment.

## RESOLUTIONS

Senator Garrison introduced the following Resolution:

**SR 75**—By Garrison—A Resolution commending the Honorable Elmer L. Fraker upon his retirement as Administrative Secretary of the Oklahoma Historical Society; expressing appreciation and gratitude for his many contributions to the Oklahoma Historical Society and to the people of this

state during a distinguished career; extending best wishes; and directing distribution.

Senator Garrison asked unanimous consent that all other Senators be made co-authors of **SR 75,** which was the order.

**SR 75,** as co-authored, was read at length, adopted upon motion of Senator Garrison and ordered referred for enrollment.

Senator Berrong introduced the following Resolution, consideration of which was deferred for this legislative day:

**SCR 90**—By Berrong of the Senate and Willis of the House—A Concurrent Resolution expressing intent of the Legislature regarding possible arrangements through public trusts for the funding of construction of facilities at Oklahoma colleges and universities; and directing distribution.

## PENDING SENATE ACTION - RESOLUTION

**SCR 89** by Stipe of the Senate and Huddleston of the House was called up for consideration.

Senators Boecher, Field and Payne asked to be made co-authors of **SCR 89,** which was the order.

**SCR 89,** as co-authored, was read at length, adopted upon motion of Senator Stipe and ordered referred for engrossment.

Senator Smalley presiding.

## GENERAL ORDER

**SB 387** by Holden, Capps, Ferrell, Miller and Murphy of the Senate and Bernard, et al, of the House was read and considered.

Senator Holden asked unanimous consent that further consideration of **SB 387** be deferred momentarily, which was the order.

## MESSAGE FROM THE HOUSE

Advising passage of and transmitting for consideration Engrossed:

**HB 1687**—By Elder—An Act relating to children; amending 10 O.S. 1971, § 60.7; authorizing the adoption of a child without a judicial relinquishment of parental rights in certain instances; and declaring an emergency.

**HJR 1040**—By Sanguin, Payne, Robinson, Stratton, Abbott, Anderson, Andrews, Atkins, Avey, Bamberger, Bengtson, Bernard, Beznoska, Boatner, Boettcher, Boren, Bradley, Briscoe, Camp, Carlton, Cartwright, Cate, Clemons, Coffin, Cole, Conaghan, Converse, Cotner, Cox, Davis, Doornbos, Draper, Duke, Dunn, Elder, Ferguson, Ferrell, Finch, Fine, Ford, Frates, Gooden, Green, Greenhaw, Hancock, Hargrave, Harper, Harrison, Hatchett, Hill, Holaday, Hopkins, Huddleston, Johnson, Kamas, Kardokus, Kennedy, Kilpatrick, Lindstrom, McCune, McIntyre, McKee, Miskelly, Monks, Mountford, Murphy, Musgrave, Nance, Odom, Pierce, Poulos, Privett, Randle, Riggs, Rogers, Sanders, Sandlin, Skeith, Sparkman, Spearman, Sullivan, Taggart, Tarwater, Thornhill, Townsend, Trent, Wayland, Whorton, Wickersham, Wiedemann, Williams, Williamson, Willis, Witt, Wixson, Wolf (Leland), Wolfe (Stephen), Wynn and York of the House and Birdsong of the Senate—A Joint Resolution officially naming a building on which construction has begun as the "Robert R. Lester Law Enforcement Training Center"; directing that proper recognition of Robert R. Lester be provided in the construction and furnishing of said building.

The above numbered **HB** and/or **HR** were read for the first time.

## MESSAGE FROM THE HOUSE

Advising passage of and returning Engrossed **SB 428,** as amended.

**HAs** to **SB 428** read as follows, and consideration deferred:

Amendment No. 1. Amend Page 1, Section 1, Line 22, by striking the figure $192,778.00" and insert the figure $217,778.-00".

Amendment No. 2. Amend Page 1, Section 1, Line 23, by striking the figure $50,-000.00" and insert the figure "$75,000.00".

Amendment No. 3 Amend Page 2, Section 1, Line 17, by striking the figure "$5,-000.00" and insert the figure ,'$6,000.00".

Amendment No. 4. Amend Page 2, Section 1, Line 18, by striking the figure "2,-000.00" and insert the figure "3,000.00".

Amendment No. 5. Amend Page 2, Section 1, Line 21, by striking the figure "28,-000.00" and insert the figure "30,000.00".

Amendment No. 6. Amend Page 2, Section 1, Line 27, by striking the figure $2,-592,720.00" and insert the figure "$2,569,-720.00".

Amendment No. 7. Amend Page 1, Line 7, by restoring the Title to read as follows:

"An Act relating to the State Department of Agriculture and making appropriations thereto; stating the purpose; authorizing appointment and compensation of personnel; providing lapse date; making the provisions of this act severable; and declaring an emergency."

Amendment No. 8. Amend Page 1, Line 15, by striking the Enacting Clause.

## MESSAGE FROM THE HOUSE

Advising fourth reading of and transmitting for signature Enrolled **HBs 1569, 1576,** and **1583.**

The above numbered Enrolled Bills were, after fourth reading, properly signed and ordered returned to the Honorable House.

## MESSAGE FROM THE HOUSE

Advising the signing of and returning Enrolled **SCRs 85** and **86.**

The above numbered Enrolled Resolutions were ordered referred to the Secretary of State.

## MESSAGE FROM THE HOUSE

Advising fourth reading of and returning Enrolled **SB 463.**

The above numbered Enrolled Bill was referred to the Governor.

## GENERAL ORDER

**SB 498** by Stipe, Boecher, Birdsong, Ferrell, Howard, Inhofe, and Medearis of the Senate, and Hopkins of the House was read and considered.

President Pro Tempore Smith asked to be made a co-author of **SB 498,** which was the order.

Upon motion of Senator Stipe, **SB 498,** as co-authored, was advanced to engrossment.

By unanimous consent, upon request of Senator Stipe, **SB 498,** as co-authored, was considered engrossed and placed on third reading and final passage.

## THIRD READING

**SB 498** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baldwin, Berrong, Birdsong, Boecher, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Holden, Howard, Howell, Inhofe, Lamb, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Payne, Phillips, Smalley, Smith, Stansberry, Stipe, Taliaferro, Trent, Williams, Young. —36.

Excused: Baggett, Bradley, Breckinridge, Ham, Hamilton, Hargrave, Keels, Lane, Nichols, Porter, Rogers, Terrill.—12.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baldwin, Berrong, Birdsong, Boecher, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Holden, Howard, Howell, Inhofe, Lamb, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Payne, Phillips, Smalley, Smith, Stansberry, Stipe, Taliaferro, Trent, Williams, Young. —36.

Excused: Baggett, Bradley, Breckinridge, Ham, Hamilton, Hargrave, Keels, Lane, Nichols, Porter, Rogers, Terrill.—12.

The emergency was declared passed.

**SB 498** was referred for engrossment.

## GENERAL ORDER

**HB 1590** by Skeith, et al, of the House and Stipe of the Senate was read and considered.

Senators McSpadden and Luton moved to amend **HB 1590,** Page 9, Line 1, as follows: By inserting before the word "In" on Line 2, the following language: "Provided no bond will be required for any gravel producer who sells less than One Thousand Dollars ($1,000.00) per year.", which amendment was declared adopted.

Upon motion of Senator Stipe, **HB 1590,** as amended, was advanced to engrossment.

By unanimous consent, upon request of Senator Stipe, **HB 1590,** as amended, was considered engrossed and placed on third reading and final passage.

## THIRD READING

**HB 1590** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Berrong, Birdsong, Boecher, Crow, Dahl, Garrett, Garrison, Grantham, Graves, Hamilton, Inhofe, Keels, McGraw, McSpadden, Martin, Miller, Payne, Phillips, Smalley, Smith, Stipe, Taliaferro, Trent, Williams, Young.—26.

Nay: Baldwin, Capps, Ferrell, Holden, Howell, Lamb, Luton, McCune, Murphy. —9.

Excused: Bradley, Breckinridge, Field, Ham, Hargrave, Howard, Lane, Medearis, Nichols, Porter, Rogers, Stansberry, Terrill.—13.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baggett, Berrong, Birdsong, Boecher, Capps, Crow, Dahl, Ferrell, Garrett, Garrison, Grantham, Graves, Hamilton, Holden, Howard, Howell, Inhofe, Keels, Lamb, Luton, McGraw, McSpadden, Martin, Miller, Payne, Phillips, Smalley, Smith, Stipe, Taliaferro, Trent, Williams, Young.—33.

Nay: Baldwin, McCune.—2.

Excused: Bradley, Breckinridge, Field, Ham, Hargrave, Lane, Medearis, Murphy, Nichols, Porter, Rogers, Stansberry, Terrill.—13.

The emergency was declared passed.

**HB 1590** was referred for engrossment.

## REPORT OF ENGROSSED AND ENROLLED BILLS

**SBs 376, 432, 477, 495, 535, SCR 71,** and **HBs 1379** and **1571** each correctly engrossed.

**SR 75** correctly enrolled.

Engrossed **SBs 376, 432, 477, 495, 535** and **SCR 71** were each properly signed and ordered transmitted to the Honorable House for consideration.

Engrossed **HBs 1379** and **1571,** together with Engrossed **SAs,** were properly signed and ordered returned to the Honorable House.

Enrolled **SR 75** was properly signed and ordered transmitted to the Secretary of State.

## PENDING SENATE ACTION ON HAs

Upon motion of Senator McSpadden, the Senate refused to concur in **HAs** to **SBs 402, 411, 418, 419** and **430,** and conferences requested, said Bills to be referred to **GCCA.**

## PENDING SENATE ACTION ON HOUSE REQUEST FOR CONFERENCE

Upon motion of Senator McSpadden, the request of the Honorable House for a conference on **HB 1567** was ordered granted, said Bill to be referred to **GCCA.**

## GENERAL ORDER

**HB 1613** by Willis, et al, of the House and McSpadden and Hamilton of the Senate was read and considered.

Upon motion of Senator McSpadden, **HB 1613** was advanced to engrossment.

Senator McSpadden asked unanimous consent that **HB 1613** be considered engrossed and placed on third reading and final passage, to which objection was heard.

Senator McSpadden asked unanimous consent that further consideration of **HB 1613** be deferred for this legislative day, which was the order.

**SB 387** was considered further.

President Pro Tempore Smith moved that **SB 387** be withdrawn from the Calendar and referred to the Committee on Revenue and Taxation.

Senator Murphy moved, as an in lieu motion, that **SB 387** be withdrawn from the calendar and referred to a Joint Committee comprised of the Committee on Soil and Water Resources, Committee on Revenue and Taxation and the Committee on Environmental Quality, which motion was tabled upon motion of Senator Luton.

Senator Crow moved, as a substitute motion, that **SB 387** be amended Pages 20 to 27, by striking Sections 14 through 18.

President Pro Tempore Smith raised a point of order that the Crow substitute motion should not be considered, since it was, in reality, an amendment and not a motion, which point of order the Chair sustained.

President Pro Tempore Smith pressed his foregoing motion to refer.

Senator Luton moved to table the foregoing Smith motion to refer, which motion to table failed upon roll call as follows:

Aye: Breckinridge, Capps, Crow, Field, Garrison, Holden, Inhofe, Luton, McCune, McGraw, Martin, Miller, Murphy, Smalley, Taliaferro.—15.

Nay: Baggett, Berrong, Birdsong, Boecher, Dahl, Ferrell, Garrett, Grantham, Hamilton, Howard, Keels, Lamb, McSpadden, Medearis, Payne, Phillips, Smith, Stipe, Trent, Williams, Young.—21.

Excused: Baldwin, Bradley, Graves, Ham, Hargrave, Howell, Lane, Nichols, Porter, Rogers, Stansberry, Terrill.—12.

The vote occurring on the Smith motion to refer, it was declared adopted.

## MOTION TO RECONSIDER VOTE

Senator Grantham asked unanimous consent, which was granted, that the time be extended until Tuesday, February 22, 1972, for consideration of his motion to reconsider the vote by which **SB 462** failed of passage.

Senator Birdsong moved after the Clerk's desk is cleared, that the Senate stand adjourned to meet Tuesday, February 22, 1972, at 1:00 P.M., which motion prevailed.

Upon motion of Senator Birdsong, the Senate adjourned to meet Tuesday, February 22, 1972, at 1:00 P.M.

# Twenty-ninth Legislative Day

## Tuesday, February 22, 1972

Pursuant to adjournment, the Senate was called to order by Senator Terrill, who was designated so to do by the President Pro Tempore.

Upon roll call, the following members were present:

Baggett, Baldwin, Berrong, Birdsong, Boecher, Bradley, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Keels, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Phillips, Smalley, Smith, Stansberry, Stipe, Taliaferro, Terrill, Trent, Williams, Young.—46.

Excused: Porter, Rogers.—2.

President Pro Tempore Smith presiding.

The President Pro Tempore declared a quorum present.

The following prayer was offered by the Chaplain and incorporated upon request of Senator Capps:

Loving Father, send thy blessing, on this our beloved land. Increase in our own and in every nation the spirit of truth and justice, peace and love. Bless all those who are defending our freedom, comfort all the prisoners of war and be near to their loved ones. Turn the hearts of all men unto thee, and so hasten blessed time when the kingdoms of the world shall become the Kingdom of our Lord Jesus Christ; in whose name we offer these petitions, even the same Christ Jesus thy Son our Lord. Amen.

The Journal for the last legislative day was declared approved.

## PRESENTATION

Senator Baldwin asked unanimous consent, which was granted, that Ward Fowler be granted privilege of the floor. Senator Baldwin, on behalf of the Oklahoma State Senate, presented Mr. Fowler with **SCR 84,** and wished him a happy retirement.

## COMMITTEE REPORTS

The following Bills and/or Resolutions were reported by the Committees named, ordered printed and placed upon the Calendar unless otherwise indicated:

DO PASS:

**SB 502**—Judiciary

**SB 503**—Judiciary.

**SB 515**—Judiciary.

**SB 530**—Insurance.

**SB 537**—Insurance.

**HB 1037**—Insurance, co-authored by Senator Young.

**HB 1554**—Appropriations and Budget.

DO PASS: as amended:

**SB 452**—Education—Common.

**CS** for **SB 497**—Revenue and Taxation.

**SB 524**—Judiciary, co-authored by Senators Smalley, Murphy, Smith, Luton and Garrett.

**SJR 45**—Revenue and Taxation.

**HB 1293**—Judiciary, co-authored by Senator Grantham.

**HB 1577**—Appropriations and Budget.

**HB 1584**—Appropriations and Budget.

## FIRST READING

The following Bills and/or Resolutions were introduced and read the first time:

**SB 576**—By Howell—An Act relating to narcotic drugs and controlled dangerous substances; amending 63 O.S. 1971, § 2-401; prohibiting certain acts; providing penalties; and declaring an emergency.

**SB 577**—By McSpadden—An Act relating to highways; amending 69 O.S. 1971; § 302; creating State Highway Commission Districts; providing for appointment and confirmation of members of said Commission; providing for terms and compensation of Commission members; and declaring an emergency.

**SB 578**—By McSpadden and Hamilton of the Senate and Willis and Miskelly of the House—An Act relating to the Oklahoma State Regents for Higher Education, the State Board of Public Affairs and the State Military Department; providing for continuation and reappropriation of unexpended balances of appropriations of series B Bond Funds previously made; continuing purpose of original appropriations; providing for use of federal funds; providing lapse date; making provisions severable; and declaring an emergency.

**SB 579**—By Miller—An Act relating to schools; amending 70 O.S. 1971, § 8-110; providing formula for determining amount of transfer fees; and declaring an emergency.

**SB 580**—By Miller—An Act relating to schools; amending 70 O.S. 1971, § 9-101; providing for transfer of child when necessary to provide adequate educational facilities and opportunities; and declaring an emergency.

## SECOND READING

The following Bills and/or Resolutions were read the second time and referred to Committees indicated:

**SB 570**—State and Federal Government.

**SB 571**—Insurance.

**SB 572**—Education—Common.

**SB 573**—Judiciary.

**SB 574**—Public Safety and Penal Affairs.

**SB 575**—Education—Higher.

**HB 1687**—Judiciary.

**HJR 1040**—Constitutional Revision and Redistricting.

## REPORT OF ENGROSSED AND ENROLLED BILLS

**SB 482, SCR 89** and **HB 1590** each correctly engrossed.

Engrossed **SB 482** and **SCR 89** were each properly signed and ordered transmitted to the Honorable House for consideration.

Engrossed **HB 1590,** together with Engrossed **SAs,** was properly signed and ordered returned to the Honorable House.

## PENDING SENATE ACTION - RESOLUTIONS

**HCR 1069** by Lindstrom, et al, of the House and Taliaferro and Terrill of the Senate was called up for consideration.

Senator Terrill asked unanimous consent that all other Senators be made co-authors of **HCR 1069,** which was the order.

**HCR 1069,** as co-authored, was read at length, adopted upon motion of Senator Terrill, properly signed and ordered returned to the Honorable House.

**HCR 1063** by Kennedy, et al, of the House and Dahl of the Senate was called up for consideration.

Senator Dahl asked unanimous consent that all other Senators be made co-authors of **HCR 1063,** which was the order.

**HCR 1063,** as co-authored, was read at length, adopted upon motion of Senator Dahl, properly signed and ordered returned to the Honorable House.

**HCR 1064** by Spearman, et al, of the House and Baggett of the Senate was called up for consideration.

Senator Baggett asked unanimous consent that all other Senators be made co-authors of **HCR 1064,** which was the order.

**HCR 1064,** as co-authored, was read at length, adopted upon motion of Senator Baggett, properly signed and ordered returned to the Honorable House.

**SCR 87** by Lane of the Senate and Murphy

of the House was called up for consideration.

**SCR 87** was read at length, adopted upon motion of Senator Lane and ordered referred for engrossment.

## RESOLUTIONS

Senator Baldwin introduced the following Resolution:

**SCR 91**—By Baldwin of the Senate and Kardokus of the House—A Concurrent Resolution expressing sense of loss and sorrow of the Oklahoma Legislature at the death of Joe White McBride, publisher of the Anadarko Daily News; and directing distribution.

Senator Baldwin asked unanimous consent that all other Senators be made co-authors of **SCR 91,** which was the order.

**SCR 91,** as co-authored was read at length, adopted upon motion of Senator Baldwin and ordered referred for engrossment.

Senator McCune introduced the following Resolution:

**SCR 92**—By McCune and Terrill—A Concurrent Resolution directing the Oklahoma State Regents for Higher Education to encourage the development of teacher education programs in the field of learning disabilities at institutions in the Oklahoma State System of Higher Education; and requesting that a status report on the subject be submitted to the First Session of the Thirty-fourth Oklahoma Legislature.

President Pro Tempore Smith asked to be made a co-author of **SCR 92,** which was the order.

Senator McCune asked unanimous consent that all other Senators be made co-authors of **SCR 92,** which was the order.

**SCR 92,** as co-authored, was read at length, adopted upon motion of Senator McCune and ordered referred for engrossment.

Senator Lane presiding.

## PENDING SENATE ACTION-RESOLUTION

**HCR 1068** by Abbott of the House and Miller of the Senate was called up for consideration.

Senator Miller moved to amend **HCR 1068,** Page 2, Line 16, by adding after the word "Henry" and before the words "; the sponsor" the words "and Debbie Shaw", which amendment was declared which amendment was declared adopted.

**HCR 1068,** as amended, was read at length, adopted upon motion of Senator Miller, and ordered referred for engrossment.

## PENDING SENATE ACTION ON HAs

Upon motion of Senator McSpadden, **HAs** to **SBs 428** and **404** were rejected and conference requested, said Bills to be referred to **GCCA.**

President Pro Tempore Smith presiding.

## MESSAGE FROM THE HOUSE

Advising passage of and transmitting for consideration Engrossed:

**HB 1512**—By McCune of the House and Hargrave of the Senate—An Act relating to guardian and ward; amending 58 O.S. 1971, § 851; providing for notice to an alleged insane or incompetent and his kindred of time and place of hearing petition for appointment of guardian; and providing an effective date.

**HB 1596**—By Bernard, Boatner, Coffin, Kamas, Trent, Stratton, Wickersham and Wynn of the House and Holden, Capps, Ferrell and Miller of the Senate—An Act relating to water and water rights; providing for appointment, organization, compensation and administrative authority of the Oklahoma Water Resources Board; providing for preparation of certain records, fee schedules, water data and annual reports, and deposit of certain funds; providing penalties; providing for appointment of Executive Director; providing for certain legal services; directing continuing study of water laws; providing for

transfer of certain easements and property; stating purpose; providing for creation, meetings and certain powers of the Water Conservation Storage Commission; authorizing review of certain projects, agreements with federal agencies, and sale, lease or transfer of storage facilities; providing for creation of Water Conservation Storage Fund and providing certain procedures for purchase of certain investment certificates; providing for performance of certain legal services; providing for contracts with Secretary of Agriculture for repayment of water storage costs; and repealing 82 O.S. 1971, §§ 453 through 458, 460 through 462, 481 through 489, 491, 1071 through 1084, and 1351 through 1362.

**HB 1597**—By Bernard, Boatner, Coffin, Kamas, Trent, Stratton, Wickersham and Wynn of the House and Holden, Capps, Ferrell and Miller of the Senate—An Act relating to water and water rights; defining terms; stating purpose; providing for petition for establishing regional water distribution districts; providing for creation of such districts; providing for selection of Board of Directors for such districts; providing powers of such districts; providing procedures for petition to district court; exempting such districts from taxes and assessments; permitting such districts to charge certain rates and fees; providing procedures for annexation of additional territory and dissolution of such districts; providing for reports; providing procedures for dissolution of inactive districts and disposal of certain district properties; prohibiting conflict of interest; and repealing 82 O.S. 1971, §§ 1251 through 1265.

**HB 1627**—By Wynn, Gooden and Kamas of the House and Luton of the Senate—An Act relating to crimes and punishments; amending 21 O.S. 1971, §§ 1758 and 1759; providing the unauthorized diversion or interference with waters of any irrigation ditch, canal, water line or conduit shall be unlawful and constitute a misdemeanor; and declaring an emergency.

**HB 1705**—By Hancock, McIntyre and Atkins—An Act relating to juvenile delinquency procedure; amending 10 O.S. 1971, § 1112, to define the term "delinquent child"; repealing 10 O.S. 1971, § 1101A; and declaring an emergency.

**HB 1727**—By Bengtson and Kilpatrick—An Act relating to the public schools of Oklahoma; amending 70 O.S. 1971, § 5-107, to provide for boards of education of independent school districts with more than fifty thousand children in average daily attendance; providing members of board, as constituted prior to effectiveness of the Oklahoma School Code in 1971, are continued in office until the terms for which they were elected expire; and declaring an emergency.

The above numbered **HBs** were read for the first time.

## MESSAGE FROM THE HOUSE

Advising passage of and returning Engrossed **SJR 13,** as co-authored and amended.

**HAs** to **SJR 13** read as follows, and consideration deferred:

Authors: Add the following coauthors: Gooden and Kamas of the House.

Amendment No. 1. Amend Page 1, Section 3, Line 29, by striking all of Section 3, beginning on Line 29 and ending on Line 34, and renumbering the following Section accordingly.

Amendment No. 2. Amend the Title to conform to Amendment 1, as follows: "A Joint Resolution pertaining to feasibility study of establishing a state park in the Glass Mountains; providing for responsibility for such study; and declaring an emergency."

## MESSAGE FROM THE HOUSE

Advising the signing of and transmitting for signature Enrolled **HCR 1067.**

The above numbered Enrolled Resolution was properly signed and ordered returned to the Honorable House.

**MESSAGE FROM THE HOUSE**

Advising concurrence in **SAs** to and passage of Engrossed **HB 1379,** as amended.

**MESSAGE FROM THE HOUSE**

Advising rejection of **SAs** to Engrossed **HBs 1571** and **1582,** requesting Conference and referring said Bills to the **GCCA.**

**MESSAGE FROM THE HOUSE**

Advising Conference granted on Engrossed **SBs 402, 411, 418, 419,** and **430** and referring said Bills to the **GCCA.**

**GENERAL ORDER**

**SB 456** by Hargrave, Smalley, Garrett and Grantham of the Senate and Hargrave of the House was read and considered.

Senator Martin asked to be made a co-author of **SB 456,** which was the order.

Upon motion of Senator Hargrave, **SB 456,** as co-authored, was advanced to engrossment.

By unanimous consent, upon request of Senator Hargrave, **SB 456,** as co-authored, was considered engrossed and placed on third reading and final passage.

Senator Howell presiding.

President Pro Tempore Smith presiding.

**THIRD READING**

**SB 456** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Birdsong, Bradley, Breckinridge, Crow, Ferrell, Field, Garrett, Garrison, Grantham, Ham, Hargrave, Howard, Howell, Inhofe, Keels, Lamb, McGraw, Martin, Miller, Murphy, Nichols, Smalley, Smith, Stipe, Taliaferro, Terrill, Williams, Young.—29.

Nay: Baldwin, Boecher, Capps, Dahl, Graves, Hamilton, Holden, Lane, Luton, McSpadden, Medearis, Payne, Phillips, Trent.—14.

Excused: Berrong, McCune, Porter, Rogers, Stansberry.—5.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baggett, Berrong, Birdsong, Bradley, Breckinridge, Capps, Crow, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hargrave, Holden, Howard, Howell, Inhofe, Keels, Lamb, McCune, McGraw, Martin, Miller, Murphy, Nichols, Smalley, Smith, Taliaferro, Terrill, Williams, Young.—33.

Nay: Baldwin, Boecher, Dahl, Hamilton, Lane, Luton, McSpadden, Medearis, Payne, Phillips, Stipe, Trent.—12.

Excused: Porter, Rogers, Stansberry.—3.

The emergency was declared passed.

**MOTION TO RECONSIDER VOTE**

As provided under Rule 19(b), Senator Luton moved that the vote be reconsidered by which **SB 456** passed.

As provided under Rule 19(b), Senator Luton moved that the vote be reconsidered by which the Emergency Section of **SB 456** passed.

**REPORT OF ENGROSSED AND ENROLLED BILLS**

**HCR 1068** correctly engrossed.

Engrossed **HCR 1068,** together with Engrossed **SA,** was properly signed and ordered returned to the Honorable House.

**MESSAGE FROM THE HOUSE**

Advising passage of and transmitting for consideration Engrossed:

**HB 1306**—By Camp—An Act relating to arbitration; creating Uniform Arbitration Act; authorizing written arbitration agreements; designating arbitration procedures; providing for appointment, powers, fees and expenses of arbitrators; allowing representation by attorneys; providing for awards, remedies and judicial procedures; defining terms; exempting agreements

prior to this Act and employee-employer relations; repealing conflicting laws; and providing for severability.

The above numbered **HB** was read for the first time.

## MESSAGE FROM THE HOUSE

Advising Conference granted on Engrossed **SBs 404** and **428,** and referring said Bills to **GCCA.**

## MOTION TO RECONSIDER VOTE

Senator Grantham asked for consideration of his motion to reconsider the vote by which **SB 462** failed of passage.

The vote occurring on the Grantham motion, it was declared adopted upon roll call as follows:

Aye: Baggett, Baldwin, Berrong, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Keels, Lamb, Luton, McCune, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Smith, Stipe, Taliaferro, Terrill, Williams. —37.

Nay: Payne, Phillips, Young.—3.

Excused: Bradley, Lane, McGraw, Porter, Rogers, Smalley, Stansberry, Trent.—8.

## THIRD READING

Senator Grantham moved to reconsider the vote by which **SB 462** was considered engrossed and placed upon third reading and final passage, which motion was declared adopted.

Senator Grantham moved to reconsider the vote by which **SB 462** was advanced to engrossment, which motion was declared adopted.

## GENERAL ORDER

Senator Grantham moved to amend **SB 462,** Page 2, Line 3, by striking all of subsection B and renumbering subsequent sections, which amendment was declared adopted.

Upon motion of Senator Grantham, **SB 462,** as amended, was advanced to engrossment.

By unanimous consent, upon request of Senaor Grantham, **SB 462,** as amended, was considered engrossed and placed on third reading and final passage.

## THIRD READING

On the question of passage of **SB 462,** the roll call resulted as follows:

Aye: Baggett, Baldwin, Berrong, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Keels, Lamb, Luton, McCune, McGraw, Medearis, Miller, Nichols, Smalley, Smith, Stipe, Taliaferro, Terrill, Williams.—36.

Nay: McSpadden, Payne, Phillips, Trent, Young.—5.

Excused: Bradley, Lane, Martin, Murphy, Porter, Rogers, Stansberry.—7.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baggett, Baldwin, Berrong, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Keels, Lamb, Luton, McCune, McGraw, Martin, Medearis, Miller, Murphy, Nichols, Smalley, Smith, Stipe, Taliaferro, Terrill, Williams.—38.

Nay: McSpadden, Payne, Phillips, Trent, Young.—5.

Excused: Bradley, Lane, Porter, Rogers, Stansberry.—5.

The emergency was declared passed.

## MOTION TO RECONSIDER VOTE

As provided under Rule 19(b), Senator Young moved that the vote be reconsidered by which **SB 462** passed.

As provided under Rule 19(b), Senator Young moved that the vote be reconsid-

ered by which the Emergency Section of **SB 462** passed.

Senator Field asked for consideration of his motion to reconsider the vote by which **SB 520** failed of passage.

The vote occurring on the Field motion, it was declared adopted upon roll call as follows:

Aye: Baldwin, Berrong, Birdsong, Boecher, Capps, Crow, Dahl, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Hargrave, Holden, Howard, Keels, Lamb, McCune, McGraw, McSpadden, Miller, Nichols, Payne, Smalley, Stipe, Taliaferro, Trent, Williams.—30.

Nay: Baggett, Breckinridge, Ferrell, Howell, Luton, Martin, Medearis, Phillips, Smith, Terrill, Young.—11.

Excused: Bradley, Inhofe, Lane, Murphy, Porter, Rogers, Stansberry.—7.

## THIRD READING

Senator Field, citing Rule 8(c), asked unanimous consent that Representative McKee be added as House author of **SB 520**, which was the order.

On the question of passage of **SB 520**, the roll call resulted as follows:

Aye: Baldwin, Berrong, Birdsong, Boecher, Capps, Crow, Dahl, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Hargrave, Holden, Howard, Keels, McGraw, McSpadden, Nichols, Payne, Stipe, Taliaferro, Trent, Williams.—26.

Nay: Baggett, Breckinridge, Ferrell, Howell, Inhofe, Lamb, Luton, McCune, Martin, Medearis, Miller, Murphy, Phillips, Smalley, Smith, Terrill, Young.—17.

Excused: Bradley, Lane, Porter, Rogers, Stansberry.—5.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baldwin, Berrong, Birdsong, Boecher, Capps, Crow, Dahl, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Hargrave, Holden, Howard, Keels, McGraw, McSpadden, Nichols, Payne, Smalley, Smith, Stipe, Taliaferro, Terrill, Trent, Williams.—29.

Nay: Baggett, Breckinridge, Ferrell, Howell, Inhofe, Lamb, Luton, McCune, Martin, Medearis, Miller, Murphy, Phillips, Young.—14.

Excused: Bradley, Lane, Porter, Rogers, Stansberry.—5.

The emergency was declared failed of passage.

## MOTION TO RECONSIDER VOTE

As provided under Rule 19(b), Senator Howard moved that the vote be reconsidered by which the Emergency Section of **SB 520** failed of passage.

## THIRD READING

Senator Garrison presiding.

President Pro Tempore Smith presiding.

**HB 1613** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Berrong, Birdsong, Boecher, Capps, Crow, Dahl, Ferrell, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Hargrave, Holden, Howard, Lamb, Luton, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Payne, Phillips, Smalley, Smith, Stipe, Taliaferro, Terrill, Young.—32.

Nay: Baggett, Baldwin, Howell, Keels, McCune, Trent, Williams.—7.

Excused: Bradley, Breckinridge, Field, Inhofe, Lane, Nichols, Porter, Rogers, Stansberry.—9.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Berrong, Birdsong, Boecher, Capps, Crow, Dahl, Ferrell, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Hargrave, Holden, Howard, Lamb, Luton, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Payne, Phillips, Smalley, Smith, Stipe, Taliaferro, Terrill, Young.—32.

Nay: Baggett, Baldwin, Howell, Keels, McCune, Trent, Williams.—7.

Excused: Bradley, Breckinridge, Field, Inhofe, Lane, Nichols, Porter, Rogers, Stansberry.—9.

The emergency was declared passed.

**HB 1613** was ordered withheld pursuant to Rule 19(f).

## UNANIMOUS CONSENT REQUEST

Senator Stipe asked unanimous consent that a corrective amendment be made to **SB 498,** as follows: Page 3, Line 9, after the word "participate", and before the word "in", insert the following words which were inadvertently omitted in the draft of a bill for introduction in 1959: "under the system of each such city or town bears to the total amount of salaries paid to police officers participating and entitled to participate"; (This addition will restore the sentence to the form in which it passed in 1957 as part of the Insurance Code.)

Senator Payne raised a point of order that the above unanimous consent request was not procedurally correct, stating that it constituted an amendment, which point of order the Chair sustained.

Senator Stipe asked unanimous consent to withdraw his foregoing request, which was the order.

Senator Terrill moved after the Clerk's desk is cleared, that the Senate stand adjourned to meet Wednesday, February 23, 1972, at 1:00 P.M., which motion prevailed.

## BILL RELEASED

**HB 1613** was properly signed and ordered returned to the Honorable House.

Upon motion of Senator Terrill, the Senate adjourned to meet Wednesday, February 23, 1972, at 1:00 P.M.

# Thirtieth Legislative Day

## Wednesday, February 23, 1972

Pursuant to adjournment, the Senate was called to order by President Pro Tempore Smith.

Upon roll call, the following members were present:

Baggett, Baldwin, Berrong, Birdsong, Boecher, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Keels, Lamb, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Phillips, Rogers, Smalley, Smith, Stipe, Taliaferro, Terrill, Trent, Williams, Young.—43.

Excused: Bradley, Breckinridge, Lane, Porter, Stansberry.—5.

Senator Crow presiding.

The Presiding Officer declared a quorum present.

The following prayer was offered by the Chaplain and incorporated upon request of Senators Capps and Crow:

Almighty God, who alone givest wisdom and understanding: Inspire, we pray thee, the minds of all to whom thou hast committed the responsibility of government. Give to them the vision of truth and justice, that by their counsel and leadership all people may work together in true brotherhood. Bless our nation, that it may ever be a stronghold of peace. Plant virtue in every soul; and may the love of thy name hallow every home and every heart, for we ask this in the name of Christ our Lord. Amen.

The Journal for the last legislative day was declared approved.

## COMMITTEE REPORTS

The following Bills and/or Resolutions were reported by the Committees named, ordered printed and placed upon the Calendar unless otherwise indicated:

DO PASS:

**SB 182**—Governmental Reform.

**SB 183**—Governmental Reform.

**SB 517**—State and Federal Government.

**SB 518**—State and Federal Government.

**SB 522**—State and Federal Government.

**SB 529**—State and Federal Government.

**SB 554**—Governmental Reform.

DO PASS, as amended:

**SB 513**—Public and Mental Health.

**SB 556**—State and Federal Government, co-authored by Senators McCune and Ham.

**SJR 18**—Municipal Government.

**CS** for **HB 1403**—Governmental Reform, co-authored by Senator Crow.

**HB 1670**—State and Federal Government, co-authored by Senator Lane.

## FIRST READING

The following Bills and/or Resolutions were introduced and read the first time:

**SB 581**—By Young—An Act relating to insurance; amending 36 O.S. 1971, § 302; providing qualifications of insurance commissioner; and setting an effective date.

**SB 582**—By Smith—An Act relating to Workmen's Compensation; amending 85 O.S. 1971, § 173; providing for special in-

demnity fund and an industrial judiciary fund; providing that in all awards for permanent total disability or permanent partial disability one half of sum equal to four per cent of such awards shall be credited by the Tax Commission to the Industrial Judiciary Fund and this contribution shall not be subject to discontinuance or suspension but shall apply in every instance; making the Industrial Judiciary Fund subject to Legislative appropriation; providing operative date; and declaring an emergency.

**SB 583**—By McSpadden and Hamilton of the Senate and Willis and Miskelly of the House—An Act relating to the State Board of Education; making an appropriation thereto and stating the purpose; directing the state board of Education to transfer certain funds originally appropriated by Chapter 304, O.S.L. 1971, to a special account to be created by this act and stating the purpose; limiting the amount of funds which may be used to supplement state aid of certain school districts as provided by section 6, Chapter 304, O.S.L. 1971; providing lapse date; making the provisions of this Act severable; and declaring an emergency.

**SB 584**—By Stipe—An Act relating to painting and decorating contractors; defining terms; providing exceptions; providing that the administration of this act shall be by the Commissioner of Labor; creating the painting and decorating contractors advisory board; providing for qualifications and terms of office for board members; providing rules and regulations for the operation of the board; establishing duties and powers of the board; establishing duties and powers of the board; providing that the executive secretary of the board shall be considered a public official and prescribing his duties; providing for requirements and procedures for the licensing of contractors; providing for the payment of fees; providing for the power to revoke licenses and the grounds for doing so; providing for appeal; and providing for severability.

**SB 585**—By Hamilton—An Act relating to drug abuse education; enacting the "Drug Abuse Education Act of 1972", defining the term "drug"; stating purpose of the act; prescribing duties of the State Board of Education, the State Department of Education and the Board of Education of school districts; and declaring an emergency.

**SB 586**—By Trent and Payne—An Act relating to elections; amending 26 O.S. 1971, §§ 24a, 93.20 and 556a; providing increased compensation for members of county election boards and for secretaries of county election boards. Prescribing duties; providing for appointment and compensation of clerical help; providing increased compensation for precinct official and declaring an emergency.

## SECOND READING

The following Bills and/or Resolutions were read the second time and referred to Committees indicated:

**SB 576**—Judiciary.

**SB 577**—Governmental Reform.

**SB 578**—Appropriations and Budget.

**SB 579**—Education - Common.

**SB 580**—Education - Common.

**HB 1306**—Industrial and Labor Relations.

**HB 1512**—Judiciary.

**HB 1596**—Soil and Water Resources and Environmental Quality.

**HB 1597**—Soil and Water Resources and Environmental Quality.

**HB 1627**—Judiciary.

**HB 1705**—Judiciary and Social Welfare.

**HB 1727**—Education - Common.

## GENERAL ORDER

**HB 1554** by Willis, et al, of the House and McSpadden and Hamilton of the Senate was read and considered.

Upon motion of Senator McSpadden, **HB 1554** was advanced to engrossment.

By unanimous consent, upon request of Senator McSpadden, **HB 1554** was consid-

ered engrossed and placed on third reading and final passage.

**THIRD READING**

**HB 1554** was read for the third time at length.

On the question of passage of Bill, the call resulted as follows:

Aye: Baggett, Baldwin, Berrong, Birdsong, Boecher, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Ham, Hargrave, Holden, Howard, Howell, Keels, Lamb, Luton, McCune, McGraw, McSpadden, Martin, Miller, Murphy, Nichols, Payne, Phillips, Smalley, Smith, Stipe, Terrill, Trent, Williams, Young.—37.

Excused: Bradley, Breckinridge, Graves, Hamilton, Inhofe, Lane, Medearis, Porter, Rogers, Stansberry, Taliaferro.—11.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baggett, Baldwin, Berrong, Birdsong, Boecher, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Ham, Hargrave, Holden, Howard, Howell, Keels, Lamb, Luton, McCune, McGraw, McSpadden, Martin, Miller, Murphy, Nichols, Payne, Phillips, Smalley, Smith, Stipe, Terrill, Trent, Williams, Young.—37.

Excused: Bradley, Breckinridge, Graves, Hamilton, Inhofe, Lane, Medearis, Porter, Rogers, Stansberry, Taliaferro.—11.

The emergency was declared passed.

**HB 1554** was ordered withheld pursuant to Rule 19(f).

**GENERAL ORDER**

**HB 1577** by Willis, et al, of the House and McSpadden and Hamilton of the Senate was read and considered.

Upon motion of Senator McSpadden, **HB 1577** was advanced to engrossment.

By unanimous consent, upon request of Senator McSpadden, **HB 1577** was considered engrossed and placed on third reading and final passage.

**THIRD READING**

**HB 1577** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Baldwin, Berrong, Birdsong, Boecher, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Hamilton, Hargrave, Holden, Howard, Howell, Keels, Lamb, Luton, McCune, McGraw, McSpadden, Martin, Miller, Murphy, Nichols, Payne, Phillips, Smalley, Smith, Stipe, Taliaferro, Terrill, Trent, Williams, Young.—38.

Excused: Bradley, Breckinridge, Graves, Ham, Inhofe, Lane, Medearis, Porter, Rogers, Stansberry.—10.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baggett, Baldwin, Berrong, Birdsong, Boecher, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Ham, Hamilton, Hargrave, Holden, Howard, Howell, Keels, Lamb, Luton, McCune, McGraw, McSpadden, Martin, Miller Murphy, Nichols, Payne, Phillips, Smalley, Smith, Stipe, Taliaferro, Terrill, Trent, Williams, Young.—39.

Excused: Bradley, Breckinridge, Graves, Inhofe, Lane, Medearis, Porter, Rogers, Stansberry.—9.

The emergency was declared passed.

**HB 1577** was referred for engrossment.

**GENERAL ORDER**

**HB 1584** by Willis, et al, of the House and McSpadden and Hamilton of the Senate was read and considered.

Upon motion of Senator McSpadden, **HB 1584** was advanced to engrossment.

By unanimous consent, upon request of Senator McSpadden, **HB 1584** was considered engrossed and placed on third reading and final passage.

## THIRD READING

**HB 1584** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Baldwin, Berrong, Birdsong, Boecher, Capps, Crow, Dahl, Ferrell, Garrison, Grantham, Ham, Hamilton, Holden, Howard, Howell, Inhofe, Keels, Lamb, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Phillips, Smalley, Smith, Stipe, Taliaferro, Terrill, Trent, Williams, Young.—38.

Excused: Bradley, Breckinridge, Field, Garrett, Graves, Hargrave, Lane, Porter, Rogers, Stansberry.—10.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baggett, Baldwin, Berrong, Birdsong, Boecher, Capps, Crow, Dahl, Ferrell, Garrison, Grantham, Ham, Hamilton, Holden, Howard, Howell, Inhofe, Keels, Lamb, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Phillips, Smalley, Smith, Stipe, Taliaferro, Terrill, Trent, Williams, Young.—38.

Excused: Bradley, Breckinridge, Field, Garrett, Graves, Hargrave, Lane, Porter, Rogers, Stansberry.—10.

The emergency was declared passed.

**HB 1584** was referred for engrossment.

## UNANIMOUS CONSENT— BILL WITHDRAWN

Senator Martin asked unanimous consent that **SB 451** be withdrawn from the Calendar and re-referred to the Committee on Education - Common, which was the order.

## MESSAGE FROM THE HOUSE

Advising passage of and transmitting for consideration Engrossed:

**HB 1526**—By Cotner, Bernard, Cox, Dunn, Ferrell, Gooden, Kardokus, Kamas, Robinson, Trent, Wickersham and Stratton —An Act providing for the regulation of weather modification operations; providing for the powers and duties of the Oklahoma Water Resources Board in weather modification operations; providing procedure for the issuance of licenses and permits and procedures for suspension or revocation; providing certain emergency powers; providing fees and penalties; defining terms; providing for cooperative agreements relating to weather modification and cloud seedings; providing that this act shall not impose certain liabilities or affect certain actions; providing penalties for violations; making provisions severable; and declaring an emergency.

**HB 1547**—By Boatner—An Act relating to cities and towns; amending 11 O.S. 1971, §§ 23c and 980; providing that towns shall be divided into three or five wards; providing for elections of certain town officers at specified times and fixing their respective terms of office; providing for appointment of marshal; and providing an effective date.

**HB 1625**—By York—An act relating to professions and occupations; amending 59 O.S. 1971, §§ 162, 163, 164, 164b, 164c and 164d; providing for meeting dates of Board of Chiropractic Examiners; establishing procedures for applications to practice chiropractic; establishing fees; providing for written examinations and method of licensing of chiropractic applicants; providing for reciprocity; providing for revocation and suspension of licenses; providing salaries; establishing scholarships and the method for their administration; and declaring an emergency.

**HB 1672**—By Kilpatrick, Bamberger, York, Sanders, Trent, Randle, Miskelly, Bengtson, Holaday, Riggs, Atkins, Spearman, Clemons, Nance and Hatchett—An Act relating to court costs; providing for the taxing of attorneys' fees in certain cases; and setting an effective date.

**HB 1699**—By Sandlin, Beznoska, Draper and Riggs of the House and Ham of the Senate—An Act relating to civil procedure;

amending 12 O.S. 1971, § 83; providing for conserving certain moneys obtained for or on behalf of persons less than eighteen years of age in court proceedings; and declaring an emergency.

**HB 1730**—By Atkins—An Act relating to public libraries; repealing 65 O.S. 1971, §§ 501 through 510, which provide for an Oklahoma Council on Libraries; and declaring an emergency.

The above numbered **HBs** were read for the first time.

## MESSAGE FROM THE HOUSE

Advising fourth reading of and transmitting for signature Enrolled **HBs 1379** and **1613.**

The above numbered Enrolled Bills were, after fourth reading, properly signed and ordered returned to the Honorable House.

## MESSAGE FROM THE HOUSE

Advising the signing of and transmitting for signature Enrolled **HCRs 1063, 1064** and **1069.**

The above numbered Enrolled Resolutions were properly signed and ordered returned to the Honorable House.

## GENERAL ORDER

**SJR 45** by Howard of the Senate and Abbott of the House was read and considered.

Senator Miller asked to be made a co-author of **SJR 45,** which was the order.

Senator Howard moved to amend **SJR 45,** Page 2, Line 10, by striking after the word "Commission" and before the words "of twenty" the language: "of the Senate" and substituting therefor "shall consist", which amendment was declared adopted.

Upon motion of Senator Howard, **SJR 45,** as co-authored and amended, was advanced to engrossment.

By unanimous consent, upon request of Senator Howard, **SJR 45,** as co-authored and amended, was considered engrossed and placed on third reading and final passage.

## THIRD READING

**SJR 45** was read for the third time at length.

On the question of passage of Resolution, the roll call resulted as follows:

Aye: Baggett, Berrong, Birdsong, Capps, Crow, Dahl, Ferrell, Field, Grantham, Ham, Hamilton, Hargrave, Howard, Howell, Inhofe, Lamb, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Phillips, Smalley, Smith, Taliaferro, Terrill, Trent.—32.

Nay: Baldwin, Boecher, Garrison, Holden, Keels, Stipe, Williams.—7.

Excused: Bradley, Breckinridge, Garrett, Graves, Lane, Porter, Rogers, Stansberry, Young.—9.

The Resolution was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baggett, Berrong, Birdsong, Capps, Crow, Dahl, Ferrell, Field, Grantham, Ham, Hamilton, Hargrave, Howard, Howell, Inhofe, Lamb, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Phillips, Smalley, Smith, Taliaferro, Terrill, Trent.—32.

Nay: Baldwin, Boecher, Garrison, Holden, Keels, Stipe, Williams.—7.

Excused: Bradley, Breckinridge, Garrett, Graves, Lane, Porter, Rogers, Stansberry, Young.—9.

The emergency was declared passed.

**SJR 45** was referred for engrossment.

President Pro Tempore Smith presiding.

## PENDING SENATE ACTION - RESOLUTION

Senator Berrong asked unanimous consent, which was granted, that **SCR 90** be withdrawn from the Calendar and referred to a special committee with instruc-

tions to be returned to the Senate on or before March 1, 1972, President Pro Tempore Smith appointing the following:

**SCR 90:** Senators Berrong, Luton, Miller, McSpadden and Garrison.

## GENERAL ORDER

**SB 530** by Young of the Senate was read and considered.

Senator Berrong moved to amend **SB 530,** Page 2, Line 11, by inserting after the word "would" and before the word "reduce", "materially", which amendment was declared adopted.

Senators Howell and Phillips moved to amend **SB 530,** Page 2, Line 9, by striking after the word "to" and before the word "the", the words "ANY PART OF", which amendment failed of adoption.

Senator Grantham moved to amend **SB 530,** Page 3, Line 1, by adding after the word "CONSOLIDATION" and before the word "IN", the words" "once each week for two weeks", which amendment was declared adopted.

Upon motion of Senator Young, **SB 530,** as amended, was advanced to engrossment.

By unanimous consent, upon request of Senator Young, **SB 530,** as amended, was considered engrossed and placed on third reading and final passage.

## THIRD READING

**SB 530** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baldwin, Berrong, Boecher, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Hargrave, Holden, Lamb, Luton, McCune, McGraw, Martin, Medearis, Miller, Smith, Taliaferro, Trent, Williams, Young.—27.

Nay: Baggett, Capps, Howard, Howell, Keels, Payne, Phillips, Rogers, Smalley, Stipe, Terrill.—11.

Excused: Birdsong, Bradley, Breckinridge, Inhofe, Lane, McSpadden, Murphy, Nichols, Porter, Stansberry.—10.

The bill was declared passed.

## MOTION TO RECONSIDER VOTE

As provided under Rule 19 (b), Senator Baggett moved that the vote be reconsidered by which **SB 530** passed.

## GENERAL ORDER

**SB 524** by Baggett, Smalley, Murphy, Smith, Luton and Garrett was read and considered.

Senator Phillips asked to be made a coauthor of **SB 524,** which was the order.

Senator Baggett asked unanimous consent that further consideration of **SB 524** be deferred momentarily, which was the order.

## GENERAL ORDER

**SB 503** by Garrett of the Senate and McCune of the House was read and considered.

Upon motion of Senator Garrett, **SB 503** was advanced to engrossment.

By unanimous consent, upon request of Senator Garrett, **SB 503** was considered engrossed and placed on third reading and final passage.

## THIRD READING

**SB 503** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Baldwin, Berrong, Birdsong, Boecher, Capps, Crow, Dahl, Ferrell, Field, Garrett, Grantham, Graves, Ham, Hamilton, Holden, Howard, Howell, Inhofe, Keels, Lamb, McCune, McGraw, Martin, Medearis, Miller, Nichols, Payne, Phillips, Rogers, Smalley, Smith, Stipe, Taliaferro, Trent, Williams, Young.—37.

Excused: Bradley, Breckinridge, Garrison, Hargrave, Lane, Luton, McSpadden, Murphy, Porter, Stansberry, Terrill.—11.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baggett, Baldwin, Berrong, Birdsong, Boecher, Capps, Crow, Dahl, Ferrell, Field, Garrett, Grantham, Graves, Ham, Hamilton, Holden, Howard, Howell, Inhofe, Keels, Lamb, McCune, McGraw, Martin, Medearis, Miller, Nichols, Payne, Phillips, Rogers, Smalley, Smith, Stipe, Taliaferro, Trent, Williams, Young.—37.

Excused: Bradley, Breckinridge, Garrison, Hargrave, Lane, Luton, McSpadden, Murphy, Porter, Stansberry, Terrill.—11.

The emergency was declared passed.

**SB 503** was referred for engrossment.

## REPORT OF ENGROSSED AND ENROLLED BILLS

**SB 498, SCRs 87, 91** and **92** each correctly engrossed.

Engrossed **SB 498, SCRS 87, 91** and **92** were each properly signed and ordered transmitted to the Honorable House for consideration.

Senator Howell presiding.

## GENERAL ORDER

**SB 537** by Berrong of the Senate and Stratton of the House was read and considered.

Upon motion of Senator Berrong, **SB 537** was advanced to engrossment.

By unanimous consent, upon request of Senator Berrong, **SB 537** was considered engrossed and placed on third reading and final passage.

## THIRD READING

**SB 537** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baldwin, Berrong, Birdsong, Boecher, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Hamilton, Holden, Howard, Inhofe, Keels, Lamb, Luton, McCune, McSpadden, Martin, Medearis, Miller, Nichols, Payne, Phillips, Smalley, Stipe, Taliaferro, Trent, Williams, Young.—34.

Nay: Baggett, Howell, Rogers, Smith.—4.

Excused: Bradley, Breckinridge, Ham, Hargrave, Lane, McGraw, Murphy, Porter, Stansberry, Terrill.—10.

The bill was declared passed.

**SB 537** was referred for engrossment.

## MOTION TO RECONSIDER VOTE

Senator Howard asked for consideration of his motion to reconsider the vote by which the Emergency section of **SB 520** failed of passage.

The vote occurring on the Howard motion, it was declared adopted upon roll call as follows:

Aye: Baggett, Baldwin, Berrong, Birdsong, Boecher, Capps, Crow, Dahl, Field, Garrison, Grantham, Graves, Ham, Hamilton, Hargrave, Holden, Howard, Howell, Keels, Lamb, Luton, McGraw, McSpadden, Miller, Nichols, Payne, Phillips, Rogers, Smith, Stipe, Taliaferro, Terrill, Trent, Williams.—34.

Nay: Ferrell, Inhofe, McCune, Martin, Smalley, Young.—6.

Excused: Bradley, Breckinridge, Garrett, Lane, Medearis, Murphy, Porter, Stansberry.—8.

On the question of passage of the Emergency section of **SB 520,** the roll call resulted as follows:

Aye: Baldwin, Berrong, Birdsong, Boecher, Capps, Crow, Dahl, Field, Garrison, Grantham, Graves, Ham, Hamilton, Hargrave, Holden, Howard, Howell, Keels, Lamb, McGraw, McSpadden, Medearis, Miller, Nichols, Payne, Phillips, Rogers, Smith, Stipe, Taliaferro, Terrill, Trent, Williams, Young.—34.

Nay: Baggett, Ferrell, Inhofe, Luton, McCune, Martin, Smalley.—7.

Excused: Bradley, Breckinridge, Garrett, Lane, Murphy, Porter, Stansberry.—7.

The emergency was declared passed.

**SB 520** was referred for engrossment.

## GENERAL ORDER

**HB 1293** by McCune, et al, of the House and Grantham of the Senate was read and considered.

Upon motion of Senator Grantham, **HB 1293** was advanced to engrossment.

By unanimous consent, upon request of Senator Grantham, **HB 1293** was considered engrossed and placed on third reading and final passage.

## THIRD READING

**HB 1293** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Berrong, Birdsong, Dahl, Field, Garrison, Grantham, Graves, Ham, Hargrave, Holden, Howard, Howell, Lamb, Luton, McGraw, Martin, Miller, Nichols, Payne, Rogers, Smalley, Stipe, Terrill, Trent, Young.—25.

Nay: Baggett, Baldwin, Boecher, Capps, Crow, Ferrell, Hamilton, Keels, McCune, McSpadden, Phillips, Taliaferro, Williams. —13.

Excused: Bradley, Breckinridge, Garrett, Inhofe, Lane, Medearis, Murphy, Porter, Smith, Stansberry.—10.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baggett, Berrong, Birdsong, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hargrave, Holden, Howard, Howell, Lamb, Luton, McGraw, Martin, Miller, Nichols, Payne, Rogers, Smalley, Smith, Stipe, Terrill, Trent, Young.—30.

Nay: Baldwin, Boecher, Capps, Hamilton, Inhofe, Keels, McCune, McSpadden, Phillips, Williams.—10.

Excused: Bradley, Breckinridge, Lane, Medearis, Murphy, Porter, Stansberry, Taliaferro.—8.

The emergency was declared failed of passage.

## MOTION TO RECONSIDER VOTE

As provided under Rule 19(b), Senator Grantham moved that the vote be reconsidered by which the Emergency section of **HB 1293** failed of passage.

## PENDING SENATE ACTION ON HOUSE REQUESTS FOR CONFERENCE

Upon motion of Senator McSpadden, the request of the Honorable House for a conference on **HBs 1571** and **1582** was ordered granted, said bills to be referred to **GCCA.**

## GENERAL ORDER

**SB 524** was considered further.

Senator Grantham raised the question of "No Quorum". The Presiding Officer ordered the roll called, following which he declared a quorum present.

Senator Baggett asked unanimous consent that further consideration of **SB 524** be deferred for this legislative day, which was the order.

## RESOLUTIONS

The following resolutions were introduced, and further consideration deferred for this legislative day.

**SCR 93**—By Smith of the Senate and Privett of the House—A Concurrent Resolution memorializing the Committee on Public Works of the United States Senate and the Committee on Public Works of the United States House of Representatives to consider methods to implement previous congressional commitments to reimburse the State of Oklahoma for construction of certain turnpikes which have been designated as

a part of the Interstate Highway System; and directing distribution.

**SCR 94**—By Smith, Birdsong, Baggett, Boecher, Keels, Dahl, Field, Ham, Capps, Williams, Martin, Miller, Berrong, Murphy, Terrill, Howell, Garrison, Hargrave, Ferrell, Nichols, Payne, Phillips, McCune, Howard, Holden, Garrett and Hamilton of Senate and McCune of the House—A Concurrent Resolution memorializing Congress to propose an amendment to the Constitution of the United States; and directing distribution.

Senator Terrill moved after the Clerk's desk is cleared, that the Senate stand adjourned to meet Thursday, February 24, 1972, at 11:00 A.M., which motion prevailed.

## BILL RELEASED

**HB 1554** was properly signed and ordered returned to the Honorable House.

Upon motion of Senator Terrill, the Senate adjourned to meet Thursday, February 24, 1972, at 11:00 A.M.

# Thirty-first Legislative Day

## Thursday, February 24, 1972

Pursuant to adjournment, the Senate was called to order by Senator Terrill, who was designated so to do by the President Pro Tempore.

Upon roll call, the following members were present:

Baggett, Baldwin, Berrong, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Hamilton, Hargrave, Holden, Howard, Howell, Keels, Lamb, Luton, McCune, McGraw, McSpadden, Martin, Miller, Murphy, Nichols, Payne, Porter, Rogers, Smalley, Smith, Stansberry, Stipe, Taliaferro, Terrill, Williams, Young.—41.

Excused—Bradley, Ham, Inhofe, Lane, Medearis, Phillips, Trent.—7.

The Presiding Officer declared a quorum present.

President Pro Tempore Smith presiding.

The following prayer was offered by the Chaplain and incorporated upon request of Senator Capps:

Loving Father we thank Thee for the joy we have found through citizenship in this land of freedom and for the many benefits that have come to us through the faithfulness of our leaders in government.

Grant Thy blessing upon the President of the United States, his advisers, and members of Congress. Give wisdom and the strength of righteous convictions to governors of the states and all others entrusted with the welfare of the people. We pray Loving Father that they may wisely use their authority to advance the common good for all Thy children. Amen.

The Journal for the last legislative day was declared approved.

## COMMITTEE REPORTS

The following Bills and/or Resolutions were reported by the Committees named, ordered printed and placed upon the Calendar unless otherwise indicated:

DO PASS:

**SB 509**—Rules.

**SJR 49**—Rules.

**HB 1548**—Appropriations and Budget.

**HB 1609**—Agriculture, Senator Crow principal Senate author.

DO PASS, as amended:

**SB 420**—Appropriations and Budget (2d).

**SB 466**—Appropriations and Budget, coauthored by Ferrell of the Senate and Witt of the House.

**HB 1574**—Appropriations and Budget.

**HB 1578**—Appropriations and Budget.

## FIRST READING

The following Bills and/or Resolutions were introduced and read the first time:

**SB 587**—By Smith and Martin—An Act relating to professions and occupations; amending 59 O.S. 1971, §§ 567.5, 567.6, 567.8, 567.11, 567.12, 567.13 and 567.16; creating the Oklahoma State Board of Nurse Registration and Nursing Education; providing for the requirements of membership, terms of office and number of members of the Board; establishing requirements for licensing of registered nurses; establishing requirements for licensing of practical nurses; providing power to Board to revoke licenses; providing for hearings and their procedure; providing exceptions; establishing standards for schools of professional nursing; providing for surveillance of schools by the Board; providing for an advisory council to the Board; pro-

viding for membership; providing for the council's function; declaring legislative intent; repealng 59 O.S. 1971, § 567.4; providing an operative date; and declaring an emergency.

**SB 588**—By Stipe—An Act relating to employment security; amending 40 O.S. 1971, § 213, to provide that wages used in determining eligibility shall be included in determining weekly benefit amount; changing the maximum weekly benefit amount to one-half of the average weekly wage of the preceding calendar year for benefit years beginning July 1, 1972; repealing conflicting laws; and declaring an emergency.

**SB 589**—By Stipe of the Senate and Monks of the House—An Act relating to workmen's compensation; providing additional compensation where children of certain injured or deceased employees attend specified post-high school institutions; and setting an effective date.

## SECOND READING

The following Bills and/or Resolutions were read the second time and referred to Committees indicated:

**SB 581**—Insurance.

**SB 582**—Judiciary.

**SB 583**—Appropriations and Budget.

**SB 584**—Industrial and Labor Relations.

**SB 585**—Education - Common; Public and Mental Health.

**SB 586**—Rules.

**HB 1526**—Soil and Water Resources.

**HB 1547**—Rules.

**HB 1625**—Professions and Occupations.

**HB 1672**—Judiciary.

**HB 1699**—Judiciary.

**HB 1730**—Constitutional Revision and Redistricting.

## MESSAGE FROM THE HOUSE

Advising passage of and returning Engrossed **SBs 410** and **421.**

The above numbered Bills were referred for enrollment.

## MESSAGE FROM THE HOUSE

Advising fourth reading of and transmitting for signature Enrolled **HB 1554.**

The above numbered Enrolled Bill was, after fourth reading, properly signed and ordered returned to the Honorable House.

## MESSAGE FROM THE HOUSE

Advising passage of and transmitting for consideration Engrossed:

**HB 1537**—By Cox—An Act relating to motor vehicles; amending 47 O.S. 1971, § 114-1; relating to parties and procedure upon arrest; directing citing police officer to ascertain the name and address of parents or guardian from a minor who is a violator; requiring said officer to cause a copy of the "violation" to be mailed to the minor's parent or guardian within three days after violation; and requiring that a copy of the record of minor's appearance before a magistrate be mailed to parents or guardian.

**HB 1604**—By Andrews—An Act relating to bailiffs; amending 20 O.S. 1971, § 125; providing for appointment and compensation of bailiffs in certain counties; and declaring an emergency.

**HB 1674**—By Kilpatrick, Bamberger, York, Sanders, Trent, Randle, Miskelly, Bengtson, Riggs, Atkins, Spearman, Clemons and Nance—An Act relating to public trusts; providing for regulation by the Corporation Commission of certain trusts and operators of water supply systems; and declaring an emergency.

**HB 1686**—By McCune—An Act relating to revenue and taxation; amending 68 O. S. 1971, §§ 402 and 402-1; providing for tax on cigars weighing more than three pounds per thousand and sold for not more than four cents each; and declaring an emergency.

**HB 1708**—By McIntyre, Atkins, Miskelly, Witt, Stratton, Boettcher, Cox and McCune of the House and Porter of the Senate—(An Act relating to public health; providing for statewide program of blood

tests for Sickle Cell Trait and emergency)

**HB 1712**—By Mountford—An Act relating to the Oklahoma Public Employees Retirement System; amending 74 O.S. 1971, §§ 902, 910, 913, 913.1, 914 and 915; defining terms; providing on and after a specified date any county populated by less than four hundred thousand persons shall be a participating employer in the system; providing for membership, without prior service credit, of employees of any city, town or county hospital which on or before January 2, 1974, becomes a participating employer; providing employees of a city, town or county hospital, county or state agency shall not establish any retirement system than that provided by Chapter 29 of Title 74 of the Oklahoma Statutes; providing for participating and prior service crediting of public employees, including eligible court reporters and office members of the system on a basis of service records and other specified conditions; providing for entitlement to retirement benefits at specified ages, times and conditions for the giving of notices, for payment of benefits; providing formulas for computing amounts; providing this Act shall not operate to enlarge or diminish rights of any justice or judge in the appellate court structure or judge in the district courts; providing for severability; and declaring an emergency.

**HB 1726**—By Finch—An Act relating to nonintoxicating beverages as defined by 37 O.S. 1971, § 163.2; providing manufacturers of such nonintoxicating beverages in this state shall sell or offer for sale such nonintoxicating beverages at item prices no higher than the lowest price comparable items are being offered in any state adjoining Oklahoma; providing penalties for violations; and declaring an emergency.

**HB 1737**—By Willis and Miskelly of the House and McSpadden and Hamilton of the Senate—An Act relating to the State Highway Department and the Secretary of the State Election Board; making a reappropriation from the amount originally appropriated by Section 1, Chapter 250, O.S.L. 1971, and stating the purpose; providing lapse date; making the provisions of this Act severable; and declaring an emergency.

**HB 1746**—By Spearman—An Act relating to the Oklahoma Public Employees Retirement System; amending 74 O.S. 1971, §§ 914 and 915; providing retirement dates and amount of retirement benefit; reducing, with respect to elected state officials, the normal retirement date and the date for election to retire prior to the normal retirement date; providing for reduction in benefit where elected state officials retire prior to the normal retirement date; providing maximum benefit for elected state officials; and declaring an emergency.

The above numbered **HBs** were read for the first time.

## MESSAGE FROM THE HOUSE

Advising passage of and returning Engrossed **SJR 12,** as co-authored and amended, the Special Election Section of said Joint Resolution having received the constitutional two-thirds vote of members elected to and constituting the House of Representatives.

**HAs** to **SJR** 12 read as follows, and consideration deferred:

Authors: Add the following co-authors: Trent, Davis and Lindstrom of the House.

Amendment No. 1. Amend by striking the Title and inserting the following: "(A proposed amendment of Article X, Section 9 of the Oklahoma Constitution; providing tax levy for schools and ordering special election)"

Amendment No. 2. Amend Page 2, Line 32 and Page 3, Line 15, by striking the words "ad valorem taxpaying" and substituting the word "registered".

## MESSAGE FROM THE HOUSE

Advising adoption of and returning Engrossed **SCR 91,** as co-authored by the entire House membership.

The above numbered Resolution was referred for enrollment.

## GENERAL ORDER

**SB 529** by Grantham of the Senate and Conaghan, et al, of the House was read and considered.

Upon motion of Senator Grantham, **SB 529** was advanced to engrossment.

By unanimous consent, upon request of Senator Grantham, **SB 529** was considered engrossed and placed on third reading and final passage.

## THIRD READING

**SB 529** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Baldwin, Berrong, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Field, Garrett, Grantham, Graves, Hamilton, Hargrave, Holden, Howard, Howell, Keels, Lamb, McCune, McGraw, McSpadden, Martin, Miller, Nichols, Payne, Porter, Rogers, Smalley, Smith, Stansberry, Stipe, Taliaferro, Terrill, Williams, Young.—37.

Nay: Ferrell, Luton, Murphy.—3.

Excused: Bradley, Garrison, Ham, Inhofe, Lane, Medearis, Phillips, Trent.—8.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baggett, Baldwin, Berrong, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Field, Garrett, Grantham, Graves, Hamilton, Hargrave, Holden, Howard, Howell, Keels, Lamb, McCune, McGraw, McSpadden, Martin, Miller, Nichols, Payne, Porter, Rogers, Smalley, Smith, Stansberry, Stipe, Taliaferro, Terrill, Williams, Young.—37.

Nay: Ferrell, Luton, Murphy.—3.

Excused: Bradley, Garrison, Ham, Inhofe, Lane, Medearis, Phillips, Trent.—8.

The emergency was declared passed.

**SB 529** was referred for engrossment.

## REPORT OF ENGROSSED AND ENROLLED BILLS

**SJR 45, SBs 520, 537, HBs 1577** and **1584** each correctly engrossed. Engrossed **SJR 45, SBs 520** and **537** were each properly signed and ordered transmitted to the Honorable House for consideration.

Engrossed **HBs 1577** and **1584,** together with Engrossed **SAs,** were properly signed and ordered returned to the Honorable House.

## GENERAL ORDER

**SB 554** by Baggett of the Senate was read and considered.

Senator Stipe moved to amend **SB 554,** Page 1, Line 3, by inserting after the designation "§ 2457", and before the word "A", the following: "In counties where the population exceeds Three Hundred Fifty Thousand (350,000)"

The Chair asked that further consideration of the foregoing amendment be deferred momentarily, which was the order.

Senator Berrong moved to amend **SB 554,** Page 1, Line 4, by adding after the word "State,", and before the word "composed", the following: "with a population in excess of Four Hundred Thousand (400,000)."

Senator Rogers moved to table the foregoing Berrong amendment, which motion to table failed of adoption upon roll call as follows:

Aye: Baggett, Birdsong, Breckinridge, Crow, Garrett, Grantham, Hargrave, Howard, Howell, Keels, McCune, McGraw, Porter, Rogers.—14.

Nay: Baldwin, Berrong, Capps, Dahl, Ferrell, Field, Graves, Hamilton, Holden, Lamb, Luton, McSpadden, Martin, Miller, Murphy, Nichols, Payne, Smith, Stipe, Taliaferro, Williams, Young.—22.

Excused: Boecher, Bradley, Garrison, Ham, Inhofe, Lane, Medearis, Phillips, Smalley, Stansberry, Terrill, Trent.—12.

The vote occurring on the foregoing Berrong amendment, it was declared adopted.

Senator Crow moved to amend **SB 554,** Page 2, Line 5, by striking after the word "COUNTY" on Line 5, and before the word "and" on Line 10, the comma and all language.

Senator Rogers moved, as a substitute motion, that **SB 554** be withdrawn from the calendar and referred to the Committee on State and Federal government for further study, with amendments attached thereto, which motion was declared adopted.

## GENERAL ORDER

**SB 502** by Hargrave and Smith of the Senate was read and considered.

Senator Luton asked to be made a co-author of **SB 502**, which was the order.

Upon motion of Senator Hargrave, **SB 502,** as co-authored, was advanced to engrossment.

By unanimous consent, upon request of Senator Hargrave, **SB 502,** as co-authored, was considered engrossed and placed on third reading and final passage.

## THIRD READING

**SB 502** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baldwin, Berrong, Boecher, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Hargrave, Holden, Lamb, Luton, McGraw, McSpadden, Martin, Miller, Murphy, Nichols, Rogers, Smalley, Smith, Stansberry, Terrill, Williams, Young.—29.

Nay: Baggett, Birdsong, Breckinridge, Hamilton, Howell, Keels, McCune, Payne, Stipe.—9.

Excused: Bradley, Ham, Howard, Inhofe, Lane, Medearis, Phillips, Porter, Taliaferro, Trent.—10.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baldwin, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Hamilton, Hargrave, Holden, Lamb, Luton, McGraw, McSpadden, Martin, Miller, Murphy, Nichols, Payne, Rogers, Smalley, Smith, Stansberry, Stipe, Terrill, Williams, Young.—33.

Nay: Baggett, Howell, Keels, McCune.—4.

Excused: Berrong, Bradley, Ham, Howard, Inhofe, Lane, Medearis, Phillips, Porter, Taliaferro, Trent.—11.

The Emergency was declared passed.

**SB 502** was referred for engrossment.

Senator Rogers presiding.

## REPORT OF ENGROSSED AND ENROLLED BILLS

**SB 503** correctly engrossed.

Engrossed **SB 503** was properly signed and ordered transmitted to the Honorable House for consideration.

## UNANIMOUS CONSENT— BILL WITHDRAWN

Senator Luton asked unanimous consent that **SB 517** be withdrawn from the Calendar and re-referred to the Committee on State and Federal government, which was the order.

President Pro Tempore Smith presiding.

## GENERAL ORDER

**SB 522** by Baggett of the Senate was read and considered.

Upon motion of Senator Baggett, **SB 522** was advanced to engrossment.

By unanimous consent, upon request of Senator Baggett, **SB 522** was considered engrossed and placed on third reading and final passage.

## THIRD READING

**SB 522** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Baldwin, Berrong, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Hamilton, Hargrave, Holden, Howell, Keels, Lamb, Luton, McCune, McGraw, Martin, Miller, Murphy, Nichols, Payne, Rogers, Smalley, Smith, Stansberry, Stipe, Terrill, Williams, Young.—37.

Excused: Bradley, Ham, Howard, Inhofe, Lane, McSpadden, Medearis, Phillips, Porter, Taliaferro, Trent.—11.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baggett, Baldwin, Berrong, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Hamilton, Hargrave, Holden, Howell, Keels, Lamb, Luton, McCune, McGraw, McSpadden, Martin, Miller, Murphy, Nichols, Payne, Rogers, Smalley, Smith, Stansberry, Stipe, Terrill, Williams, Young.—38.

Excused: Bradley, Ham, Howard, Inhofe, Lane, Medearis, Phillips, Porter, Taliaferro, Trent.—10.

The emergency was declared passed.

**SB 522** was referred for engrossment.

## GENERAL ORDER

**SB 521** by Graves of the Senate was read and considered.

Senator Baggett moved to amend **SB 521,** Page 14, Line 17, by striking Section 2, which motion was tabled upon motion of Senator Graves, the roll call thereon being as follows:

Aye: Berrong, Birdsong, Boecher, Capps, Crow, Ferrell, Garrett, Grantham, Graves, Hargrave, Holden, Martin, Miller, Murphy, Nichols, Payne, Smalley, Smith, Terrill, Williams.—20.

Nay: Baggett, Breckinridge, Dahl, Garrison, Hamilton, Howell, Keels, Lamb, McCune, McGraw, McSpadden, Rogers, Stansberry, Stipe, Young.—15.

Excused: Baldwin, Bradley, Field, Ham, Howard, Inhofe, Lane, Luton, Medearis, Phillips, Porter, Taliaferro, Trent.—13.

Senator Berrong moved to amend **SB 521,** Page 15, Line 7, by inserting after the word "extend", and before the word "credit", the words "a total", which amendment was declared adopted.

Senator Murphy moved to amend **SB 521,** Page 15, Lines 10 through 13, by deleting the following language: "FIFTEEN THOUSAND DOLLARS ($15,000.00) UNSECURED, AND AN ADDITIONAL THIRTY-FIVE THOUSAND DOLLARS ($35,000.00) SECURED." and substituting therefor the following language: Seven Thousand Five Hundred Dollars ($7,500.00) unsecured, and an additional Seventeen Thousand Five Hundred Dollars ($17,500.00) secured.", which amendment was declared adopted.

Senator Baggett moved to amend **SB 521,** Page 15, Lines 9 through 13, by striking all new language and substituting therefor the following: "that specified in Section 802 of this Act.", which amendment was declared adopted upon roll call as follows:

Aye: Baggett, Birdsong, Capps, Crow, Dahl, Garrison, Graves, Holden, Keels, McSpadden, Martin, Murphy, Payne, Rogers, Smalley, Smith, Stansberry, Stipe, Terrill.—19.

Nay: Berrong, Boecher, Breckinridge, Ferrell, Garrett, Grantham, Hamilton, Hargrave, Howell, Lamb, McCune, Williams, Young.—13.

Excused: Baldwin, Bradley, Field, Ham, Howard, Inhofe, Lane, Luton, McGraw, Medearis, Miller, Nichols, Phillips, Porter, Taliaferro, Trent.—16.

Upon motion of Senator Graves, **SB 521,** as amended, was advanced to engrossment.

By unanimous consent, upon request of Senator Graves, **SB 521,** as amended, was considered engrossed and placed on third reading and final passage.

**THIRD READING**

**SB 521** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Birdsong, Capps, Crow, Dahl, Garrett, Graves, Holden, Howell, Keels, McGraw, Martin, Murphy, Payne, Smalley, Smith, Terrill.—17.

Nay: Berrong, Boecher, Breckinridge, Ferrell, Garrison, Grantham, Hamilton, Hargrave, Lamb, McCune, McSpadden, Rogers, Stansberry, Stipe, Williams, Young.—16.

Excused: Baldwin, Bradley, Field, Ham, Howard, Inhofe, Lane, Luton, Medearis, Miller, Nichols, Phillips, Porter, Taliaferro, Trent.—15.

The bill was declared failed of passage.

**MOTION TO RECONSIDER VOTE**

As provided under Rule 19(b), Senator Graves moved that the vote be reconsidered by which **SB 521** failed of passage.

**GENERAL ORDER**

**SB 513** by Smalley of the Senate was read and considered.

Upon motion of Senator Smalley, **SB 513** was advanced to engrossment.

By unanimous consent, upon request of Senator Smalley, **SB 513** was considered engrossed and placed on third reading and final passage.

**THIRD READING**

**SB 513** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Berrong, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Garrison, Grantham, Graves, Holden, Howell, Lamb, McCune, McGraw, McSpadden, Martin, Murphy, Payne, Rogers, Smalley, Smith, Stansberry, Stipe, Terrill, Williams, Young.—29.

Nay: Hamilton.—1.

Excused: Baldwin, Bradley, Field, Garrett, Ham, Hargrave, Howard, Inhofe, Keels, Lane, Luton, Medearis, Miller, Nichols, Phillips, Porter, Taliaferro, Trent.—18.

The bill was declared passed.

On the question of passage of emergency the roll call resulted as follows:

Aye: Baggett, Berrong, Birdsong, Boecher, Breckinridge, Capps, Crow, Dahl, Ferrell, Garrison, Grantham, Graves, Holden, Howell, Lamb, McCune, McGraw, McSpadden, Martin, Murphy, Payne, Rogers, Smalley, Smith, Stansberry, Stipe, Terrill, Williams, Young.—29.

Nay: Hamilton.—1.

Excused: Baldwin, Bradley, Field, Garrett, Ham, Hargrave, Howard, Inhofe, Keels, Lane, Luton, Medearis, Miller, Nichols, Phillips, Porter, Taliaferro, Trent.—18.

The emergency was declared failed of passage.

**MOTION TO RECONSIDER VOTE**

As provided under Rule 19(b), Senator Smalley moved that the vote be reconsidered by which the Emergency section of **SB 513** failed of passage.

There being matters on the President's desk for the consideration of the Senate in executive session, it was upon motion of Senator Terrill, that the Senate closed its doors and went into executive session.

The Senate reassembled in open session, with President Pro Tempore Smith presiding, who made the following announcements:

The Senate, in executive session, and upon motion of Senator Lamb, advised and consented to the confirmation of JUDGE GEORGE HOWARD WILSON, Enid, Oklahoma, as a Member of the Court of Bank Review for a six (6) year term ending June 1, 1973, and effective upon Senate confirmation. Judge Wilson replaces Judge R.W. Smith.

The Senate, in executive session, and up-

on motion of Senator Grantham, advised and consented to the confirmation of S. P. HANCOCK, Ponca City, Oklahoma, as a Member of the Savings and Loan Board for a term ending April 17, 1976, and effective upon Senate confirmation. Mr. Hancock replaces Mr. Aron Ellyritt.

The Senate, in executive session, and upon motion of Senator Murphy, advised and consented to the confirmation of JACK FOX, Stillwater, Oklahoma, as a Member of the Savings and Loan Board for a four (4) year term ending April 17, 1975, and effective upon Senate confirmation. Mr. Fox replaces James Agar.

The Senate, in executive Session, and upon motion of Senator Young, advised and consented to the confirmation of COLEMAN NOLEN, Okemah, Oklahoma, to the War Veterans Commission to serve a three (3) year term ending July 1, 1973, and effective upon Senate confirmation. Mr. Nolen succeeds himself.

The Senate, in executive session, and upon motion of Senator Hamilton, advised and consented to the confirmation of MICK LaFEVER, Poteau, Oklahoma, as a Member of the Board of Trustees, Poteau Junior College, for a one (1) year term ending November 24, 1972, and effective upon Senate confirmation. This is an original appointment.

The Senate, in executive session, and upon motion of Senator Hamilton, advised and consented to the confirmation of MELVIN TAYLOR, Poteau, Oklahoma, as a Member of the Solid Waste Management Advisory Committee for an indefinite term ending at the Governor's pleasure, and effective upon Senate confirmation.

The Senate, in executive session, and upon motion of Senator Berrong, advised and consented to the confirmation of LOUIS GRAYBILL, Butler, Oklahoma, as a Member of the Solid Waste Management Advisory Committee for an indefinite term ending at the Governor's pleasure, and effective upon Senate confirmation.

The Senate, in executive session, and upon motion of Senator Garrison, advised and consented to the confirmation of MERLE SCHNITZER, Bartlesville, Oklahoma, as a Member of the Solid Waste Management Advisory Committee for an indefinite term ending at the Governor's pleasure, and effective upon Senate confirmation.

The Senate, in executive session, and upon motion of Senator McCune, advised and consented to the confirmation of LOUIS A. GATTI, Oklahoma City, Oklahoma, as a Member of the Pollution Control Coordinating Board for a term ending at the Governor's pleasure, and effective upon Senate confirmation. This is an original appointment.

Senator Terrill moved after the Clerk's desk is cleared, that the Senate stand adjourned to meet Monday, February 28, 1972, at 1:00 P.M., which motion prevailed.

Upon motion of Senator Terrill, the Senate adjourned to meet Monday, February 28, 1972, at 1:00 P.M.

## Thirty-second Legislative Day

### Monday, February 28, 1972

Pursuant to adjournment, the Senate was called to order by Senator Payne, who was designated so to do by the President Pro Tempore.

Upon roll call, the following members were present:

Baggett, Berrong, Birdsong, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Keels, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Phillips, Porter, Rogers, Smalley, Smith, Stansberry, Taliaferro, Terrill, Trent, Williams, Young.—44.

Excused: Baldwin, Boecher, Bradley, Stipe.—4.

President Pro Tempore Smith presiding.

The President Pro Tempore declared a quorum present.

The following prayer was offered by Reverend William Smith, Pastor, First United Methodist Church, Ada, Oklahoma, and incorporated upon request of Senator Miller:

Almighty God, we have been grateful since we were little children that we live, not under tyranny, but in a democracy. But now we know that freedom includes disagreement and compromise, the pressures of the election process and sometimes petty bickering—and there are moments when our vision of liberty grows dim, and we are drained of strength and our courage leaves us.

Give us, O Lord, a more mature vision of democracy. Help us know that these things that so often disturb us are the price we pay for freedom from tyranny.

So, with our possibilities and our limitations, with our right decisions and our wrong decisions, when we are refreshed and eager, and when we are tired and discouraged—reassure us, O Lord, that it is all included in the greatness, the grandeur and the glory that is democracy.

With a deep gratitude for the privileges that are ours, give us this day, O Lord strength, and courage, and guidance.

We pray in the name of Jesus, Amen.

The Journal for the last legislative day was declared approved.

### UNANIMOUS CONSENT REQUEST

President Pro Tempore Smith asked unanimous consent, which was granted, to incorporate in the Journal the decision of the U.S. District Court regarding the Senate Redistricting Plan, which is as follows:

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

CIVIL NO. 71-656

DONALD FERRELL, DENZIL )
GARRISON, JAMES O. GOODWIN, )
JAMES M. INHOFE, JOHN )
McCUNE, JULIUS PEGUES, )
WENDELL POWELL, G. O. WILLIAMS, )

and RONALD L. YOUNG. )
Plaintiffs )
)
vs. )
)
)
THE STATE OF OKLAHOMA, ex rel, )
GOVERNOR DAVID HALL, STATE )
ELECTION BOARD, STATE TREASURER, )
STATE AUDITOR, OKLAHOMA TAX )
COMMISSION, and LARRY DERRYBERRY, )
OKLAHOMA STATE ATTORNEY GENERAL )
Defendants )
)

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R. C. Jopling and Timothy D. Leonard of the firm Jopling, Blankenship, Herrold, Russell & Leonard, Oklahoma City, Oklahoma for Plaintiffs

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Honorable Larry Derryberry, Attorney General, State of Oklahoma, Robert H. Mitchell and Marvin C. Emerson, Assistants to the Attorney General, State Capitol Building, Oklahoma City, Oklahoma, for Defendants

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Robert H. McWilliams, United State Circuit Judge Luther Bohanon, Chief Judge, United States District Court Luther B. Eubanks, United States District Judge

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MEMORANDUM OPINION

EUBANKS, United States District Judge

BACKGROUND AND OUTLINE OF THE ISSUES

This Declaratory class action is brought by five Republican State Senators and four individual citizens of the State of Oklahoma challenging the constitutionality of the Oklahoma State Senate Apportionment Act of 1971. A three-judge court was convened to hear the case and jurisdiction is predicated upon the Fourteenth and Fifteenth Amendments to the Constitution of the United States: 28 U. S. C. §§ 2281, 2284; 28 U. S. C. §1343(3) and 42 U. S. C. §§ 1983, 1988. The specific contentions of the plaintiffs as set forth in the pretrial order are as follows:

1. The Act is invidiously discriminatory on its face against Negro citizens of Tulsa County because it failed to create a single State Senate District in which Negro citizens constituted a clear majority and that this result was intentional.

2. That the State Senate Apportionment Act of 1971 was a purposeful device to further racial discrimination used by the Oklahoma Legislature for such purpose in enacting this Act.

3. That placing the Negro citizens of Tulsa County into three State Senatorial Districts in each of which they constitute a minority of the total population has the effect of cancelling and diluting these citizens' vote in an invidiously discriminatory way violative of the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution.

4. Those citizens who live in odd numbered State Senatorial Districts which elected a State Senator in 1968 and whose place of residence has been included by the Act in the territory of a State Senate District where there is a holdover Senator elected in 1970 will not get to vote again for a State Senator until 1974 and this situation in-

fringes upon the right to vote of such citizens by allowing them to vote only one time over a six year period for a State Senator.

5. Those citizens who reside in a district which elected a State Senator in 1968 and whose residences have been included in the territory of a State Senate District with a holdover Senator elected in 1970 who will not be subject to re-election until 1974 will be represented for two years by a holdover Senator in whose election they did not participate.

6. The Act in shortening the terms of State Senators Don Ferrell, Leon Field and G. O. Williams, elected in 1970 to represent Districts 18, 28 and 30, while not shortening the terms of the other incumbent State Senators elected in 1970 violates the Oklahoma Constitution and the United States Constitution. Such action was arbitrary and capricious conduct by the Legislature and constitutes invidious discrimination against the three incumbent State Senators elected in 1970 to represent State Senate Districts 18, 28 and 30 and the people of Oklahoma who voted for or against them.

7. The Act violates the second sentence of Section 9A of Article V of the Constitution of Oklahoma and the United States Constitution in that it fails to consider compactness, area, political units, historical precedents, economic and political interests, contiguous territory, and other major factors, to the extent feasible, although it is conceded that the Act gave consideration to population.

8. That the plan unnecessarily violates existing boundary lines of political subdivisions, community interests, natural and historical boundary lines, and particularly county boundary lines and that such violation was intentional and by preference. This failure to do so constitutes invidious discrimination against those citizens who reside in counties whose boundaries were crossed by the State Senate District lines of the Act.

9. The plaintiffs and other citizens of Oklahoma similarly situated cannot through the elective processes or otherwise protect their rights.

10. The plaintiffs and other citizens similarly situated have no remedy against the invidious discrimination of the Act through initiative petition, referendum, or constitutional convention.

As their defenses herein the defendants' contentions as stated in the pretrial order are:

1. The State Senate Apportionment Act of 1971 is a valid, full and complete, good faith satisfaction of the requirements of the Equal Protection Cluase of the Fourteenth Amendment to the Constitution of the United States, as interpreted and applied in REYNOLDS v. SIMS, 377 U. S. 533, and subsequent decisions of the United States Supreme Court, and Section 9A of Article V of the Oklahoma Constitution as interpreted and modified by this Court in REYNOLDS v. STATE ELECTION BOARD, 233 F. Supp. 323.

2. That the Act is a valid, full, complete, good faith effort to divide the State into 48 State Senatorial Districts as equal as may be in population to the end that the vote of each citizen will be equal to the vote of all other citizens in the election of members of the State Senate.

3. That equality of population between the State Senatorial Districts was the preeminent factor (overriding objectives) considered in the legislative processes which led to enactment of the Act.

4. That contiguity was the next prinicipal factor considered in the legislative processes which led to the enactment of the Act, subordinate only to the preeminent consideration of equality of populations.

5. The contiguity, compactness, political units, historical precedents, area, and economic and political interests were considered as factors in the legislative processes leading to the enactments of the Act, but they were subordinate to the preeminent principal of equality of population, and that such ranking of priorities of consideration was required and appropriate under the Fourteenth Amendment to the Constitution of the United States as interpreted in Reynolds v. Sims, supra, and subsequent decisions of the United States Supreme Court.

6. That the factors of compactness, area political units, historical precedents, economic and political interests, contiguous territory and other major factors to be considered according to the second sentence of Section 9A of Article V of the Oklahoma Constitution are no longer a valid part of the Oklahoma Constitution and are not mandatory considerations of the Legislature in enacting an apportionment plan because the same were found to be unconstitutional and declared to be null and void by this Court in Reynolds v. State Election Board, 233 F. Supp. 323, at page 329. Such factors are now permissible consideration, but not mandatory considerations for the Legislature in designing an apportionment plan.

7. That no consideration was given to race in the legislative processes which led to the enactment of the Act.

8. That the Act is not invidiously discriminatory against Negro citizens residing in Tulsa County or anywhere else, nor against any other cognizable racial minority.

9. That no data as to voter registration, party affiliation, or votes cast in past elections was considered in the legislative processes leading to the enactment of the Act.

10. That it is inevitable whenever four year terms are to be respected and continued during the period in which a reapportionment of State Senate Districts occurs (See Supplemental Order in Reynolds v State Election Board, 233 F. Supp. 323, at page 363) that some citizens will reside in territory which is assigned to a district which has an incumbent holdover Senator who will represent those citizens for the final two years of his term and that such situation does not constitute invidius discrimination contrary to the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States.

11. The Act was not arbitrary and capricious in shortening the terms of the three State Senators elected in 1970 from Senate Districts 18, 28 and 30. On the contrary, inasmuch as the Section 9A of Article V of the Constitution of Oklahoma specifies that there shall be only one Senator elected to represent each State Senate District and inasmuch as there were two such incumbent State Senators in each of the new Senate Districts 49 and 50, it was required by the Oklahoma Constitution that the terms of such incumbent Senators in former Districts 18, 28 and 30 be shortened to expire in 1972 in order that only a single Senator would be elected from new Senate Districts 49 and 50 in 1972.

12. That to satisfy Section 9A of Article V of the Oklahoma Constitution it was necessary to provide that the three Senators elected from the new Senate Districts 50, 52 and 54 be elected in 1972 for an initial term of only two years in order that in 1974 and subsequent years the provision of the Oklahoma Constitution requiring that one-half of the Senators be elected at each General Election would be met. That for the Act to do so did not constitute arbitrary and capricious action, but on the contrary constituted compliance with the Constitution of the State of Oklahoma.

13. That there is no competent evidence, nor, indeed, any evidence whatsoever,

of improper, unlawful or unconstitutional considerations having been made by the Legislature during the processes which led to the enactment of the Act.

The case came on for trial on January 17, 1972 and evidence was presented by both sides lasting a full day and arguments were heard on the following day. The Court, being fully advised does find and conclude as follows:

FINDINGS OF FACT

1. Plaintiffs are Donald Ferrell, Denzil Garrison, James M. Inhofe, John McCune, and G. O. Williams, all Republican members of the Oklahoma State Senate, and Julius Pegues, James O. Goodwin, Ronald L. Young, and Wendell Powell, citizens of the State of Oklahoma.

2. Defendants in the action are the State of Oklahoma, ex rel David Hall, Governor, the State Election Board, the State Treasurer, the State Auditor, the Oklahoma Tax Commission, and Larry Derryberry, State Attorney General.

3. The State Senate Apportionment Act of 1971 (Ch. 81, 1971 Okla. Sess. Laws) has been codified as 14 O. S. 1971, §§ 80.1 through 80.7 (omitting Sections 8 and 9). This Act was duly and regularly enacted in accordance with law.

4. Because of population shifts in the State of Oklahoma since the redistricting of Legislative seats ordered by this Court in 1964 and pursuant to the mandate of the Oklahoma Constitution it was necessary that the Senate districts be realigned in 1971. Remembering that the prior litigation culminating the court-ordered reapportionment of the Oklahoma Legislature originated with groups from the two metropolitan areas, (Oklahoma City and Tulsa) leaders in the Senate decided to give those cities first consideration in the new districting plan in an endeavor to ward off challenges thereto. Based upon the best census data then available Oklahoma County was entitled to have almost ten senators and the population of Tulsa County nearly justified eight senators. It was early decided by the Senate leaders, which decision was apparently concurred in by all metropolitan area senators of both parties and received no strenuous opposition from the senators representing rural areas, that sufficient areas would be borrowed from counties adjoining Oklahoma and Tulsa to bring these eighteen senatorial districts up to the "ideal" population requirements.

The author of the Act being challenged was Senator Finis Smith, who is also President Pro Tempore of the Oklahoma State Senate. Senator Bryce Baggett, who is Chairman of the Senate Committee on Constitutional Revision and Redistricting, supervised in the preparation of the Act, particularly with reference to Oklahoma County. Senator Finis Smith personally coordinated the Bill insofar as the northeastern quadrant of the state was concerned; Senator Hamilton was coordinator of it insofar as the southeastern quadrant of the state was concerned, Senator Taliaferro coordinated it insofar as the southwest part of the state was concerned; and Senator Field coordinated it insofar as the northwest corner of the state was concerned. All of the coordinating State Senators mentioned are Democrats as is Senate President Pro Tempore Finis Smith.

5. In its effort to equalize the population in each District the Oklahoma Legislature utilized the best and only data as to the 1970 population of Oklahoma that was available from the Bureau of Census of the United State Department of Commerce which was the First Count Summary (computer) tape of the Master Enumeration District List for Oklahoma, the same being a public document.

6. According to the First Count Master Enumeration District List the 1970 population of Oklahoma was 2,559,229. The ideal population of 53,318 persons for each

Senatorial District is determined by dividing the total State population by 48, the number of State Senate Districts fixed by the State Constitution.

7. The smallest census areas for which the First Count Master Enumeration District List provided population figures were Enumeration Districts and Block Groups, of which there were a total of 4,013 such areas. The First Count Master Enumeration District List described each such area by county name, assigned census number and gave the 1970 population thereof.

8. The smallest area breakdown of population in nonmetropolitan areas as provided by the United States Bureau of Census is the "Enumeration District." The smallest area breakdown of population in metropolitan areas in the First Count Master Enumeration List is Block Groups. Any further breakdown did not become available from the Bureau of Census until after the 1971 Legislature adjourned.

9. The 1971 Oklahoma Legislature used the First Count Master Enumeration District List exclusive of all other data as to population in drafting the State Senate Apportionment Act of 1971.

10. The 1971 Oklahoma Legislature utilized a computer in the preparation of the State Senate Apportionment Act of 1971. The 1970 population assigned in the Act is correct as reported in the First Count Master Enumeration District List.

11. The apportionment plan in the State Senate Apportionment Act of 1971 approaches nearly exact mathematical equality of the 1970 population among the 48 State Senate Districts. The 1970 populations assigned each district and the deviation from the "ideal" as reflected in Section 4 of the Act are correct as reported in the First Count Master Enumeration District List.

12. The largest deviation below the ideal is 255 people and the largest deviation above the ideal is 245 people. The low deviation from the ideal, stated as a percentage is 0.478%, and the high deviation from the ideal stated as a percentage, is 0.460%. The total variance from the most populous district to the least populous district, stated as a percentage, is 0.938%. The total variance from the most populous district to the least populous district in the Oklahoma plan is less than one percent.

13. No plan of districting the State Senate providing a lesser deviation from the ideal population or a lesser variance from largest to smallest district than the State Senate Apportionment Act of 1971 was submitted to the Oklahoma State Senate or to its Committee on Constitutional Revision and Redistricting which had jurisdiction of this subject.

14. The plan submitted by State Senator G. O. Williams, one of the plaintiffs, to Committee Chairman Bryce Baggett was an incomplete plan in that it did not apportion the districts contained within the two metropolitan areas of Oklahoma City and Tulsa. The Williams plan also provided for a greater deviation from the ideal population than the plan enacted in the State Senate Apportionment Act of 1971.

15. The plan submitted by State Senator James M. Inhofe, one of the plaintiffs, to the State Senate Committee on Constitutional Revision and Redistricting provided for a greater deviation from the ideal population than the plan enacted in the State Senate Apportionment Act of 1971.

16. No other persons introduced (in the State Senate or in its Committee on Constitutional Revision and Redistricting) any plan for districting the State Senate, excepting Senate Bill No. 349 by Senators Stansberry and McCune which was partial and incomplete because it related only to senatorial districts 40, 47 and 52.

17. The evidence established that the State Senate Apportionment Act of 1971 had the least deviation in population from the ideal of any plan adopted by any

other state in the United States. Plaintiffs concede that the Act is not invidiously discriminatory insofar as population is concerned.

18. The State Senate and its Committee on Constitutional Revision and Redistricting did not use any census data pertaining to race or racial distribution of population in the consideration of the State Senate Apportionment Act of 1971.

19. The census data as to racial distribution of the population contained in the First Count Master Enumeration District List was never printed or made available in usable form to any member of the Legislature or to any other person while the State Senate Apportionment Act of 1971 was under consideration. The Oklahoma Legislature was required by Section 11A of Article V of the Oklahoma Constitution to enact an apportionment law within sixty legislative days after it convened in 1971 which made the deadline for enactment to be April 21, 1971.

20. Under the provisions of the State Senate Apportionment Act of 1971, the terms of office of three State Senators elected in 1970 in former State Senate Districts Nos. 18, 28 and 30 are shortened to two (2) years.

21. The initial terms of office for the Senators to be elected in 1972 from State Senate Districts Nos. 50, 52 and 54 will be two (2) years. After 1972 one-half of the Senators will be elected at each general election during the remainder of the decennium as required by the State Constitution.

22. Those citizens who reside in areas that elected a Senator in 1968 and whose place of residence have been placed into a State Senate District having a holdovor Senator elected in 1970 will not have an opportunity to vote for a Senator until 1974. Such citizens so situated will be represented by the Senator elected in 1970 from the former District until 1974.

23. No evidence was introduced tending to establish that there was an intent to discriminate against the three Senators elected in 1970 whose terms will be shortened to two years. Two senators who had their terms shortened were Republican the other was a Democrat.

24. Plaintiffs did not offer any evidence tending to establish intent to discriminate (on the part of any member of the Oklahoma Legislature) against those citizens who reside in areas that have been placed into a State Senate District having a holdover Senator elected in 1970 and who will not have an opportunity to vote for a Senator until 1974. Plaintiffs have failed to prove intent to discriminate against those citizens in the State of Oklahoma who will be represented by a State Senator in whose election they had no opportunity to participate.

25. Plaintiffs did not offer any evidence tending to establish intent (on the part of any member of the Oklahoma Legislature) to discriminate against any citizen of the State of Oklahoma by crossing the boundaries of political subdivisions while shaping the new Senate Districts.

26. The Court was impressed with the testimony of Senate President Pro Tempore, Finis Smith who had the biggest hand in drawing the senatorial districts in Tulsa County. Although he had general knowledge of where the black people lived in Tulsa County the boundaries of each senatorial district as drawn and suggested by him was without any intent whatever to dilute the vote of any black man and the matter of racial discrimination in the bill was never mentioned to him until long after the bill became law. No witness testified as to hearing any expression of intent on the part of any legislator to discriminate against any minority race during the time the Senate Apportionment Act was being considered. All plaintiffs who testified admitted that they knew of no purposeful effort or attempt on the part of any legislator to dilute

the vote of any minority race in Tulsa County or elsewhere, however, some contend that "on its face" the Act accomplishes this result. We believe to be true the testimony of Senator Smith that he was infuriated when he heard of charges that the black sector of Tulsa was deliberately divided into three different senatorial districts so that the blacks could not elect one of their race in any district, which charge he heard long after the passage of the Act. The exhibits introduced show only a slight deviation in Senate District boundaries in the current Act from those boundaries ordered by this Court in 1964 insofar as the Negro sector of Tulsa is concerned.

27. The record is completely devoid of evidence that any citizen of the State of Oklahoma has less opportunity than any other citizen of the State of Oklahoma to participate in the political processes, to elect legislators of his choice, to register as an elector, to cast a ballot, to choose the political party he desires to support, to participate in its affairs, to be equally represented on those occasions when legislative candidates are chosen, or to be a candidate for office in the State of Oklahoma.

28. The plan of apportionment prepared by William L. Kimmell and introduced by plaintiffs with a request that it be adopted as the plan of apportionment for the State Senate of Oklahoma deviates from the population ideal by 4.9% in both directions. The variation from the most populous to the least populous district is more than 9.5%. In this plan certain Enumeration District Lines are crossed. Where those Enumeration District lines were crossed Mr. Kimmell guessed at the population on each side of the bisecting line. Because of this crossing of ED lines the population cannot be precisely ascertained. The plan was constructed so as to create a district in Tulsa County containing as many black citizens as possible. The Kimmell plan was prepared on his assumption that a population deviation of five percent from the ideal would be de minimis, acceptable and reasonable. The plan was formulated to maintain the integrity of county lines and political subdivisions. This plan shows fewer crossings of county lines than does the Act under consideration but it, too, contains some odd shaped Districts.

29. The evidence established that every State Senator had ready access to map and census information through the Legislative Council, had the right and opportunity to prepare and submit plans, had the right and opportunity to participate in the committee proceedings and in the proceedings of the whole Senate concerning passage of the Oklahoma State Senate Apportionment Act of 1971.

30. We find the testimony of Senator Garrison to be true when he said the Chairman of the Senate Committee on Constitutional Revision and Redistricting told him early in the session that some senators had red X's on their forehead (meaning that their district would be so arranged that their re-election would be unlikely) and that other senators wore white hats (meaning that a district favorable to them would be provided) but we accept as a political fact of life that in legislative bodies the party in control almost always does what it can to enhance its position at the next election and what it can to impede the chances of the minority party. The converse also seems likely.

31. We find that on one occasion Senator Garrison walked into a Senate office where a legislative aide was working on a senate districting map whereupon the aide quickly turned the map over so as to prevent Senator Garrison from examining it but we further find that this episode was truthfully and satisfactorily explained by that employee (William Bleakley) when he testified that he was working on a plan for a particular Senator and was protecting the work product for him and that he would

have done the same thing for Senator Garrison had he been preparing a map for him and another Senator had walked in.

32. The proof established that the overriding consideration in the formulation of the Oklahoma State Senate Apportionment Act of 1971 was to attempt as nearly as practicable to create Senatorial Districts of equal population in order to satisfy the "one man - one vote" rule established by the Constitution and interpreted by the Supreme Court of the United States, rather than to allow a de minimus variation or deviation.

33. The State Senate Apportionment Act of 1971 was a good faith effort of the Oklahoma Legislature to comply with the Fourteenth Amendment to the Constitution of the United States while fulfilling its duty under Section 9A of Article V of the Oklahoma Constitution, as the latter has been construed by this Court, and that the Act does satisfy both of those provisions.

34. Approximately 36,000 black people reside in Tulsa County and some 32,000 of them live in one fairly compact neighborhood. The Act under scrutiny divides this sector into three Senate Districts so that the highest percent of Negro citizens residing in any district is 36% in District 33. Although in the distant past Oklahoma had a history of racial discrimination and segregation we are not prepared to say that today whites automatically vote against a black candidate or that black citizens automatically vote for one of their own race. Oklahoma was the first State in the Nation to abolish dual school systems after the Supreme Court decided Brown v. Board of Education and same was done by popular vote.

## CONCLUSIONS OF LAW

1. The Fourteenth Amendment to the Constitution of the United States provides that "No State shall make or enforce any law which will . . . deny to any person within its jurisdiction the equal protection of the laws."

2. The Fifteenth Amendment to the Constitution of the United States provides that "The rights of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude."

3. The State Senate Apportionment Act of 1971 (Ch. 81, 1971, Okla. Sess. Laws) which has been codified as 14 O.S. 1971, §§ 80.1 through 80.7 (omitting Sections 8 and 9), does not violate either the Fourteenth or Fifteenth Amendment to the Constitution of the United States.

4. The Oklahoma State Senate Apportionment Act of 1971 does not violate U.S. Code, Title 42, §§ 1983 or 1988.

5. As a matter of law we conclude that the Oklahoma Legislature had the authority to allow members of the Oklahoma State Senate elected in 1970 to serve a four year term and hold over for two years after the enactment of the Oklahoma State Senate Apportionment Act of 1971 pursuant to the Court's ruling in REYNOLDS v. STATE ELECTION BOARD, 233 F. Supp. 323 (W. D. Okla. 1964). SIMS v AMOS, No. 1744-N (M. D. Ala. January 3, 1972).

6. We hold that the Oklahoma Legislature had the authority and duty to shorten the terms of those three Senators who were elected in 1970 in Senate Districts 18, 28 and 30 in order to avoid those three districts having two Senators each in new Districts 49 and 50 contrary to Section 9A of Article V of the Oklahoma Constitution. This action taken by the Oklahoma Legislature was not invidiously discriminatory, but was

in compliance with the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution in that it provides that the citizens of each district will be equally represented at all times by a Senator. REYNOLDS v. STATE ELECTION BOARD, 233 F. Supp. 323 (W. D. Okla. 1964).

7. Plaintiffs claim that it is invidiously discriminatory for the State Legislature to provide that citizens living in certain geographic areas of the State of Oklahoma, who last voted for a Senator in 1968, and who will next vote for a Senator in 1974, is untenable. During the two year transitional period in changing from the court-ordered apportionment plan of 1964 to the constitutional apportionment plan of 1972, such situations are unavoidable if four year overlapping terms are to be provided as required by the State Constitution — and to do so does not offend the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. STOUT v. BOTTORFF, 249 F. Supp. 488 (D. C. Ind. 1965); REYNOLDS v. STATE ELECTION BOARD, 233 F. Supp. 323 (W. D. Okla. 1964).

It is impossible, where Senate District boundaries are changed, to avoid having some voters represented by a Senator for whom they had no opportunity to support or oppose. We observe, in passing, that this also happens with regard to new registrants who reach the age of 18 years shortly after an election and to people moving from one area to another. Certainly no one would argue that those voters were thereby denied their constitutional rights.

8. The factors of compactness, area, political units, historical precedents, economic and political interests, contiguous territory and other factors provided by Section 9A of Article V of the Oklahoma Constitution were not a valid part of the Oklahoma Constitution and were not mandatory upon the Legislature when it enacted the currently challenged apportionment plan, the same having been expressly held to be unconstitutional and declared to be null and void by REYNOLDS v. STATE ELECTION BOARD, 233 F. Supp. 323 (W. D. Okla. 1964) at page 329. Such factors should be considered in the future so long as they do not detract from population equality. (See Special Comment below).

9. The factors of compactness, area, political units, historical precedents, economic and political interests, contiguous territory and other factors are not required as mandatory considerations under the United States Constitution, but rather, are permissible considerations in designing an apportionment plan, so long as they do not detract from or subvert population equality as the one overriding consideration. As a matter of law it is not invidious discrimination for the State Legislature to cross the boundaries of political subdivisions, when such action is necessary or desirable to achieve as nearly equal population as is practicable among Senate Districts. REYNOLDS v. SIMS, 377 U. S. 533, 84 S.Ct. 1362, 12 L.Ed. 2d 506 (1964); KIRKPATRICK v. PREISLER, 394 U. S. 526, 89 S.Ct. 1225, 22 L.Ed. 2d 519 (1969).

10. The issue of political gerrymandering at least in single-member districting, such as in the apportioning of the Oklahoma State Senate is non-justiciable. **Wells v. Rockefeller,** 398 U.S. 901, 90 S.Ct. 901, 26 L.Ed. 2d 60 (1970), affirming 311 F. Supp. 48 (S.D.N.Y. 1970); **W.M.C.A., Inc. v. Lomenzo,** 238 F. Supp. 916, at 925 (S.D.N.Y. 1965), aff'd 382 U.S. 4, 86 S.Ct. 24, 15 L.Ed. 2d (1965); **Sincock v. Gately,** 262 F. Supp. 739 (D.C. Del. 1967); **Kilgarlin v. Martin,** 386 U.S. 120, 87 S.Ct. 820, 17 L.Ed. 2d 771 (1967); **Sims v. Baggett,** 247 F. Supp. 96 (D.C. Ala. 1965); and **Cousins v. City Council of Chicago,** 322 F. Supp. 428 (N.D. Ill. 1971), at page 434. (See also Special Comment, infra).

11. The State Senate Apportionment Act of 1971 satisfies the Equal Protection Clause of the Fourteenth Amendment and the Fifteenth Amendment to the Constitution

of the United States as to the requirement that each State Senatorial District be as nearly of equal population as is practicable. **Reynolds v. Sims,** 377 U.S. 533, 84 S.Ct. 1362, 12 L.Ed. 2d 506 (1964); **Kirkpatrick v. Preisler,** 394 U.S. 526, 89 S.Ct. 1225, 22 L.Ed. 2d 519 (1969); **Swann v. Adams,** 385 U.S. 440, 87 S.Ct. 569, 17 L.Ed. 2d 501 (1967); **Sims v. Amos,** No. 1744-N (M.D. Ala. January 3, 1972); **Avery v. Midland County,** 390 U.S. 474, 88 S.Ct. 1114, 20 L.Ed. 2d 45 (1968); **Thigpen v. Myers,** 211 F. Supp. 826 (D. Wash. 1962); **Sincock v. Duffy,** 215 F. Supp. 169 (D. Del. 1963); **Davis v. Synhorst,** 217 F. Supp. 492 (D. Iowa, 1963); **Butterworth v. Dempsey,** 229 F. Supp. 754 (D. Conn. 1964); **Calkins v. Hare,** 228 F. Supp. 824 (D. Mich. 1964); **Meeks v. Anderson,** 229 F. Supp. 271 (D. Kan. 1964); **Drew v. Scranton,** 229 F. Supp. 310 (D. Penn. 1964); **Bush v. Martin,** 224 F. Supp. 499 (N.D. Tex. 1963); **Long v. Avery,** 251 F. Supp. 541 (D. Kan. 1965); **Driggers v. Gallion,** 308 F. Supp. 632 (M.D. Ala. 1969); **Klahr v. Williams,** 303 F. Supp. 244 (D. Ariz. 1969); **Wells v. Rockefeller,** 311 F. Supp. 48 (S. D. N.Y. 1970); **Dinnis v. Volpe,** 264 F. Supp. 425 (D. Mass. 1967); **Grills v. Branigin,** 255 F. Supp. 155 (D.C. Ind. 1966); **Klahr v. Williams,** 313 F. Supp. 148 (D. Ariz. 1970); **Sims v. Baggett,** 247 F. Supp. 96 (M.D. Ala. 1965); **W.M.C.A. Inc. v. Lomenzo,** 238 F. Supp. 916 (S.D.N.Y. 1965); **Whitcomb v. Chavis,** 403 U.S. 124, 91 S.Ct 1858, 29 L. Ed. 2d 363 (1971).

12. Plaintiffs claim that it is constitutionally essential to create a single State Senate District in Tulsa County in which Negro citizens constitute a clear majority is not supported by fact or law. **Wright v. Rockefeller,** 376 U.S. 52, 84 S.Ct. 603, 11 L.Ed. 2d 519 (1964); **Mann v. Davis,** 245 F. Supp. 241 (E.D. Va. 1965); **Wells v. Rockefeller,** 311 F. Supp. 48 (S.D.N.Y. 1970); **Whitcomb v. Chavis,** 403 U.S. 124, 91 S.Ct. 1858, 29 L.Ed. 2d 363 (1971); **Skolnik v. Mayor and City Council of Chicago,** 319 F. Supp. 1219 (N.D. Ill. 1970); **Cousins v. City Council of Chicago,** 322 F. Supp. 428 (D.C. Ill. 1971); and **Kilgarlin v. Martin,** 252 F. Supp. 404 (D.C. Tex. 1965).

If the Legislature were constitutionally mandated to be other than color-blind in this area what about the Indians and other minority groups? Furthermore, if a district be carved especially for the blacks (permissible but not required) who can say that it will long remain thus? We judicially notice that through changes in housing patterns, urban renewal, slum clearance, public housing and other factors the minority races are on the move in more ways than one.

13. One feature of the complaint filed by the plaintiffs is a plea for apportionment of State Senatorial Districts in Tulsa County according to race. Such a color conscious approach to apportionment is but another form of racial segregation and is constitutionally impermissible. **Wright v. Rockefeller,** 376 U.S. 52, 84 S.Ct. 603, 11 L.Ed. 2d 519 (1964); **Skolnik v. Mayor and City Council of Chicago,** 319 F. Supp. 1219 (N.D. Ill. 1970); **Cousins v. City Council of Chicago,** 322 F. Supp. 428 (N.D. Ill. 1971); **Owens v. School Committee of Boston,** 304 F. Supp. 1327 (D. Mass 1969); and **Whitcomb v. Chavis,** 403 U.S. 124, 91 S.Ct. 1858, 29 L. Ed. 2d 363 (1971).

14. The claim of plaintiffs that the Act is constitutionally infirm because of "exclusivity" is not supported by facts. The "uncontested facts" portion of the pretrial order shows an agreement between the parties "that the act of the Legislature apportioning the Senatorial Districts was duly and regularly passed by the Legislature and signed by the Governor in accordance with law."

SPECIAL COMMENT

Since plaintiffs have focused heavy emphasis upon same we feel compelled to make some separate mention relative to new Senate District No. 47 comprising parts of Oklahoma, Canadian and Logan Counties. This district is extremely odd shaped and

we are not prepared to accept the testimony of the Chairman of the Senate Committee on Constitutional Revision and Redistricting concerning its creation. He testified that the district was brought about by first carving out the other nine Senatorial Districts in Oklahoma County with the balance of Oklahoma County then being placed into the tenth district (Senate District No. 47) and in order to have sufficient population therein areas were added thereto from Canadian and Logan Counties. We note that areas were previously borrowed from Cleveland County to add to Senate District No. 43 and that an area was taken from Canadian County to add to Senate District No. 45, both in Oklahoma County. Further, we note that the only two Republican senators from Oklahoma County both live in present District No. 47. It is certain that one of these Republican senators will be eliminated at the next election and from the knowledge we have of the make-up of District No. 47 it is possible that a Democrat might be elected because the traditionally Republican areas of Nichols Hills, Quail Creek, The Village and Lakehurst Addition now have thrown with them traditionally Democratic areas especially the black community in the East and Northeast sectors of Oklahoma County. We recognize that some districts are going to be irregularly shaped when Enumeration Districts and Block Groups are used and almost precise population balance is obtained and we commend the Legislature in its difficult task of achieving population equality, but we cannot help but believe that the Legislators could have done a better "compactness" job with regard to District No. 47 and are inclined to believe that partisan considerations entered into the shaping of this district. But even so, we hastily add that this Court must accept at least a share of the blame for permitting it to happen because in **Reynolds v. State Election Board,** 233 F. Supp. 323 at page 329 this Court specifically struck down as being unconstitutional those parts of Article V Section 9A of the Oklahoma Constitution which allowed the Legislature in apportioning the State Senate to give consideration to "compactness, area, political units, historical precedents, economic and political interests, contiguous territory, and other major factors, to the extent feasible." In **Reynolds** this court was faced with a recalcitrant Legislature that attempted time and again to set up these secondary criteria (compactness, etc.) to justify a departure from the one man-one vote rule. Faced with those repeated attempts, and in order to do needed justice, this court in **Reynolds** correctly said that population must always be the paramount consideration. It was through inadvertence that the remainder of 9A was declared null and void.

We hereby correct that oversight and breathe new life into Section 9A so that in the future the Legislature may not completely and entirely disregard compactness, area, political units, historical precedents, economic and political interests, contiguous territory, and other major factors in subsequent redistricting so long as **population** is given primacy.

Despite our dim view of the jig-saw shape of Senate District No. 47, and our belief that political considerations brought it into being there is no doubt in our minds that we are powerless to do anything about it. In **Wells v. Rockefeller,** 311 F Supp. 48 aff'd in 398 U.S. 901 and quoting from **Jones v. Falcey,** 222 A. 2d 101, the Court said:

" * * * it would seem impossible for a court to pass upon the validity of political interests without itself making a political judgment or appearing to do so. For these reasons the view generally taken in this new area of judicial activity is that, if the mathematics are acceptable, it rests with the voters, rather than the Court, to review the soundness of the partisan decisions which may inhere in the lines the Legislature drew."

Further, in **Wells,** the Court said:

"The function of fixing district lines is, and should be, fo rthe Legislature. Only when their handiwork is violative of fundamental constitutional rights should the courts interfere. This legislative prerogative is just as constitutional, if not more so, as equal representation, if proper respect for the division of powers between the executive, legislative and judiciary branches of government is to be maintained. By way of illustration, were we to accept plaintiff's proposal to reject the lines which split the cities of Albany and Syracuse thereby improving the chances of incumbent Congressmen of the Democra'ic party in forthcoming elections, we would indeed be entering the "political thicket" and would be subject to charges of judicial political gerrymandering."

Also, in **Cousins v. City Council of Chicago,** 322 F. Supp. 428, the following appears: "The issue of political gerrymandering—at least in a single-member representative district, such as in the apportioning of the wards in Chicago—is non-justiciable."

For the foregoing reasons the relief sought by plaintiffs is in all things denied.

Counsel for Defendants are directed to prepare formal order in accordance with the foregoing.

The Clerk of the Court is hereby directed to mail a copy hereof to counsel of record.

Dated this 28th day of February, 1972.

United States Circuit Judge
LUTHER BOHANON

Chief Judge
United States District Court
LUTHER B. EUBANKS

United States District Judge

CIVIL NO. 71-656, FERRELL, et al v. OKLAHOMA, et al.

McWILLIAMS, Circuit Judge, specially concurring.

I generally concur in the foregoing Memorandum Opinion, although I see no need for us to "correct" or otherwise explain Reynolds v. State Election Board, 233 F. Supp, 323 (W. D. Okla. 1964). At the same time I do agree that the United States Constitution permits consideration of the requirements of a state constitution concerning such factors and compactness, contiguity, historical precedent, and the like, so long as such does not impinge upon the overriding requirement of numerical equality prescribed by the Fourteenth Amendment. Reynolds v. Sims, 377 U. S. 533 (1964); Swann v. Adams, 385 U. S. 440 (1967); and Kirkpatrick v. Preisler, 394 U. S. 526 (1969).

ROBERT H. McWILLIAMS
United States Circuit Judge

## COMMITTEE REPORTS

The following Bills and/or Resolutions were reported by the Committees named, ordered printed and placed upon the Calendar unless otherwise indicated:

DO PASS, As Amended:

**CS** for **HJR 1005**—Special Committee.

DO PASS:

**HB 1565**—Appropriations and Budget.

DO PASS, as amended:

**HB 1555**—Appropriations and Budget.

**HB 1581**—Appropriations and Budget.

**HB 1585**—Appropriations and Budget.

**HB 1680**—Appropriations and Budget.

## FIRST READING

The following Bills and/or Resolutions were introduced and read the first time:

**SB 590**—By Miller—An Act relating to schools; amending 70 O.S. 1971, § 18-110; providing formula for adjustment in transportation allocation; and declaring an emergency.

**SB 591**—By Holden and Hamilton—An Act relating to nonresident contractors; amending 68 O.S. 1971, § 1703; requiring bonds of such contractors; providing exceptions to bond and notice requirements; and declaring an emergency.

**SB 592**—By Murphy—An Act relating to schools; providing procedure for computing interest on school district warrants called for payment; directing codification; and declaring an emergency.

**SB 593**—By Howell—An Act relating to real property; allowing property located beyond the existing facilities to be sold without consent of any town or city; requiring subdivision size to conform to county sanitation requirements; and declaring an emergency.

## SECOND READING

The following Bills and/or Resolutions were read the second time and referred to Committees indicated:

**SB 587**—Public and Mental Health.

**SB 588**—Industrial and Labor Relations.

**SB 589**—Industrial and Labor Relations.

**HB 1537**—Judiciary.

**HB 1604**—Appropriations and Budget.

**HB 1674**—Commerce.

**HB 1686**—Revenue and Taxation.

**HB 1708**—Public and Mental Health.

**HB 1712**—Rules.

**HB 1726**—Industrial and Labor Relations.

**HB 1737**—Appropriations and Budget.

**HB 1746**—Rules.

## MESSAGE FROM THE GOVERNOR

Advising approval by him, February 21, 1972, of Enrolled **SBs 132** and **407.**

**SB 132**—By Holden and Smith of the Senate and Miskelly of the House—An Act relating to the State Fire Marshal Commission; amending 74 O.S. 1971, § 324.3; providing for compensation and expenses of Commission members; and declaring an emergency.

**SB 407**—By McSpadden, Hamilton, Inhofe and McGraw of the Senate and Willis and Miskelly of the House—An Act relating to the State Regents for Higher Education for the Osteopathy Education Assistance Fund; making an appropriation thereto; * * * and declaring an emergency.

## MESSAGE FROM THE HOUSE

Advising adoption of and transmitting for consideration Engrossed:

**HCR 1070**—By Abbott—A Concurrent Resolution requesting that the State Department of Education, in conjunction with the Oklahoma Commission on Education and the State Legislative Council, conduct a pilot twelve-month school year program for at least one year; and directing distribution.

**HCR 1073**—By Cox—A Concurrent Resolution directing the Director of Finance of the State Board of Education to reimburse Coyle Independent School District for additional expenditures it made during the 1970-1971 school year to receive students transferring from Langston Dependent School District; and directing distribution.

Consideration of the Resolutions was deferred for this Legislative day.

## MESSAGE FROM THE HOUSE

Advising passage of and returning En-

grossed **SB 242,** as co-authored and amended; **SBs 397, 408,** and **429,** as amended.

**HAs** to **SB 242** read as follows, and consideration deferred:

Authors: Add the following co-authors: Holaday and McIntyre of the House.

Amendment No 1. Amend Page 3, Section 7, Lines 15, 19 and 20, by striking the date "1972" and substituting the date "1973".

Amendment No. 2. Amend by striking the Title and substituting the following: "(Deaf and hearing impaired persons and emergency)".

**HAs** to **SB 397** read as follows, and consideration deferred:

Amendment No. 1. Restore Title:

"An Act relating to the State Board of Public Affairs and making appropriations thereto; stating the purpose; providing for the appointment and compensation of employees; making an appropriation from the public building fund and stating the purposes; making an appropriation from income tax adjustment fund and stating purpose; providing for lapse dates; making provisions of this act severable; and declaring an emergency."

Amendment No. 2. Strike the Enacting Clause.

**HAs** to **SB 408** read as follows, and consideration deferred:

Amendment No. 1. Restore Title:

"An Act relating to the Oklahoma Department of Libraries and making an appropriation thereto; stating the purpose; providing that the director of the department of Libraries shall fix the duties and compensation of employees; providing lapse date; making the provisions of this act severable; and declaring an emergency."

Amendment No. 2. Strike the Enacting Clause.

**HAs** to **SB 429** read as follows, and consideration deferred:

Amendment No. 1. Restore Title:

"An Act relating to the Oklahoma Industrial Development and Park Commission and making an appropriation thereto; stating the purpose; authorizing utilization of unexpended funds for other purposes; prohibiting expenditures in leased state owned lodges for certain purposes; directing the expenditure of certain funds appropriated to the Division of Publicity, Advertising and Information; providing for the reimbursement of employees' general expenses; providing for the appointment and compensation of officials and employees; providing for agreements with the federal government; authorizing payment of premiums for workmen's compensation and other necessary insurance; providing for use of revenue received from the sales of copies or subscriptions of the magazine "Oklahoma Today"; providing lapse date; making provisions of this act severable; and declaring an emergency."

Amendment No. 2. Strike the Enacting Clause.

## MESSAGE FROM THE HOUSE

Advising passage of and transmitting for consideration Engrossed:

**HB 1633**—By Cate, Andrews, Rogers and Payne—An Act to be known as the "Oklahoma Pawnshop Act"; providing definitions; requiring licensing and establishing requirements for licenses; setting bond and requiring statutory agent; providing for issuance of license and setting license and annual fees; providing for revocation, suspension, surrender and reinstatement of licenses upon certain conditions; providing for examinations, access to records and investigations; specifying books and records to be kept, and annual reports; authorizing the issuance of regulations; establishing disclosure and advertising of pawn transaction terms; setting pawn finance charges; providing for refinancing of pawn transactions; providing for limitation on charges and additional pawn finance charges; providing for limitation on agreements and practices; prohibiting multiple agreements, customer's liability and certain practices; providing for presumption upon delivery of pawn agreement; providing for lost or destroyed pawn

agreement; providing for administrative rule making power and administrative, private and criminal enforcement and penalties; amending 14A O.S. 1971, § 1-202; repealing 21 O.S. 1971, § 1091, and inconsistent provisions; providing severability; and declaring an emergency.

The above numbered **HB** was read for the first time.

**COMMITTEE REPORT**

The following Bill was reported by the Committeee named, ordered printed and placed upon the calendar unless otherwise indicated:

DO PASS:

**HB 1737**—Appropriations and Budget.

**GENERAL ORDER**

**SB 420** by McSpadden and Hamilton of the Senate and Willis, et al, of the House was read and considered.

Upon motion of Senator McSpadden, **SB 420** was advanced to engrossment.

By unanimous consent, upon request of Senator McSpadden, **SB 420** was considered engrossed and placed on third reading and final passage.

**THIRD READING**

**SB 420** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Berrong, Birdsong, Capps, Crow, Dahl, Ferrell, Field, Garrison, Grantham, Graves, Ham, Hamilton, Holden, Howard, Lamb, Lane, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Phillips, Smalley, Smith, Taliaferro, Terrill, Trent, Williams, Young.—34.

Excused: Baldwin, Boecher, Bradley, Breckinridge, Garrett, Hargrave, Howell, Inhofe, Keels, Luton, Porter, Rogers, Stansberry, Stipe.—14.

The Bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baggett, Berrong, Birdsong, Capps, Crow, Dahl, Ferrell, Field, Garrison, Grantham, Graves, Ham, Hamilton, Holden, Howard, Lamb, Lane, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Phillips, Rogers, Smalley, Smith, Taliaferro, Terrill, Trent, Williams, Young.—35.

Excused: Baldwin, Boecher, Bradley, Breckinridge, Garrett, Hargrave, Howell, Inhofe, Keels, Luton, Porter, Stansberry, Stipe.—13.

The emergency was declared passed.

**SB 420** was referred for engrossment.

**GENERAL ORDER**

**HB 1548** by Willis, et al, of the House and McSpadden and Hamilton of the Senate was read and considered.

Upon motion of Senator McSpadden, **HB 1548** was advanced to engrossment.

By unanimous consent, upon request of Senator McSpadden, **HB 1548** was considered engrossed and placed on third reading and final passage.

**THIRD READING**

**HB 1548** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Berrong, Birdsong, Capps, Crow, Dahl, Ferrell, Field, Garrison, Grantham, Graves, Ham, Hamilton, Holden, Howard, Lamb, Lane, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Phillips, Rogers, Smalley, Smith, Taliaferro, Trent, Williams, Young.—34.

Excused: Baldwin, Boecher, Bradley, Breckinridge, Garrett, Hargrave, Howell, Inhofe, Keels, Luton, Porter, Stansberry, Stipe, Terrill.—14.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baggett, Berrong, Birdsong, Capps, Crow, Dahl, Ferrell, Field, Garrison, Grantham, Graves, Ham, Hamilton, Holden, Howard, Lamb, Lane, McCune, McGraw, McSpadden, Martin, Medearis, Miller,

Murphy, Nichols, Payne, Phillips, Rogers, Smalley, Smith, Taliaferro, Trent, Williams, Young.—34.

Excused: Baldwin, Boecher, Bradley, Breckinridge, Garrett, Hargrave, Howell, Inhofe, Keels, Luton, Porter, Stansberry, Stipe, Terrill.—14.

The emergency was declared passed.

**HB 1548** was ordered withheld pursuant to Rule 19(f).

## GENERAL ORDER

**HB 1574** by Willis, et al, of the House and McSpadden and Hamilton of the Senate was read and considered.

Senator Birdsong asked to be made a co-author of **HB 1574,** which was the order.

Upon motion of Senator McSpadden, **HB 1574,** as co-authored, was advanced to engrossment.

By unanimous consent, upon request of Senator McSpadden, **HB 1574,** as co-authored, was considered engrossed and placed on third reading and final passage.

## THIRD READING

**HB 1574** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Berrong, Birdsong, Capps, Crow, Dahl, Ferrell, Field, Garrison, Grantham, Graves, Ham, Holden, Howard, Lamb, Lane, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Phillips, Porter, Rogers, Smalley, Smith, Taliaferro, Terrill, Trent, Young.—34.

Excused: Baldwin, Boecher, Bradley, Breckinridge, Garrett, Hamilton, Hargrave, Howell, Inhofe, Keels, Luton, Stansberry, Stipe, Williams.—14.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baggett, Berrong, Birdsong, Capps, Crow, Dahl, Ferrell, Field, Garrison, Grantham, Graves, Ham, Holden, Howard, Lamb, Lane, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Phillips, Porter, Rogers, Smalley, Smith, Taliaferro, Terrill, Trent, Young.—34.

Excused: Baldwin, Boecher, Bradley, Breckinridge, Garrett, Hamilton, Hargrave, Howell, Inhofe, Keels, Luton, Stansberry, Stipe, Williams.—14.

The emergency was declared passed.

**HB 1574** was referred for engrossment.

## GENERAL ORDER

**HB 1578** by Willis, et al, of the House and McSpadden and Hamilton of the Senate was read and considered.

Upon motion of Senator McSpadden, **HB 1578** was advanced to engrossment.

By unanimous consent, upon request of Senator McSpadden, **HB 1578** was considered engrossed and placed on third reading and final passage.

## THIRD READING

**HB 1578** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Berrong, Birdsong, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrison, Grantham, Graves, Ham, Hamilton, Holden, Howard, Lamb, Lane, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Phillips, Porter, Rogers, Smalley, Smith, Stansberry, Taliaferro, Terrill, Trent, Young.—37.

Nay: Keels.—1.

Excused: Baldwin, Boecher, Bradley, Garrett, Hargrave, Howell, Inhofe, Luton, Stipe, Williams.—10.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baggett, Berrong, Birdsong, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrison, Grantham, Graves, Ham, Hamilton, Holden, Howard, Lamb, Lane, Mc-

Cune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Phillips, Porter, Rogers, Smalley, Smith, Stansberry, Taliaferro, Terrill, Trent, Young.—37.

Nay: Keels.—1.

Excused: Baldwin, Boecher, Bradley, Garrett, Hargrave, Howell, Inhofe, Luton, Stipe, Williams.—10.

The emergency was declared passed.

**HB 1578** was referred for engrossment.

## PENDING SENATE ACTION ON HAs

Upon motion of Senator Terrill, **HAs** to **SJR 12** were rejected and conference requested, President Pro Tempore Smith appointing as Senate Conferees the following:

**SJR 12:** Senators Terrill, Taliaferro and Birdsong.

## PENDING SENATE ACTION ON HOUSE REQUEST FOR CONFERENCE

Upon motion of Senator Baggett, the request of the Honorable House for a conference on **HJR 1021** was ordered granted, President Pro Tempore Smith appointing as Senate Conferees the following:

**HJR 1021:** Senators Baggett, Howard and Young.

Senator McSpadden presiding.

## REPORT OF ENGROSSED AND ENROLLED BILLS

**SBs 502, 522** and **529** each correctly engrossed.

**SBs 410, 421,** and **SCR 91** each correctly enrolled.

Engrossed **SBs 502, 522** and **529** were each properly signed and ordered transmitted to the Honorable House for consideration.

Enrolled **SBs 410** and **421** were, after fourth reading, properly signed and ordered transmitted to the Honorable House for the signature of the Speaker.

Enrolled **SCR 91** was properly signed and ordered transmitted to the Honorable House for the signature of the Speaker.

## MESSAGE FROM THE HOUSE

Advising adoption of and returning Engrossed **SCR 71.**

The above numbered Resolution was referred for enrollment.

## MESSAGE FROM THE HOUSE

Advising rejection of **SAs** to Engrossed **HB 1590**, requesting Conference and naming Conferees as follows: Skeith, Sparkman and Mountford.

## MESSAGE FROM THE HOUSE

Advising rejection of **SAs** to Engrossed **HBs 1577** and **1584,** requesting Conference and referring said Bills to **GCCA.**

## MESSAGE FROM THE HOUSE

Transmitting following Bill, together with Conference Committee Report thereon, advising adoption of Conference Committee Report and passage of Measure as amended: Engrossed **HB 1615.**

## CONFERENCE COMMITTEE REPORT

The following **CCR** on **HB 1615** was read and consideration deferred:

Mr. Speaker
and
Mr. President:

We, your Conference Committee to whom was referred Engrossed House Bill No. 1615, and Engrossed Senate Amendments thereto, by McCune, Elder, Sparkman and Green of the House and Martin of the Senate entitled:

An Act relating to controlled dangerous substances; amending 63 O.S. 1971, § 2-302; providing registration requirements and exempting therefrom individual pharmacists acting in the employ of registered pharmacies, and exempting nursing homes, registered nurses and licensed practical nurses; permitting waiver of registration fees; and declaring an emergency.

beg leave to report that we have had the same under consideration and herewith re-

turn the same with the following recommendation:

That the Senate recede from all Senate Amendments, and that Engrossed House Bill No. 1615 be adopted.

Respectfully submitted,

For the House: McCune, Elder, Sparkman.

For the Senate: Martin, Berrong, Miller.

**GENERAL ORDER**

**SB 515** by Murphy of the Senate was read and considered.

Senators Smalley and Smith asked to be made co-authors of **SB 515,** which was the order.

Senator Young moved to amend **SB 515,** Page 2, Line 11, by adding after the word "majority". and before the word "SECTION", a new section as follows:

"Section 2. Nothing in this act shall relieve the natural or adoptive parents from supporting their natural or adoptive children until said child reaches the age of 21 years.", and renumbering the remainder of the section., which amendment was tabled upon motion of Senator Smalley.

Senator Baggett moved to amend **SB 515,** Page 2, Line 2½, by inserting after Line 2, and before Line 3, the following new section:

"Section 1. 6 O.S. 1971, § 2106, is amended to read as follows:

"§ 2106. (a) Upon the filing of an application, the Commissioner shall investigate the applicant and if he finds that the applicant is of good moral character and financially responsible and can meet the requirements of this act, he shall give notice in writing of his approval of said application to the applicant, who shall within thirty (30) days post the bond, or securities in lieu thereof, required by this act, whereupon the Commissioner shall forthwith issue to the applicant a license to engage in the business of selling or issuing checks subject to the provisions of this act.

"(b) No license shall be issued to an applicant:

"1. If a natural person, unless he is [*over twenty one (21) years of age;*] AN ELECTOR;

"2. If a partnership, unless each of the partners is [*over twenty one (21) years of age;*] AN ELECTOR;

"3. If a joint stock association, trust, unincorporated association or corporation, unless each of the officers, directors, trustees or other managing officials is [*over twenty one (21) years of age*] AN ELECTOR.

"(c) No application shall be denied unless the applicant has had notice of a hearing on said application and an opportunity to be heard thereon. If the application is denied, the Commissioner shall, within thirty (30) days thereafter, prepare and file in his office a written order of denial which shall contain his findings and reasons supporting the denial, and shall within ten (10) days after the filing of such order, notify the applicant and send him a copy of such order.", and renumber succeeding sections and amend the title to conform, which amendment was declared adopted.

Senator Baggett moved to amend **SB 515,** Page 2, Line 11½, by inserting after Line 11, and before Line 12, the following new section:

"Section—10, O.S. 1971, § 60.3, is amended to read as follows:

"§ 60.3 the following persons are eligible to adopt a child:

"(1) A husband and wife jointly, or either the husband or wife if the other spouse is a parent of the child.

"(2) An unmarried person [*who is at least twenty one (21) years old.*]

"(3) A married person [*at least twenty-one (21) years old*] who is legally separated from the other spouse.

"(4) In the case of an illegitimate child, its unmarried father or mother.", and renumber succeeding sections and amend the title to conform, which amendment failed of adoption, the roll call thereon being as follows:

Aye: Baggett, Dahl, Field, Garrett, Holden, Howell, Luton, McGraw, Nichols,

Payne, Porter, Rogers, Smalley, Smith, Terrill.—15.

Nay: Berrong, Birdsong, Breckinridge, Capps, Crow, Ferrell, Garrison, Grantham, Graves, Hamilton, Hargrave, Howard, Inhofe, Lamb, Lane, McCune, McSpadden, Martin, Medearis, Miller, Murphy, Stansberry, Taliaferro, Trent, Williams, Young.—26.

Excused: Baldwin, Boecher, Bradley, Ham, Keels, Phillips, Stipe.—7.

President Pro Tempore Smith presiding.

Senator Smalley moved to amend **SB 515,** Page 2, Line 12, by striking all of Section 2.

Senator Baggett moved to table the foregoing Smalley amendment, which motion to table failed of adoption upon roll call as follows:

Aye: Baggett, Breckinridge, Capps, Garrett, Hamilton, Holden, Keels, Luton, McCune, McGraw, Martin, Murphy, Payne, Phillips, Porter, Rogers, Taliaferro, Terrill.—18.

Nay: Birdsong, Crow, Dahl, Ferrell, Field, Garrison, Grantham, Graves, Ham, Hargrave, Howard, Howell, Inhofe, Lamb, McSpadden, Miller, Nichols, Smalley, Smith, Stansberry, Trent, Williams, Young.—23.

Excused: Baldwin, Berrong, Boecher, Bradley, Lane, Medearis, Stipe.—7.

The vote occurring on the foregoing Smalley amendment, it was declared adopted.

Senator Young moved to amend **SB 515,** Page 5, Line 14, after the word "court", and before the word "SECTION", by striking "SECTION 3.", which amendment was tabled upon motion of Senator Murphy.

Senators Lamb and Baggett moved to amend **SB 515,** Page 6, Line 4, by adding after Line 4, and before Line 5, the following new section:

"Section 4. 12 O.S. 1971, § 277 is hereby amended to read as follows:

"§ 1277. Care and Custody of children. A petition or a cross-petition for a divorce, legal separation, or annulment must state whether or not the parties have minor children of the marriage. If there are such children, the court shall make provision for guardianship, custody, support and education of the minor children, and may modify or change any order in this respect, whenever circumstances render such change proper, either before or after final judgment in the action.", and by renumbering subsequent sections.

Senator Hamilton moved, as an in lieu motion, to amend **SB 515,** Page 6, Line 4½ "12 O.S. 1971, § 1277", the second paragraph, as follows:

[*The court may make provisions for the support and education of a female child so long as she remains unmarried and enrolled in and regularly attending a public or private school or institution of higher learning until she attains the age of twenty-one (21) years.*]

"The Court may make provisions for the support and education of a male or female child, so long as they remain unmarried and enrolled in and regularly attending a public or private school or institution of higher learning, until they attain the age of twenty-one (21) years."

Senator Garrett raised the question of "No Quorum". President Pro Tempore Smith ordered the roll called, following which he declared a quorum present.

Senator Lamb moved to table the foregoing Hamilton in lieu amendment, which motion to table prevailed upon roll call as follows:

Aye: Baggett, Breckinridge, Dahl, Ferrell, Garrett, Grantham, Ham, Hargrave, Howard, Inhofe, Keels, Lamb, McCune, McGraw, McSpadden, Miller, Murphy, Porter, Smalley, Smith, Terrill, Williams.—22.

Nay: Berrong, Birdsong, Capps, Crow, Field, Garrison, Graves, Hamilton, Holden, Howell, Lane, Luton, Martin, Medearis, Payne, Phillips, Young.—17.

Excused: Baldwin, Boecher, Bradley, Nichols, Rogers, Stansberry, Stipe, Taliaferro, Trent.—9.

The vote occurring on the foregoing

Lamb-Baggett amendment, it was declared adopted.

Senators Lamb and Miller moved to amend **SB 515,** Page 6, Lines 5 through 15, by striking all of Section 4.

Senator Crow presiding.

Senator Lamb asked unanimous consent that further consideration of the foregoing amendment be deferred momentarily, which was the order.

Senators Lamb and Miller moved to amend **SB 515,** Pages 20, 21, 22, 23, 24, 25, and 26, Line 9, by striking all of Section 13.

Senator Lamb asked unanimous consent that further consideration of the foregoing amendment be deferred momentarily, which was the order.

Senator Lamb moved to amend **SB 515,** Page 28, Line 9, by adding after the word "juror", a new Section 15 and 16, to read as follows:

"Section 15. 37 O.S. 1971, § 241 is amended to read as follows:

"§ 241. It shall be unlawful for any person who holds a license to sell and dispense beer and/or any agent, servant, or employee of said license holder to sell, barter, or give, to any person under the age of twenty-one (21) years any beverage containing more than one-half of one percent (½ of 1%) of alcohol measured by volume and not more than three and two-tenths percent (3.2%) of alcohol measured by weight. Provided, a parent as regards his own child or children, is excepted from the provisions of this act."

"Section 16. 37 O.S. 1971, §243 is amended to read as follows:

"§ 243. It shall be unlawful and a misdemeanor for any person under the age of twenty-one (21) years to be employed, or permitted to work in any capacity, whatsoever, in a place where beverages containing more than one-half of one per cent (½ of 1%) of alcohol measured by volume or not more than three and two-tenths per cent (3.2%) of alcohol measured by weight are sold or dispensed for consumption on the premises; provided, that this section shall not apply to any business or establishment where such sales do not exceed twenty-five percent (25%) of the gross sales of said business or establishment."

Senator Baggett raised a point of order, citing Rule 14(h), stating that the foregoing Lamb amendment should be treated as two separate amendments, with each section constituting one amendment, which point of order the Chair sustained.

Senator Lamb asked unanimous consent that his amendment be considered as two separate amendments.

There being no objection, that was the order.

Senator Baggett moved to amend **SB 515,** the Lamb amendment re Section 15 by adding at the end thereof the following new language: "Any person violating the provisions of this section shall be guilty of a felony and upon conviction shall be sentenced to a term of imprisonment of not less than two (2) years nor more than five (5) years. Such sentence shall not be subject to statutory provisions for suspended sentences, deferred sentences or probation.", which motion to amend was tabled upon motion of Senator Lamb, the roll call thereon being as follows:

Aye: Birdsong, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Hargrave, Holden, Howell, Inhofe, Lamb, Lane, McCune, Martin, Medearis, Miller, Murphy, Nichols, Rogers, Smith, Terrill, Trent, Williams, Young.—31.

Nay: Baggett, Keels, McGraw, Phillips, Porter.—5.

Excused: Baldwin, Berrong, Boecher, Bradley, Howard, Luton, McSpadden, Payne, Smalley, Stansberry, Stipe, Taliaferro.—12.

Senator Lamb moved the adoption of his foregoing amendment re Section 15.

Senator Smalley moved to table the Lamb

amendment re Section 15, which motion to table failed of adoption upon roll call as follows:

Aye: Breckinridge, Dahl, Garrett, Garrison, Grantham, Hargrave, Howell, Inhofe, McCune, McGraw, Medearis, Murphy, Nichols, Phillips, Smalley, Smith, Terrill.—17.

Nay: Birdsong, Capps, Crow, Ferrell, Field, Graves, Ham, Hamilton, Holden, Lamb, Lane, Martin, Miller, Porter, Rogers, Trent, Williams, Young.—18.

Excused: Baggett, Baldwin, Berrong, Boecher, Bradley, Howard, Keels, Luton, McSpadden, Payne, Stansberry, Stipe, Taliaferro.—13.

The vote occurring on the foregoing Lamb amendment re Section 15, it was declared failed of passage upon roll call as follows:

Aye: Birdsong, Capps, Crow, Ferrell, Field, Graves, Ham, Hamilton, Holden, Lamb, Lane, Martin, Miller, Williams, Young.—15.

Nay: Breckinridge, Dahl, Garrett, Garrison, Grantham, Hargrave, Howell, Inhofe, McCune, McGraw, Medearis, Murphy, Nichols, Phillips, Porter, Rogers, Smalley, Smith, Terrill, Trent.—20.

Excused: Baggett, Baldwin, Berrong, Boecher, Bradley, Howard, Keels, Luton, McSpadden, Payne, Stansberry, Stipe, Taliaferro.—13.

## MOTION TO RECONSIDER VOTE

Senator Rogers moved to reconsider the vote by which the Lamb amendment re Section 15 failed of passage on some future legislative day.

The Chair stated that consideration of a motion to reconsider the vote on an amendment must be considered on the same legislative day as the amendment is taken up for consideration.

Senator Rogers moved to reconsider the vote by which the Lamb amendment re Section 15 failed of passage before termination of this legislative day, which was the order.

## SPECIAL ORDER

Senator Terrill moved that further consideration of **SB 515** be deferred until Tuesday, February 29, 1972, at 1:30 P.M., with amendments attached thereto, which motion prevailed.

Senator Rogers asked unanimous consent, which was granted, that the time be extended until February 29, 1972, for consideration of his motion to reconsider the vote by which the Lamb amendment re Section 15 failed of passage.

## MESSAGE FROM THE HOUSE

Advising Conference granted on Engrossed **SJR 12,** and naming House Conferees as follows: Trent, York and Harrison.

## MESSAGE FROM THE HOUSE

Advising passage of and transmitting for consideration Engrossed:

**HB 1303**—By Conaghan, Ferrell, Boettcher and Kamas of the House and McGraw of the Senate—An Act relating to education; declaring purpose of the Act; defining terms; directing boards of regents of colleges and universities to establish policies and procedures to maintain control over employees and students; establishing guidelines for conduct of employees and students of educational institutions; prescribing procedure for hearings and protection of rights of violators to insure due process; declaring certain acts to be misdemeanors; providing for the establishment of policies governing the appearance on campus of nonstudent speakers; providing for administrative procedures; providing for severability; and declaring an emergency.

The above numbered **HB** was read for the first time.

## MESSAGE FROM THE HOUSE

Advising concurrence in **SAs** to and adoption of Engrossed **HCR 1068,** as amended.

**MESSAGE FROM THE HOUSE**

Advising fourth reading of and returning Enrolled **SBs 410** and **421.**

The above numbered Enrolled Bills were referred to the Governor.

**MESSAGE FROM THE HOUSE**

Advising the signing of and returning Enrolled **SCR 91.**

The above numbered Enrolled Resolution was ordered referred to the Secretary of State.

**BILL WITHDRAWN**

Senator McGraw asked unanimous consent that **SJR 49** be withdrawn from the Calendar and re-referred to the Committee on Rules, which was the order.

**COMMITTEE APPOINTMENT**

As provided under Rule 3(d), President Pro Tempore Smith appointed the following as Senate members of the General Conference Committee on Appropriations:

**GENERAL CONFERENCE COMMITTEE ON APPROPRIATIONS**

McSpadden—Chairman
Hamilton—Vice-Chairman

| | |
|---|---|
| Baggett | Miller |
| Baldwin | Nichols |
| Berrong | Phillips |
| Garrison | Smalley |
| Lane | Terrill |
| Luton | Trent |
| Medearis | |

Alternates:

| | |
|---|---|
| Boecher | Howard |
| Crow | Murphy |
| Grantham | |

As provided under Title 72, Section 456, O.S. 1961 (1963 Supp.), President Pro Tempore Smith announced the appointment of the following Senators as members of the Executive Committee of the State Legislative Council

**EXECUTIVE COMMITTEE—LEGISLATIVE COUNCIL**

Senators Birdsong, Crow, Field, Garrison, Grantham, Graves, Hamilton, Hargrave, Holden, Martin, Murphy, Payne, Rogers, Smalley and Terrill.

Senator Terrill moved after the Clerk's desk is cleared, the Senate stand adjourned to meet Tuesday, February 29, 1972, at 1:00 P.M. which motion prevailed.

**BILLS RELEASED**

Engrossed **HB 1548** was properly signed and ordered returned to the Honorable House.

**SBs 456** and **462** were referred for engrossment.

Upon motion of Senator Terrill, the Senate adjourned to meet Tuesday, February 29, 1972, at 1:00 P.M.

# Thirty-third Legislative Day

## Tuesday, February 29, 1972

Pursuant to adjournment, the Senate was called to order by President Pro Tempore Smith.

Upon roll call, the following members were present:

Baggett, Baldwin, Berrong, Birdsong, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Hargrave, Holden, Howard, Howell, Keels, Lamb, Lane, Luton, McCune, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Phillips, Porter, Rogers, Smalley, Smith, Stansberry, Taliaferro, Terrill, Trent, Williams, Young.—43.

Excused: Boecher, Bradley, Inhofe, McGraw, Stipe.—5.

The President Pro Tempore declared a quorum present.

The following prayer was offered by the Chaplain and incorporated upon request of Senator Miller:

Our Heavenly Father, we are grateful for the beauty and wonder of life. If we have become careless or cynical, make us again rejoicing and thankful. Forgive us when we have let envy for things we do not have rob us of glad thankfulness for the blessings we do have.

We remember and are grateful, just now, for those persons across the years whose friendship and love have enriched our lives: our Dad and Mother, the closest friend of our childhood, the two or three persons in our adult years who have meant the most to us. We thank You, O God, for the lives of these particular persons and what they mean to us.

Deliver us from fretting about our limitations. Open our eyes once again to the glory of doing the good we can with the resources and opportunities that are ours.

We pray in the name of Jesus, Amen.

The Journal for the last legislative day was declared approved.

## COMMITTEE REPORTS

The following Bills and/or Resolutions were reported by the Committees named, ordered printed and placed upon the Calendar unless otherwise indicated:

DO PASS:

**SB 457**—Judiciary, co-authored by Clemons of the House.

**SB 476**—Judiciary.

**SB 539**—Judiciary, co-authored by McCune of the House.

**SB 540**—Education - Common, co-authored by Senator Keels.

**SJR 44**—Judiciary, co-authored by Poulos of the House.

**HB 1640**—Roads and Highways, co-authored by Senators Keels, Lamb, Dahl and Holden.

DO PASS, as amended:

**CS for SB 441**—Judiciary, co-authored by Elder of the House.

**SB 465**—Education - Common, co-authored by Senators Crow, Luton and Trent.

**SB 544**—Education - Common.

**SB 559**—Judiciary, co-authored by Anderson and Rogers of the House.

## FIRST READING

The following Bills and/or Resolutions were introduced and read the first time:

**SB 594**—By Young—An Act relating to insurance; providing qualifications for insurance actuaries and assistant insurance actuaries; and providing an effective date.

**SB 595**—By Smalley and Miller—An Act relating to schools; amending 70 O.S. 1971, § 5-117, to further define powers and duties for Board of Education; Providing authority for use of school district funds for erection of buildings on leased land; and declaring an emergency.

**SB 596**—By Garrison—An Act relating to fireworks; amending 68 O.S. 1971, §§ 1622 through 1625, 1627 and 1629; defining terms; providing for manner of storage and handling of fireworks; providing for sale, use, manufacture and possession of certain classes of fireworks; providing for licensing and reciprocity licensing; prescribing requirements and permits for public display and for agricultural crop protection purposes; prohibiting sale of firewords at retail; providing for seizure of illegal fireworks; providing for an operative date; providing for severability; and declaring an emergency.

**SB 597**—By Birdsong, Howell, Rogers, Stansberry, Keels and McCune of the Senate and York of the House—An Act relating to counties; providing for planning and zoning in the unincorporated areas of a county and prescribing terms, conditions and procedures; providing for certain exceptions; prescribing punishment for violations; limiting the Act's applicability to counties having a population in excess of five hundred thousand; providing for severability; and declaring an emergency.

**SB 598**—By Hargrave—An Act relating to intoxicating liquors; amending 37 O.S. 1971, §§ 506 and 518; defining certain terms; increasing nonresidents sellers license fee and manufacturer's agent license fee; fixing license fee for broker, broker agent and resident seller; and declaring an emergency.

**SB 599**—By Smith—An Act relating to employees; amending 26 O.S. 1971, § 438; providing time off for employees; making such time compensable; and declaring an emergency.

**SB 600**—By Smith—An Act relating to voting precincts; providing for subprecincts in certain circumstances; providing for codification; and declaring an emergency.

**SB 601**—By Smith and Mountford—An Act relating to cities and towns; amending 11 O.S. 1971, §§ 548.3 and 548.4; defining terms; providing for collective bargaining by and on behalf of firefighters and policemen; providing procedures relating thereto; providing for State Labor Relations Board; prescribing duties; providing for membership, tenure and compensation; directing codification; repealing 11 O.S. 1971, § 548.5; providing for severability; and declaring an emergency.

## SECOND READING

The following Bills and/or Resolutions were read the second time and referred to Committees indicated:

**SB 590**—Education - Common.

**SB 591**—Industrial and Labor Relations.

**SB 592**—Education - Common.

**SB 593**—Municipal Government.

**HB 1303**—Education - Higher.

**HB 1633**—Banks and Banking.

## UNANIMOUS CONSENT—BILL WITHDRAWN

President Pro Tempore Smith asked unanimous consent that **HB 1708** be withdrawn from the Committee on Public and Mental Health and referred to the Committee on Appropriations and Budget, which was the order.

## MOTION TO RECONSIDER VOTE

Senator Graves asked for consideration

of his motion to reconsider the vote by which **SB 521** failed of passage.

The vote occurring on the Graves motion, it was declared adopted upon roll call as follows:

Aye: Baggett, Baldwin, Berrong, Birdsong, Capps, Crow, Dahl, Ferrell, Field, Garrett, Grantham, Graves, Ham, Hargrave, Howard, Howell, Lamb, Lane, Luton, McCune, McSpadden, Martin, Medearis, Miller, Murphy, Payne, Rogers, Smalley, Smith, Stansberry, Taliaferro, Terrill, Williams, Young.—34.

Excused: Boecher, Bradley, Breckinridge, Garrison, Hamilton, Holden, Inhofe, Keels, McGraw, Nichols, Phillips, Porter, Stipe, Trent.—14.

Senator Graves moved to reconsider the vote by which **SB 521** was considered engrossed and placed on third reading and final passage, which motion was declared adopted.

Senator Graves moved to reconsider the vote by which **SB 521** was advanced to engrossment, which motion was declared adopted.

## GENERAL ORDER

Senator Graves moved to reconsider the vote by which the Baggett amendment to **SB 521,** Page 15, Lines 9 through 13, shown on February 24, 1972, was adopted, which motion was declared adopted.

Senator Graves moved that the Murphy amendment to **SB 521,** Page 15, Lines 10 through 13, shown February 24, 1972, be adopted.

The vote occurring on the Murphy amendment, it was declared adopted.

Upon motion of Senator Graves, **SB 521,** as amended, was advanced to engrossment.

By unanimous consent, upon request of Senator Graves, **SB 521,** as amended, was considered engrossed and placed on third reading and final passage.

## THIRD READING

**SB 521** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baldwin, Berrong, Birdsong, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hargrave, Holden, Howard, Howell, Lamb, Lane, Luton, McCune, McSpadden, Martin, Medearis, Miller, Murphy, Payne, Smalley, Smith, Taliaferro, Terrill, Williams.—32.

Nay: Baggett, Hamilton, Keels, Rogers.—4.

Excused: Boecher, Bradley, Breckinridge, Inhofe, McGraw, Nichols, Phillips, Porter, Stansberry, Stipe, Trent, Young.—12.

The bill was declared passed.

On the question of passage of emergency the roll call resulted as follows:

Aye: Baldwin, Berrong, Birdsong, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hargrave, Holden, Howard, Howell, Lamb, Lane, Luton, McCune, McSpadden, Martin, Medearis, Miller, Murphy, Payne, Smalley, Smith, Taliaferro, Terrill, Williams.—32.

Nay: Baggett, Hamilton, Keels, Rogers.—4.

Excused: Boecher, Bradley, Breckinridge, Inhofe, McGraw, Nichols, Phillips, Porter, Stansberry, Stipe, Trent, Young.—12.

The emergency was declared passed.

**SB 521** was referred for engrossment.

## MOTION TO RECONSIDER VOTE

Senator Smalley asked for consideration of his motion to reconsider the vote by which the Emergency Section of **SB 513** failed of passage.

The vote occurring on the Smalley motion, it was declared adopted upon roll call as follows:

Aye: Baggett, Baldwin, Berrong, Birdsong, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Holden, Howard, Howell, Keels, Lamb, Lane, Luton, McCune, McSpadden, Martin, Medearis, Miller, Nichols, Payne, Phillips, Rogers, Smalley, Smith, Taliaferro, Terrill, Williams.—35.

Excused: Boecher, Bradley, Breckinridge, Hamilton, Hargrave, Inhofe, McGraw, Murphy, Porter, Stansberry, Stipe, Trent, Young.—13.

On the question of passage of emergency section of **SB 513,** the roll call resulted as follows:

Aye: Baggett, Baldwin, Berrong, Birdsong, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Holden, Howell, Keels, Lamb, Lane, Luton, McCune, McSpadden, Martin, Medearis, Miller, Nichols, Payne, Phillips, Rogers, Smalley, Smith, Taliaferro, Terrill, Williams.—33.

Excused: Boecher, Bradley, Breckinridge, Capps, Hamilton, Hargrave, Howard, Inhofe, McGraw, Murphy, Porter, Stansberry, Stipe, Trent, Young.—15.

The emergency was declared passed.

**SB 513** was referred for engrossment.

## GENERAL ORDER

**HB 1555** by Willis, et al, of the House and McSpadden and Hamilton of the Senate was read and considered.

Upon motion of Senator McSpadden, **HB 1555** was advanced to engrossment.

By unanimous consent, upon request of Senator McSpadden, **HB 1555** was considered engrossed and placed on third reading and final passage.

## THIRD READING

**HB 1555** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Baldwin, Birdsong, Crow, Dahl, Ferrell, Garrison, Grantham, Graves, Ham, Hamilton, Holden, Howard, Howell, Lamb, Lane, Luton, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Rogers, Smalley, Smith, Taliaferro, Terrill, Williams.—30.

Nay: Keels, McCune.—2.

Excused: Berrong, Boecher, Bradley, Breckinridge, Capps, Field, Garrett, Hargrave, Inhofe, McGraw, Phillips, Porter, Stansberry, Stipe, Trent, Young.—16.

The bill was declared passed.

On the question of passing of emergency the roll call resulted as follows:

Aye: Baggett, Baldwin, Birdsong, Crow, Dahl, Ferrell, Garrison, Grantham, Graves, Ham, Hamilton, Holden, Howard, Howell, Lamb, Lane, Luton, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Rogers, Smalley, Smith, Taliaferro, Terrill, Williams.—30.

Nay: Keels, McCune.—2.

Excused: Berrong, Boecher, Bradley, Breckinridge, Capps, Field, Garrett, Hargrave, Inhofe, McGraw, Phillips, Porter, Stansberry, Stipe, Trent, Young.—16.

The emergency was declared failed of passage.

**HB 1555** was referred for engrossment.

## GENERAL ORDER

**HB 1565** by Willis, et al, of the House and McSpadden and Hamilton of the Senate was read and considered.

Senators Luton, Murphy, Keels, Birdsong and Graves asked to be made co-authors of **HB 1565,** which was the order.

Upon motion of Senator McSpadden, **HB 1565,** as co-authored, was advanced to engrossment.

By unanimous consent, upon request of Senator McSpadden, **HB 1565,** as co-authored, was considered engrossed and placed on third reading and final passage.

## THIRD READING

**HB 1565** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Baldwin, Berrong, Birdsong, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Hargrave, Holden, Howard, Howell, Keels, Lamb, Lane, Luton, McCune, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Rogers, Smalley, Smith, Stansberry, Taliaferro, Terrill, Trent, Williams, Young.—40.

Excused: Boecher, Bradley, Breckinridge, Inhofe, McGraw, Phillips, Porter, Stipe.—8.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baggett, Baldwin, Berrong, Birdsong, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Hargrave, Holden, Howard, Howell, Keels, Lamb, Lane, Luton, McCune, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Rogers, Smalley, Smith, Stansberry, Taliaferro, Terrill, Trent, Williams, Young.—40.

Excused: Boecher, Bradley, Breckinridge, Inhofe, McGraw, Phillips, Porter, Stipe.—8.

The emergency was declared passed.

**HB 1565** was ordered withheld pursuant to Rule 19(f).

## GENERAL ORDER

**HB 1737** by Willis, et al, of the House and McSpadden and Hamilton of the Senate was read and considered.

Upon motion of Senator McSpadden, **HB 1737** was advanced to engrossment.

By unanimous consent, upon request of Senator McSpadden, **HB 1737** was considered engrossed and placed on third reading and final passage.

## THIRD READING

**HB 1737** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Baldwin, Berrong, Capps, Crow, Dahl, Ferrell, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Hargrave, Holden, Howard, Keels, Lamb, Lane, Luton, McSpadden, Medearis, Miller, Murphy, Nichols, Payne, Phillips, Rogers, Smalley, Smith, Stansberry, Taliaferro, Terrill, Trent, Young.—35.

Nay: Birdsong, Field, McCune, Williams.—4.

Excused: Boecher, Bradley, Breckinridge, Howell, Inhofe, McGraw, Martin, Porter, Stipe.—9.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baggett, Baldwin, Berrong, Capps, Crow, Dahl, Ferrell, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Hargrave, Holden, Howard, Keels, Lamb, Lane, Luton, McSpadden, Medearis, Miller, Murphy, Nichols, Payne, Phillips, Rogers, Smalley, Smith, Stansberry, Taliaferro, Terrill, Trent, Young.—35.

Nay: Birdsong, Field, McCune, Williams.—4.

Excused: Boecher, Bradley, Breckinridge, Howell, Inhofe, McGraw, Martin, Porter, Stipe.—9.

The emergency was declared passed.

**HB 1737** was ordered withheld pursuant to Rule 19(f).

## GENERAL ORDER

**HB 1585** by Willis, et al, of the House and McSpadden and Hamilton of the Senate was read and considered.

Upon motion of Senator McSpadden, **HB 1585** was advanced to engrossment.

By unanimous consent, upon request of Senator McSpadden, **HB 1585** was considered engrossed and placed on third reading and final passage.

## THIRD READING

**HB 1585** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Baldwin, Berrong, Birdsong, Capps, Crow, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Hargrave, Holden, Howard, Howell, Keels, Lane, Luton, McCune, McSpadden, Medearis, Miller, Murphy, Nichols, Payne, Phillips, Rogers, Smalley, Smith, Stansberry, Taliaferro, Terrill, Williams, Young.—37.

Excused: Boecher, Bradley, Breckinridge, Dahl, Inhofe, Lamb, McGraw, Martin, Porter, Stipe, Trent.—11.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baggett, Baldwin, Berrong, Birdsong, Capps, Crow, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Hargrave, Holden, Howard, Howell, Keels, Lane, Luton, McCune, McSpadden, Medearis, Miller, Murphy, Nichols, Payne, Phillips, Rogers, Smalley, Smith, Stansberry, Taliaferro, Terrill, Williams, Young.—37.

Excused: Boecher, Bradley, Breckinridge, Dahl, Inhofe, Lamb, McGraw, Martin, Porter, Stipe, Trent.—11.

The emergency was declared passed.

**HB 1585** was referred for engrossment.

## GENERAL ORDER

**HB 1680** by Willis, et al, of the House and McSpadden and Hamilton of the Senate was read and considered.

Upon motion of Senator McSpadden, **HB 1680** was advanced to engrossment.

By unanimous consent, upon request of Senator McSpadden, **HB 1680** was considered engrossed and placed on third reading and final passage.

## THIRD READING

**HB 1680** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baldwin, Berrong, Birdsong, Capps, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Hargrave, Holden, Keels, Lane, Luton, McCune, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Phillips, Rogers, Smalley, Smith, Taliaferro, Terrill, Trent, Williams, Young.—35.

Excused: Baggett, Boecher, Bradley, Breckinridge, Crow, Howard, Howell, Inhofe, Lamb, McGraw, Porter, Stansberry, Stipe.—13.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baldwin, Berrong, Birdsong, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Hargrave, Holden, Howell, Keels, Lane, Luton, McCune, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Phillips, Rogers, Smalley, Smith, Taliaferro, Terrill, Trent, Williams, Young.—37.

Excused: Baggett, Boecher, Bradley, Breckinridge, Howard, Inhofe, Lamb, McGraw, Porter, Stansberry, Stipe.—11.

The emergency was declared passed.

**HB 1680** was referred for engrossment.

## PENDING SENATE ACTION ON HAs

Upon motion of Senator McSpadden, **HAs** to **SBs 397, 408** and **429** were rejected and conference requested, said Bills to be referred to **GCCA.**

## PENDING SENATE ACTION ON HOUSE REQUEST FOR CONFERENCE

Upon motion of Senator McSpadden, the request of the Honorable House for a conference on **HBs 1577** and **1584** was ordered granted, said Bills to be referred to **GCCA.**

## UNANIMOUS CONSENT REQUEST

Senator Terrill asked unanimous consent that the Senate be permitted to consider **HB 1670,** prior to the Special Order of 1:30 P.M., for consideration of **SB 515,** which was the order.

## GENERAL ORDER

**HB 1670** by Miskelly,, et al, of the House and Lane of the Senate was read and considered.

Upon motion of Senator Lane, **HB 1670** was advanced to engrossment.

By unanimous consent, upon request of Senator Lane, **HB 1670** was considered engrossed and placed on third reading and final passage.

## THIRD READING

**HB 1670** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baldwin, Berrong, Birdsong, Capps, Crow, Dahl, Ferrell, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Hargrave, Howard, Keels, Lamb, Lane, Luton, McCune, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Rogers, Smalley, Smith, Taliaferro, Terrill, Trent, Young.—34.

Nay: Baggett.—1.

Excused: Boecher, Bradley, Breckinridge, Field, Holden, Howell, Inhofe, McGraw, Phillips, Porter, Stansberry, Stipe, Williams.—13.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baldwin, Berrong, Birdsong, Capps, Crow, Dahl, Ferrell, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Hargrave, Howard, Keels, Lamb, Lane, Luton, McCune, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Rogers, Smalley, Smith, Taliaferro, Terrill, Trent, Young.—34.

Nay: Baggett.—1.

Excused: Boecher, Bradley, Breckinridge, Field, Holden, Howell, Inhofe, McGraw, Phillips, Porter, Stansberry, Stipe, Williams.—13.

The emergency was declared passed.

**HB 1670** was referred for engrossment.

## MESSAGE FROM THE HOUSE

Advising the appointment of House members to the General Conference Committee on Appropriations as follows:

Willis - Chairman
Miskelly - Vice-Chairman

| | |
|---|---|
| Abbott | Mountford |
| Bradley | Odom |
| Cate | Sanguin |
| Davis | Skeith |
| Fine | Sparkman |
| Greenhaw | Townsend |
| Hargrave | |

Alternates:

| | |
|---|---|
| Andrews | Spearman |
| Bamberger | Stratton |
| Payne | |

## MESSAGE FROM THE HOUSE

Advising passage of and transmitting for consideration Engrossed:

**HB 1107**—By McCune—An Act relating to civil procedure; amending 12 O.S. 1971, §§ 173 and 187; providing service of summons or notice may be made upon out of state and unknown party defendants in any action; providing manner, requisites and procedures for so doing and for making service by publication and by personal service; authorizing the use of certain phrases as including the meanings attributed to certain other terms and phrases; providing procedures; making cumulative to other laws the provisions hereof; repealing 12 O.S. 1971, §§ 170, 171, 172 and 175, and repealing 18 O.S. 1971, §§ 661, 662 and 663 and repealing 52 O.S. 1971, §§ 504 and 505; and providing for effective date.

**HB 1344**—By Payne, Nance, Cartwright, Cotner, Rogers, Williamson, Atkins and Boettcher—An Act relating to consumer protection; providing for protection to buyers against fraud and certain other practices by sellers; providing for short title; defining terms; declaring certain acts to be unlawful; vesting authority in the Attorney General for enforcement of Act and prescribing procedure for en-

forcement; providing for civil penalties for violation of Act; making provisions of Act cumulative to other laws with respect to remedies; providing for severability; fixing operative date; and declaring an emergency.

**HB 1533**—By Boren—An Act relating to motor vehicles; amending 47 O.S. 1971, §§ 651 and 660, to cover certain other services of motor service clubs; providing for registration of agents of motor service clubs, and fixing fees therefor; providing grounds for revolting, suspending or refusing to renew agents' licenses; repealing 47 O.S. 1971, § 653; and declaring an emergency.

**HB 1542**—By Wayland and Gooden—An Act relating to the Board of Public Affairs; amending 74 O.S. 1971, § 85.9; allowing advertisment of auctions or sealed bid sales; directing payment of advertisement costs; specifying newspaper publications and date; defining terms; and declaring an emergency.

**HB 1650**—By Sullivan and Boettcher of the House and Hamilton of the Senate—An Act relating to workmen's compensation; amending 85 O.S. 1971, § 131; providing for liability insurance protection to employers of employees subject to the federal longshoremen's and harbor workers' act.

**HB 1659**—By Trent of the House and Garrett of the Senate—An Act relating to taxation; amending 68 O.S. 1971, § 2409.1, to extend time for notifying tax assessor of change in use of property with homestead exemption; prescribing penalty for intentionally or knowingly permittig unlawful and improper allowace of homestead exemption; and declaring an emergency.

**HB 1660**—By Trent of the House and Garrett of the Senate—An Act relating to taxation; amending 68 O.S. 1971, § 2406, defining a homestead exemption; providing that a person actually residing and domiciled in residence on January 1 is deemed to be record owner as of that date if deed or other evidence of ownership is of record on February 1; and declaring an emergency.

**HB 1702**—By McCune and Green—An Act relating to counties and county officers; authorizing the county treasurer in each county to destroy certain records that have been on file in his office for certain lengths of time, and, if the county treasurer of a county complies with requirements of law as to microfilming, to destroy certain records after microfilming and designating the period of time that the film of the original record must be retained by the county treasurer; repealing 19 O.S. 1971, § 155, and 68 O.S. 1971, §§ 24234, 24235 and 24236; and declaring an emergency.

**HB 1703**—By McCune and Green—An Act relating to county officers; authorizing the county clerk to destroy certain old or no longer needed public records and certain other public records upon compliance with conditions prescribed by law; and declaring an emergency.

**HB 1723**—By Tarwater—An Act relating to uniform accident and group health and life insurance on employees and officers of the State of Oklahoma; providing maximum for which reemployed exemployees and new employees who are sixty-five years of age and older may be insured in plan authorized by State Employees Group Health and Life Insurance Act, Sections 1301 through 1317, Title 74 of the Oklahoma Statutes; providing exceptions; and declaring an emergency.

**HB 1754**—By Abbott—(State Department of Health and emergency).

The above numbered **HBs** were read for the first time.

## MESSAGE FROM THE HOUSE

Advising the signing of and transmitting for signature Enrolled **HCR 1068.**

The above numbered Enrolled Resolution was properly signed and ordered returned to the Honorable House.

Senator Murphy moved to amend **SB 515,** Page 25, Lines 4 and 5, by striking before the word "After the", the letter "(9)", and on Line 5 change "paragraph (3)" to read "paragraph (4)", which amendment was declared adopted.

Senator Murphy moved to amend **SB 515,** Page 26, Line 2, by striking after the word "If", and before the word "county", on Line 3, the word "no", which amendment was declared adopted.

Senator Hamilton moved to amend **SB 515,** Page 26, et seq, as follows: By striking Section 14, which amendment was tabled upon motion of Senator Murphy, the roll call thereon being as follows:

Aye: Baggett, Dahl, Garrett, Grantham, Graves, Hargrave, Holden, Howard, Howell, Luton, McCune, McSpadden, Martin, Murphy, Smalley, Smith, Trent.—17.

Nay: Baldwin, Berrong, Birdsong, Capps, Ferrell, Field, Hamilton, Keels, Lamb, Lane, Rogers, Stansberry, Taliaferro, Williams, Young.—15.

Excused: Boecher, Bradley, Breckinridge, Crow, Garrison, Ham, Inhofe, McGraw, Medearis, Miller, Nichols, Payne, Phillips, Porter, Stipe, Terrill.—16.

Senator Howell moved to amend **SB 515,** Page 27, Line 5, by inserting after the word "programs" and before the word "all", the following: "any student regularly enrolled in school", which amendment was declared adopted.

Senator Hamilton moved to amend **SB 515,** Page 28, et seq, as follows: By striking Section 15, which amendment was tabled upon motion of Senator Murphy, the roll call thereon being as follows:

Aye: Baggett, Birdsong, Breckinridge, Capps, Dahl, Ferrell, Garrett, Garrison, Grantham, Graves, Ham, Hargrave, Howard, Howell, Luton, McSpadden, Martin, Murphy, Smalley, Smith, Terrill, Trent.—22.

Nay: Baldwin, Berrong, Field, Hamilton, Holden, Keels, Lamb, Lane, McCune, Miller, Nichols, Rogers, Stansberry, Taliaferro, Williams, Young.—16.

Excused: Boecher, Bradley, Crow, Inhofe, McGraw, Medearis, Payne, Phillips, Porter, Stipe.—10.

Senator Baggett moved to amend **SB 515**, Page 28, Line 9½, by inserting after Line 9, and before Line 10, the following new section:

"SECTION 19. O.S. 1971, § 229, is amended to read as follows:

"§ 229. As used in this act unless the context clearly requires otherwise:

"(a) 'Benefits' means the money payments payable to an individual, as provided in [*the Oklahoma Employment Security Act, Chapter 6 of Title 40 O.S. 1961, as amended, and as amended by this act*]"

"SECTIONS 211 ET SEQ. OF THIS TITLE with respect to his unemployment, including extended benefits paid under Section [*6*] 235 of this [*act*] TITLE. The federal share of such extended benefits shall not be construed as benefits for the purposes of computing contribution rates under Section 217 (c) of Title 40 of the Oklahoma Statutes.

"(b) 'Commission' means the Oklahoma Employment Security Commission and 'Commissioner' means a member of such Commission.

"(c) 'Contributions' means the (taxes) money payments required by this act to be paid into the Unemployment Compensation Fund by an employer.

"(d) 'Employing Unit' means any individual or type of organization, including any partnership, association, trust, estate, joint stock company, insurance company or corporation, whether domestic or foreign, or the receiver, trustee in bankruptcy, trustee or successor thereof, or the legal representative of a deceased person, which has or subsequent to January 1, 1936, had in its employ one or more individuals performing services for it within this state. All individuals performing services within this state for any employing unit

ment wages totaling One Thousand Five Hundred Dollars ($1,500.00) or more; or

"(4) Any employing unit which, together with one or more other employing units, is owned or controlled, by legally enforceable means or otherwise, directly by the same interest, or which owns or controls one or more other employing units, by legally enforceable means or otherwise, and which, if treated as a single unit with such other employing unit, would be an employer under Paragraph (1) of this subsection; or

"(5) Any employing unit which, having become an employer under Paragraph (1), (2), (3), (4), or (9) of this subsection has not under Section 218 of Title 40 of the Oklahoma Statutes, as amended by Section 3 of this act, ceased to be an employer subject to said Oklahoma Employment Security Act, as amended by this act; or

"(6) For the effective period of its election pursuant to Section 218 (c), any other employing unit which has elected to become subject to this act; or

"(7) Any department of this state and other states and instrumentalities of both thereof for which service in employment, as defined in Subsection (f) (1) (B) of this section, is performed after December 31, 1971; or

"(8) Any Department of the State of Oklahoma for which service in employ ment, as defined in Subsection (f) (1) (C) of this section, is performed after December 31, 1971; or

"(9) Any employing unit for which service in employment, as defined in Subsection (f) (1) (D) of this section, is performed after December 31, 1971; or

"(10) For purposes of paragraphs (1) and (9) of this subsection, employment shall include service which would constitute employment but for the fact that such service is deemed to be performed entirely within another state pursuant to an election under an arrangement entered into in accordance with Section 233, Title 40 of the Oklahoma Statutes, as amended by Section 5 of this act, by the Commission and an agency charged with the administration of any state or federal unemployment compensation law; or

"(11) Any employing unit not an employer by reason of this or any other paragraph of this subsection for which within either the current or preceding calendar year, service is or was performed with respect to which such employing unit is liable for any federal tax against which credit may be taken for contributions required to be paid into a state unemployment fund, or which, as a condition for approval of said Oklahoma Employment Security Act, as amended by this act, for full tax credit against the tax imposed by the Federal Unemployment Tax Act, is required, pursuant to such Act, to be an 'employer' as defined by said Oklahoma Employment Security Act, as amended by this act; or

"(12) Any political subdivision of the State of Oklahoma which elects to become an emploeyr and for which service in employment, as authorized and defined by Section [9] 238 of this [*act*] TITLE, is performed after December 31, 1971.

"(f) (1) 'Employment' means:

"(A) Any service performed prior to January 1, 1972, which was employment as defined in Section 229, Title 40 of the Oklahoma Statutes, prior to such date, and subject to the other provisions of this subsection, service performed after December 31, 1971, including service in interstate commerce by

"(i) any officer of a corporation; or

"(ii) any individual who, under the usual common law rules applicable in determining the employer-employee relationship, has the status of an employee; or

"(iii) any individual other than an individual who is an employee under subdivision (i) or (ii) who performs services for remuneration for any person:

"(I) as an agent-driver or commission-driver engaged in distributing meat products, vegetable products, fruit products, bakery products, beverages other than

milk, or laundry or dry cleaning services, for his principal;

"(II) as a traveling or city salesman, other than as an agent-driver or commission-driver, engaged upon a full-time basis in the solicitation on behalf of, and the transmission to, his principal, except for sideline sales activities on behalf of some other person, of orders from wholesalers, retailers, contractors, or operators of hotels, restaurants or other similar establishments for merchandise for resale or supplies for use in their business operations;

"Provided, that for purposes of subparagraph (A) (iii), the term "employment" shall include services described in (I) and (II) above performed after December 31, 1971, if:

"1. The contract of service contemplates that substantially all of the services are to be performed personally by such individual;

"2. The individual does not have a substantial investment in facilities used in connection with the performance of the services, other than in facilities for transportation; and

"3. The services are not in the nature of a single transaction that is not part of a continuing relationship with the person for whom the services are performed.

"(B) Service performed after December 31, 1971, by an individual in the employ of this state or any of its instrumentalities, or in the employ of this state and one or more other states or their instrumentalities, for a hospital or institution of higher education, located in this state, including seasonal or temporary employment.

"(C) Service performed after December 31, 1971, in the employ of this state, other than services defined in subparagraph (B) of this subsection; that is, each officer or employee in the service of the State of Oklahoma who, after December 31, 1971, receives his compensation for service rendered to the State of Oklahoma on a warrant or check issued pursuant to a payroll certified by a department or by an elected or duly appointed officer of this state or who receives payment for the performance of personal services on a warrant issued pursuant to a payroll certified by a department and drawn by the State Auditor upon the State Treasurer against appropriations made by the Legislature from any state fund or against trust funds held by the State Treasurer, excluding any person chosen by election or appointment to fill an elective office, excluding seasonal or temporary employment, and excluding any services performed by an inmate of a state penal institution.

"(D) Service performed after December 31, 1971, by an individual in the employ of a community chest, fund, foundation or corporation, organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation, and which does not participate in, or intervene in, including the publishing or distributing of statements, any political campaign on behalf of any candidate for public office; provided that such organization had four or more individuals in employment for some portion of a day in each of twenty (20) different weeks, whether or not such weeks were consecutive, within either the current or preceding calendar year, regardless of whether they were employed at the same moment of time.

"(E) For the purposes of subparagraphs (B), (C) and (D) the term 'employment' does not apply to service performed

"(i) in the employ of (I) a church or convention or association of churches, or (II) an organization which is operated primarily for religious purposes and which is operated supervised, controlled, or principally supported by a church or convention or association of churches;

"(ii) by a duly ordained, commissioned or licensed minister of a church in the exercise of his ministry or by a member of a religious order in the exercise of duties required by such order;

"(iii) in the employ of a school which is not an institution of higher education;

"(iv) in a facility conducted for the purpose of carrying out a program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury or providing remunerative work for individuals who, because of their impaired physical or mental capacity, cannot be readily absorbed in the competitive labor market by an individual receiving such rehabilitation or remunerative work;

"(v) as part of an unemployment work-relief or work-training program assisted or financed in whole or in part by any federal agency or an agency of a state or political subdivision thereof, by an individual receiving such work-relief or work-training; or

"(vi) for a hospital in a state prison or other state correctional institution by an inmate of the prison or correctional institution.

"(F) The term 'employment' shall include the service of an individual who is a citizen of the United States, performed outside the United States, except in Canada or the Virgin Islands, after December 31, 1971, in the employ of an American employer other than service which is deemed 'employment' under the provi sions of paragraph (2) or (3) of this subsection or the parallel provisions of another state's law, if:

"(i) the employer's principal place of business in the United States is located in this state;

"(ii) the employer has no place of business in the United States, but

"(I) the employer is an individual who is a resident of this state;

"(II) the employer is a corporation which is organized under the laws of this state; or

"(III) the employer is a partnership or a trust and the number of the partners or trustees who are residents of this state is greater than the number who are residents of any one other state;

"(iii) none of the criteria of divisions (i) and (ii) of this subparagraph is met but the employer has elected coverage in this state or, the employer having failed to elect coverage in any state, the individual has filed a claim for benefits, based on such service, under the law of this state.

"(iv) An 'American employer,' for purposes of this paragraph, means a person who is

"(I) an individual who is a resident of the United States;

"(II) a partnership if two-thirds or more of the partners are residents of the United States;

"(III) a trust, if all of the trustees are residents of the United States; or

"(IV) a corporation organized under the laws of the United States or of any state.

"(V) The term 'United States' for the purposes of this paragraph includes the states, the District of Columbia and the Commonwealth of Puerto Rico.

"(G) Notwithstanding subsection (f) (2) of this section all service performed after December 31, 1971, by an officer or member of the crew of an American vessel on or in connection with such vessel, if the operating office, from which the operations of such vessel operating on navigable waters within, or within and without, the United States are ordinarily and regularly supervised, managed, directed and controlled is within this state; and

"(H) Notwithstanding any other provisions of this subsection, service with respect to which a tax is required to be paid under any federal law imposing a tax against which credit may be taken for contributions required to be paid into a state unemployment fund or which as a

condition for full tax credit against the tax imposed by the Federal Unemployment Tax Act is required to be covered under this act.

"(2) The term 'employment' shall include an individual's entire service, performed within or both within and without this state if:

"(a) The service is localized in this state; or

"(b) The service is not localized in any state but some of the service is performed in this state and (1) the individual's base of operations, or, if there is no base of operations, then the place from which the individual's employment is directed or controlled is in this state; or (2) the individual's base of operations or place from which such service is directed or controlled is not in any state in which some part of the service is performed but the individual's residence is in this state.

"(3) (a) Services covered by an election pursuant to Section 218 (c) of this act, and (b) services covered by an arrangement pursuant to Section 233 as amended by this act between the Commission and the agency charged with the administration of any other state or federal unemployment compensation law, pursuant to which all services performed by an individual for an employing unit are deemed to be performed entirely within this state, shall be deemed to be employment if the Commission has approved an election of the employing unit for whom such services are performed, pursuant to which the entire service of such individual during the period covered by such election is deemed to be insured work.

"(4) Service shall be deemed to be localized within a state if:

"(a) The service is performed entirely within such state; or

"(b) The service is performed both within and without such state, but the service performed without such state is incidental to the individual's service within the state; for example, is temporary or transitory in nature or consists of isolated transactions.

"(5) Nothwithstanding any other provision of this subsection, services performed by an individual for wages or under any contract of hire shall be deemed to be employment subject to this act unless and until it is shown to the satisfaction of the Commission that:

"(a) Such individual has been and will continue to be free from control or direction over the performance of such services, both under his contract of hire and in fact; and

"(b) Such individual is customarily engaged in an independently established trade, occupation, profession, or business; or

"(c) Such service is outside the usual course of the business for which such service is performed and that such service is performed outside of all the places of business of the enterprise for which such service is performed.

"(6) the term 'employment' shall not include:

"(a) Services performed in the employ of the owner or tenant operating a farm, in connection with the cultivation of the soil, the harvesting of crops, or the raising, feeding, or management of livestock, poultry, bees, furbearing animals and wildlife, nurseries, or greenhouses or in connection with the processing, packing or marketing of produce of such farms, nurseries or greenhouses and as an incident to such agricultural operations, as herein mentioned.

"(b) Domestic service in a private home, local college club, or local chapter of a college fraternity or sorority;

"(c) Service performed by an individual in the employ of his son, daughter, or spouse, and service performed by a child under the age of [*twenty one (21)*] EIGHTEEN (18) YEARS in the employ of his father or mother;

"(d) Service performed in the employ of the United States Government or an instrumentality of the United States exempt under the Constitution of the United States from the contributions imposed by this act, except that to the extent that the Congress of the United States shall permit states to require any instrumentalities of the United States to make payments into an unemployment fund under a state unemployment compensation law, all of the provisions of this act shall be applicable to such instrumentalities, and to services performed for such instrumentalities, in the same manner, to the same extent, and on the same terms as to all other employers, employing units, individuals and services; provided that if this state shall not be certified for any year by the Secretary of Labor of the United States under Section 3304 (c) of the Federal Internal Revenue Code, the payments required of such instrumentalities with respect to such year shall be refunded by the Commission from the fund in the same manner and within the same period as is provided in Section 224 (d) of this act with respect to contributions erroneously collected;

"(e) Service performed in the employ of this state or of any state, or of any political subdivision thereof, or any instrumentality of any one or more of the foregoing which is wholly owned by this state or by one or more states or political subdivisions; and any service performed in the employ of any instrumentality of this state or of one or more states or political subdivisions to the extent that the instrumentality is, with respect to such service, exempt under the Constitution of the United States from the tax imposed by Section 3301 of the Federal Internal Revenue Code, except as otherwise provided in Subsection (f) (1) (B) and (C) of this section and Section 9 of this act;

"(f) Service with respect to which unemployment compensation is payable under an unemployment compensation system established by an act of Congress;

"(g) Service performed in the employ of a foreign government, including service as a consular or other officer or employee or a nondiplomatic representative;

"(h) Service performed in the employ of an instrumentality wholly owned by a foreign government:

"(1) If the service is of a character similar to that performed in foreign countries by employees of the United States Government or of an instrumentality thereof; and

"(2) If the Commission finds that the United States Secretary of State has certified to the United States Secretary of the Treasury that the foreign government, with respect to whose instrumentality exemption is claimed, grants an equivalent exemption with respect to similar service performed in the foreign country by employees of the United States Government and of instrumentalities thereof;

"(i) Service covered by an arrangement between the Commission and the agency charged with the administration of any other state or federal unemployment compensation law pursuant to which all services performed by an individual for an employing unit during the period covered by such employing unit's duly approved election, are deemed to be performed entirely within the jurisdiction of such other state or federal agency;

"(j) Service performed as a student nurse in the employ of a hospital or a nurses' training school by an individual who is enrolled and is regularly attending classes in a nurses' training school chartered or approved pursuant to state law; and service performed as an interne in the employ of a hospital by an individual who has completed a four-year course in a medical school chartered or approved pursuant to state law;

"(k) Service performed by an individual for a person, firm, association, trust, partnership or corporation as an insurance agent or as an insurance solicitor, if all

such service performed by such individual for such person is performed for remuneration solely by way of commissions or fees;

"(l) Service performed by an individual under the age of eighteen (18) in the delivery and distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution.

"(m) Service performed in the employ of a school, college or university, if such service is performed (i) by a student who is enrolled and is regularly attending classes at such school, college, or university, or (ii) by the spouse of such a student, if such spouse is advised, at the time such spouse commences to perform such service, that (I) the employment of such spouse to perform such service is provided under a program to provide financial assistance to such student by such school, college, or university, and (II) such employment will not be covered by any program of unemployment insurance.

"(n) Service performed by an individual under the age of twenty-two (22) who is enrolled at a nonprofit or public educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on as a student in a full-time program, taken for credit at such institution, which combines academic instruction with work experience, if such service is an integral part of such program, and such institution has so certified to the employer, except that this subparagraph shall not apply to service performed in a program established for or on behalf of an employer or group of employers;

"(o) Service performed in the employ of a hospital, if such service is performed by a patient of such hospital;

"(p) Services performed by cooperative extension personnel holding federal appointments employed by state institutions of higher learning;

"(q) Earnings of employees being paid by state warrants who are presently covered by the Federal Unemployment Compensation Act by virtue of their federal status.

"(g) 'Employment office' means a free public employment office or branch thereof operated by this or any other state as a part of a state-controlled system of public employment offices or by a federal agency charged with the administration of an unemployment compensation program or free public employment offices.

"(h) 'Fund' means the unemployment compensation fund established by this act.

"(i) 'State' includes, in addition to the states of the United States of America, the District of Columbia, Puerto Rico and the Virgin Islands.

"(j) An individual shall be deemed 'unemployed' with respect to any week during which he performed no services and with respect to which no wages are payable to him, or with respect to any week of less than full-time work if the wages payable to him with respect to such week are less than his weekly benefit amount plus Seven Dollars ($7.00); provided that for the purpose of this paragraph only, any vacation leave payments or sick leave payments, which such individual may receive or be entitled to from his employer or former employer, arising by reason of separation from employment, shall be deemed not to be wages as the term wages is used in his paragraph.

"Provided, however, that the provisions of this section shall become effective for the first week ending after June 1, 1959.

"(k) 'Employment Security Administration Fund' means the fund established by this act, from which administration expenses under this act shall be paid.

"(l) 'Wages' means all remuneration for services from whatever source, including commissions and bonuses and the cash value of all remuneration in any medium other than cash. Gratuities customarily received by an individual in the

course of his work from persons other than his employing unit shall be treated as wages received from his employing unit. The reasonable cash value of remuneration in any medium other than cash, and the reasonable amount of gratuities, shall be estimated and determined in accordance with rules prescribed by the Commission; provided that the term 'wages' shall not include:

"(1) For purposes of Sections 213 (b), 213 (e), and 217 of this title, that part of the remuneration which, after remuneration equal to Four Thousand Two Hundred Dollars ($4,200.00) has been paid to an individual by an employing unit with respect to employment during a calendar year, beginning after December 31, 1971, is paid to such individual by such employing unit with respect to employment during such calendar year; provided further, that if, when and during such time as the definition of the term "wages" as contained in the Federal Unemployment Tax Act includes wages in excess of four Thousand Two Hundred Dollars ($4,200.00) paid to an individual by an employing unit during any calendar year, then only the sum received in excess of the amount included in the Federal Unemployment Tax Act shall be excluded from the above definition of wages; provided, further, 'wages' shall not include that part of the [*renumeration*] REMUNERATION which, after remuneration equal to Four Thousand Two Hundred Dollars ($4,200.00) of the amount provided for in the next preceding proviso, has been paid to an individual by an employing unit during the calendar year for services covered by this act or other state unemployment compensation acts, is paid to such individual by such employing unit for services covered by this act; provided that if an employer, hereinafter referred to as successor employer, during any calendar year after 1952 acquires substantially all the property used in a trade or business of another employer, hereinafter referred to as a predecessor, or used in a separate unit of a trade or business of a predecessor, and immediately after the acquisition employs in his trade or business an individual who immediately prior to the acquisition was employed in the trade or business of such predecessor, then, for the purpose of determining whether the successor employer has paid remuneration, other than remuneration referred to in the succeeding paragraphs of this subsection, with respect to employment equal to Four Thousand Two Hundred Dollars ($4,200.00) to such individual during such calendar year, any remuneration, other than remuneration referred to in the succeeding paragraphs of this subsection, with respect to employment paid, or considered under this paragraph as having been paid, to such individual by such predecessor during such calendar year and prior to such acquisition shall be considered as having been paid by such successor or employer;

"(2) The amount of any payment with respect to services performed after June 30, 1951, to or on behalf of an individual in its employ under a plan or system established by an employing unit which makes provision for individuals in its employ generally, or for a class or classes of such individuals, including any amount paid by an employing unit for insurance or annuities, or into a fund to provide for any such payment, on account of (a) retirement, or (b) sickness or accident disability, or (c) medical and hospitalization expenses in connection with sickness or accident disability, OR (d) death, provided the individual in its employ (1) has not the option to receive, instead of provision for such death benefit, any part of such payment, or if such death benefit is insured, any part of the premium or contributions to premiums paid by his employing unit and (2) has not the right, under the provisions of the plan or system or policy of insurance providing for such death benefit, to assign such benefit, or to receive cash consideration in lieu of such benefit either upon his withdrawal from the plan or system providing for such

benefit or upon termination of such plan or system or policy of insurance or of his services with such employing unit, or (e) a bona fide thrift or savings fund, providing (1) such payment is conditioned upon a payment of a substantial sum by such individuals in its employ, and (2) that such sum paid by the employing unit, cannot under the provisions of such plan be withdrawn by an individual more frequently than once in any twelve-month period, except upon an individual's separation from that employment;

"(3) The payment by an employing unit, without deduction from the remuneration of the individual in its employ, of the tax imposed upon an individual in its employ under Section 3101 of the Federal Internal Revenue Code with respect to services performed after June 30, 1941; or

"(4) Dismissal payments after December 31, 1939, which the employing unit is not legally required to make by law or contract.

"(m) 'Week' means such period of seven (7) consecutive days, as the Commission may by regulation prescribe.

"(n) 'Benefit year' with respect to any individual means the one-year period beginning with the first day of the first week with respect to which the individual first files a valid claim for benefits and thereafter the one-year period beginning with the first day of the first week with respect to which the individual next files a valid claim for benefits after the termination of his last preceding benefit year.

"Any claim for benefits made in accordance with Section 216 (b) of this act shall be deemed a valid claim for the purpose of this subsection if the individual has been paid the wages for insured work required under Section 214 (e) of this act.

"(o) 'Base period' means the first four (4) of the last five (5) completed calendar quarters immediately preceding the first day of an individual's benefit year.

"(p) 'Calendar quarter' means the period of three consecutive calendar months ending on March 31, June 30, September 30, or December 31, or the equivalent thereof as the Commission may by regulation prescribe.

"(q) 'Insured work' means employment for employers as defined by this act.

"(r) 'Wages paid,' as used in Sections 213 (b) 213 (e), 214 (e) and 217 (b) (2) of Title 40 of the Oklahoma Statutes, means wages actually paid to the worker; provided, however, that in the event of any distribution of an employer's assets through insolvency, receivership, composition, assignment for the benefit of creditors, or termination of business, wages earned but not actually paid shall be considered as paid.

"(s) 'Institution of higher education' means an educational institution which:

"(1) admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent of such certificate;

"(2) is legally authorized in this state to provide a program of education beyond high school;

"(3) provides an educational program for which it awards a bachelor's or higher degree, or provides a program which is acceptable for full credit toward such degree, a program of post-graduate or post-doctoral studies, or a program of training to prepare students for gainful employment in a recognized occupation; and

"(4) is a public or other nonprofit institution. Notwithstanding any of the foregoing provisions of this subsection, all colleges and universities in this state are institutions of higher education for purposes of this section.

"(t) 'Hospital' means any hospital required to be licensed under the Public Health Code, SECTIONS 1-101 ET SEQ. OF Title 63 of the Oklahoma Statutes, and includes state mental hospitals and any other mental hospital or institution."; and renumber succeeding sections and amend the title to conform, which amendment was declared adopted.

Senator Baggett moved to amend **SB 515,** Page 41, Line 13½, by inserting after Line 13, and before Line 14, the following new section:

"Section—. 60 O.S. 1971, § 404(d) is hereby amended to read as follows:

"§404(d) To the extent that the custodial property is not so expended, the custodian shall deliver or pay it over to the minor on his attaining the age of [*twenty-one (21)*] EIGHTEEN (18) years or, if the minir dies before attaining the age of [*twenty-one (21)*] EIGHTEEN (18) years, he shall thereupon deliver or pay it over to the estate of the minor.", which amendment was declared adopted.

Senator Garrison presiding.

Senator Ferrell presiding.

Senator Baggett moved to amend **SB 515,** Page 44, Line 12½, by inserting after Line 12, and before Line 13, the following new section:

"Section—. Contracts, divorce decrees, child support orders, custodial accounts, trust indentures and other agreements, judgments and judicial orders made and entered into prior to the effective date of this Act shall not be affected hereby and the same shall be interpreted, construed and enforced as if this Act had not been enacted unless all of the parties thereto agree in writing that such instruments will be subject to the provisions of this Act.", which amendment was declared adopted.

Senator Murphy moved to amend **SB 515,** Page 44, Line 12, as follows: By deleting Line 12, which amendment was declared adopted.

## MOTION TO RECONSIDER VOTE

Senator Rogers asked for consideration of his motion to reconsider the vote by which the Lamb amendment to **SB 515,** re-Section 15, failed of adoption, which motion was declared adopted upon roll call as follows:

Aye: Baggett, Berrong, Capps, Ferrell, Field, Graves, Ham, Hamilton, Hargrave, Holden, Keels, Lamb, Lane, Luton, McSpadden, Martin, Miller, Payne, Rogers, Stansberry, Trent, Williams.—22.

Nay: Breckinridge, Crow, Dahl, Garrett, Garrison, Grantham, Howard, Howell, McCune, Murphy, Nichols, Smalley, Smith, Taliaferro, Terrill, Young.—16.

Excused: Baldwin, Birdsong, Boecher, Bradley, Inhofe, McGraw, Medearis, Phillips, Porter, Stipe.—10.

Senator Rogers moved that the Lamb amendment to **SB 515,** Page 28, Line 9, re Section 15, shown February 28, 1972, be adopted, which amendment was declared adopted, the roll call thereon being as follows:

Aye: Baggett, Berrong, Birdsong, Capps, Crow, Ferrell, Graves, Ham, Hamilton, Hargrave, Holden, Lamb, Lane, Luton, Martin, Miller, Rogers, Trent, Williams, Young.—20.

Nay: Breckinridge, Dahl, Garrison, Grantham, Howard, Howell, McCune, Medearis, Murphy, Nichols, Smalley, Smith, Terrill.—13.

Excused: Baldwin, Boecher, Bradley, Field, Garrett, Inhofe, Keels, McGraw, McSpadden, Payne, Phillips, Porter, Stansberry, Stipe, Taliaferro.—15.

Senator Lamb asked unanimous consent that his amendment to **SB 515,** Page 6, Lines 5-15, be withdrawn, which was the order.

Upon motion of Senator Murphy, **SB 515,** as co-authored and amended, was advanced to engrossment.

By unanimous consent, upon request of Senator Murphy, **SB 515,** as co-authored and amended, was considered engrossed and placed on third reading and final passage.

President Pro Tempore Smith presiding.

## THIRD READING

**SB 515** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Berrong, Birdsong, Breckinridge, Capps, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hargrave, Holden, Howard, Howell, Keels, Lamb, Luton, McCune, McSpadden, Martin, Medearis, Murphy, Nichols, Rogers, Smalley, Smith, Taliaferro, Terrill, Trent.—32.

Nay: Baldwin, Crow, Hamilton, Lane, Miller, Porter, Williams, Young.—8.

Excused: Boecher, Bradley, Inhofe, McGraw, Payne, Phillips, Stansberry, Stipe. —8.

The bill was declared passed.

**SB 515** was referred for engrossment.

## MOTION TO RECONSIDER VOTE

Senator Grantham asked unanimous consent, which was granted, that the time be extended until March 1, 1972, for consideration of his motion to reconsider the vote by which the Emergency section on **HB 1293** failed of passage.

## GENERAL ORDER

**HJR 1005** by Briscoe, et al, of the House, and Crow, Graves, Garrison, McSpadden, Dahl, Boecher, Stipe and Martin of the Senate was read and considered.

Senator Smalley moved to amend **HJR 1005,** Page 3, Line 12, by striking after the word "SHALL" on Line 12, and before the word "ENACT" on Line 13, the words "BE EMPOWERED", which amendment was tabled upon motion of Senator Crow.

Upon motion of Senator Crow, **HJR 1005** was advanced to engrossment.

By unanimous consent, upon request of Senator Crow, **HJR 1005** was considered engrossed and placed on third reading and final passage.

Senator Hamilton raised the question of "No Quorum". President Pro Tempore Smith ordered the roll called, following which he declared a quorum present.

## THIRD READING

**HJR 1005,** as amended, was read for the third time at length, as follows:

Second Committee Substitute for Engrossed House Joint Resolution No. 1005— By Briscoe, Townsend, Bernard, Boren, Cox, Payne, Stratton, Wickersham, Robinson, Huddleston, Gooden, Pierce, Whorton and Wayland of the House and Crow, Graves, Garrison, McSpadden, Dahl, Boecher, Stipe and Martin of the Senate— A Joint Resolution directing the Secretary of State to refer to the people ofr their approval or rejection a proposed amendment of Section 8 of Article X of the Constitution of the State of Oklahoma relating to valuation of property for taxation; providing limit on assessment of real property; providing for assessment upon value and use classification; allowing a certain exception to reassessment; prescribing certain duties of the Legislature; providing a ballot title; and ordering a special election.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE 2D SESSION OF THE 33D OKLAHOMA LEGISLATURE:

SECTION 1. The Secretary of State shall refer to the people for their approval or rejection, as and in the manner provided by law, the following proposed amendment to Section 8 of Article X of the Constitution of the State of Oklahoma, to read as follows:

§ 8. All property which may be taxed ad valorem shall be assessed for taxation at its fair cash value, estimated at the price it would bring at fair voluntary sale, except real property and tangible personal property shall not be assessed for taxation at more than thirty-five percent (35%) of its fair cash value, estimated at the price it would bring at a fair voluntary sale [*: and any*]. PROVIDED, HOWEVER, THAT NO REAL PROPERTY SHALL BE ASSESSED FOR AD VALOREM TAXATION AT A VALUE GREATER THAN THIRTY-FIVE PERCENT (35%) OF ITS FAIR CASH VALUE FOR THE HIGHEST AND BEST USE FOR WHICH SUCH PROPERTY WAS AC-

TUALLY USED, OR WAS PREVIOUSLY CLASSIFIED FOR USE, DURING THE CALENDAR YEAR NEXT PRECEDING THE FIRST DAY OF JANUARY ON WHICH THE ASSESSMENT IS MADE. PROVIDED, FURTHER, THAT THE TRANSFER OF PROPERTY WITHOUT A CHANGE IN ITS USE CLASSIFICATION SHALL NOT REQUIRE A REASSESSMENT BASED EXCLUSIVELY UPON THE SALE VALUE OF SUCH PROPERTY. IN CONNECTION WITH THE FOREGOING, THE LEGISLATURE SHALL BE EMPOWERED TO ENACT LAWS DEFINING CLASSIFICATION OF USE FOR THE PURPOSE OF APPLYING STANDARDS TO FACILITATE UNIFORM ASSESSMENT PROCEDURES IN THIS STATE. ANY officer or other person authorized to assess values or subjects for taxation, who shall commit any wilful error in the performance of his duty, shall be deemed guilty of malfeasance, and upon conviction thereof shall forfeit his office and be otherwise punished as may be provided by law.

SECTION 2. The ballot title for the proposed amendment as set forth in Section 1 of this Resolution shall be in the following form:

BALLOT TITLE

Leigslative Referendum No. ----

State Question No. ----

THE GIST OF THE
PROPOSITION IS AS FOLLOWS:

Shall a Constitutional Amendment

amending Section 8, Article X, Oklahoma Constitution, which relates to assessment of property for ad valorem taxation, to provide for assessment of real property at not more than thirty-five percent (35%) of its fair cash value for the highest and best use as actually used, or was previously classified for use, during the previous calendar year; provided that a transfer of property without a change in use shall not require a reassessment based exclusively upon the sale value and directing the Legislature to define classification of use

be approved by the people?

☐ YES

SHALL THE PROPOSED
AMENDMENT BE APPROVED?

☐ NO

SECTION 3. The Chief Clerk of the House of Representatives shall, immediately after the effective date of this Resolution, prepare and file one copy thereof, including said ballot title, with the Secretary of State and one copy with the Attorney General.

SECTION 4. A special election is hereby ordered to be held throughout the State of Oklahoma on the date of the next ensuing special election held throughout the state or on the date of the next ensuing statewide primary election, whichever is earlier, at which the proposed amendment to the Constitution of the State of Oklahoma set forth in Section 1 of this Resolution shall be submitted to the people of Oklahoma for their approval or rejection as and in the manner provided by law.

On the question of the passage of Resolution the roll call was as follows:

Aye: Baldwin, Berrong, Birdsong, Capps, Crow, Dahl, Ferrell, Field, Garrison, Grantham, Graves, Ham, Hamilton, Hargrave, Holden, Howard, Lamb, Lane, Luton, McSpadden, Martin, Medearis, Miller, Murphy, Payne, Rogers, Smith, Terrill, Williams, Young.—30.

Nay: Baggett, Breckinridge, Garrett, Howell, Keels, McCune, Porter, Smalley.—8.

Excused: Boecher, Bradley, Inhofe, McGraw, Nichols, Phillips, Stansberry, Stipe, Taliaferro, Trent.—10.

The Resolution was declared passed.

The question being, "Shall **HJR 1005,** by Briscoe, et al, of the House and Crow, Graves, Garrison, McSpadden, Dahl, Boecher, Stipe and Martin of the Senate, entitled:

A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection a proposed amendment of Section 8 of Article X of the Constitution of the State of Oklahoma relating to valuation of property for taxation; providing limit on assessment of real property; providing for assessment upon value and use classification; allowing a certain exception to reassessment; prescribing certain duties of the Legislature; providing a ballot title; and ordering a special election,

be ordered referred by the Legislature of the State of Oklahoma for approval or rejection at a special election to be held throughout the State of Oklahoma on the date of the next ensuing special election held throughout the state or on the date of the next ensuing statewide primary election whichever is earlier, as provided in Section 4 of said Resolution, which Special Election is hereby ordered and authorized on the date of the next ensuing special election held throughout the state or on the date of the next ensuing statewide primary election, whichever is earlier, as provided in Section 1, of Article 24 of the Constitution of Oklahoma?"

The roll was ordered called and resulted as follows:

Aye: Baldwin, Berrong, Birdsong, Capps, Crow, Dahl, Ferrell, Field, Garrison, Grantham, Graves, Ham, Hamilton, Hargrave, Holden, Howard, Lamb, Lane, Luton, McSpadden, Martin, Medearis, Miller, Murphy, Payne, Porter, Rogers, Smith, Terrill, Trent, Williams, Young.—32.

Nay: Baggett, Breckinridge, Garrett, Howell, Keels, McCune, Smalley.—7.

Excused—Boecher, Bradley, Inhofe, McGraw, Nichols, Phillips, Stansberry, Stipe, Taliaferro.—9.

The President Pro Tempore, in open session, declared that a constitutional two-thirds majority of the members elected to and constituting the Senate had voted in favor of calling the Special Election.

**HJR 1005,** as amended, was ordered referred for engrossment.

## MOTION TO RECONSIDER VOTE

Senator Howell asked for consideration of Senator Baggett's motion to reconsider the vote by which **SB 530** passed, which motion was declared adopted, the roll call thereon being as follows:

Aye: Baggett, Baldwin, Breckinridge, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Hargrave, Holden, Howard, Howell, Keels, Lamb, Lane, Luton, McCune, McSpadden, Martin, Medearis, Miller, Payne, Porter, Rogers, Smalley, Smith, Terrill, Trent, Williams, Young.—35.

Excused: Berrong, Birdsong, Boecher, Bradley, Capps, Inhofe, McGraw, Murphy, Nichols, Phillips, Stansberry, Stipe, Taliaferro.—13.

Senator Howell moved to reconsider the vote by which **SB 530** was considered engrossed and placed upon third reading and final passage, which motion was declared adopted.

Senator Howell moved to reconsider the vote by which **SB 530** was advanced to engrossment, which motion was declared adopted.

## MESSAGE FROM THE HOUSE

Advising the signing of and returning Enrolled **SCR 71.**

The above numbered Enrolled Resolution was ordered referred to the Secretary of State.

## MESSAGE FROM THE HOUSE

Advising Conference granted on Engrossed **SBs 397, 408,** and **429,** and referring said Bills to **GCCA.**

## MESSAGE FROM THE HOUSE

Advising passage of and returning Engrossed **SB 374,** as coauthored by McCune, Beznoska, Duke, Robinson, Privett, Payne, Thornhill, Hopkins, Huddleston, Tarwater,

Williamson, Elder, Monks, Kardokus, and Whorton.

The above numbered Bill was referred for enrollment.

## MESSAGE FROM THE HOUSE

Advising adoption of and returning Engrossed **SCR 87.**

The above numbered Resolution was referred for enrollment.

Senator Terrill moved after the Clerk's desk is cleared, that the Senate stand adjourned to meet Wednesday, March 1, 1972, at 1:00 P.M., which motion prevailed.

## BILLS RELEASED

**HBs 1565** and **1737** were properly signed and ordered returned to the Honorable House.

Upon motion of Senator Terrill, the Senate adjourned to meet Wednesday, March 1, 1972, at 1:00 P.M.

# Thirty-fourth Legislative Day

## Wednesday, March 1, 1972

Pursuant to adjournment, the Senate was called to order by Senator Terrill, who was designated so to do by the President Pro Tempore.

Upon roll call, the following members were present:

Baggett, Baldwin, Berrong, Birdsong, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Keels, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Porter, Rogers, Smalley, Smith, Stansberry, Taliaferro, Terrill, Trent, Williams, Young.—44.

Excused: Boecher, Bradley, Phillips, Stipe.—4.

President Pro Temport Smith presiding.

The President Pro Tempore declared a quorum present.

The following prayer was offered by the Chaplain and incorporated upon request of Senator Miller:

Almighty God, we are grateful You created persons with the capacity to make choices. When we face a clear-cut decision between right and wrong, give us courage to choose the right.

But so often our choices are less clear. Sometimes if we increase help to one important cause we must decrease support to another worthy group. On some occasions all alternatives involve some injustice.

Help us to know, O Lord, that in creating us free persons You chose to force into our hands this kind of responsibility.

Deliver us from using these difficulties as an excuse. Help us to hear Your divine call on every issue to choose what we believe is the best possible alternative.

In the midst of such dilemmas, strengthen us with Your strength, prod us to use all the wisdom we have and keep us ever mindful that You infinitely love each one of us.

We pray in the name of Jesus. Amen.

The Journal for the last legislative day was declared approved.

## COMMITTEE REPORTS

The following Bills and/or Resolutions were reported by the Committees named, ordered printed and placed upon the Calendar unless otherwise indicated:

SPECIAL COMMITTEE REPORT— **SCR 90**—reported back to Senate as per instructions.

DO PASS:

**SB 514**—Judiciary.

**SB 534**—Judiciary, co-authored by Cotner of the House.

**SB 553**—Judiciary, coauthored by McCune of the House.

**HB 1596**—Soil and Water Resources, Pursuant to dual referral, referred to Environmental Quality.

**HB 1597**—Soil and Water Resources. Pursuant to dual referral, referred to Environmental Quality.

**HB 1686**—Revenue and Taxation, co-authored by Senator Smalley.

**HB 1726**—Industrial and Labor Relations.

DO PASS, As Amended:

**CS** for **SB 314**—Commerce.

**SB 387**—Revenue and Taxation.

**CS** for **SB 434**—Industrial and Labor Relations, co-authored by Senators Birdsong and Smalley.

**SB 486—Judiciary.** Senators Murphy, Howell and Birdsong asked that their names be removed as co-authors. Pursuant to dual referral, referred to Public and Mental Health.

**SB 505**—Revenue and Taxation.

**SB 506**—Public and Mental Health, co-authored by Senators Baggett, Payne, Stansberry and Smalley.

**SB 519**—Roads and Highways, co-authored by Duke of the House.

**HB 1592**—Education — Common, co-authored by Senator Luton.

**HB 1639**—Roads and Highways, co-authored by Senator Holden.

## FIRST READING

The following Bills and/or Resolutions were introduced and read the first time:

**SJR 50**—By Baggett—A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection a proposed amendment to the Constitution of the State of Oklahoma; amending Article VI, Section 27, of the Oklahoma Constitution by providing that the Commissioner of Charities and Corrections be appointed by the Governor; and ordering a Special Election.

**SB 602**—By Baggett—An Act relating to elections; amending 26 O.S. 1971, §§ 345.1, 345.7, 345.10 and 345.16; setting procedure for obtaining ballot when absent from state; providing for affidavit of absent elector for voting; specifying officials authorized to administer oath; allowing eligible person to vote where termination of service is nearly simultaneous with registration deadline; authorizing use of the post card application for absentee ballot; repealing 26 O.S. 1971, §§ 345.2 and 345.3; directing codification; and declaring an emergency.

**SB 603**—By Field of the Senate and Harrison of the House—An Act relating to the Oklahoma Railroad Maintenance Authority; authorizing issuance of revenue bonds, which shall not constitute a state debt; providing purposes for which bonds may be issued; authorizing the fixing of form, terms and provisions of bonds; declaring such bonds to have qualities and incidents of negotiable instruments; authorizing sale of bonds at private or public sale; fixing maximum rate of interest thereon; providing for resolutions fixing purposes for which proceeds of bonds may be used; authorizing use of interim receipts or temporary bonds prior to preparation of definitive bonds; providing that in issuance of bonds under this act, no other law need be complied with; authorizing securing of bonds by trust agreements, which may pledge or assign revenues to be received; providing terms and provisions which may be contained in trust agreements to secure bond holders; authorizing the fixing, charging and collecting of lease rentals, and contracts with persons desiring to use any trackage or rights-of-way; prescribing disposition and use of lease rentals; providing for uses of revenues and for placing funds in sinking fund, and purposes for which same may be used; providing for redemption of bonds; providing that all monies received pursuant to this act shall be deemed to be trust funds and directing application thereof; authorizing suits by bond holders and others to protect and enforce rights and compel performance of duties required by this act; declaring bonds issued under this act to be securities in which certain funds and capital may be invested; vesting jurisdiction in Supreme Court; authorizing application to Supreme Court for approval of bonds and providing for incontestability after such approval; authorizing the authority to enter into contracts and agreements with the United States of America and departments, bureaus, agencies or instrumentalities thereof; making the authority the official agency of the state to receive

transportation grants and revenue refunds from federal government and apply same to purposes provided in this act; and declaring an emergency.

**SB 604**—By Stipe—An Act relating to employment security; amending 40 O.S. 1971, § 216, by reducing the time to ten days in which to file written objections by an employing unit to claim for benefits; and by providing that benefits shall be paid upon determination allowing the benefits until modified or reversed; and declaring an emergency.

**SB 605**—By Murphy—An Act relating to contractors of public works in the State of Oklahoma; creating "The State Licensing Board for Public Contractors" and providing for the appointment of its members; providing for the organization of the State Licensing Board for Public Contractors, and prescribing the duties, powers and compensation of said Board and the membership thereof; defining Public Contractor and providing for the licensing of persons, firms or corporations engaged in public contracting and for the revocation and suspension of such licenses; providing fees and the collection of the same and for payment thereof into the State Treasury and the use thereof; making violations of this act unlawful and providing punishment; providing for exceptions; prescribing rules of administration and conduct; providing contractors must pay state and local taxes; providing for appeal to district court in certain cases; providing for severability; and providing an effective date.

## SECOND READING

The following Bills and/or Resolutions were read the second time and referred to Committees indicated:

**SB 594**—Insurance.

**SB 595**—Education—Common.

**SB 596**—Governmental Reform.

**SB 597**—State and Federal Government.

**SB 598**—Revenue and Taxation.

**SB 599**—Industrial and Labor Relations.

**SB 600**—Rules.

**SB 601**—Industrial and Labor Relations.

**HB 1107**—Judiciary.

**HB 1344**—Commerce.

**HB 1533**—Commerce.

**HB 1542**—Governmental Reform.

**HB 1650**—Industrial and Labor Relations.

**HB 1659**—Revenue and Taxation.

**HB 1660**—Revenue and Taxation.

**HB 1702**—Judiciary.

**HB 1703**—Judiciary.

**HB 1723**—Insurance.

**HB 1754**—Appropriations and Budget.

## GENERAL ORDER

**SB 544** by Hamilton of the Senate and Willis of the House was read and considered.

Senator Baldwin presiding.

Senator Baggett moved to amend **SB 544,** Page 3, Line 17½, by inserting after Line 17, and before Line 18, the following: "Section 2. This act shall be effective from and after July 1, 1972, and shall apply to the fiscal year beginning on that day.", and amend the title to conform and renumber succeeding sections, which amendment was declared adopted.

Upon motion of Senator Hamilton, **SB 544,** as amended, was advanced to engrossment.

By unanimous consent, upon request of Senator Hamilton, **SB 544,** as amended, was considered engrossed and placed on third reading and final passage.

## THRD READING

**SB 544** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Baldwin, Berrong, Birdsong, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Grantham, Graves, Hamilton, Hargrave, Holden, Howard, Inhofe, Keels, Lamb, Luton, McCune, McGraw,

Martin, Medearis, Miller, Nichols, Payne, Porter, Smith, Stansberry, Taliaferro, Terrill, Williams, Young.—34.

Nay: Smalley.—1.

Excused: Boecher, Bradley, Garrett, Garrison, Ham, Howell, Lane, McSpadden, Murphy, Phillips, Rogers, Stipe, Trent.—13.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baggett, Baldwin, Berrong, Birdsong, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Grantham, Graves, Hamilton, Hargrave, Holden, Howard, Inhofe, Keels, Lamb, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Nichols, Payne, Porter, Smith, Stansberry, Taliaferro, Terrill, Williams, Young.—35.

Nay: Smalley.—1.

Excused: Boecher, Bradley, Garrett, Garrison, Ham, Howell, Lane, Murphy, Phillips, Rogers, Stipe, Trent.—12.

The emergency was declared passed.

**SB 544** was referred for engrossment.

## GENERAL ORDER

**SB 476** by Luton of the Senate was read and considered.

Senator Hargrave asked to be made a co-author of **SB 476,** which was the order.

Upon motion of Senator Luton, **SB 476,** as co-authored, was advanced to engrossment.

By unanimous consent, upon request of Senator Luton, **SB 476,** as co-authored, was considered engrossed and placed on third reading and final passage.

## THIRD READING

**SB 476** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Baldwin, Berrong, Birdsong, Breckinridge, Capps, Crow, Ferrell, Field, Garrison, Grantham, Graves, Ham, Hamilton, Hargrave, Holden, Inhofe, Keels, Lamb, Luton, McCune, McGraw, Martin, Medearis, Murphy, Nichols, Payne, Porter, Rogers, Smalley, Smith, Stansberry, Taliaferro, Williams, Young.—35.

Excused: Boecher, Bradley, Dahl, Garrett, Howard, Howell, Lane, McSpadden, Miller, Phillips, Stipe, Terrill, Trent.—13.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baggett, Baldwin, Berrong, Birdsong, Breckinridge, Capps, Crow, Ferrell, Field, Garrison, Grantham, Graves, Ham, Hamilton, Hargrave, Holden, Inhofe, Keels, Lamb, Luton, McCune, McGraw, Martin, Medearis, Murphy, Nichols, Payne, Porter, Rogers, Smalley, Smith, Stansberry, Taliaferro, Williams, Young.—35.

Excused: Boecher, Bradley, Dahl, Garrett, Howard, Howell, Lane, McSpadden, Miller, Phillips, Stipe, Terrill, Trent.—13.

The emergency was declared passed.

**SB 476** was referred for engrossment.

## GENERAL ORDER

**SB 509** by Luton of the Senate was read and considered.

Senator Luton, citing Rule 8(c), asked unanimous consent that Representatives Cartwright, Odom and Monks be added as House co-authors of **SB 509,** which was the order.

Senator Luton moved to amend **SB 509,** Page 1, Line 6, by striking the brackets before and after the words "ninety thousand (90,000)" and striking the words "eighty thousand (80,000)" on Line 7, which amendment was declared adopted.

Upon motion of Senator Luton, **SB 509,** as co-authored and amended, was advanced to engrossment.

By unanimous consent, upon request of Senator Luton, **SB 509,** as co-authored and amended, was considered engrossed and placed on third reading and final passage.

## THIRD READING

**SB 509** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Baldwin, Birdsong, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrison, Grantham, Graves, Ham, Hargrave, Holden, Howard, Inhofe, Keels, Lamb, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Porter, Rogers, Smalley, Smith, Stansberry, Taliaferro, Terrill, Williams, Young.—38.

Excused: Berrong, Boecher, Bradley, Garrett, Hamilton, Howell, Lane, Phillips, Stipe, Trent.—10.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baggett, Baldwin, Birdsong, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrison, Grantham, Graves, Ham, Hargrave, Holden, Howard, Inhofe, Keels, Lamb, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Porter, Rogers, Smalley, Smith, Stansberry, Taliaferro, Terrill, Williams, Young.—38.

Excused: Berrong, Boecher, Bradley, Garrett, Hamilton, Howell, Lane, Phillips, Stipe, Trent.—10.

The emergency was declared passed.

## MESSAGE FROM THE HOUSE

Advising passage of and transmitting for consideration Engrossed:

**HB 1696**—By Spearman, Hargrave, Conaghan and Monks of the House and Rogers of the Senate—An Act relating to militia; amending 44 O.S. 1971, § 195.5; providing for awarding of Oklahoma National Guard Recruiting Medal, the Longer Service Medal, an Oklahoma Star of Valor Medal, an Oklahoma Commendation Medal, an Oklahoma Exceptional Service Medal, an Oklahoma Good Conduct Ribbon, the Governor's Distinguished Unit Award, a one hundred per cent drill attendance badge, an Oklahoma medal for any other award for which United States Medals are awarded; prescribing qualifications for such awards; and declaring an emergency.

**HB 1739**—By Wixson—An Act relating to county directors of industrial research and development; repealing 74 O.S. 1971, §§ 359.1 through 359.4; and declaring an emergency.

**HB 1748**—By Bamberger—An Act relating to distribution and settlement of estates; amending 58 O.S. 1971, § 693; providing money ordered distributed to minor who, after specified time is without guardian, or to an heir, legatee, creditor or claimant, whose address or whereabouts is unknown, may be ordered deposited with court clerk; providing authorization and direction to court clerk to invest such funds in a bank or savings and loan association whose deposits are insured by an agency of the Federal Government; providing that moneys ordered distributed to an heir or legatee who has died during the pendency of the probate proceedings and a personal representative has not been appointed shall be deposited with the court clerk; and declaring an emergency.

**HB 1750**—By Elder and Sandlin — An Act relating to taxation; amending 68 O.S. 1971, § 24312; providing for notice of sale of real property for delinquent taxes and special assessments; providing that such notice shall contain the name of the last owner or owners; and setting an effective date.

**HB 1755**—By Elder, Sparkman and Hancock—An Act relating to crimes and punishments; amending 21 O.S. 1971, § 846; making it a misdemeanor to fail to report physical injury resulting from abuse or neglect of child under seventeen years; requiring investigation by county welfare office and report of findings to district attorney; providing that

Child Welfare Division of Department of Institutions, Social and Rehabilitative Services maintain central registry with information available to district attorneys and law enforcement agencies; directing interpretation to exclude persons relying upon spiritual treatment; and declaring an emergency.

**HJR 1034**—By Cox—A Joint Resolution directing the Secretary of State to refer to the people, for their approval or rejection, a proposed amendment to Section 6 of Article XI of the Oklahoma Constitution; authorizing investment of permanent common school and other educational funds; providing for ballot title; and ordering a special election.

The Special Election Section of said Joint Resolution having received the constitutional two-thirds vote of the Members elected to and constituting the House of Representatives.

The above numbered **HBs** and/or **HRs** were read for the first time.

**MESSAGE FROM THE HOUSE**

Advising fourth reading of and transmitting for signature Enrolled **HB 1548.**

The above numbered Enrolled Bill was, after fourth reading, properly signed and ordered returned to the Honorable House.

**MESSAGE FROM THE HOUSE**

Advising passage of and returning Engrossed **SJR 45,** as amended.

**HAs** to **SJR 45** read as follows, and consideration deferred:

Amendment No. 1. Amend by striking Title, Enacting Clause and entire Bill and substituting in lieu thereof the following:

"A Joint Resolution establishing the Oklahoma Commission on Ad Valorem Tax Structure and Public School Finance; providing for jurisdiction of Commission, appointment of members and filling of vacancies; authorizing payment of per diem and travel; providing for assistance to Commission by all state agencies; requiring a report of findings and recommendations; and declaring an emergency.

BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE 2D SESSION OF THE 33D OKLAHOMA LEGISLATURE.

SECTION 1. There is hereby established the Oklahoma Commission on Ad Valorem Tax Structure and Public School Finance, which shall exist as a temporary commission to study, evaluate and recommend possible revisions of Oklahoma's current methods of financing public schools by means of the property tax.

SECTION 2. The Commission shall carefully consider all recent judicial decisions relating to taxing systems similar to that in use in Oklahoma. Specifically, the Commission shall recommend guidelines for revision of our financing methods to the end that the goal of equal protection of the law in providing equal education for all students is met.

SECTION 3. The Commission shall consist of ten (10) persons appointed by the Governor; five (5) members of the Senate appointed by the President Pro Tempore of the Senate; and five (5) members of the House of Representatives, appointed by its Speaker. The Governor, President Pro Tempore and Speaker shall be ex officio voting members of the Commission. Whenever a vacancy shall occur on the Commission, the officer making the initial appointment shall appoint a person to fill such vacancy.

SECTION 4. Members of the Commission shall receive no compensation other than per diem and travel expenses for attending meetings of the Commission. Legislative members of the Commission shall be reimbursed as members of the Legislative Council, and nonlegislative members shall be reimbursed from funds appropriated to the Commission, in the same amount as legislative members.

SECTION 5. The Governor shall name the Chairman and Vice Chairman of the

Commission, and shall fix the date for its organizational meeting. The Commission shall thereafter adopt rules and procedures and organize itself to discharge its duties.

SECTION 6. Each officer, board, commission, department, agency or authority of state government or its subdivisions shall make available to the Commission any facts, records, information or data requested by it and in all ways cooperate with said Commission, and to secure attendance of witnesses or records the Chairman of the Commission shall have authority to issue subpoenas, to administer oaths and to cause the taking of depositions.

SECTION 7. Any member of the Legislature, elected or appointed state official, or elected public official shall have the right to attend any meeting of the Commission and may present his views on any subject which the Commission may be considering, subject to such reasonable limitations as may be imposed by the Commission.

SECTION 8. The Commission shall report its findings and conclusions to the 1st Session of the 34th Legislature upon completion of its duties, or from time to time as is deemed necessary to implement its recommendations.

SECTION 9. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval."

**PENDING SENATE ACTION—RESOLUTION**

**SCR 94** by Smith, Birdsong, Baggett, Boecher, Keels, Dahl, Field, Ham, Capps, Williams, Martin, Miller, Berrong, Murphy, Terrill, Howell, Garrison, Hargrave, Ferrell, Nichols, Payne, Phillips, McCune, Howard, Holden, Garrett, and Hamilton of the Senate and McCune of the House was called up for consideration.

Senators Lamb, McSpadden and Inhofe asked to be made co-authors of **SCR 94,** which was the order.

Senator Nichols asked unanimous consent that his name be withdrawn as a co-author of **SCR 94,** which was the order.

**SCR 94,** as co-authored, was read at length as follows, adopted upon motion of President Pro Tempore Smith and ordered referred for engrossment.

**SCR 94**—By Smith, Birdsong, Baggett, Boecher, Keels, Dahl, Field, Ham, Capps, Williams, Martin, Miller, Berrong, Murphy, Terrill, Howell, Garrison, Hargrave, Ferrell, Payne, Phillips, McCune, Howard, Holden, Garrett, Hamilton, Lamb, McSpadden and Inhofe of the Senate and McCune of the House—A Concurrent Resolution memorializing Congress to propose an amendment to the Constitution of the United States; and directing distribution.

BE IT RESOLVED BY THE SENATE OF THE 2D SESSION OF THE 33D OKLAHOMA LEGISLATURE, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

SECTION 1. The Congress of the United States is respectfully memorialized by the Oklahoma State Legislature to propose for ratification by three-fourths of the several states the following amendment to the Constitution of the United States:

"Amendment

No student shall be assigned to nor compelled to attend any particular public school on account of race, religion, color or national origin."

SECTION 2. A duly authenticated copy of this Resolution shall be transmitted to each member of Congress from this state.

**PENDING SENATE ACTION - BILL WITHDRAWN**

Senator Terrill moved that **HCR 1074** be withdrawn from the Calendar and, committed to the Committee on Judiciary, to be returned to the Senate floor not later than March 15, 1972.

Senator Baggett moved to strike the instructions from the Terrill motion to refer **HCR 1074** to Judiciary Committee, which motion was tabled upon motion of Senator Terrill.

President Pro Tempore Smith presiding.

The vote occurring on the Terrill motion, it was declared adopted.

## REPORT OF ENGROSSED AND ENROLLED BILLS

**SBs 462, 513, HJR 1005, HBs 1555, 1585** and **1670** each correctly engrossed.

**SCR 87** correctly enrolled.

Engrossed **SBs 462** and **513** were each properly signed and ordered transmitted to the Honorable House for consideration.

Engrossed **HJR 1005, HBs 1555, 1585** and **1670,** together with Engrossed **SAs,** were properly signed and ordered returned to the Honorable House.

Enrolled **SCR 87** was properly signed and ordered transmitted to the Honorable House for the signature of the Speaker.

Senator Smalley presiding.

## PENDING SENATE ACTION - RESOLUTION

**SCR 93** by Smith of the Senate and Privett of the House was called up for consideration.

Senators Murphy, Terrill, Keels, Payne, Berrong, Field and Ham asked to be made co-authors of **SCR 93,** which was the order.

**SCR 93,** as co-authored, was read at length as follows, adopted upon motion of President Pro Tempore Smith and ordered referred for engrossment:

**SCR 93**—By Smith, Murphy, Terrill, Keels, Payne, Berrong, Field, and Ham, of the Senate and Privett of the House—A Concurrent Resolution memorializing the Committee on Public Works of the United States Senate and the Committee on Public Works of the United States House of Representatives to consider methods to implement previous congressional commitments to reimburse the state of Oklahoma for construction of certain turnpikes which have been designated as a part of the Interstate Highway System; and directing distribution.

WHEREAS, the State of Oklahoma presently has two turnpikes, the Will Rogers Turnpike and the Turner Turnpike, which have been officially designated as portions of Interstate Highway No. 44 and have been included as part of the National Defense System of Interstate Highways; and

WHEREAS, both the Will Rogers Turnpike and the Turner Turnpike were constructed with private capital obtained from the sale of revenue bonds; and

WHEREAS, under the progressive highway building program of the State of Oklahoma, both such turnpikes were constructed by the state in an effort to obtain limited-access highways in the areas of critical need, prior to the initiation of the Interstate Highway System construction program; and

WHEREAS, the excellent transportation facilities provided by the Will Rogers Turnpike and the Turner Turnpike were constructed entirely without federal participation and the federal government has no financial investment in such facilities; and

WHEREAS, the two turnpikes provided a total of 174.5 miles of highway which has been made a part of the Interstate Highway System; and

WHEREAS, although the federal government has made the aforementioned turnpikes a part of the Interstate Highway System, it has not given Oklahoma credit for such additional interstate mileage and has not contributed additional funds to Oklahoma's program of Interstate Highway System construction; and

WHEREAS, the construction of the National Interstate Highway System is rapidly being completed and will be terminated within a few short years.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE 2D SESSION OF THE 33D OKLAHOMA LEGISLATURE, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

SECTION 1. That the Committee on Public Works of the United States Senate and the Committee on Public Works of the United States House of Representatives are hereby respectfully urged to consider methods to implement previous congressional commitments to reimburse the State of Oklahoma for construction of the Will Rogers Turnpike and the Turner Turnpike by allocating to the State of Oklahoma additional federal aid construction monies, that such action is justified since these two transportation facilities have been officially designated as a portion of Interstate Highway No. 44 and have been included as part of the National Defense System of Interstate Highways.

SECTION 2. That duly authenticated copies of this Resolution shall be forwarded to Senator Jennings Randolph, Chairman of the United States Senate Committee on Public Works and Congressman John A. Blatnik, Chairman of the United States House of Representatives Committee on Public Works and to each member of the Oklahoma Congressional Delegation.

## REPORT OF ENGROSSED AND ENROLLED BILLS

**SB 521** and **HB 1680** each correctly engrossed.

**SB 374** correctly enrolled.

Engrossed **SB 521** was properly signed and ordered transmitted to the Honorable House for consideration.

Engrossed **HB 1680,** together with Engrossed **SAs,** was properly signed and ordered returned to the Honorable House.

Enrolled **SB 374** was, after fourth reading; properly signed and ordered transmitted to the Honorable House for the signature of the Speaker.

## PENDING SENATE ACTION ON HAs

Upon motion of Senator Williams, the Senate concurred in **HAs** to **SJR 13.**

**SJR 13,** as amended by the Honorable House, was read at length.

On the question of passage of resolution, as amended, the roll call resulted as follows:

Aye: Baldwin, Berrong, Birdsong, Breckinridge, Crow, Dahl, Ferrell, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Hargrave, Howard, Howell, Inhofe, Keels, Lamb, Lane, McCune, McGraw, McSpadden, Martin, Medearis, Nichols, Payne, Porter, Rogers, Smalley, Smith, Terrill, Trent, Williams.—34.

Excused: Baggett, Boecher, Bradley, Capps, Field, Holden, Miller, Murphy, Phillips, Stansberry, Stipe, Taliaferro, Young.—14.

The resolution, as amended, was declared passed.

On question of passage of emergency, the roll call resulted as follows:

Aye: Baldwin, Berrong, Birdsong, Breckinridge, Capps, Crow, Dahl, Ferrell, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Keels, Lamb, Lane, McCune, McGraw, McSpadden, Martin, Medearis, Nichols, Payne, Porter, Rogers, Smalley, Smith, Taliaferro, Terrill, Trent, Williams.—37.

Excused: Baggett, Boecher, Bradley, Field, Luton, Miller, Murphy, Phillips, Stansberry, Stipe, Young.—11.

The emergency was declared passed.

House Amendments were properly signed and above numbered bill, as amended, was referred for enrollment.

## MOTION - CUT-OFF DATE

Senator Baldwin moved that March 9, 1972, shall be the last day for senate bills to be reported out of Senate committee, except appropriation bills, which motion was declared adopted.

**PENDING SENATE ACTION - RESOLUTION**

**HCR 1061** by Payne of the House and Trent of the Senate was called up for consideration.

Senator Trent asked unanimous consent that all other Senators be made co-authors of **HCR 1061,** giving them the right to decline, which was the order.

Senators Crow and McCune asked unanimous consent that they not be shown as co-authors to **HCR 1061,** which was the order.

**HCR 1061,** as co-authored, was read at length, adopted upon motion of Senator Trent, properly signed and ordered returned to the Honorable House.

Senator Murphy raised the question of "No Quorum". The Presiding Officer ordered the roll called, following which he declared a quorum present.

**GENERAL ORDER**

**SB 480** was considered further.

Upon motion of Senator Graves, **SB 480** was advanced to engrossment.

By unanimous consent, upon request of Senator Graves, **SB 480** was considered engrossed and placed on third reading and final passage.

President Pro Tempore Smith presiding.

**THIRD READING**

**SB 480** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Baldwin, Berrong, Birdsong, Breckinridge, Capps, Crow, Dahl, Field, Garrett, Grantham, Graves, Ham, Holden, Howard, Howell, Inhofe, Keels, Lane, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Murphy, Nichols, Payne, Porter, Rogers, Smalley, Taliaferro, Terrill, Young.—34.

Nay: Ferrell, Hamilton, Lamb, Smith, Trent.—5.

Excused: Boecher, Bradley, Garrison, Hargrave, Miller, Phillips, Stansberry, Stipe, Williams.—9.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baggett, Baldwin, Berrong, Birdsong, Breckinridge, Capps, Crow, Dahl, Field, Garrett, Grantham, Graves, Ham, Holden, Howard, Howell, Inhofe, Keels, Lane, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Murphy, Nichols, Payne, Porter, Rogers, Smalley, Taliaferro, Terrill, Young.—34.

Nay: Ferrell, Hamilton, Lamb, Smith, Trent.—5.

Excused: Boecher, Bradley, Garrison, Hargrave, Miller, Phillips, Stansberry, Stipe, Williams.—9.

The emergency was declared passed.

**SB 480** was referred for engrossment.

**CONFERENCE COMMITTEE REPORT**

The following **CCR** on **SJR 12** was read and consideration deferred:

Mr. President

The Conference Committee, to which was referred Engrossed Senate Joint Resolution No. 12—By Terrill of the Senate and Trent, Davis, and Lindstrom of the House, entitled:

A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection a proposed amendment of Article X, Section 9, of the Oklahoma Constitution; providing that the 5-mill emergency tax levy and the 10-mill local support tax levy for the support of the schools after being once approved by the electors shall continue to be effective until repealed by a vote of the people; providing method of repeal; providing for ballot title; and ordering special election. together with House Amendments thereto—to which the Senate disagrees—having met and carefully considered disagreements between the Senate and the Honorable House, have agreed to recommend and do

recommend to the respective Houses, as follows:

Amendment No. 1. That the conferees rescind from Amendment No. 1 and reinstating the original title.

Amendment No. 2. By rescinding from Amendment No. 2 and add the following amendment: Page 2, Sec. I, Line 30, after the word "by" strike the words "thirty percent" and add in lieu thereof "twenty percent"

Page 2, Sec. 1, Line 31, strike the figure "(30%)" and add in lieu thereof "(20%)"

Page 2, Sec. 1, Line 31, after the comma, strike all language on Lines 31, 32 & 33 down to and including the word "and"

Amendment No. 3. Page 3, Sec. 1, Line 13, strike the word and figure "thirty percent (30%)" and insert in lieu thereof "twenty per cent (20%)" and on Line 14 after the comma, strike all the remaining language on Lines 14, 15 and 16 down to and including the word "and".

Amendment No. 4. Page 5, Sec. 4, Line 30, after the word "on", strike all the language remaining on Line 30 and 31 down to and including "election" and insert in lieu thereof "on the fourth Tuesday in January, 1973."

Respectfully submitted,

FOR THE SENATE: Terrill, Taliaferro, Birdsong.

FOR THE HOUSE: Trent, York, Harrison.

## REPORT OF ENGROSSED AND ENROLLED BILLS

**SCR 94** correctly engrossed.

Engrossed **SCR 94** was properly signed and ordered transmitted to the Honorable House for the signature of the Speaker.

## GENERAL ORDER

**SB 452** by Grantham of the Senate and Boettcher of the House was read and considered.

Upon motion of Senator Grantham, **SB 452** was advanced to engrossment.

By unanimous consent, upon request of Senator Grantham, **SB 452** was considered engrossed and placed on third reading and final passage.

## THIRD READING

**SB 452** as read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Berrong, Breckinridge, Dahl, Ferrell, Field, Garrett, Grantham, Graves, Ham, Holden, Howard, Howell, Inhofe, Keels, Lamb, McGraw, McSpadden, Martin, Miller, Murphy, Nichols, Porter, Smalley, Taliaferro, Terrill, Williams, Young.—28.

Nay: Baldwin, Birdsong, Capps, Crow, Hamilton, Lane, Luton, McCune, Medearis, Payne, Rogers, Smith, Trent.—13.

Excused: Boecher, Bradley, Garrison, Hargrave, Phillips, Stansberry, Stipe.—7.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baggett, Berrong, Birdsong, Breckinridge, Crow, Dahl, Ferrell, Field, Garrett, Grantham, Graves, Ham, Holden, Howard, Howell, Inhofe, Keels, Lamb, Luton, McCune, McGraw, McSpadden, Miller, Murphy, Nichols, Porter, Smalley, Smith, Taliaferro, Terrill, Williams, Young.—32.

Nay: Baldwin, Capps, Hamilton, Lane, Medearis, Payne, Rogers, Trent.—8.

Excused: Boecher, Bradley, Garrison, Hargrave, Martin, Phillips, Stansberry, Stipe.—8.

The emergency was declared passed.

**SB 452** was referred for engrossment.

## MOTION TO RECONSIDER VOTE

Senator Grantham asked for consideration of his motion to reconsider the vote by which the emergency section of **HB 1293** failed of passage, which motion was declared adopted, the roll call thereon being as follows:

Aye: Baldwin, B e r r o n g, Birdsong, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Grantham, Graves, Ham, Holden, Howard, Howell, Inhofe, Keels, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Miller, Murphy, Nichols, Payne, Porter, Rogers, Smalley, Smith, Taliaferro, Terrill, Trent, Williams, Young.—37.

Excused: Baggett, Boecher, Bradley, Garrett, Garrison, Hamilton, Hargrave, Medearis, Phillips, Stansberry, Stipe.—11.

On the question of passage of emergency section of **HB 1293,** the roll call resulted as follows:

Aye: Baldwin, Berrong, Birdsong, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Grantham, Graves, Ham, Hamilton, Holden, Howard, Howell, Inhofe, Lamb, Lane, Luton, McCune, McGraw, Miller, Nichols, Payne, Porter, Rogers, Smalley, Smith, Taliaferro, Terrill, Trent, Williams, Young.—35.

Nay: Baggett, Keels, Martin.—3.

Excused: Boecher, Bradley, Garrison, Hargrave, McSpadden, Medearis, Murphy, Phillips, Stansberry, Stipe.—10.

The emergency was declared passed.

**HB 1293** was referred for engrossment.

## GENERAL ORDER

**SJR 44** by Howard of the Senate and Poulos of the House was read and considered.

Upon motion of Senator Howard, **SJR 44** was advanced to engrossment.

By unanimous consent, upon request of Senator Howard, **SJR 44** was considered engrossed and placed on third reading and final passage.

## THIRD READING

**SJR 44** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Birdsong, Breckinridge, Capps, Crow, Dahl, Field, Garrett, Grantham, Graves, Ham, Howard, Howell, Inhofe, Keels, Luton, McGraw, McSpadden, Martin, Miller, Murphy, Payne, Rogers, Taliaferro, Terrill, Trent, Young.—27.

Nay: Baldwin, Berrong, Holden, Lamb, Lane, McCune, Nichols, Smith, Williams. —9.

Excused: Boecher, Bradley, Ferrell, Garrison, Hamilton, Hargrave, Medearis, Phillips, Porter, Smalley, Stansberry, Stipe.—12.

The bill was declared passed.

**SJR 44** was referred for engrossment.

## MOTION TO RECONSIDER VOTE

As provided under Rule 19(b), Senator Smalley moved that the vote be reconsidered by which **SB 509** passed.

Senator Terrill moved after the Clerk's desk is cleared, that the Senate stand adjourned to meet Thursday, March 2, 1972, at 10:30 A.M., which motion prevailed.

Upon motion of Senator Terrill, the Senate adjourned to meet Thursday, March 2, 1972, at 10:30 A.M.

# Thirty-fifth Legislative Day

## Thursday, March 2, 1972

Pursuant to adjournment, the Senate was called to order by Senator Payne, who was designated so to do by the President Pro Tempore.

Upon roll call, the following members were present:

Baggett, Baldwin, Berrong, Birdsong, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Keels, Lamb, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Porter, Rogers, Smalley, Smith, Stansberry, Stipe, Taliaferro, Terrill, Trent, Williams, Young.—43.

Excused: Boecher, Bradley, Ham, Lane, Phillips.—5.

The Presiding Officer declared a quorum present.

Prayer was offered by Senator Nichols.

The Journal for the last legislative day was declared approved.

### COMMITTEE REPORTS

The following Bills and/or Resolutions were reported by the Committees named, ordered printed and placed upon the Calendar unless otherwise indicated:

DO PASS:

**HB 1612**—Appropriations and Budget.

DO PASS, As Amended:

**CS** for **SB 451**—Education-Common, co-authored by Payne of the House.

**CS** for **SB 486**—Public and Mental Health.

**SB 545**—Constitutional Revisions and Reapportionment, co-authored by Senator Hamilton.

**SB 569**—Insurance

**SB 579**—Education-Common, co-authored by Senator Baggett.

**SB 580**—Education-Common.

**SB 590**—Education-Common.

**SB 597**—State and Federal Government.

**HB 1519**—Soil and Water Resources, co-authored by Senator Crow.

**HB 1575**—Appropriations and Budget.

### FIRST READING

The following Bills and/or Resolutions were introduced and read the first time:

**SB 606**—By Berrong—An Act relating to the Oklahoma Veterans Center, Clinton, Oklahoma, and making an appropriation thereto; stating the purpose; providing for lapse date; making provisions of this act severable; and declaring an emergency.

**SB 607**—By Berrong, Stipe, Hamilton, Miller and Martin—An Act relating to state institutions and agencies; amending 63 O.S. 1971, § 1406 and 62 O.S. 1971, §§ 174 and 175; providing for state tuberculosis sanatorium at Talihina and a revolving fund therefor; providing for transfer of certain funds and outstanding obligations; providing for transfer of patients; establishing the Oklahoma Veterans Center at Clinton; transferring certain property of the Western Oklahoma Tuberculosis Sanatorium to the Oklahoma Veterans Center at Clinton; establishing a revolving fund and petty cash fund for such center; reappropriating to such center certain funds originally appropriated to the Western Oklahoma Tuberculosis Sanatorium

and reappropriating a part thereof to the State Department of Health; providing an operative date; and declaring an emergency.

**SB 608**—By Crow—An Act relating to state officers and employees; stating purpose; directing payment of salaries to state officers and employees on every other Friday; providing for pay Fridays which occur on holidays; providing for conflict of other statutes; directing codification; fixing operative date; and declaring an emergency.

**SB 609**—By Grantham of the Senate and Boettcher and Conaghan of the House—An Act concerning the powers and duties of the Oklahoma Corporation Commission; prohibiting the purchase of crude oil by any person without obtaining a license from the Commission; requiring each licensed purchaser of crude oil to establish and maintain separate bank accounts for crude oil purchase funds belonging to royalty or working interest owners; requiring each licensed purchaser to periodically report to the commission and to account for funds in its possession; providing for periodic payments of funds by the licensed purchaser to the persons entitled thereto and authorizing the establishment of a reserve account for funds remaining unpaid; authorizing the Commission to make rules and regulations necessary to carry out the provisions of this act, to require an accounting of funds attributable to a specific interest and to require the payment of such funds; providing for severability; and declaring an emergency.

## SECOND READING

The following Bills and/or Resolutions were read the second time and referred to Committees indicated:

**SB 602**—Rules.

**SB 603**—Commerce.

**SB 604**—Industrial and Labor Relations.

**SB 605**—Municipal Government.

**SJR 50**—Constitutional Revision and Re-districting.

**HB 1696**—Rules; Municipal Government.

**HB 1739**—Industrial and Labor Relations.

**HB 1748**—Judiciary.

**HB 1750**—Revenue and Taxation.

**HB 1755**—Judiciary.

**HJR 1034**—Constitutional Revision and Re-districting.

## MOTION TO RECONSIDER VOTE

Senator Smalley asked for consideration of his motion to reconsider the vote by which **SB 509** passed, which motion was tabled upon motion of Senator Luton.

**SB 509** was referred for engrossment.

## GENERAL ORDER

**HB 1686** by McCune of the House and Smalley of the Senate was read and considered.

Senator Luton asked to be made a co-author of **HB 1686**, which was the order.

Upon motion of Senator Smalley, **HB 1686**, as co-authored, was advanced to engrossment.

By unanimous consent, upon request of Senator Smalley, **HB 1686,** as co-authored, was considered engrossed and placed on third reading and final passage.

## THIRD READING

**HB 1686** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Baldwin, Berrong, Birdsong, Capps, Crow, Dahl, Garrett, Garrison, Grantham, Graves, Hargrave, Holden, Howard, Howell, Keels, Lamb, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Porter, Smalley, Smith, Terrill, Trent, Young.—33.

Nay: Ferrell.—1.

Excused: Boecher, Bradley, Breckinridge, Field, Ham, Hamilton, Inhofe,

Lane, Phillips, Rogers, Stansberry, Stipe, Taliaferro, Williams.—14.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baggett, Baldwin, Berrong, Birdsong, Capps, Crow, Dahl, Garrett, Garrison, Grantham, Graves, Hargrave, Holden, Howard, Howell, Keels, Lamb, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Porter, Smalley, Smith, Terrill, Trent, Young.—33.

Nay: Ferrell.—1.

Excused: Boecher, Bradley, Breckinridge, Field, Ham, Hamilton, Inhofe, Lane, Phillips, Rogers, Stansberry, Stipe, Taliaferro, Williams.—14.

The emergency was declared passed.

**HB 1686** was ordered withheld pursuant to Rule 19(f).

## MESSAGE FROM THE HOUSE

Advising passage of and transmitting for consideration Engrossed:

**HB 1523**—By Thornhill—An Act relating to revenue and taxation; amending 68 O.S. 1971, § 2458; providing for succession by county boards of Equalization and Excise Boards; providing for compensation of said Boards; and declaring an emergency.

**HB 1624**—By Riggs, Kilpatrick and Randle—An Act relating to public finance; providing that the Attorney General shall perform all legal work incident to the issuance and sale of general obligation bonds pledging full faith and credit of the state and that public funds may not be used to pay for the services of a private attorney or for a consulting fee in connection with such work; providing further that a private attorney, except when prohibited, may be employed and paid a fee in connection with issuance and sale of revenue bonds by state agency acting pursuant to such validating act, except said fee may be paid out of bond proceeds; providing that bond buyers shall pay for procurement of "marketing" opinions; except from the purview of this act the issuance and sale of bonds pursuant to Article 10, §§ 26, 27 and 35, Oklahoma Constitution, Public Trust Act, Interlocal Cooperation Act and the Local Industrial and Development Act; and declaring an emergency.

**HB 1631**—By Hargrave and Spearman—An Act relating to highway and street safety; providing for annual inspection of motorcycles by retailers of new motorcycles designated by the Commissioner of Public Safety; authorizing said commissioner to make necessary rules and regulations for administering and enforcing the act.

**HB 1647**—By Draper—An Act relating to wildlife; amending 29 O.S. 1971, § 243, prohibiting the slaughter or sale of certain mammals; providing exceptions; and declaring an emergency.

**HB 1667**—By Beznoska—An Act relating to taxation; amending 68 O.S. 1971, §2385.-13; providing for estimates of the amount expected to be owed, for the amounts thereof, and for penalty on amount of underestimated tax; and declaring an emergency.

**HB 1700**—By Sanguin and Monks of the House and Stipe of the Senate—An Act relating to criminal procedure; providing that court may make payment of certain fee a condition of probation; creating probation and parole fund; providing for payment into fund of fees and appropriating same for expenses of supervising probationers; and declaring an emergency.

**HB 1719**—By Draper and Williamson—An Act relating to elections; amending 26 O.S. 1971, § 373; allowing ballots to be destroyed thirty days after an election.

**HB 1728**—By Witt, Harper, Ferguson, and Kardokus of the House and Phillips of the Senate—An Act relating to county officers and employees; making provisions for annual leave and sick leave; and setting an effective date.

The above numbered **HBs** were read for the first time.

**MESSAGE FROM THE HOUSE**

Advising fourth reading of and transmitting for signature Enrolled **HBs 1565 and 1737.**

The above numbered Enrolled Bills were, after fourth reading, properly signed and ordered returned to the Honorable House.

**MESSAGE FROM THE HOUSE**

Advising the signing of and transmitting for signature Enrolled **HCR 1061.**

The above numbered Enrolled Resolution was properly signed and ordered returned to the Honorable House.

**GENERAL ORDER**

**SB 505** by Smith of the Senate was read and considered.

Senator Baggett moved to amend **SB 505,** Page 5, Line 1, by inserting after the word "IRREVOCABLE", the words: "and (D) a trust to the extent that it includes real property in this State."

President Pro Tempore Smith asked unanimous consent that further consideration of **SB 505** be deferred for this legislative day, with amendments attached thereto, which was the order.

**REPORT OF ENGROSSED AND ENROLLED BILLS**

**SBs 452, 476, 480, 509, 515, 544, SCR 93, SJR 44** and **HB 1293** each correctly engrossed.

**SJR 13** correctly enrolled.

Engrossed **SBs 452, 476, 480, 509, 515, 544, SCR 93** and **SJR 44** were each properly signed and ordered transmitted to the Honorable House for consideration.

Engrossed **HB 1293,** together with Engrossed **SAs**, was properly signed and ordered returned to the Honorable House.

Enrolled **SJR 13** was, after fourth reading, properly signed and ordered transmitted to the Honorable House for the signature of the Speaker.

**MESSAGE FROM THE HOUSE**

Advising the signing of and returning Enrolled **SCR 87.**

The above numbered enrolled Resolution was ordered referred to the Secretary of State.

**MESSAGE FROM THE HOUSE**

Advising fourth reading of and returning Enrolled **SB 374**

The above numbered Enrolled Bill was referred to the Governor.

**MESSAGE FROM THE HOUSE**

Advising passage of and returning Engrossed **SB 453,** as co-authored by Ferguson, Ford, Green, Hancock, Hargrave, Hopkins, Kamas, McCune, McIntyre, Musgrave, Poulos, Sparkman, Williams, Williamson, Wixson and Wolfe (Stephen); **SB 461,** as co-authored by Privett, Payne, Williamson and Green.

The above numbered Bills were referred for enrollment.

**MESSAGE FROM THE HOUSE**

Advising concurrence in **SAs** to and passage of Engrossed **HB 1670,** as amended.

**MESSAGE FROM THE HOUSE**

Advising rejection of **SAs** to Engrossed **HBs 1555, 1574, 1578, 1585** and **1680;** requesting Conference and referring said Bills to the **GCCA.**

**GENERAL ORDER**

**SB 559** by Lamb of the Senate and Anderson, et al, of the House was read and considered.

Senator Terrill moved to amend **SB 559,** Page 1, Line 5, by inserting after the word "made", and before the word "then," the following: "or if a county, with a population of one hundred thousand (100,000) based upon the 1970 decennial census, does

not have a public defender", which amendment was declared adopted.

Senator Smalley moved to amend **SB 559**, Page 2, Line 14, by striking all language after the word "fund" to Line 17.

Senator Luton moved, as a substitute motion, that **SB 559** be withdrawn from the Calendar and re-referred to the Committee on Judiciary with instructions to study.

Senator Baggett raised a point of order, stating a motion to recommit without instructions is not debatable, which point of order the Chair overruled: Citing rule 20 (c), (9) and 15), stating that a motion to commit with or without instructions is debatable.

President Pro Tempore Smith presiding.

Senator Baggett moved to table the Luton motion to recommit, which motion was declared adopted upon a roll call as follows:

Aye: Baggett, Baldwin, Birdsong, Dahl, Ferrell, Garrett, Garrison, Grantham, Graves, Hargrave, Howard, Howell, Inhofe, Lamb, McGraw, McSpadden, Martin, Miller, Nichols, Porter, Smalley, Smith, Taliaferro, Terrill.—24.

Nay: Crow, Field, Hamilton, Holden, Luton, Medearis, Murphy, Stipe, Trent, Young.—10.

Excused: Berrong, Boecher, Bradley, Breckinridge, Capps, Ham, Keels, Lane, McCune, Payne, Phillips, Rogers, Stansberry, Williams.—14.

The vote occurring on the Smalley amendment, it was declared adopted.

Senator Luton moved to amend **SB 559,** Page 2, Line 16, by adding after the word "annually", the following: "The foregoing section shall not apply to any county in this state with a population, according to the 1970 Federal Decennial Census, in excess of fifty eight thousand (58,000) but not more than sixty thousand (60,000) and a total gross assessed valuation for the year of 1971 in excess of $71,644,400.00", which amendment was declared adopted.

Senator Luton moved to amend **SB 559,** Page 3 Line 2, by adding after the word "statutes.", a new Section 4 and renumber the following sections. "SECTION 4. 19 O.S. 1971, Section 137.2 is hereby amended to read as follows:

"§ 137.2 Appointment-Salary-Assistants. The position of public defender shall be filled by appointment of the board of county commissioners with an attorney authorized to practice law in this state and who has been recommended by the county attorney and the judges of the courts of record of such county. The public defender and operating expenses of such office shall be paid from the funds in the [*county General Revenue Fund*] DISTRICT COURT FUND an amount to be determined by the board of county commissioners which amount shall not be in excess of ninety percent (90%) of the salary of the [*county*] DISTRICT attorney of such county. [*that is paid from the General Revenue Fund of the county.*] The board of county commissioners may authorize the employment and fix the salaries of such assistants and clerical help as such board may deem necessary. [*Laws 1961, p. 227, § 2*]", which amendment was tabled upon motion of Senator Garrett.

Senator Baggett, moved to amend **SB 559,** Page 3, Line 2½, by inserting after Line 2, and before Line 3, the following new section: "Section 4. Notwithstanding the provisions of 71 O.S. 1971, § 138.4, the whole salary of full-time Public Defenders shall be paid from the court funds of the county in which he serves.", which amendment was tabled upon motion of Senator Lamb, the roll call thereon being as follows:

Aye: Capps, Crow, Dahl, Ferrell, Garrison, Grantham, Hamilton, Hargrave, Holden, Howard, Inhofe, Lamb, Luton, McGraw, McSpadden, Murphy, Smalley, Smith.—18.

Nay: Baggett, Baldwin, Berrong, Birdsong, Field, Garrett, Graves, Miller,

Nichols, Payne, Porter, Stipe, Taliaferro, Trent, Young.—15.

Excused: Boecher, Bradley, Breckinridge, Ham, Howell, Keels, Lane, McCune, Martin, Medearis, Phillips, Rogers, Stansberry, Terrill, Williams.—15.

Senator Crow moved to amend **SB 559,** Page 3, Line 2½, by adding a new Section 4 as follows: "Section 4. Notwithstanding any other provisions of this title, the terms of this Act shall only apply to counties whose population was in excess of 40,000 according to the most recent Federal Decennial Census.", which amendment was tabled upon motion of Senator Lamb.

Senator Crow moved to amend **SB 559,** Page 3, Line 3, by striking the Emergency, which amendment was declared adopted.

Senator Terrill asked unanimous consent that further consideration of **SB 559** be deferred momentarily, which was the order.

## GENERAL ORDER

**SB 497** by Stipe of the Senate was read and considered.

Upon motion of Senator Stipe, **SB 497** was advanced to engrossment.

By unanimous consent, upon request of Senator Stipe, **SB 497** was considered engrossed and placed on third reading and final passage.

## THIRD READING

**SB 497** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Baldwin, Berrong, Birdsong, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Hargrave, Holden, Howard, Howell, Inhofe, Lamb, Luton, McGraw, Miller, Murphy, Nichols, Payne, Porter, Smalley, Smith, Stipe, Taliaferro, Terrill, Trent, Young. —33.

Excused: Boecher, Bradley, Breckinridge, Ham, Hamilton, Keels, Lane, McCune, McSpadden, Martin, Medearis, Phillips, Rogers, Stansberry, Williams.—15.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baggett, Baldwin, Berrong, Birdsong, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Hargrave, Holden, Howard, Howell, Inhofe, Lamb, Luton, McGraw, Miller, Murphy, Nichols, Payne, Porter, Smalley, Smith, Stipe, Taliaferro, Terrill, Trent, Young. —33.

Excused: Boecher, Bradley, Breckinridge, Ham, Hamilton, Keels, Lane, McCune, McSpadden, Martin, Medearis, Phillips, Rogers, Stansberry, Williams.—15.

The emergency was declared passed.

**SB 497** was referred for engrossment.

## GENERAL ORDER

**SB 559** was considered further.

Senator Smalley moved to amend **SB 559,** Page 3, Line 2½, by adding a new section to read as follows: "The provisions of this Act are severable and if any part or provisions hereof shall be held void, the decision of the court so holding shall not affect or impair any of the remaining parts or provisions of this Act", which amendment was declared adopted.

Upon motion of Senator Lamb, **SB 559,** as amended, was advanced to engrossment.

## UNANIMOUS CONSENT REQUEST

Senator Terrill asked unanimous consent that **HB 1519** be considered without being printed and placed on the calendar, which was the order.

**HB 1519** by Payne of the House and Crow of the Senate was read and considered.

Upon motion of Senator Crow, **HB 1519** was advanced to engrossment.

By unanimous consent, upon request of Senator Crow, **HB 1519** was considered engrossed and placed on third reading and final passage.

**THIRD READING**

**HB 1519** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Berrong, Birdsong, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Lamb, Luton, McGraw, McSpadden, Medearis, Miller, Murphy, Nichols, Payne, Porter, Smalley, Smith, Stipe, Taliaferro, Terrill, Trent, Young.—35.

Nay:—Baggett.—1.

Excused: Baldwin, Boecher, Bradley, Ham, Keels, Lane, McCune, Martin, Phillips, Rogers, Stansberry, Williams.—12.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Berrong, Birdsong, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Lamb, Luton, McGraw, McSpadden, Medearis, Miller, Murphy, Nichols, Payne, Porter, Smalley, Smith, Stipe, Taliaferro, Terrill, Trent, Young.—35.

Nay:—Baggett.—1.

Excused: Baldwin, Boecher, Bradley, Ham, Keels, Lane, McCune, Martin, Phillips, Rogers, Stansberry, Williams.—12.

The emergency was declared passed.

**HB 1519** was referred for engrossment.

**GENERAL ORDER**

**SB 387 by** Holden, Capps, Ferrell and Miller of the Senate and Bernard et al, of the House was read and considered.

Upon motion of Senator Holden, **SB 387** was advanced to engrossment.

By unanimous consent, upon request of Senator Holden, **SB 387** was considered engrossed and placed on third reading and final passage.

**THIRD READING**

**SB 387** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Birdsong, Breckinridge, Capps, Crow, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Hamilton, Hargrave, Holden, Howard, Inhofe, Lamb, Luton, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Porter, Stansberry, Terrill, Trent, Young.—31.

Nay: Baggett, Howell, Smith.—3.

Excused: Baldwin, Berrong, Boecher, Bradley, Ham, Keels, Lane, McCune, Phillips, Rogers, Smalley, Stipe, Taliaferro, Williams.—14.

The bill was declared passed.

**SB 387** was referred for engrossment.

**RESOLUTION**

Senator Hamilton introduced the following Resolution:

**SR 76**—By Hamilton—A Resolution congratulating the Vian High School "Wolverines" for their outstanding football season and for winning the 1971 State Class A Championship; commending the team members and coaching staff; and directing distribution.

**SR 76** was read at length, adopted upon motion of Senator Hamilton, and ordered referred for enrollment.

**PENDING SENATE ACTION—RESOLUTION**

**HCR 1073** by Cox of the House was called up for consideration.

Senator Ferrell asked to made principal Senate author of **HCR 1073,** which was the order.

**HCR 1073,** as co-authored, was read at length, adopted upon motion of Senator Ferrell, properly signed and ordered returned to the Honorable House.

## MESSAGE FROM THE GOVERNOR

Advising approval by him, February 25, 1972, of Enrolled **SB 463** entitled:

**SB 463**—By McSpadden of the Senate and Willis, et al, of the House—An Act relating to disposition of money received under Section 7 of Flood Control Act of Congress approved August 18, 1941, as amended, 33 U.S.C.A. § 701c-3; amending 62 O.S. 1971, § 204, providing for apportionment of funds; and declaring an emergency.

There being matters on the President's desk for the consideration of the Senate in executive session, it was upon motion of Senator Terrill that the Senate closed its doors and went into executive session.

*

The Senate reassembled in open session, with President Pro Tempore Smith presiding, who made the following announcements:

The Senate, in executive session, and upon motion of Senator Luton, advised and consented to the confirmation of MARIE WHITE, Muskogee, Oklahoma, as a Member of the Oklahoma Board of Mental Health for a seven (7) year term ending December 31, 1977, and effective upon Senate confirmation. Mrs. White succeeds herself.

The Senate, in executive session, and upon motion of Senator Luton, advised and consented to the confirmation of J. J. SIMMONS, JR., Muskogee, Oklahoma, as a Member of the Oklahoma Industrial Development and Parks Commission for a six (6) year term ending August 1, 1973, and effective upon Senate confirmation. Mr. Simmons succeeds Mr. John Griffin.

Senator Terrill moved after the Clerk's desk is cleared, the Senate stand adjourned to meet Monday, March 6, 1972, at 1:00 P.M., which motion prevailed.

## BILL RELEASED

**HB 1686** was properly signed and ordered returned to the Honorable House.

Upon motion of Senator Terrill, the Senate adjourned to meet Monday, March, 1972, at 1:00 P.M.

# Thirty-sixth Legislative Day

## Monday, March 6, 1972

Pursuant to adjournment, the Senate was called to order by Senator Terrill, who was designated so to do by the President Pro Tempore.

Upon roll call, the following members were present:

Baggett, Baldwin, Berrong, Birdsong, Boecher, Breckinridge, Capps, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Keels, Lamb, Lane, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Phillips, Porter, Rogers, Smalley, Smith, Stansberry, Stipe, Taliaferro, Terrill, Trent, Williams, Young.—46.

Excused: Bradley, Crow.—2.

The Presiding Officer declared a quorum present.

The following prayer was offered by Reverend Wendell J. Hart, Pastor, Shields Boulevard Baptist Church, Oklahoma City, Oklahoma, and incorporated upon request of Senator Rogers:

Our Heavenly Father, as we wait in thy presence, we invoke thy blessings on the Senate of the State of Oklahoma, our Governor, the President and the leaders of our nation. We thank thee for the liberty we share as a nation . . . the liberty that is ours in Christ Jesus.

May we be mindful of thy blessings, knowing that every good and perfect gift cometh down from the father, keep us conscious of thy holliness so that we may honor thy name.

Knowing that there is no power, but of God and the power that be ordained of God.

Help us to be good stewards of the office and the opportunities given to us, in all of our ways, may we acknowledge thee.

In the name of Jesus Christ our Lord, to whom be glory and dominion for ever we pray. Amen.

The Journal for the last legislative day was declared approved.

## COMMITTEE REPORTS

The following Bills and/or Resolutions were reported by the Committees named, ordered printed and placed upon the Calendar unless otherwise indicated:

DO PASS:

**SB 334**—Professions and Occupations.

**HB 1722**—Agriculture.

DO PASS: As Amended:

**SB 106**—Insurance.

**SB 403**—Appropriations and Budget.

**CS** for **SB 536**—Agriculture.

**SB 549**—State and Federal Government.

**SB 583**—Appropriations and Budget.

**SJR 5**—Constitutional Revision and Redistricting.

**SJR 30**—Constitutional Revision and Redistricting.

**HB 1531**—Agriculture, Senator Payne Senate author.

**HB 1557**—Appropriations and Budget.

**HB 1558**—Appropriations and Budget.

**HB 1559**—Appropriations and Budget.

**CS** for **HB 1580**—Appropriations and Budget.

**HB 1625**—Professions and Occupations, co-authored by Senator McSpadden.

**HB 1649**—Appropriations and Budget.

## FIRST READING

The following Bills and/or Resolutions were introduced and read the first time:

**SB 610**—By Berrong of the Senate and Willis of the House—An Act relating to public lands; amending 64 O.S. 1971, § 126; providing mail handling procedure; providing procedure for reception of checks, drafts and vouchers; providing for exceptional procedure in certain instances; and declaring an emergency.

**SB 611**—By Baggett—An Act relating to rural medical scholarships; amending 70 O.S. 1971, § 625.2; providing authority of Board of Trustees; providing minimum number of scholarships; and declaring an emergency.

**SB 612**—By Baggett—An Act relating to insurance; authorizing assignment of incidents of ownership in group life insurance policies; and declaring an emergency.

**SB 613**—By Grantham of the Senate and Boettcher and Conaghan of the House—An Act relating to electric service; amending 17 O.S. 1971, § 158.28; providing the provisions of the Retail Electric Supplies Certified Territory Act, 17 O.S. 1971, §§ 158.21 through 158.32, shall be inapplicable to municipally owned electric utility service lines; and declaring an emergency.

**SB 614**—By Grantham—An Act relating to roads, streets and highways; amending 69 O.S. 1971, § 1706; providing for construction of turnpikes; authorizing grade separations, readjustment of lines and utilities as part of the cost of a turnpike project in certain circumstances; and declaring an emergency.

**SB 615**—By McCune—An Act relating to consumer protection; creating the Deceptive Sales Act; defining terms; declaring certain practices unlawful; allowing actions for damages and class actions; requiring court clerk to mail petitions and judgments or decrees of civil action to Attorney General and Administrator of Consumer Affairs; providing for temporary and permanent injunctions or orders and declaring such as prima facie evidence; allowing state to initiate actions; designating venue; allowing court to retain jurisdiction; requiring notice of violations to Attorney General and Administrator; providing for penalties for violations; providing for severability; and declaring an emergency.

**SB 616**—By Hamilton—An Act relating to the Industrial Development and Park Commission; making a reappropriation thereto; stating the purpose; providing lapse date; and declaring an emergency.

**SB 617**—By Howell—An Act relating to agriculture; creating the Humane Animal Care Act; defining terms; requiring humane care and treatment of animals; granting power and authority to State Board of Agriculture to establish standards, rules and regulations governing humane care and treatment; directing veterinary division to perform duties; providing for investigations and inspections; granting access to animals, premises and facilities; requiring certain animal investigations or inspections; allowing examination and tests of animals; providing for commencement of legal action, orders and injunctions, damages and violations of orders and injunctions; providing for penalties; providing for severability; fixing an operative date; and declaring an emergency.

**SB 618**—By Smalley and Murphy of the Senate and Cate of the House—An Act relating to federally insured loans to students of certain educational institutions; defining terms; authorizing creation of the Oklahoma Student Loan Authority; providing for State Regents for Higher Education to act as fiscal agent of the Authority and prescribing duties; providing for acceptance by the state of the beneficial interest in a trust creating the Authority; providing for the issuance of bonds

by said trust; making such bonds legal investments for certain persons and institutions; providing for appointment, compensation, powers and duties of trustees; providing conditions of loans; providing for reimbursement of fiscal agent; providing powers and duties of Authority relating to bonds; providing for funds and disposition and investment of monies; providing authority of Governor; making provisions severable; and declaring an emergency.

**SB 619**—By Garrison—An Act relating to holidays; amending 25 O.S. 1971, § 82.2; providing for certain holidays and permitting certain financial institutions to observe the fourth Monday in October as Veterans' Day.

**SB 620**—By Lamb—An Act relating to counties and county officers; amending 19 O.S. 1971, § 298; requiring mailing address of party to whom recorded instruments affecting real property are to be delivered; and declaring an emergency.

## SECOND READING

The following Bills and/or Resolutions were read the second time and referred to Committees indicated:

**SB 606**—Appropriations and Budget.

**SB 607**—Appropriations and Budget.

**SB 608**—Governmental Reform.

**SB 609**—Oil and Gas.

**HB 1523**—Revenue and Taxation.

**HB 1624**—Judiciary.

**HB 1647**—Wildlife.

**HB 1700**—Judiciary.

**HB 1719**—Rules.

**HB 1728**—State and Federal Government.

**HB 1631**—Governmental Reform.

**HB 1667**—Revenue and Taxation.

## UNANIMOUS CONSENT REQUEST

Senator Martin asked unanimous consent that the names of Senators Murphy, Birdsong and Howell be removed as co-authors from the printed copy of **SB 486,** which was the order.

## RESOLUTION

Senator Murphy introduced **SCR 95.**

Senator Miller asked to be made a co-author of **SCR 95.**

**SCR 95,** as co-authored, was read at length as follows, adopted upon motion of Senator Murphy and ordered referred for engrossment.

**SCR 95**—By Murphy and Miller—A Concurrent Resolution memorializing the President of the United States and United States Congress to request the International Olympic Committee to present the Olympic medals and trophies won by the Oklahoma athlete Jim Thorpe in the 1912 Olympic Games to the Jim Thorpe Museum in Yale, Oklahoma; and directing distribution.

WHEREAS, James Francis "Jim" Thorpe rose from a humble, unpretentious birth in a one-room cabin in Oklahoma to stand beside royalty and hear himself acclaimed as the greatest athlete in the world; and

WHEREAS, Jim Thorpe's incredible achievements in sports—Winning All-American honors in football, playing professional baseball, winning the Olympic Pentathlon and Decathlon and the Silver Viking Trophy and serving as first President of the National Football League—loom ever more impressively in today's era of the specialized athlete who masters only one facet of a single sport; and

WHEREAS, Jim Thorpe's Olympic medals were taken from him, his trophies forfeited and his name and athletic achievements erased from the Olympic record books because of his unintentional mistake of playing semi-professional summer baseball prior to his participation in the Olympic Games; and

WHEREAS, Jim Thorpe's simple mistake shrinks to insignificance in the light of the history of the Olympic amateur code with many athletes openly subsidized by

their governments and other athletes resorting to subtler forms of commercialization with impunity; and

WHEREAS, Yale, Oklahoma, has established a Jim Thorpe Museum honoring the memory of Oklahoma's greatest athlete.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE 2D SESSION OF THE 33D OKLAHOMA LEGISLATURE, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

SECTION 1. The Oklahoma Legislature hereby respectfully memorializes the President of the United States and the Congress of the United States to request the International Olympic Committee to return from their present location in Zurich, Switzerland, the Olympic Medals and Trophies won by Oklahoma Athlete Jim Thorpe, in the 1912 Olympic Games to the Jim Thorpe Museum in Yale, Oklahoma, to be displayed as a tribute to superb athletic achievement.

SECTION 2. Copies of this Resolution shall be distributed to the Honorable Richard M. Nixon, President of the United States and to each member of the Oklahoma Congressional Delegation.

## MESSAGE FROM THE HOUSE

Advising passage of and transmitting for consideration Engrossed:

**HB 1709**—By Clemons—(Schools; annual expenditure per pupil and emergency)

**HJR 1043**—By Sanguin, Fine, Greenhaw, Privett, Bradley, Davis, Conaghan, Abbott, Anderson, Andrews, Atkins, Avey, Bamberger, Bengtson, Bernard, Beznoska, Boatner, Boettcher, Boren, Briscoe, Camp, Carlton, Cartwright, Cate, Clemons, Coffin, Cole, Converse, Cotner, Cox, Doornbos, Draper, Duke, Dunn, Elder, Ferguson, Ferrell, Finch, Ford, Frates, Goodeen, Green, Hancock, Hargrave, Harper, Harrison, Hatchett, Hill, Holaday, Hopkins, Huddleston, Johnson, Kamas, Kardokus, Kennedy, Kilpatrick, Lindstrom, McCune, McIntyre, McKee, Miskelly, Monks, Mountford, Murphy, Musgrave, Nance, Odom, Payne, Pierce, Poulos, Randle, Riggs, Robinson, Rogers, Sanders, Sandlin, Skeith, Sparkman, Spearman, Stratton, Sullivan, Taggart, Tarwater, Thornhill, Townsend, Trent, Wayland, Whorton, Wickersham, Wiedemann, Williams, Williamson, Willis, Witt, Wixson, Wolf (Leland), Wolfe (Stephen), Wynn and York of the House and Hamilton and Bradley of the Senate—A Joint Resolution providing that the official name of the building to be constructed by the Oklahoma Capitol Improvement Authority to house all functions of education at the state level shall be Oliver Hodge Memorial Education Building.

The above numbered **HBs** and/or **HRs** were read for the first time.

## MESSAGE FROM THE HOUSE

Advising fourth reading and transmitting for signature Enrolled **HB 1670.**

The above numbered Enrolled Bill was, after fourth reading, properly signed and ordered returned to the Honorable House.

## MESSAGE FROM THE HOUSE

Advising passage of and returning Engrossed **SB 117,** as co-authored and amended.

**HAs to SB 117** read as follows, and consideration deferred:

Authors: Add the following co-authors: Draper and Sullivan of the House.

Amendment No. 1. Restore Title: "An Act relating to the Commission on Fire Protection Personnel Standards and Education; creating the "Fire Service Training Fund"; making appropriations thereto; stating purpose; making appropriation nonfiscal; and declaring an emergency."

Amendment No. 2. Amend Page 1, Line 17, by striking the Enacting Clause.

## MESSAGE FROM THE HOUSE

Advising fourth reading of and returning Enrolled **SJR 13.**

The above numbered Enrolled Resolution was referred to the Governor.

## UNANIMOUS CONSENT REQUESTS

President Pro Tempore Smith asked unanimous consent that **SB 585** be released from the assignment to the Committee on Public and Mental Health and referred only to the Committee on Education - Common, which was the order.

President Pro Tempore Smith asked unanimous consent that **HB 1705** be considered by the Committee on Social Welfare prior to consideration by the Committee on Judiciary, which was the order.

## THIRD READING

**SB 559** was considered further.

President Pro Tempore Smith presiding.

Senator Rogers presiding.

**SB 559** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baldwin, Birdsong, Boecher, Capps, Dahl, Ferrell, Garrett, Garrison, Grantham, Graves, Ham, Hargrave, Holden, Howard, Howell, Inhofe, Lamb, Lane, McCune, McGraw, Martin, Payne, Porter, Rogers, Smalley, Smith, Stansberry, Taliaferro, Terrill, Williams.—30.

Nay: Baggett, Berrong, Field, Hamilton, Keels, Luton, McSpadden, Medearis, Miller, Murphy, Nichols, Phillips, Trent, Young.—14.

Excused: Bradley, Breckinridge, Crow, Stipe.—4.

The bill was declared passed.

**SB 559** was referred for engrossment.

## REPORT OF ENGROSSED AND ENROLLED BILLS

**SBs 387, 497** and **HB 1519** each correctly engrossed.

**SBs 453, 461** and **SR 76** each correctly enrolled.

Engrossed **SBs 387** and **497** were each properly signed and ordered transmitted to the Honorable House for consideration.

Engrossed **HB 1519,** together with Engrossed **SAs**, was properly signed and ordered returned to the Honorable House.

Enrolled **SBs 453** and **461** were, after fourth reading, properly signed and ordered transmitted to the Honorable House for the signature of the Speaker.

Enrolled **SR 76** was properly signed and ordered transmitted to the Secretary of State.

## MESSAGE FROM THE GOVERNOR

Advising approval by him, March 3, 1972, of Enrolled **SBs 410** and **421** entitled:

**SB 410**—By Baldwin of the Senate and Willis and Miskelly of the House—An Act relating to the Western Plains Indians Arts and Crafts Commission and making an appropriation thereto; stating the purpose; providing lapse date; making provisions of this Act severable; and declaring an emergency.

**SB 421**—By McSpadden, Hamilton, Inhofe and Luton of the Senate and Willis and Miskelly of the House—An Act relating to the Commission on Criminal and Traffic Law Enforcement System and making an appropriation thereto; stating the purpose; providing lapse date; making the provisions of this Act severable; and declaring an emergency.

## GENERAL ORDER

**HB 1640** by Skeith, et al, of the House and Murphy, Terrill, Smith, McSpadden, Smalley, Keels, Lamb, Dahl and Holden of the Senate was read and considered.

Upon motion of Senator Murphy, **HB 1640** was advanced to engrossment.

By unanimous consent, upon request of Senator Murphy, **HB 1640** was considered engrossed and placed on third reading and final passage.

**THIRD READING**

**HB 1640** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Berrong, Birdsong, Capps, Dahl, Ferrell, Garrett, Garrison, Grantham, Graves, Ham, Hargrave, Holden, Howard, Howell, Inhofe, Keels, Lamb, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Phillips, Porter, Rogers, Smalley, Smith, Stansberry, Taliaferro, Terrill, Trent, Williams, Young.—37.

Nay: Boecher, Hamilton, Lane, Payne. —4.

Excused: Baldwin, Bradley, Breckinridge, Crow, Field, Luton, Stipe.—7.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baggett, Berrong, Birdsong, Capps, Dahl, Ferrell, Garrett, Garrison, Grantham, Graves, Ham, Hargrave, Holden, Howard, Howell, Inhofe, Keels, Lamb, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Phillips, Porter, Rogers, Smalley, Smith, Stansberry, Taliaferro, Terrill, Trent, Williams, Young.—37.

Nay: Boecher, Hamilton, Lane, Payne. —4.

Excused: Baldwin, Bradley, Breckinridge, Crow, Field, Luton, Stipe.—7.

The emergency was declared passed.

**MOTION TO RECONSIDER VOTE**

As provided under Rule 19(b), Senator Boecher moved that the vote be reconsidered by which **HB 1640** passed.

As provided under Rule 19(b), Senator Boecher moved that the vote be reconsidered by which the Emergency Section of **HB 1640** passed.

**GENERAL ORDER**

**HB 1639** by Skeith, et al, of the House and Smith, Terrill, McSpadden, Murphy, Smalley and Holden of the Senate was read and considered.

Senators Luton and Capps asked to be made co-authors of **HB 1639,** which was the order.

Senator Murphy moved to amend **HB 1639,** Page 3, Line 6, by deleting after the word "this", and before the word "shall", the word "chapter" and substitute the word "code".

Senator Murphy asked unanimous consent that his foregoing amendment be withdrawn, which was the order.

Upon motion of President Pro Tempore Smith, **HB 1639,** as co-authored, was advanced to engrossment.

By unanimous consent, upon request of President Pro Tempore Smith, **HB 1639,** as co-authored, was considered engrossed and placed on third reading and final passage.

**THIRD READING**

**HB 1639** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Birdsong, Capps, Dahl, Ferrell, Garrett, Garrison, Grantham, Graves, Ham, Hargrave, Holden, Howard, Howell, Keels, Lane, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Phillips, Smalley, Smith, Stansberry, Taliaferro, Terrill, Williams, Young.—33.

Nay: Berrong, Boecher, Field, Payne, Rogers, Stipe, Trent.—7.

Excused: Baldwin, Bradley, Breckinridge, Crow, Hamilton, Inhofe, Lamb, Porter.—8.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baggett, Birdsong, Capps, Dahl, Ferrell, Garrett, Garrison, Grantham, Graves, Ham, Hargrave, Holden, Howard, Howell, Keels, Lane, Luton, McCune, Mc-

Graw, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Phillips, Smalley, Smith, Stansberry, Taliaferro, Terrill, Williams, Young.—33.

Nay: Berrong, Boecher, Field, Payne, Rogers, Stipe, Trent.—7.

Excused: Baldwin, Bradley, Breckinridge, Crow, Hamilton, Inhofe, Lamb, Porter.—8.

The emergency was declared passed.

**HB 1639** was referred for engrossment.

## GENERAL ORDER

**SB 505** was considered further.

Senator Baggett asked unanimous consent that his pending amendment to **SB 505,** Page 5, Line 1, shown March 2, 1972, be withdrawn, which was the order.

President Pro Tempore Smith moved to amend **SB 505,** Page 29, Lines 12 through 18, and page 30, Lines 1 through 12, by striking Lines 12 through 18 on Page 29 and Lines 1 through 12 on Page 30, which amendment was declared adopted.

Upon motion of President Pro Tempore Smith, **SB 505,** as amended, was advanced to engrossment.

By unanimous consent, upon request of President Pro Tempore Smith, **SB 505,** as amended, was considered engrossed and placed on third reading and final passage.

## THIRD READING

**SB 505** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Berrong, Birdsong, Boecher, Capps, Dahl, Ferrell, Field, Grantham, Graves, Ham, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Keels, Lane, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Phillps, Rogers, Smalley, Smith, Stipe, Terrill, Williams, Young.—37.

Excused: Baldwin, Bradley, Breckinridge, Crow, Garrett, Garrison, Lamb, Porter, Stansberry, Taliaferro, Trent.—11.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baggett, Berrong, Birdsong, Boecher, Capps, Dahl, Ferrell, Field, Grantham, Graves, Ham, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Keels, Lane, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Phillps, Rogers, Smalley, Smith, Stipe, Terrill, Williams, Young.—37.

Excused: Baldwin, Bradley, Breckinridge, Crow, Garrett, Garrison, Lamb, Porter, Stansberry, Taliaferro, Trent.—11.

The emergency was declared passed.

**SB 505** was referred for engrossment.

## UNANIMOUS CONSENT REQUESTS-CUT-OFF DATE

Senator Smalley asked unanimous consent, which was granted, that he be allowed to introduce **SB 618,** and that it be allowed to be reported out of Committee after the Cut-off Date, March 9, 1972.

Senator McSpadden asked unanimous consent, which was granted, that he be allowed to introduce a Senate Joint Resolution relative to Transfer of Land, when it is prepared, and that it be allowed to be reported out of Committee after the Cut-off Date, March 9, 1972.

## GENERAL ORDER

**SB 540** by Smith and Keels of the Senate and Riggs of the House was read and considered.

Senator Terrill asked to be made a co-author of **SB 540,** which was the order.

Upon motion of President Pro Tempore Smith, **SB 540,** as co-authored, was advanced to engrossment.

By unanimous consent, upon request of President Pro Tempore Smith, **SB 540,** as co-authored, was considered engrossed

and placed on third reading and final passage.

## THIRD READING

**SB 540** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Berrong, Birdsong, Boecher, Capps, Dahl, Ferrell, Field, Garrett, Grantham, Graves, Ham, Hamilton, Hargrave, Holden, Howell, Inhofe, Keels, Luton, McCune, McGraw, Martin, Medearis, Miller, Murphy, Nichols, Payne, Phillips, Rogers, Smalley, Smith, Stansberry, Stipe, Taliaferro, Terrill, Trent, Williams, Young.—38.

Excused: Baldwin, Bradley, Breckinridge, Crow, Garrison, Howard, Lamb, Lane, McSpadden, Porter.—10.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baggett, Berrong, Birdsong, Boecher, Capps, Dahl, Ferrell, Field, Garrett, Grantham, Graves, Ham, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Keels, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Phillips, Rogers, Smalley, Smith, Stansberry, Stipe, Taliaferro, Terrill, Trent, Williams, Young.—41.

Excused: Baldwin, Bradley, Breckinridge, Crow, Lamb, Lane, Porter.—7.

The emergency was declared passed.

**SB 540** was referred for engrossment.

## GENERAL ORDER

**SB 519** by Martin of the Senate and Duke of the House was read and considered.

Upon motion of Senator Martin, **SB 519** was advanced to engrossment.

## MESSAGE FROM THE HOUSE

Advising fourth reading of and returning Enrolled **SBs 453** and **461.**

The above numbered Enrolled Bills were referred to the Governor.

## GENERAL ORDER

**HB 1575** by Willis, et al, of the House and McSpadden and Hamilton of the Senate was read and considered.

Upon motion of Senator McSpadden, **HB 1575** was advanced to engrossment.

By unanimous consent, upon request of Senator McSpadden, **HB 1575** was considered engrossed and placed on third reading and final passage.

## THIRD READING

**HB 1575** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Berrong, Birdsong, Boecher, Capps, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Keels, Lane, Luton, McCune, McGraw, McSpadden, Martin, Miller, Nichols, Payne, Phillips, Rogers, Smalley, Smith, Stansberry, Stipe, Taliaferro, Terrill, Trent, Williams, Young.—40.

Excused: Baldwin, Bradley, Breckinridge, Crow, Lamb, Medearis, Murphy, Porter.—8.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baggett, Berrong, Birdsong, Boecher, Capps, Dahl, Ferrell, Field, Garrett, Garrison, Grantham, Graves, Ham, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Keels, Lane, Luton, McCune, McGraw, McSpadden, Martin, Miller, Nichols, Payne, Phillips, Rogers, Smalley, Smith, Stansberry, Stipe, Taliaferro, Terrill, Trent, Williams, Young.—40.

Excused: Baldwin, Bradley, Breckinridge, Crow, Lamb, Medearis, Murphy, Porter.—8.

The emergency was declared passed.

**HB 1575** was referred for engrossment.

## GENERAL ORDER

**HB 1612** by Willis, et al, of the House and McSpadden and Hamilton of the Senate was read and considered.

Upon motion of Senator McSpadden, **HB 1612** was advanced to engrossment.

By unanimous consent, upon request of Senator McSpadden, **HB 1612** was considered engrossed and placed on third reading and final passage.

## THIRD READING

**HB 1612** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Berrong, Birdsong, Boecher, Capps, Dahl, Ferrell, Field, Garrison, Graves, Ham, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Keels, Lane, Luton, McCune, McSpadden, Martin, Miller, Murphy, Nichols, Payne, Phillips, Rogers, Smalley, Smith, Stipe, Taliaferro, Terrill, Trent, Williams, Young. —37.

Excused: Baldwin, Bradley, Breckinridge, Crow, Garrett, Grantham, Lamb, McGraw, Medearis, Porter, Stansberry. —11.

The bill was declared passed.

On the question of passage of emergency, the roll call resulted as follows:

Aye: Baggett, Berrong, Birdsong, Boecher, Capps, Dahl, Ferrell, Field, Garrison, Graves, Ham, Hamilton, Hargrave, Holden, Howard, Howell, Inhofe, Keels, Lane, Luton, McCune, McSpadden, Martin, Miller, Murphy, Nichols, Payne, Phillips, Rogers, Smalley, Smith, Stipe, Taliaferro, Terrill, Trent, Williams, Young. —37.

Excused: Baldwin, Bradley, Breckinridge, Crow, Garrett, Grantham, Lamb, McGraw, Medearis, Porter, Stansberry. —11.

The emergency was declared passed.

**HB 1612** was ordered withheld pursuant to Rule 19(f).

## PENDING SENATE ACTION ON HOUSE REQUESTS FOR CONFERENCE

Upon motion of Senator McSpadden, the requests of the Honorable House for a conference on **HBs 1555, 1574, 1578, 1585** and **1680** were ordered granted, said Bills to be referred to **GCCA.**

Upon motion of Senator Stipe, the request of the Honorable House for a conference on **HB 1590** was ordered granted, President Pro Tempore Smith naming as Senate Conferees the following:

**HB 1590:** Senators Stipe, McSpadden and Trent.

## GENERAL ORDER

**SB 506** by Luton, Baggett, Payne, Stansberry and Smalley of the Senate and Monks of the House was read and considered.

Senator Inhofe asked to be made a co-author of **SB 506,** which was the order.

Upon motion of Senator Luton, **SB 506,** as co-authored, was advanced to engrossment.

By unanimous consent, upon request of Senator Luton, **SB 506,** as co-authored, was considered engrossed and placed on third reading and final passage.

## THIRD READING

**SB 506** was read for the third time at length.

On the question of passage of Bill, the roll call resulted as follows:

Aye: Baggett, Berrong, Birdsong, Capps, Dahl, Ferrell, Garrison, Graves, Ham, Hargrave, Holden, Howell, Inhofe, Keels, Lane, Luton, McCune, McGraw, McSpadden, Martin, Medearis, Miller, Murphy, Nichols, Payne, Phillips, Rogers, Smith, Stansberry, Stipe, Terrill, Trent, Williams, Young.—34.

Nay: Boecher, Field, Grantham.—3.