

Senate Journal

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

Twenty-fourth Legislative Day, Wednesday, March 12, 2003

The Senate was called to order by Senator Rozell.

Roll Call:

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

Excused: Kerr.—1.

Vacancy: District 7.—1.

Senator Rozell declared a quorum present.

The prayer was offered by Reverend Jane Huffstetler, St. James Presbyterian, Jenks, the guest of Senator Easley.

REPORT OF ENGROSSED AND ENROLLED MEASURES

SBs 6, 10, 213, 284, 296, 308, 317, 322, 334, 336, 368, 373, 376, 393, 407, 408, 411, 484, 489, 522, 535, 556, 583, 606, 635, 638, 670, 673, 699, 702, 704, 713, 717, 750, 751, 774, 791, 816, 830 and 835 were each correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

GENERAL ORDER

SB 741 by Stipe of the Senate and Hamilton of the House was called up for consideration.

Senator Price asked to be named principal Senate author on **SB 741**, which was the order.

Senator Price moved that **SB 741** be advanced, which motion was declared adopted.

THIRD READING

SB 741 was read for the third time at length.

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

Aye: Aldridge, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crutchfield, Dunlap, Easley, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Laster, Laughlin, Lawler, Leftwich, Maddox, Milacek, Monson, Morgan, Myers, Price, Pruitt, Rabon, Reynolds, Riley, Rozell, Shurden, Smith, Snyder, Taylor, Wilkerson and Williamson.--40.

Nay: Nichols and Wilcoxson.--2.

Excused: Fair, Kerr, Littlefield, Robinson and Williams.--5.

Vacancy: District 7.--1.

The bill passed.

SB 741 was referred for engrossment.

GENERAL ORDER

SB 297 by Easley of the Senate and Dorman of the House was called up for consideration.

Senator Easley moved that **SB 297** be advanced, which motion was declared adopted.

THIRD READING

SB 297 was read for the third time at length.

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

Aye: Branan, Cain, Capps, Corn, Dunlap, Easley, Fisher, Gumm, Harrison, Helton, Hobson, Horner, Laster, Leftwich, Monson, Morgan, Price, Rabon, Rozell, Shurden and

Taylor.--21.

Nay: Aldridge, Brogdon, Coates, Coffee, Crutchfield, Fair, Ford, Johnson, Laughlin, Lawler, Maddox, Milacek, Myers, Nichols, Pruitt, Reynolds, Riley, Smith, Snyder, Wilcoxson, Wilkerson and Williamson.--22.

Excused: Kerr, Littlefield, Robinson and Williams.--4.

Vacancy: District 7.--1.

The bill failed.

Pursuant to Rule 12-23, Senator Easley served notice that the vote be reconsidered whereby **SB 297** failed.

GENERAL ORDER

SB 787 by Monson of the Senate and Nations of the House was called up for consideration.

Senator Monson moved to amend **SB 787**, by striking the title, the enacting clause and the entire body of the bill and substituting the floor substitute, which amendment was declared adopted. (Copies were provided for all Senators.)

Senator Monson moved that **SB 787** be advanced, which motion was declared adopted.

THIRD READING

SB 787 was read for the third time at length.

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

Aye: Branam, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crutchfield, Dunlap, Easley, Fair, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Laster, Laughlin, Lawler, Leftwich, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Shurden, Smith, Snyder, Taylor, Wilkerson, Williams and Williamson.--42.

Nay: Rozell and Wilcoxson.--2.

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

Vacancy: District 7.--1.

The bill passed.

SB 787 was referred for engrossment.

GENERAL ORDER

SB 608 by Corn of the Senate and Taylor of the House was called up for consideration.

Senator Corn moved to amend **SB 608**, by striking the title, the enacting clause and the entire body of the bill and substituting the floor substitute, which amendment was declared adopted. (Copies were provided for all Senators.)

Senator Corn moved that **SB 608** be advanced, which motion was declared adopted.

THIRD READING

SB 608 was read for the third time at length.

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

Aye: Aldridge, Cain, Capps, Coffee, Corn, Crutchfield, Dunlap, Easley, Fisher, Gumm, Harrison, Helton, Hobson, Horner, Laster, Laughlin, Lawler, Leftwich, Monson, Morgan, Myers, Nichols, Pruitt, Rabon, Robinson, Shurden, Taylor, Wilkerson and Williams.--29.

Nay: Branan, Brogdon, Coates, Fair, Ford, Johnson, Maddox, Milacek, Price, Reynolds, Riley, Rozell, Smith, Snyder, Wilcoxson and Williamson.--16.

Excused: Kerr and Littlefield.--2.

Vacancy: District 7.--1.

The bill passed.

SB 608 was referred for engrossment.

GENERAL ORDER

SB 779 by Cain of the Senate and Nations et al of the House was called up for consideration.

Senator Cain moved that **SB 779** be advanced, which motion was declared adopted.

THIRD READING

SB 779 was read for the third time at length.

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

Aye: Cain, Capps, Corn, Crutchfield, Dunlap, Easley, Fair, Fisher, Ford, Harrison, Hobson, Horner, Laster, Lawler, Leftwich, Monson, Morgan, Price, Robinson, Rozell, Shurden, Smith, Taylor, Wilkerson, Williams and Williamson.--26.

Nay: Aldridge, Branan, Brogdon, Coates, Coffee, Gumm, Helton, Johnson, Laughlin, Maddox, Milacek, Myers, Nichols, Pruitt, Rabon, Reynolds, Riley, Snyder and Wilcoxson.-19.

Excused: Kerr and Littlefield.--2.

Vacancy: District 7.--1.

The bill passed.

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

On the question of passage of the emergency, the vote resulted as follows: Aye: 29; Nay: 16; Excused: 2; Vacancy: 1.

The emergency failed.

SB 779 was referred for engrossment.

GENERAL ORDER

SB 667 by Williams of the Senate and Roberts of the House was called up for consideration.

Senator Williams moved to amend **SB 667**, by striking the title, the enacting clause and the entire body of the bill and substituting the floor substitute, which amendment was declared adopted. (Copies were provided for all Senators.)

Senator Williams moved to amend the floor substitute to **SB 667**, Page 1, by striking the title, which amendment was declared adopted.

Senator Williams moved that **SB 667** be advanced, which motion was declared adopted.

THIRD READING

SB 667 was read for the third time at length.

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

Aye: Aldridge, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crutchfield, Dunlap, Easley, Fair, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Laster, Laughlin, Lawler, Leftwich, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.--45.

Excused: Kerr and Littlefield.--2.

Vacancy: District 7.--1.

The bill passed.

SB 667 was referred for engrossment.

GENERAL ORDER

SB 346, considered on Page 768, was called up for further consideration.

Senator Pruitt moved to amend **SB 346**, Page 2, Lines 7 through 10 by deleting all language after the period on Line 7 through the period on Line 10; Page 3, Lines 9 and 10 by deleting all language after the word "for" on Line 9 through the word "Taking" on Line 10 and inserting in lieu thereof the word "taking"; Page 3, Lines 13 through 16 by deleting all language after the word "employees" on Line 13 through the word "welfare" on Line 16; Page 3, Lines 20 through 22 by deleting all language after the word "negligence" on Line 20 through the word "evidence" on Line 22; Page 5, Line 7 through Page 8, Line 10, by deleting Sections 6 and 7; Page 8, Lines 18 and 19 by deleting all language after the word "fees" on Line 18, and through the word "defendants" on Line 19 and by inserting in lieu thereof the language "where the matter is dismissed pursuant to Section 2012 of Title 12 of the Oklahoma Statutes"; Page 9, Lines 10 through 14 by deleting Section 10 and inserting a new Section 10 to read as follows:

"SECTION 10. RECODIFICATION 70 O.S. 2001, Section 24-132, as amended by Section 5 of this act, and Section 24-138 shall be recodified as Sections 6-210.5 and 6-210.6 of Title 70 of the Oklahoma Statutes, unless there is created a duplication in numbering." and by renumbering subsequent sections, which amendment was declared adopted.

Senator Pruitt moved that **SB 346** be advanced, which motion was declared adopted.

THIRD READING

SB 346 was read for the third time at length.

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

Aye: Aldridge, Branan, Brogdon, Capps, Coates, Coffee, Corn, Crutchfield, Dunlap, Fair, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Johnson, Laster, Laughlin, Lawler, Leftwich, Maddox, Milacek, Monson, Myers, Nichols, Pruitt, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Taylor, Wilcoxson, Wilkerson and Williamson.--38.

Nay: Cain, Easley, Horner, Morgan, Rabon and Williams.--6.

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

Vacancy: District 7.--1.

The bill and emergency passed.

SB 346 was referred for engrossment.

GENERAL ORDER

SJR 22, considered on Page 748, was called up for further consideration.

Senator Williamson moved to amend **SJR 22**, Page 1, Line 30 by inserting after the period the following language:

“The funds transferred from the proceeds of the lottery shall equal no less than thirty percent (30%) of all lottery proceeds during the first two full fiscal years and any partial first fiscal year of the lottery, and no less than thirty five percent (35%) of all lottery proceeds for each fiscal year thereafter.”, which amendment was declared adopted.

Senator Snyder moved to amend **SJR 22**, Page 1, by striking the title, which amendment was declared adopted.

Senator Shurden moved to amend **SJR 22**, Page 2, Lines 5 through 7 by deleting all language after the word “public” on Line 5 through the word “education” on Line 7 and inserting in lieu thereof the words “independent or elementary school districts”; Page 2, Lines 8 through 10 by deleting all language after the word “public” on Line 8 through the word “education” on Line 10 and inserting in lieu thereof the words “independent or elementary school districts”; Page 2, Lines 11 and 12 by deleting all language after the first word “education” on Line 11 through the word “facilities” on Line 12; Page 2, Line 13, by inserting after the semi-colon the word “and”; Page 2, Lines 14 through 17 by deleting all language beginning with the word “Endowed” on Line 14 through the number and period

“7.” on Line 17; Page 3, Lines 1 and 2 by deleting all language after the first word “education” on Line 1 through the word “education” on Line 2, which amendment was declared adopted.

Senator Smith moved that **SJR 22** be advanced, which motion was declared adopted.

THIRD READING

SJR 22 was read for the third time at length.

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

Aye: Aldridge, Cain, Capps, Coates, Corn, Crutchfield, Easley, Fair, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Laster, Lawler, Leftwich, Maddox, Milacek, Monson, Morgan, Myers, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.--37.

Nay: Branan, Brogdon, Coffee, Dunlap, Laughlin, Nichols, Price and Pruitt.--8.

Excused: Kerr and Littlefield.--2.

Vacancy: District 7.--1.

On the question on the special election the vote resulted as follows:

Aye: Cain, Capps, Coates, Corn, Crutchfield, Dunlap, Easley, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Laster, Lawler, Leftwich, Maddox, Milacek, Monson, Morgan, Myers, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.--35.

Nay: Aldridge, Branan, Brogdon, Coffee, Fair, Laughlin, Nichols, Price, Pruitt and Snyder.--10.

Excused: Kerr and Littlefield.--2.

Vacancy: District 7.--1.

The Presiding Officer 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 22 was ordered referred for engrossment.

Senator Robinson presiding.

GENERAL ORDER

SB 425 by Helton of the Senate and Roan of the House was called up for consideration.

Senator Helton moved to amend **SB 425**, by striking the title, the enacting clause and the entire body of the bill and substituting the floor substitute, which amendment was declared adopted. (Copies were provided for all Senators.)

Senator Helton moved to amend the floor substitute to **SB 425**, Page 1, by striking the title, which amendment was declared adopted.

Senator Shurden moved to amend the floor substitute to **SB 425**, Page 13, Line 24 by striking before the word "miles" the word and numeral "forty-five (45)" and inserting in lieu thereof the word and numeral "fifty-five (55)", which amendment was declared adopted.

Senator Helton moved that **SB 425** be advanced, which motion was declared adopted.

THIRD READING

SB 425 was read for the third time at length.

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

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

Excused: Kerr.--1.

Vacancy: District 7.--1.

The bill and emergency passed.

SB 425 was referred for engrossment.

GENERAL ORDER

SB 715 by Corn of the Senate and Miller (Ray) of the House was called up for consideration.

Senator Corn moved to amend **SB 715**, Page 1, Line 13, by inserting after the word "of" and before the word "a" the language ", or related employee information worksheets for,"; Page 3, Line 6 through Page 5, Line 21 by deleting all of subsections B and C and inserting the following language:

"B. Beginning with the school year 2004-05, the State Department of Education shall require in its annual personnel report the amounts paid in each category set out in subparagraphs a through g of paragraph 2 and subparagraphs a through f of paragraph 3 of subsection A of this section, disaggregated by the categories of administrative personnel and certified teaching personnel."; and Page 5, Line 22 through Page 6, Line 4 by deleting Sections 2 and 3, which amendment was declared adopted.

Senator Corn moved that **SB 715** be advanced, which motion was declared adopted.

THIRD READING

SB 715 was read for the third time at length.

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

Aye: Aldridge, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crutchfield, Dunlap, Easley, Fair, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Laster, Laughlin, Lawler, Leftwich, Littlefield, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.--45.

Excused: Kerr and Maddox.--2.

Vacancy: District 7.--1.

The bill passed.

SB 715 was referred for engrossment.

GENERAL ORDER

SB 304 by Easley of the Senate and Leist of the House was called up for consideration.

Senator Easley moved that **SB 304** be advanced, which motion was declared adopted.

THIRD READING

SB 304 was read for the third time at length.

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

Aye: Aldridge, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crutchfield, Dunlap, Easley, Fair, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Laster, Laughlin, Lawler, Leftwich, Littlefield, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.--43.

Nay: Rabon.--1.

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

Vacancy: District 7.--1.

The bill and emergency passed.

SB 304 was referred for engrossment.

THIRD READING

Senator Monson moved to reconsider the vote whereby **SB 212** was advanced, which motion was declared adopted.

GENERAL ORDER

SB 212 was called up for further consideration.

Senator Monson move to amend **SB 212**, Page 5, Lines 2 and 5 by deleting after the word "authority" the word "shall" and inserting in lieu thereof the word "may", which amendment was declared adopted.

Senator Monson moved that **SB 212** be advanced, which motion was declared adopted.

THIRD READING

SB 212 was read for the third time at length.

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

Aye: Cain, Capps, Corn, Crutchfield, Dunlap, Easley, Fisher, Gumm, Harrison, Helton, Hobson, Horner, Laster, Laughlin, Lawler, Leftwich, Littlefield, Monson, Morgan, Price, Rabon, Robinson, Rozell, Shurden, Taylor, Wilcoxson, Wilkerson and Williams.--28.

Nay: Aldridge, Branam, Brogdon, Coates, Coffee, Fair, Ford, Johnson, Milacek, Myers, Nichols, Pruitt, Reynolds, Riley, Smith and Snyder.--16.

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

Vacancy: District 7.--1.

The bill passed.

SB 212 was referred for engrossment.

THIRD READING

SB 264 was read for the third time at length.

Senators Snyder and Pruitt asked to coauthor **SB 264**, which was the order.

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

Aye: Branam, Cain, Capps, Coates, Coffee, Corn, Crutchfield, Dunlap, Easley, Fisher, Gumm, Harrison, Helton, Horner, Johnson, Laster, Leftwich, Littlefield, Maddox, Monson, Morgan, Nichols, Pruitt, Rabon, Riley, Robinson, Rozell, Shurden, Snyder, Taylor, Wilkerson, Williams and Williamson.--33.

Nay: Aldridge, Brogdon, Fair, Ford, Laughlin, Lawler, Milacek, Myers, Price, Reynolds, Smith and Wilcoxson.--12.

Excused: Hobson and Kerr.--2.

Vacancy: District 7.--1.

The bill passed.

SB 264 was referred for engrossment.

GENERAL ORDER

SB 430 by Smith of the Senate and Toure of the House was called up for consideration.

Senator Smith moved that **SB 430** be advanced, which motion was declared adopted.

THIRD READING

SB 430 was read for the third time at length.

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

Aye: Aldridge, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crutchfield, Dunlap, Easley, Fair, Ford, Gumm, Harrison, Helton, Horner, Johnson, Laster, Laughlin, Lawler, Leftwich, Littlefield, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.--43.

Excused: Fisher, Hobson, Kerr and Maddox.--4.

Vacancy: District 7.--1.

The bill passed.

SB 430 was referred for engrossment.

GENERAL ORDER

SB 305 by Easley of the Senate and Wells of the House was called up for consideration.

Senator Easley moved that **SB 305** be advanced, which motion was declared adopted.

THIRD READING

SB 305 was read for the third time at length.

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

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

Nay: Aldridge, Brogdon, Dunlap, Helton, Johnson, Myers and Nichols.--7.

Excused: Kerr and Price.--2.

Vacancy: District 7.--1.

The bill and emergency passed.

SB 305 was referred for engrossment.

GENERAL ORDER

SB 435 by Smith of the Senate and Toure of the House was called up for consideration.

Senator Smith moved that **SB 435** be advanced, which motion was declared adopted.

THIRD READING

SB 435 was read for the third time at length.

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

Aye: Aldridge, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crutchfield, Dunlap, Easley, Fair, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Laster, Laughlin, Lawler, Littlefield, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.--45.

Excused: Kerr and Leftwich.--2.

Vacancy: District 7.--1.

The bill passed.

SB 435 was referred for engrossment.

GENERAL ORDER

SB 389, considered on Page 692, was called up for further consideration.

Senator Shurden moved to amend **SB 389**, Page 1, Line 10 through Page 3, Line 4 by deleting all language in Section 1; Page 3, Lines 8 and 9 by deleting all language after the word "No" on Line 8 and through the word "facilities" on Line 9 and inserting in lieu thereof the words "cellular telephone tower"; Page 3, Lines 13 and 14 by deleting all language after the word "No" on Line 13 and through the word "facilities" on Line 14 and inserting in lieu thereof the words "cellular telephone tower", and renumbering subsequent sections, which amendment was declared adopted.

Senator Snyder moved to amend **SB 389**, Page 3, Lines 20 and 21 by deleting after the word “the” on Line 20 and before the word “is” on Line 21 the words “Department of Environmental Quality” and inserting in lieu thereof the words “Oklahoma Corporation Commission”, which amendment was declared adopted.

Senator Shurden moved to amend **SB 389**, Page 1, by restoring the title, which amendment was withdrawn upon request of Senator Shurden.

Senator Shurden moved that **SB 389** be advanced, which motion was declared adopted.

THIRD READING

SB 389 was read for the third time at length.

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

Aye: Cain, Capps, Coates, Corn, Crutchfield, Easley, Harrison, Helton, Horner, Laster, Lawler, Leftwich, Littlefield, Maddox, Morgan, Rabon, Reynolds, Rozell, Shurden, Smith, Snyder, Taylor and Wilkerson.--23.

Nay: Aldridge, Branan, Brogdon, Coffee, Dunlap, Fair, Fisher, Gumm, Johnson, Laughlin, Milacek, Myers, Nichols, Price, Pruitt, Riley, Robinson, Wilcoxson and Williamson.--19.

Excused: Ford, Hobson, Kerr, Monson and Williams.--5.

Vacancy: District 7.--1.

The bill failed.

Pursuant to Rule 12-23, Senator Shurden served notice that the vote be reconsidered whereby **SB 389** failed.

MESSAGES FROM THE HOUSE

Advising fourth reading of and transmitting for signature Enrolled **HB 1017**.

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

Advising passage of and transmitting for consideration Engrossed **HBs 1052, 1067, 1094, 1151, 1278, 1316, 1440, 1447, 1461, 1491, 1496, 1500, 1509, 1528, 1575, 1597, 1635, 1647, 1679, 1680, 1710, 1716, 1718, 1724 and 1764** and **HJR 1024** .

HB 1052 – By Hastings of the House and Smith of the Senate.
(homestead exemptions - amending Section 2 of Article XII of the Oklahoma Constitution - amending 31 O.S., Section 5 - exceptions - effective date)

HB 1067 – By Roberts of the House and Wilkerson of the Senate.
An Act relating to public retirement systems; amending 74 O.S. 2001, Section 942, as amended by Section 2, Chapter 391, O.S.L. 2002 (74 O.S. Supp. 2002, Section 942), which relates to the Oklahoma State Pension Commission; deleting provision related to review of legislation and related duties; and declaring an emergency.

HB 1094 – By Peters and Gilbert of the House and Fisher of the Senate.
An Act relating to children; creating the Oklahoma Partnership for School Readiness Act; providing short title; stating intent, purposes, and goals; creating the Oklahoma Partnership for School Readiness Board; providing for membership, organization, and reimbursement of the Board; stating powers and duties of the Board; requiring annual report and specifying contents of report; designating Department of Human Services as lead agency; authorizing establishment of certain foundation; stating purpose of foundation; authorizing use of foundation revenues for certain purpose; prohibiting voting by certain members of foundation; providing for codification; providing for noncodification; and declaring an emergency.

HB 1151 – By Smith (Dale) of the House and Laster of the Senate.
An Act relating to schools; amending 70 O.S. 2001, Sections 6-185 and 6-194, which relate to teacher preparation and professional development; requiring competencies and professional development on certain classroom management and student discipline skills; providing an effective date; and declaring an emergency.

HB 1278 – By Kirby and Cox of the House and Hobson of the Senate.
An Act relating to amusements and sports; ordering a legislative referendum pursuant to the Oklahoma Constitution; creating the Oklahoma Education Lottery Act; providing short title; stating intent; defining terms; creating Oklahoma Lottery Commission; providing for status and location thereof; providing for governance by board of trustees; providing for membership, terms, conflicts of interest, travel reimbursement, officers and conducting of business thereof; subjecting meetings of board to Oklahoma Open Meeting Act; providing for appointment of Lottery Retailer Advisory Board; specifying duties of board of trustees; providing for appointment and compensation of executive director; specifying powers of Commission; specifying rules which may be promulgated by board of trustees subject to Administrative Procedures Act; specifying duties of executive director; providing for employees of Commission and specifying certain provisions related thereto; providing for apportionment of lottery proceeds; creating the Oklahoma Education Lottery Trust Fund and providing for deposits thereto and expenditures therefrom; specifying certain duties of Office of State Finance; requiring the Legislature to appropriate the net

lottery proceeds for certain specific purposes; prohibiting expenditure of nonlottery funds for certain purposes; stating intent and provisions relating to participation by minority businesses; specifying certain requirements relating to lottery system vendors; requiring disclosure of certain information; prohibiting entry into major procurement contracts with certain persons; prohibiting gifts or payments under certain circumstances; requiring vendors to meet certain requirements; requiring competitive bid of certain contracts; providing for compensation and qualification of lottery retailers; prohibiting transfer or assignment of retailer contracts and sale of tickets by persons other than stated retailers; allowing Commission to establish fidelity fund and reserve accounts; allowing Commission to require retailers to post bond or maintain securities; providing for termination of retail contracts; providing that lottery sales constitute trust fund and providing for deposit of lottery proceeds; specifying certain restrictions with respect to lottery retailer rental payments; prohibiting sale of lottery ticket at price other than that established by Commission; providing exception; specifying certain restrictions on sale or gift of lottery tickets; subjecting proceeds of lottery prize to state income tax; providing for withholding of certain amounts from lottery prizes; specifying duties of Commission to establish system of verification of validity of tickets or shares; specifying certain restrictions on payment of prizes; prohibiting sale of tickets to certain persons; providing for unclaimed prize money; providing for availability of records of Commission; specifying duties of Commission with respect to criminal background investigations and violations of act; prohibiting certain acts and providing penalties; providing for enforcement; providing for appeal of board decisions; allowing Commission to purchase or lease property; authorizing the Commission to issue bonds or notes; providing procedures relating to the issuance of bonds or notes; specifying duties of board of trustees with respect to financial integrity of lottery; creating Oklahoma Lottery Commission Legislative Oversight Committee; providing for membership and duties thereof; specifying condition under which the Oklahoma Education Lottery Act shall cease to have the force of law; amending 21 O.S. 2001, Section 1051, which relates to crimes and punishments; providing that conduct of lottery under act not violation of criminal provisions; providing for codification; providing ballot title; and directing filing.

HB 1316 – By Paulk of the House and Monson of the Senate.

(public health and safety – repealing 63 O.S., Sections 1-539.1, 1-539.2 and 1-539.3 – Needlestick Injury Prevention Act – codification – emergency)

HB 1440 – By Brannon of the House and Corn of the Senate.

(public retirement systems – Deferred Retirement Option Plan – distribution – codification – effective date – emergency)

HB 1447 – By McClain of the House and Robinson of the Senate.

An Act relating to revenue and taxation; providing for transferability of a credit against tax if the credit is suspended by law; providing for time to claim credit; providing for amount of credit; limiting ability of transferor to claim future credit; providing for codification; and providing an effective date.

HB 1461 – By Coleman and Pettigrew of the House and Wilcoxson of the Senate.
(children - amending 63 O.S., Sections 1-227.4 and 1-227.6 - Child Abuse Prevention Act - repealing 63 O.S., Section 1-110.1 - Children First Fund – emergency)

HB 1491 – By Smith (Dale), Ericson, Blackwell, Trebilcock, Armes, Sweeden and Steele of the House and Rabon of the Senate.

An Act relating to schools; creating the School Protection Act; stating purpose of the act; providing definitions; limiting liability of an education employee for certain acts or omissions; limiting liability for use of corporal punishment under certain conditions; establishing burden of proof and level of evidence; specifying certain conditions; making certain conditions consistent with act; prohibiting punitive damages being awarded against an education employee; providing certain exceptions; clarifying application of prohibition; specifying certain exceptions to the limitation of liability; limiting application if misconduct is during the hiring process; limiting application in relation to corporal punishment; providing for the determination of noneconomic loss; providing for liability of an education employee for noneconomic loss; providing for allocation of noneconomic loss; limiting application in relation to joint liability laws; making it unlawful to make a false criminal report against an education employee; providing punishment; limiting application for statements against certain persons; providing for effect on other laws; providing for the award of costs and attorney fees; authorizing expert witness fees; limiting amount of contingency fees by an attorney; providing penalty for violation of limit; providing for waiver of a defense when liability insurance is available; providing for the applicability of other laws; providing for codification; providing an effective date; and declaring an emergency.

HB 1496 – By Sweeden of the House and Corn of the Senate.

An Act relating to the Oklahoma Central Purchasing Act; amending 74 O.S. 2001, Section 85.5, as amended by Section 3, Chapter 483, O.S.L. 2002 (74 O.S. Supp. 2002, Section 85.5), which relates to the powers and duties of the State Purchasing Director; allowing state agencies to acquire items from local suppliers under certain circumstances; providing an effective date; and declaring an emergency.

HB 1500 – By Sweeden of the House and Gumm of the Senate.

(administrative procedures – amending 75 O.S., Section 253 – legislative intent – amending 74 O.S., Section 3117 – state government – emergency)

HB 1509 – By Covey of the House and Kerr of the Senate.

(motor vehicles – Trucking One-Stop Shop Act of 2003 – amending ten sections in Title 47 – Tax Commission – amending 68 O.S., Sections 607 and 607.1 – Corporation Commission – repealing 47 O.S., Section 116.13 – revenue enforcement officers – codification – effective date - emergency)

HB 1528 – By Perry, Case and Pettigrew of the House and Coffee of the Senate.

An Act relating to technology; amending 15 O.S. 2001, Sections 776.1 and 776.4, which relate to fraudulent electronic mail; making it unlawful to send certain electronic mail messages without certain information in the subject line; requiring certain additional

information in certain messages for adults; adding certain definitions; and providing an effective date.

HB 1575 – By Dorman of the House and Helton of the Senate.

An Act relating to public contracts; amending 62 O.S. 2001, Section 371, which relates to contracts with officers; expanding certain exemption; amending 70 O.S. 2001, Section 5-124, which relates to contracts with boards of education; expanding certain exemption; and declaring an emergency.

HB 1597 – By Pope of the House and Corn of the Senate.

An Act relating to historic preservation; creating the Affiliated Historic Sites and Museums Program; creating the Historic County Courthouse Investment Program; providing for administration of the Programs; providing for establishment of policies; providing purpose; limiting eligibility of properties; providing for certain funding from certain revolving funds; requiring certain criteria; providing for inspection of properties; permitting revocation of certain approval and recapture of certain funds; requiring establishment of certain policies; creating the Affiliated Historic Sites and Museums Program Revolving Fund; creating the Historic County Courthouse Investment Program Revolving Fund; stating purposes; providing for expenditures from the revolving funds and providing procedures relating thereto; amending 68 O.S. 2001, Sections 3201 and 3204, which relate to documentary stamp tax; increasing the rate of tax; modifying distribution of the tax; providing for deposit of monies into revolving funds; providing for codification; and providing an effective date.

HB 1635 – By Dorman and Askins of the House and Gumm of the Senate.

(civil procedure - Uniform Child Witness Testimony by Alternative Methods Act - amending 12 O.S., Section 2611.2 - incapacitated witnesses - repealing 22 O.S., Section 753 - codification - effective date)

HB 1647 – By Ferguson of the House and Corn of the Senate.

An Act relating to public retirement systems; amending 11 O.S. 2001, Sections 49-100.1, as amended by Section 1, Chapter 398, O.S.L. 2002, 49-106, as amended by Section 3, Chapter 398, O.S.L. 2002, 49-106.1, 49-106.2, 49-106.3, 49-117.1, as amended by Section 6, Chapter 398, O.S.L. 2002, 49-117.3, as amended by Section 7, Chapter 398, O.S.L. 2002 and 49-138 (11 O.S. Supp. 2002, Sections 49-100.1, 49-106, 49-117.1 and 49-117.3), which relate to the Oklahoma Firefighters Pension and Retirement System; modifying definitions; providing for treatment of certain in-service distributions; modifying provisions related to investment return for Deferred Retirement Option Plan; modifying references to certain maximum benefit amounts; modifying reference to certain mortality tables; deleting references related to maximum distribution; providing for treatment of certain Eligible Rollover Distributions; modifying definition of Eligible Retirement Plan; modifying certain references to Internal Revenue Code of 1986, as amended; modifying provisions related to certain military service credit; amending 11 O.S. 2001, Sections 50-101, as amended by Section 1, Chapter 340, O.S.L. 2002, 50-103.1, 50-104.1, 50-105.3, 50-105.4, as amended by Section 4, Chapter 391, O.S.L. 2002, 50-106.3, 50-107, 50-111.1, 50-111.3, 50-111.4, 50-112, 50-114, 50-114.1, 50-114.2, 50-128, 50-129 and 50-134, (11 O.S.

Supp. 2002, Section 50-101 and 50-105.4), which relate to the Oklahoma Police Pension and Retirement System; modifying definitions; modifying provision related to qualification of members of State Board; modifying provisions related to meeting notice; modifying date of certain required estimate; modifying provision related to certain fiduciary standard; deleting certain requirements with respect to reports; modifying certain report date; imposing requirement with respect to documentation by participating municipalities; providing for disposition of erroneous payments; providing for treatment of members with vested benefits under certain circumstances; providing for treatment of certain lump-sum payments; authorizing in-service distributions under certain conditions; modifying provisions related to investment return for Deferred Retirement Option Plan; authorizing certain trustee-to-trustee transfers; modifying provision related to required participation in System; modifying provision related to reemployment of retired members; providing for applicability of minimum distribution requirements pursuant to the Internal Revenue Code of 1986, as amended; modifying provisions related to request for benefits; modifying provisions related to beneficiary payments; modifying references; modifying provisions related to use of mortality tables; modifying provisions governing distributions in certain years; modifying provisions related to eligible rollover distributions; modifying definition of Eligible Retirement Plan for certain purposes; modifying provisions related to certain military service credit; requiring purchase of credit by certain persons; modifying venue provisions applicable to certain actions; modifying duties of Executive Director; amending 47 O.S. 2001, Sections 2-300, as amended by Section 1, Chapter 399, O.S.L. 2002, 2-305, as amended by Section 4, Chapter 399, O.S.L. 2002, 2-305.1A, 2-305.2, 2-305.4, 2-307, 2-307.1, 2-307.3, 2-307.4, 2-307.5 and 2-307.7 (47 O.S. Supp. 2002, Sections 2-300 and 2-305), which relate to the Oklahoma Law Enforcement Retirement System; modifying definitions; providing for treatment of certain in-service distributions; modifying provisions related to eligible rollover distributions; modifying provisions related to definition of Eligible Retirement Plan for purposes of Internal Revenue Code of 1986, as amended; modifying provisions related to Oklahoma Law Enforcement Deferred Option Plan; modifying provisions related to investment return for Deferred Retirement Option Plan; modifying reference to maximum benefit; modifying provision related to mortality table; modifying provisions related to distributions; modifying provisions related to certain lump-sum payments; authorizing certain trustee-to-trustee transfers; modifying provisions related to certain lump-sum payments; amending 20 O.S. 2001, Sections 1102.2 and 1108, as amended by Section 5, Chapter 391, O.S.L. 2002 (20 O.S. Supp. 2002, Section 1108), which relate to the Uniform Retirement System for Justices and Judges; modifying provisions related to certain military service credit; modifying provisions related to reporting of financial condition; providing for additional reporting procedures; amending 74 O.S. 2001, Sections 909.1, as amended by Section 8, Chapter 391, O.S.L. 2002, 913, 913.8 and 917, as last amended by Section 3, Chapter 376, O.S.L. 2002 (74 O.S. Supp. 2002, Sections 909.1 and 917), which relate to the Oklahoma Public Employees Retirement System; modifying report date; modifying provisions related to certain military service credit; modifying reference to certain beneficiary; repealing 11 O.S. 2001, Sections 50-106.1, 50-106.2 and 50-108, which relate to local pension boards and legal representation; providing an effective date; and declaring an emergency.

HB 1679 – By Blackburn and Roan of the House and Easley of the Senate.

An Act relating to waters and water rights; amending Section 1, Chapter 485, O.S.L. 2002 and Section 4, Chapter 485, O.S.L. 2002 (82 O.S. Supp. 2002, Sections 1B and 1C), which relate to the moratorium on the sale of certain waters and the Joint Committee on Water Planning; modifying certain date; renaming the Committee; modifying membership; creating the Statewide Water Policy Planning Commission; specifying purpose; specifying duties; providing for appointment and qualifications; providing for region and quadrants for purposes of appointments; providing for reimbursement; requiring certain input; providing for staffing; requiring certain agencies to designate employees to assist the Commission; requiring reports; providing for minority reports; providing procedure for vacancies; providing for reimbursement; and declaring an emergency.

HB 1680 – By Blackburn of the House and Monson of the Senate.

An Act relating to officers; amending 51 O.S. 2001, Sections 24A.3, as amended by Section 2, Chapter 478, O.S.L. 2002 and 24A.5 (51 O.S. Supp. 2002 Section 24A.3), which relate to the Open Records Act; defining term; providing exemption from Open Records Act for private financial account information; and providing an effective date.

HB 1710 – By Roberts and Ferguson of the House and Corn of the Senate.

(public finance - State Auditor and Inspector - actuarial investigation - codification - effective date)

HB 1716 – By Deuschendorf of the House and Monson of the Senate.

(public finance – amending 62 O.S., Section 695.24 – Oklahoma Private Activity Bond Allocation Act – codification – effective date)

HB 1718 – By Hastings of the House and Smith of the Senate.

(Corporation Commission - amending 17 O.S., Section 11 - effective date)

HB 1724 – By Braddock of the House and Gumm of the Senate.

An Act relating to public finance; amending 62 O.S. 2001, Sections 800, 801, 802, 803 and 804, which relate to the Municipal and County Industrial Development Bonds Act; modifying short title; modifying legislative findings; modifying definitions; modifying requirements applicable to bonds; modifying reference; amending 62 O.S. 2001, Sections 853 and 856, which relate to the Local Development Act; modifying descriptions of certain eligible project costs; prescribing requirements related to certain ordinances; amending 68 O.S. 2001, Section 2357.73, which relates to certain tax credits; restricting use of tax credit by certain transferees; authorizing transferability; imposing restriction; providing for nature of rights exercisable; imposing procedural requirements with respect to transferors and transferees; providing an effective date; and declaring an emergency.

HB 1764 – By Adair of the House and Hobson of the Senate.

(prisons and reformatories – amending 57 O.S., Section 563 – correctional facilities – effective date)

HJR 1024 – By Langmacher of the House and Easley of the Senate.
(amendment to Article X of the Constitution of the State of Oklahoma – new Section 39A – Natural Resources Conservation and Public Works Assistance Fund – ballot title – filing)

The above-numbered measures were read the first time.

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

*

The Senate reconvened with Senator Rozell presiding.

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

GENERAL ORDER

SB 349 by Stipe of the Senate and Braddock of the House was called up for consideration.

Senator Smith asked to named principal Senate author on **SB 349**, which was the order.

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

THIRD READING

SB 349 was read for the third time at length.

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

Aye: Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crutchfield, Fisher, Ford, Gumm, Harrison, Horner, Johnson, Laster, Laughlin, Lawler, Milacek, Monson, Morgan, Myers, Nichols, Price, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.--35.

Excused: Aldridge, Dunlap, Easley, Fair, Helton, Hobson, Kerr, Leftwich, Littlefield, Maddox, Pruitt and Snyder.--12.

Vacancy: District 7.--1.

The bill passed.

The Chair advised that Senator Pruitt, having been present in the Chamber during the vote on **SB 349** would be shown voting Nay in compliance with Rule 14-1B. The vote thereby resulted as follows: Aye: 35; Nay: 1; Excused: 11; Vacancy: 1.

SB 349 was referred for engrossment.

GENERAL ORDER

SB 727 by Smith of the Senate and Paulk of the House was called up for consideration.

Senator Smith moved that **SB 727** be advanced, which motion was declared adopted.

THIRD READING

SB 727 was read for the third time at length.

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

Aye: Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crutchfield, Easley, Fair, Fisher, Gumm, Harrison, Horner, Johnson, Laster, Laughlin, Lawler, Littlefield, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.--38.

Excused: Aldridge, Dunlap, Ford, Helton, Hobson, Kerr, Leftwich, Maddox and Snyder.--9.

Vacancy: District 7.--1.

The bill passed.

SB 727 was referred for engrossment.

GENERAL ORDER

SB 706 by Pruitt of the Senate and Smith (Hopper) of the House was called up for consideration.

Senator Pruitt moved to amend **SB 706**, Page 4, Line 8 ½, by inserting a new Section 2 to read as follows:

“SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 614 of Title 57, unless there is created a duplication in numbering, reads as follows:

The Legislature finds and declares that faith-based programs offered in state and private correctional institutions and facilities have the potential to facilitate inmate institutional adjustment, to help inmates assume personal responsibility, and to reduce recidivism. It is the intent of the Legislature that the Department of Corrections and private vendors operating private correctional facilities work towards ensuring the availability and development of such programs at the correctional institutions and facilities of this state and shall continuously:

1. Measure recidivism rates for all inmates participating in faith-based or religious programs at the correctional institution or facility;
 2. Work with volunteers ministering to inmates from various faith-based institutions in this state to improve the quality of faith-based programs at the correctional institution or facility;
 3. Continue to develop community linkages with churches, synagogues, mosques, and other faith-based institutions to assist in the release of participants into the community; and
 4. Monitor faith-based programs operating in the correctional institution or facility.”
- and by renumbering subsequent section, which amendment was declared adopted.

Senator Pruitt asked that **SB 706** be laid over temporarily, which was the order.

SB 706 remains on General Order.

GENERAL ORDER

SB 625 by Lawler of the Senate and Staggs of the House was called up for consideration.

Senator Lawler moved to amend **SB 625**, Page 1, Line 22 ½, by inserting a new Section 2 to read as follows:

“SECTION 2. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

Section 1 of this Act is hereby designated as the Cindi Broaddus Law.”, and by renumbering subsequent sections, which amendment was declared adopted.

Senator Lawler moved that **SB 625** be advanced, which motion was declared adopted.

THIRD READING

SB 625 was read for the third time at length.

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

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

Excused: Aldridge, Dunlap, Ford, Helton, Kerr and Snyder.--6.

Vacancy: District 7.--1.

The bill and emergency passed.

SB 625 was referred for engrossment.

GENERAL ORDER

SB 294 by Easley of the Senate and Hefner of the House was called up for consideration.

Senator Easley moved that **SB 294** be advanced, which motion was declared adopted.

THIRD READING

SB 294 was read for the third time at length.

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

Aye: Branan, Cain, Capps, Coffee, Corn, Crutchfield, Easley, Fair, Fisher, Gumm, Harrison, Hobson, Horner, Johnson, Laster, Laughlin, Leftwich, Maddox, Milacek, Monson, Morgan, Myers, Price, Pruitt, Reynolds, Robinson, Rozell, Shurden, Smith, Taylor, Wilkerson and Williams.--32.

Nay: Brogdon, Coates, Nichols, Riley, Wilcoxson and Williamson.--6.

Excused: Aldridge, Dunlap, Ford, Helton, Kerr, Lawler, Littlefield, Rabon and Snyder.--9.

Vacancy: District 7.--1.

The bill and emergency passed.

SB 294 was referred for engrossment.

GENERAL ORDER

SB 464 by Stipe of the Senate and Tyler of the House was called up for consideration.

Senator Leftwich asked to named principal Senate author on **SB 464**, which was the order.

Senator Leftwich moved that **SB 464** be advanced, which motion was declared adopted.

THIRD READING

SB 464 was read for the third time at length.

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

Aye: Branan, Cain, Capps, Coates, Coffee, Corn, Crutchfield, Easley, Fair, Fisher, Gumm, Harrison, Hobson, Horner, Johnson, Laster, Laughlin, Leftwich, Maddox, Milacek, Monson, Morgan, Myers, Price, Pruitt, Robinson, Rozell, Shurden, Smith, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.--34.

Nay: Brogdon, Nichols, Reynolds and Riley.--4.

Excused: Aldridge, Dunlap, Ford, Helton, Kerr, Lawler, Littlefield, Rabon and Snyder.--9.

Vacancy: District 7.--1.

The bill and emergency passed.

SB 464 was referred for engrossment.

GENERAL ORDER

SB 225 by Stipe of the Senate and Harrison of the House was called up for consideration.

Senator Leftwich asked to named principal Senate author on **SB 225**, which was the order.

Senator Leftwich moved that **SB 225** be advanced, which motion was declared adopted.

THIRD READING

SB 225 was read for the third time at length.

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

Aye: Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crutchfield, Easley, Fair, Fisher, Gumm, Harrison, Hobson, Horner, Johnson, Laster, Laughlin, Lawler, Leftwich, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.--39.

Excused: Aldridge, Dunlap, Ford, Helton, Kerr, Littlefield, Rabon and Snyder.--8.

Vacancy: District 7.--1.

The bill and emergency passed.

SB 225 was referred for engrossment.

GENERAL ORDER

SB 383 by Easley of the Senate and Rice of the House was called up for consideration.

Senator Easley moved that **SB 383** be advanced, which motion was declared adopted.

THIRD READING

SB 383 was read for the third time at length.

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

Aye: Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crutchfield, Easley, Fair, Fisher, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Laster, Lawler, Leftwich, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Pruitt, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Taylor, Wilcoxson, Wilkerson and Williamson.--37.

Nay: Laughlin and Price.--2.

Excused: Aldridge, Dunlap, Ford, Kerr, Littlefield, Rabon, Snyder and Williams.--8.

Vacancy: District 7.--1.

The bill and emergency passed.

SB 383 was referred for engrossment.

Senator Robinson presiding.

GENERAL ORDER

SB 242 by Helton of the Senate and McCarter of the House was called up for consideration.

Senator Helton asked that **SB 242** be laid for this legislative day, which was the order.

SB 242 remains on General Order.

GENERAL ORDER

SB 801 by Rozell of the Senate and Staggs of the House was called up for consideration.

Senator Williams moved to amend **SB 801**, Page 1, by restoring the title, which amendment was declared adopted.

Senator Rozell moved that **SB 801** be advanced, which motion was declared adopted.

THIRD READING

SB 801 was read for the third time at length.

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

Aye: Branam, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crutchfield, Easley, Fair, Fisher, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Laster, Laughlin, Lawler, Leftwich, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.--41.

Excused: Aldridge, Dunlap, Ford, Kerr, Littlefield and Snyder.--6.

Vacancy: District 7.--1.

The bill and emergency passed.

SB 801 was referred for engrossment.

MOTION TO RECONSIDER VOTE

Senator Horner moved to reconsider the vote whereby **SB 701** failed, which motion failed of adoption upon roll call as follows:

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

Nay: Branan, Brogdon, Coates, Coffee, Corn, Fair, Johnson, Laughlin, Lawler, Maddox, Milacek, Myers, Nichols, Pruitt, Rabon, Reynolds, Riley, Wilcoxson and Williamson.--19.

Excused: Aldridge, Dunlap, Ford, Hobson, Kerr, Leftwich, Littlefield and Snyder.--8.

Vacancy: District 7.--1.

GENERAL ORDER

SB 706 was called up for further consideration.

Senator Nichols moved to amend **SB 706**, Page 3, Line 22 by inserting after the word “delivered” and before the word “to” the words “within five (5) days of obtaining the test results”, which amendment was declared adopted.

Senator Pruitt asked that **SB 706** be laid over temporarily, which was the order.

SB 706 remains on General Order.

GENERAL ORDER

SB 259 by Smith of the Senate and Kirby of the House was called up for consideration.

Senator Smith moved that **SB 259** be advanced, which motion was declared adopted.

THIRD READING

SB 259 was read for the third time at length.

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

Aye: Branan, Brogdon, Cain, Coates, Coffee, Crutchfield, Fair, Harrison, Helton, Hobson, Johnson, Laughlin, Maddox, Milacek, Morgan, Nichols, Price, Pruitt, Reynolds,

Riley, Smith, Wilcoxson, Wilkerson and Williamson.--24.

Nay: Capps, Corn, Easley, Fisher, Gumm, Horner, Laster, Lawler, Monson, Myers, Rabon, Robinson, Rozell, Shurden and Williams.--15.

Excused: Aldridge, Dunlap, Ford, Kerr, Leftwich, Littlefield, Snyder and Taylor.--8.

Vacancy: District 7.--1.

The bill failed.

Pursuant to Rule 12-23, Senator Smith served notice that the vote be reconsidered whereby **SB 259** failed.

GENERAL ORDER

SB 706 was called up for further consideration.

Senator Pruitt moved to amend **SB 706**, Page 1, by restoring the title, which amendment was declared adopted.

Senator Pruitt moved that **SB 706** be advanced, which motion was declared adopted.

THIRD READING

SB 706 was read for the third time at length.

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

Aye: Branan, Brogdon, Cain, Capps, Coates, Corn, Crutchfield, Easley, Fair, Fisher, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Laster, Laughlin, Lawler, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Wilcoxson, Wilkerson, Williams and Williamson.--37.

Excused: Aldridge, Coffee, Dunlap, Ford, Kerr, Leftwich, Littlefield, Rabon, Snyder and Taylor.--10.

Vacancy: District 7.--1.

The bill and emergency passed.

SB 706 was referred for engrossment.

GENERAL ORDER

SB 662 by Monson of the Senate and Toure of the House was called up for consideration.

Senator Monson moved to amend **SB 662**, by striking the title, the enacting clause and the entire body of the bill and substituting the floor substitute, which amendment was declared adopted. (Copies were provided for all Senators.)

Senator Monson moved that **SB 662** be advanced, which motion was declared adopted.

THIRD READING

SB 662 was read for the third time at length.

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

Aye: Branam, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crutchfield, Easley, Fair, Fisher, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Laster, Laughlin, Lawler, Leftwich, Maddox, Milacek, Monson, Morgan, Myers, Price, Pruitt, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Wilcoxson, Wilkerson, Williams and Williamson.--38.

Nay: Nichols.--1.

Excused: Aldridge, Dunlap, Ford, Kerr, Littlefield, Rabon, Snyder and Taylor.--8.

Vacancy: District 7.--1.

The bill and emergency passed.

SB 662 was referred for engrossment.

GENERAL ORDER

SB 306 by Easley of the Senate and Leist of the House was called up for consideration.

Senator Easley moved that **SB 306** be advanced, which motion was declared adopted.

THIRD READING

SB 306 was read for the third time at length.

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

Aye: Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crutchfield, Easley, Fair, Fisher, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Laster, Laughlin, Lawler, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Wilcoxson, Wilkerson, Williams and Williamson.--38.

Excused: Aldridge, Dunlap, Ford, Kerr, Leftwich, Littlefield, Rabon, Snyder and Taylor.--9.

Vacancy: District 7.--1.

The bill and emergency passed.

SB 306 was referred for engrossment.

GENERAL ORDER

SB 695 by Smith of the Senate and Morgan (Fred) of the House was called up for consideration.

Senator Smith moved that **SB 695** be advanced, which motion was declared adopted.

THIRD READING

SB 695 was read for the third time at length.

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

Aye: Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crutchfield, Easley, Fisher, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Laster, Lawler, Littlefield, Maddox, Milacek, Monson, Morgan, Myers, Price, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Wilcoxson, Wilkerson, Williams and Williamson.--35.

Nay: Fair, Laughlin, Nichols and Pruitt.--4.

Excused: Aldridge, Dunlap, Ford, Kerr, Leftwich, Rabon, Snyder and Taylor.--8.

Vacancy: District 7.--1.

The bill passed.

SB 695 was referred for engrossment.

GENERAL ORDER

SB 311 by Easley of the Senate and Easley of the House was called up for consideration.

Senator Easley moved that **SB 311** be advanced, which motion was declared adopted.

THIRD READING

SB 311 was read for the third time at length.

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

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

Nay: Branan, Brogdon, Coates, Coffee, Fair, Johnson, Laughlin, Milacek, Myers, Nichols, Pruitt, Reynolds, Riley, Smith, Wilcoxson and Williamson.--16.

Excused: Aldridge, Dunlap, Ford, Horner, Kerr, Littlefield, Rabon, Snyder and Taylor.--9.

Vacancy: District 7.--1.

The bill failed.

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

Senator Riley asked unanimous consent to suspend Rule 5-4 and refer **SCR 12** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SCR 12 by Riley of the Senate and McClain of the House was called up for consideration.

SCR 12 was adopted upon motion of Senator Riley and referred for engrossment.

GENERAL ORDER

SB 693, considered on Page 712, was called up for further consideration.

Senator Pruitt pressed the adoption of his amendment on **SB 693**, printed on Page 712, which amendment was declared adopted.

Senator Coffee moved to amend **SB 693**, Page 3, Line 3 ½ by inserting a new Section 3 to read as follows:

“Section 3. All physicians who use ultrasound equipment in the performance of an abortion shall inform the woman that she has the right to view the ultrasound image of her unborn child before an abortion is performed. If the woman requests to view the ultrasound image, it must be shown to her.

The physician shall certify in writing that s/he offered the woman the opportunity to view the ultrasound image and indicate whether the woman accepted or declined the offer. This information shall be placed in the woman’s medical file and kept for two (2) years.”, and by renumbering subsequent section and amending the title to conform, which amendment was declared adopted.

Senator Nichols moved to amend **SB 693**, Page 3, Line 3 ½ by inserting a new subsection F to read as follows:

“F. No provision within this act shall include any medication, device or procedure that could harm a fertilized egg.”, and by amending the title to conform, which amendment was declared adopted.

Senator Monson moved that **SB 693** be advanced, which motion was declared adopted.

THIRD READING

SB 693 was read for the third time at length.

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

Aye: Branan, Cain, Capps, Coffee, Crutchfield, Easley, Fisher, Gumm, Harrison, Helton, Hobson, Horner, Leftwich, Monson, Morgan, Nichols, Pruitt, Riley, Robinson, Rozell, Shurden, Wilcoxson, Wilkerson and Williams.--24.

Nay: Brogdon, Coates, Corn, Fair, Johnson, Laster, Laughlin, Lawler, Maddox, Milacek, Myers, Price, Reynolds, Smith and Williamson.--15.

Excused: Aldridge, Dunlap, Ford, Kerr, Littlefield, Rabon, Snyder and Taylor.--8.

Vacancy: District 7.--1.

The bill failed.

Pursuant to Rule 12-23, Senator Monson served notice that the vote be reconsidered whereby **SB 693** failed.

CHANGE IN COMMITTEE ASSIGNMENT

Senator Fisher asked unanimous consent, which was granted, that the following bill be reassigned as follows:

HB 1148 – Withdrawn from Veterans, Military Affairs and Public Safety Committee and referred to Judiciary.

EXECUTIVE NOMINATION

The following executive nomination was read and referred to committee as indicated:

Blanchard, Kenneth, Newalla, as a member of the Oklahoma Indian Affairs Commission - Human Resources

Senator Fisher moved that when the clerk's desk is clear, the Senate stand adjourned to convene Thursday, March 13, 2003, at 9:30 a.m., which motion prevailed.

Pursuant to the Fisher motion, the Senate adjourned at 3:15 p.m. to meet Thursday, March 13, 2003, at 9:30 a.m.