

Senate Journal

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

Twenty-first Legislative Day, Monday, March 8, 2004

The Senate was called to order by Senator Rozell.

Roll Call:

Present: Aldridge, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crutchfield, Dunlap, Fair, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Littlefield, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.—47.

Vacancy: District 18.—1.

Senator Rozell declared a quorum present.

The prayer was offered by Reverend Scott Hamilton, First Baptist Church, Hinton, the guest of Senator Price.

REPORT OF ENGROSSED AND ENROLLED MEASURES

SBs 840, 844, 1110, 1233, 1259, 1270, 1322, 1367, 1457, 1465, 1483, 1500, 1595 and 1608 and SJR 50 and SCR 39 were each correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

SCR 45 was correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

GENERAL ORDER

SB 1111 by Cain of the Senate and Blackburn of the House was called up for consideration.

Senator Cain moved that **SB 1111** be advanced, which motion was declared adopted.

THIRD READING

SB 1111 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, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Kerr, Laster, Lawler, Leftwich, Lerblance, Littlefield, Monson, Morgan, Rabon, Robinson, Rozell, Shurden, Snyder, Taylor and Wilkerson.--26.

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

Excused: Fair, Maddox, Smith and Williams.--4.

Vacancy: District 18.--1.

The bill passed.

SB 1111 was referred for engrossment.

GENERAL ORDER

SJR 54 by Gumm of the Senate and Roan of the House was called up for consideration.

Senator Gumm moved to amend **SJR 54**, Page 1, by striking the title, which amendment was declared adopted.

Senator Gumm moved that **SJR 54** be advanced, which motion was declared adopted.

THIRD READING

SJR 54 was read for the third time at length.

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

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

Excused: Fair, Maddox, Smith and Williams.--4.

Vacancy: District 18.--1.

The resolution passed.

SJR 54 was referred for engrossment.

GENERAL ORDER

SB 1370 by Laughlin of the Senate and Nance of the House was called up for consideration.

Senator Laughlin moved to amend **SB 1370**, Page 10, Line 2½, by inserting a new Section 2 to read as follows:

“SECTION 2. AMENDATORY 2 O.S. 2001, Section 9-134, is amended to read as follows:

A. Every person operating or conducting a livestock auction market shall make, and keep for two (2) years;:

1. A record of the driver license number of the driver of the vehicle which delivers the livestock to the auction;

2. a record showing an identifying description of the vehicle and the trailer;

3. The vehicle license tag number;and

4. ~~the~~ The names and addresses of the buyer and seller of livestock consigned for sale at livestock auction markets.

B. The records shall be open to inspection during reasonable business hours by any authorized agent employed by the State Board of Agriculture.

~~B C.~~ Any records required to be kept pursuant to subsection A of this section may not be removed from the premises by an authorized agent without the express authority of the person who has jurisdiction over the records or except as authorized by a court of law. These records may be photocopied at the request of the agent.” and by renumbering subsequent section, which amendment was declared adopted.

Senator Laughlin moved that **SB 1370** be advanced, which motion was declared adopted.

THIRD READING

SB 1370 was read for the third time at length.

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

Aye: Aldridge, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crutchfield, Dunlap, Fair, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Littlefield, Maddox, Milacek, Monson,

Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Snyder, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.--46.

Excused: Smith.--1.

Vacancy: District 18.--1.

The bill and emergency passed.

SB 1370 was referred for engrossment.

GENERAL ORDER

SB 1531 by Hobson of the Senate and Adair of the House was called up for consideration.

Senator Morgan moved to amend **SB 1531**, Page 1, by striking the title, which amendment was declared adopted.

Senator Morgan moved that **SB 1531** be advanced, which motion was declared adopted.

THIRD READING

SB 1531 was read for the third time at length.

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

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

Excused: Smith.--1.

Vacancy: District 18.--1.

The bill passed.

SB 1531 was referred for engrossment.

GENERAL ORDER

SB 1160 by Helton of the Senate and Ferguson of the House was called up for consideration.

Representative Ferguson asked to be removed and Representative Askins asked to be named Principal House author on **SB 1160**, which was the order.

Senator Helton moved that **SB 1160** be advanced, which motion was declared adopted.

THIRD READING

SB 1160 was read for the third time at length.

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

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

Excused: Smith.--1.

Vacancy: District 18.--1.

The bill and emergency passed.

SB 1160 was referred for engrossment.

**UNANIMOUS CONSENT REQUEST
WITHDRAWN FROM CALENDAR**

Senator Cain asked unanimous consent, which was granted, that **SB 1512** be stricken from the Calendar.

GENERAL ORDER

SJR 52 by Coates of the Senate and Maddux of the House was called up for consideration.

Senator Coates moved that **SJR 52** be advanced, which motion was declared adopted.

THIRD READING

SJR 52 was read for the third time at length.

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

Aye: Aldridge, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crutchfield, Dunlap, Fair, Fisher, Ford, Gumm, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Littlefield, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Snyder, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.--44.

Nay: Price.--1.

Excused: Harrison and Smith.--2.

Vacancy: District 18.--1.

The resolution passed.

SJR 52 was referred for engrossment and read at length as follows:

SJR 52 – By Coates of the Senate and Maddux 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 Section 3 of Article XXVIII of the Oklahoma Constitution; making language gender neutral; modifying requirement for sales of certain wine to licensed wholesale distributors; providing for written and electronic orders for certain wine for delivery or shipping to consumers; providing ballot title; and directing filing.

BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE 2ND SESSION OF THE 49TH 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 3 of Article XXVIII of the Constitution of the State of Oklahoma to read as follows:

Section 3. The Legislature shall enact laws providing for the strict regulation, control, licensing, and taxation of the manufacture, sale, distribution, possession, and transportation of alcoholic beverages, consistent with the provisions of this Amendment. Provided, that any manufacturer, or subsidiary of any manufacturer who markets ~~his~~ a product solely through a subsidiary or subsidiaries, a distiller, rectifier, bottler, winemaker, brewer, or importer of alcoholic beverages, bottled or made in a foreign country, either within or without this state, shall be required to sell such brands or kinds of alcoholic beverages to every licensed wholesale distributor who desires to purchase the same, on the same price basis and without discrimination, and shall further be required to sell such beverages only to those distributors licensed as wholesale distributors. Winemakers either

within or without this state ~~shall be required to~~ may sell wine they produce to ~~every~~ any licensed wholesale distributor who desires to purchase the wine, but winemakers shall not be required to sell the wine they produce only to licensed wholesale distributors.

Winemakers may sell wine produced at the winery to consumers on the premises of the winery and receive orders for wine produced at the winery, in both written and electronic form, for delivery or shipping to consumers. Oklahoma winemakers may sell and ship the wine they produce at wineries in this state directly to retail package stores and restaurants in this state. As used in this section, "restaurant" means an establishment that is licensed to sell alcoholic beverages by the individual drink for on-premises consumption and where food is prepared and sold for immediate consumption on the premises. All laws passed by the Legislature under the authority of the Article shall be consistent with this provision.

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:

This measure amends Section 3 of Article 28 of the State Constitution. Currently, winemakers are required to sell wine they produce to every licensed wholesale distributor who wants to buy the wine. This measure would change that requirement. It would allow winemakers to sell wine they produce to any wholesale distributor. Presently, winemakers may only sell wine produced at the winery to consumers on the premises of the winery. This measure would allow winemakers to receive orders for wine to be delivered or shipped to consumers. The orders may be in written or electronic form.

SHALL THIS AMENDMENT BE APPROVED BY THE PEOPLE?

YES, FOR THE AMENDMENT

NO, AGAINST THE AMENDMENT

SECTION 3. The President Pro Tempore of the Senate shall, immediately after the passage of this resolution, prepare and file one copy thereof, including the Ballot Title set forth in SECTION 2 hereof, with the Secretary of State and one copy with the Attorney General.

GENERAL ORDER

SB 1282 by Kerr of the Senate and Covey of the House was called up for consideration.

Senator Kerr moved that **SB 1282** be advanced, which motion was declared adopted.

THIRD READING

SB 1282 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, Coates, Coffee, Corn, Crutchfield, Dunlap, Fair, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Leftwich, Lerblance, Littlefield, Maddox, Milacek, Monson, Morgan, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Snyder, Wilkerson, Williams and Williamson.--39.

Nay: Aldridge, Brogdon, Laughlin, Lawler, Myers and Wilcoxson.--6.

Excused: Smith and Taylor.--2.

Vacancy: District 18.--1.

The bill passed.

SB 1282 was referred for engrossment.

GENERAL ORDER

SB 1392 by Laughlin of the Senate and Blackwell of the House was called up for consideration.

Senator Laughlin moved that **SB 1392** be advanced, which motion was declared adopted.

THIRD READING

SB 1392 was read for the third time at length.

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

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

Snyder, Wilcoxson, Wilkerson, Williams and Williamson.--45.

Excused: Smith and Taylor.--2.

Vacancy: District 18.--1.

The bill and emergency passed.

SB 1392 was referred for engrossment.

Senator Gumm presiding.

GENERAL ORDER

SB 1422 by Corn of the Senate and Ferguson of the House was called up for consideration.

Senator Corn moved that **SB 1422** be advanced, which motion was declared adopted.

THIRD READING

SB 1422 was read for the third time at length.

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

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

Excused: Smith and Taylor.--2.

Vacancy: District 18.--1.

The bill and emergency passed.

SB 1422 was referred for engrossment.

GENERAL ORDER

SB 1285 by Horner of the Senate and Lamons of the House was called up for consideration.

Senator Gumm moved to amend **SB 1285**, Page 51, Line 17, by inserting after the period and before the word “The” the following language:

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

Senator Horner moved that **SB 1285** be advanced, which motion was declared adopted.

THIRD READING

SB 1285 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, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Littlefield, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Robinson, Rozell, Shurden, Snyder, Wilcoxson, Wilkerson, Williams and Williamson.--41.

Nay: Dunlap, Fair and Johnson.--3.

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

Vacancy: District 18.--1.

The bill passed.

SB 1285 was referred for engrossment.

GENERAL ORDER

SB 1211 by Snyder of the Senate and Phillips of the House was called up for consideration.

Senator Snyder moved to amend **SB 1211**, 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 Snyder moved that **SB 1211** be advanced, which motion was declared adopted.

THIRD READING

SB 1211 was read for the third time at length.

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

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

Nay: Rozell.--1.

Excused: Hobson, Morgan, Smith and Taylor.--4.

Vacancy: District 18.--1.

The bill and emergency passed.

SB 1211 was referred for engrossment.

GENERAL ORDER

SB 1325 by Coffee and Wilkerson of the Senate and Ericson of the House was called up for consideration.

Senator Coffee moved that **SB 1325** be advanced, which motion was declared adopted.

THIRD READING

SB 1325 was read for the third time at length.

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

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

Excused: Hobson, Morgan, Smith and Taylor.--4.

Vacancy: District 18.--1.

The bill passed.

SB 1325 was referred for engrossment.

GENERAL ORDER

SB 1466 by Corn of the Senate and Armes of the House was called up for consideration.

Senator Corn moved that **SB 1466** be advanced, which motion was declared adopted.

THIRD READING

SB 1466 was read for the third time at length.

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

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

Excused: Dunlap, Hobson, Morgan, Smith and Taylor.--5.

Vacancy: District 18.--1.

The bill passed.

Senator Dunlap desired to vote Aye on the emergency.

On the question of passage of the emergency, the vote resulted as follows: Aye: 43; Excused: 4; Vacancy: 1.

The emergency passed.

SB 1466 was referred for engrossment.

GENERAL ORDER

SB 1584 by Lerblance of the Senate and Nations and Piatt of the House was called up for consideration.

Senator Lerblance moved that **SB 1584** be advanced, which motion was declared adopted.

THIRD READING

SB 1584 was read for the third time at length.

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

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

Excused: Hobson, Morgan, Smith and Taylor.--4.

Vacancy: District 18.--1.

The bill passed.

SB 1584 was referred for engrossment.

GENERAL ORDER

SB 1332 by Shurden of the Senate and Rice of the House was called up for consideration.

Senator Shurden moved that **SB 1332** be advanced, which motion was declared adopted.

THIRD READING

SB 1332 was read for the third time at length.

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

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

Excused: Hobson, Morgan, Smith and Taylor.--4.

Vacancy: District 18.--1.

The bill and emergency passed.

SB 1332 was referred for engrossment.

GENERAL ORDER

SB 1095 by Cain of the Senate and Leist of the House was called up for consideration.

Senator Cain moved to amend **SB 1095**, Page 2, Line 7, by inserting after the word “funds” and before the period the words “at the direction of the Commission”; Page 2, Line 8, by inserting after the word “the” and before the word “cost” the word “actual”; Page 2, Line 10, by deleting after the word “Fund” the period and inserting in lieu thereof a semi-colon; Page 2, Lines 10 through 12, by deleting all new language beginning with the word “Reimbursement” on Line 10 through the word “and” on Line 12 and inserting in lieu thereof the words “provided that said reimbursement”; Page 2, Lines 12 and 13, by deleting after the word “year” on Line 12 and before the word “of” on Line 13 the words and numeral “fifteen percent (15%)” and inserting in lieu thereof the words and numeral “ten percent (10%)”; Page 2, Line 13, by deleting after the word “total” and before the word “revenue” the word “net”; and Page 2, Line 14, by inserting after the word “year” and before the period the words “received from fees, administrative fines, reimbursements, bond proceeds and sale of materials, but not including cash bonds held in trust by the Commission”, which amendment was declared adopted.

Senator Cain moved to amend **SB 1095**, Page 2, Line 23½, by inserting a new Section 2 to read as follows:

“SECTION 2. AMENDATORY 3A O.S. 2001, Section 617, as amended by Section 2, Chapter 331, O.S.L. 2003 (3A O.S. Supp. 2003, Section 617) is amended to read as follows:

Section 617. A. In addition to the payment of any other fees and monies due pursuant to the Oklahoma Professional Boxing Licensing Act and the rules promulgated by the Oklahoma Professional Boxing Commission, an assessment as provided herein in an amount ~~equal to~~ not to exceed five percent (5%) of the total gross receipts of any professional boxing contest or professional exhibition, exclusive of any federal tax or tax imposed by any political subdivision of this state, shall be hereby levied and shall be remitted by every promoter and vendor to the Oklahoma Professional Boxing Commission; provided, however, if the promotion originates in Oklahoma, the promoter and vendor shall only be liable for assessments on the total gross receipts specified in subsections ~~B and C~~ and D of this section and shall not also be liable for the assessments specified in Section 622 of this title.

B. The assessment established in subsection A of this section shall be calculated as follows:

1. Five percent (5%) for an event for which the total gross receipts do not exceed One Hundred Thousand Dollars (\$100,000.00);

2. Four percent (4%) for an event for which the total gross receipts are between One Hundred Thousand One Dollars (\$100,001.00) and Two Hundred Thousand Dollars (\$200,000.00);

3. Three percent (3%) for an event for which the total gross receipts are between Two Hundred Thousand One Dollars (\$200,001.00) and Three Hundred Fifty Thousand Dollars (\$350,000.00);

4. Two percent (2%) for an event for which the total gross receipts are between Three Hundred Fifty Thousand One Dollars (\$350,001.00) and Five Hundred Thousand Dollars (\$500,000.00); and

5. One and one-half percent (1.5%) for an event for which the total gross receipts are more than Five Hundred Thousand One Dollars (\$500,001.00).

C. For the purpose of this section, total gross receipts of every promoter shall include:

1. The gross price charged by the promoter for the sale, lease, or other use of broadcasting, including, but not limited to, radio, television, including cable television, pay-per-view television, and closed-circuit television, or motion picture rights of boxing contests, events, or exhibitions conducted within this state, without any deductions for commissions, brokerage fees, distribution fees, advertising, or other expenses or charges;

2. The face value of all tickets sold; and

3. Proceeds from a vendor, or the promoter's gross price charged for the sale of food, alcoholic and nonalcoholic beverages, or merchandise, including, but not limited to, wearing apparel, souvenirs and programs.

~~C.~~ D. For the purpose of this section, total gross receipts of every vendor shall include the gross price charged for the sale of food, alcoholic and nonalcoholic beverages, and merchandise including, but not limited to, wearing apparel, souvenirs, and programs, excluding that portion paid to any promoter.

~~D.~~ E. Payment of the assessment on gross receipts, excepting for motion picture rights, shall be due within seventy-two (72) hours after the holding of the professional boxing contest or professional exhibition and shall be accompanied by a report in such form as shall be prescribed by the Oklahoma Professional Boxing Commission.

~~E. F.~~ The first payment of the assessment on gross income received from the sale of motion picture rights shall be due at the end of the month after the date of the sale of the motion picture rights, and further payments shall be due every thirty (30) days thereafter, during the presentation of the picture, and shall be accompanied by a gross receipts report in such form as shall be prescribed by the Oklahoma Professional Boxing Commission.

~~F. G.~~ Gross receipts reports signed under oath shall also include:

1. The name of the promoter;
2. The boxing contest or professional exhibition sanctioning permit number;
3. The promoter's business address and any license or permit number required of such promoter by law;
4. Gross receipts as specified by this section, during the period specified by this section; and
5. Such further information as the Oklahoma Professional Boxing Commission may require to enable it to compute correctly and collect the assessment levied pursuant to this section.

~~G. H.~~ In addition to the information required on reports, the Oklahoma Professional Boxing Commission may request, and the promoter shall furnish, any information deemed necessary for a correct computation of the assessment levied pursuant to this section.

~~H. I.~~ All levies pursuant to this section shall be collected by the State Department of Health and shall be placed to the credit of the Professional Boxing Licensing Revolving Fund.

~~I. J.~~ The monies collected from the assessment levied pursuant to the provisions of this section shall be in addition to all other revenues and funds received by the Oklahoma Professional Boxing Commission.

~~J. K.~~ The promoter shall compute and pay to the Oklahoma Professional Boxing Commission the required assessment due. If the payment of the assessment is not postmarked or delivered to the Oklahoma Professional Boxing Commission as specified in subsection ~~D or E~~ or F of this section, whichever is appropriate, the assessment shall be delinquent from such date.

~~K. L.~~ It shall be the duty of every promoter required to make a gross receipts report and pay any assessment pursuant to the provisions of this section to keep and preserve suitable records and documents which may be necessary to determine the amount of assessment due as will substantiate and prove the accuracy of such reports. All such records shall be preserved for a period of three (3) years, unless the Oklahoma Professional Boxing Commission, in writing, has authorized their destruction or disposal at an earlier date, and shall be open to examination at any time by the Oklahoma Professional Boxing Commission or by any of its authorized employees." and by renumbering subsequent section, which amendment was declared adopted.

Senator Cain moved that **SB 1095** be advanced, which motion was declared adopted.

THIRD READING

SB 1095 was read for the third time at length.

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

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

Nay: Wilcoxson.--1.

Excused: Hobson, Morgan, Smith and Taylor.--4.

Vacancy: District 18.--1.

The bill and emergency passed.

SB 1095 was referred for engrossment.

GENERAL ORDER

SB 1506 by Coates of the Senate and Maddux of the House was called up for consideration.

Senator Coates moved that **SB 1506** be advanced, which motion was declared adopted.

THIRD READING

SB 1506 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, Coates, Coffee, Corn, Crutchfield, Dunlap, Fair, Fisher, Ford, Gumm, Harrison, Helton, Horner, Johnson, Kerr, Laughlin, Leftwich, Littlefield, Maddox, Monson, Nichols, Riley, Robinson, Rozell, Shurden, Snyder, Wilkerson and Williams.--30.

Nay: Aldridge, Brogdon, Laster, Lawler, Lerblance, Milacek, Myers, Price, Pruitt, Rabon, Reynolds, Wilcoxson and Williamson.--13.

Excused: Hobson, Morgan, Smith and Taylor.--4.

Vacancy: District 18.--1.

The bill passed.

SB 1506 was referred for engrossment.

MESSAGE FROM THE HOUSE

Advising passage of and transmitting for consideration Engrossed **HBs 1427, 1823, 1837, 1849, 1981, 1982, 1983, 1984, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 2163, 2246, 2278, 2280, 2282, 2302, 2310, 2311, 2317, 2356, 2372, 2380, 2393, 2426, 2429, 2457, 2462, 2475, 2530, 2542, 2551, 2567, 2692 and 2693** and **HCR 1045**.

HB 1427 – By Braddock and Nance of the House and Wilkerson of the Senate.

An Act relating to crimes and punishments; establishing the Oklahoma Methamphetamine Education Task Force; providing for membership; providing for appointment of chair and vice-chair; providing for travel reimbursement; providing for administrative support; providing for duties; requiring certain report to Governor and Legislature; providing for noncodification; and declaring an emergency.

HB 1823 – By Erwin and Roan of the House and Shurden of the Senate.

(Oklahoma Personnel Act – amending 74 O.S., Section 840-2.18 – longevity pay – effective date – emergency)

HB 1837 – By Smithson, Braddock, Adkins, Dorman and Harrison of the House and Corn of the Senate.

An Act relating to the Oklahoma Self-Defense Act; amending 21 O.S. 2001, Section 1290.14, as amended by Section 8, Chapter 465, O.S.L. 2003 (21 O.S. Supp. 2003, Section 1290.14), which relates to safety and training course; exempting certain persons from requirement to renew a firearms instructor registration certificate with the Oklahoma State Bureau of Investigation; and providing an effective date.

HB 1849 – By Reynolds, Dank, Tibbs and Adkins of the House and Myers of the Senate.

(state government – contracts – computer software – codification – effective date)

HB 1981 – By Mitchell and Bonny of the House and Morgan and Robinson of the Senate.

(Constitutional Reserve Fund – appropriation – effective date – emergency)

HB 1982 – By Mitchell and Bonny of the House and Morgan and Robinson of the Senate.

(Constitutional Reserve Fund – appropriation – effective date – emergency)

HB 1983 – By Mitchell and Bonny of the House and Morgan and Robinson of the Senate.

(appropriations – stating purpose – emergency)

HB 1984 – By Mitchell and Bonny of the House and Morgan and Robinson of the Senate.

(appropriations – stating purpose – emergency)

HB 1986 – By Mitchell and Bonny of the House and Morgan and Robinson of the Senate.

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

HB 1987 – By Mitchell and Bonny of the House and Morgan and Robinson of the Senate.

(Oklahoma Health Care Authority – appropriation – effective date – emergency)

HB 1988 – By Mitchell and Bonny of the House and Morgan and Robinson of the Senate.

(State Board of Education – appropriation – effective date – emergency)

HB 1989 – By Mitchell and Bonny of the House and Morgan and Robinson of the Senate.

(State Board of Education – appropriation – effective date – emergency)

HB 1990 – By Mitchell and Bonny of the House and Morgan and Robinson of the Senate.

(University Hospitals Authority – appropriation – effective date – emergency)

HB 1991 – By Mitchell and Bonny of the House and Morgan and Robinson of the Senate.

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

HB 1992 – By Mitchell and Bonny of the House and Morgan and Robinson of the Senate.

(Oklahoma Department of Veterans Affairs – appropriation – effective date – emergency)

HB 1993 – By Mitchell and Bonny of the House and Morgan and Robinson of the Senate.

(Department of Labor – amending 40 O.S., Section 1 - effective date)

HB 1994 – By Mitchell and Bonny of the House and Morgan and Robinson of the Senate.

(motor vehicles – amending 47 O.S., Section 1132.5 – effective date)

HB 1995 – By Mitchell and Bonny of the House and Morgan and Robinson of the Senate.

(public finance – amending 62 O.S., Section 41.31 – budget preparation – effective date)

HB 1996 – By Mitchell and Bonny of the House and Morgan and Robinson of the Senate.

(public finance – amending 62 O.S., Section 41.31 – budget preparation – effective date)

HB 1997 – By Mitchell and Bonny of the House and Morgan and Robinson of the Senate.

(public finance – amending 62 O.S., Section 41.31 – budget preparation – effective date)

HB 2163 – By McCarter of the House and Helton of the Senate.

An Act relating to schools; amending 70 O.S. 2001, Section 24-101.3, as amended by Section 1, Chapter 182, O.S.L. 2003 (70 O.S. Supp. 2003, Section 24-101.3), which relates to out-of-school suspensions; modifying reenrollment process and requirements for certain students; requiring certain notification prior to suspending a student; providing for codification; providing an effective date; and declaring an emergency.

HB 2246 – By Perry of the House and Brogdon of the Senate.

An Act relating to school employees; amending 70 O.S. 2001, Section 5-139, which relates to payroll deductions; allowing school employees to make certain request; requiring school districts to cease certain payroll deductions upon request of employee; and prohibiting certain payment of future dues.

HB 2278 – By Morgan (Danny) of the House and Crutchfield of the Senate.

An Act relating to public utilities; amending 17 O.S. 2001, Sections 191.1, 191.2, 191.3, and 191.5, which relate to acquisition, control, and merger of public utilities; modifying certain definitions; adding certain definitions; adding holding companies to procedures for acquisition, control, or merger of certain domestic public utilities; modifying certain information required to be filed with the Corporation Commission; deleting certain information required to be filed with the Commission; requiring schedule of certain assets to be filed with the Commission; adding limited liability companies to types of entities required to file information; modifying the authority of the Commission to approve a merger or acquisition; adding certain conditions which the Commission shall consider for a merger or acquisition; changing number of days required for public hearings; allowing the Commission to continue hearings; modifying grounds for Commission order; establishing conditions to be considered by the Commission for operation of a public utility on an integrated basis; establishing conditions to be considered by the Commission for determining level of engagement in providing utility services; and declaring an emergency.

HB 2280 – By Paulk and Nance of the House and Wilkerson of the Senate.

(state government – amending 74 O.S., Sections 10.6, 500.18 and 840-5.5 – Office of Homeland Security – advisory council - amending 75 O.S., Section 250.4 – Administrative Procedures Act – codification – recodification)

HB 2282 – By Mitchell of the House and Wilkerson of the Senate.

(public health and safety – amending 63 O.S., Section 1-1950.3 – Nursing Home Care Act – restriction – emergency)

HB 2302 – By Dank of the House and Wilcoxson of the Senate.

An Act relating to schools; directing the State Board of Education to make and submit a report on special education services by a certain date; listing content of the report; providing for noncodification; and declaring an emergency.

HB 2310 – By Hamilton, Lindley and Gilbert of the House and Shurden of the Senate.

An Act relating to public health and safety; providing legislative intent for additional funding for additional programs; amending 63 O.S. 2001, Sections 1-1920 and 1-1941, which relate to the Nursing Home Care Act; updating language; modifying certain maximum reserves; providing for noncodification; providing an effective date; and declaring an emergency.

HB 2311 – By Taylor of the House and Price of the Senate.

An Act relating to cities and towns; amending 11 O.S. 2001, Section 8-110, which relates to city officials; and modifying requirements for city officials to become candidates for county or state office.

HB 2317 – By Rice of the House and Helton of the Senate.

An Act relating to militia; amending 44 O.S. 2001, Section 233.3, which relates to disposition of property; expanding powers of Adjutant General to make certain determinations; providing exemption; providing for reversion of property under certain circumstances; amending 44 O.S. 2001, Sections 235 and 235.2, which relate to the 45th Infantry Division Museum; providing for the appointment of an Executive Director; providing duties; allowing for lease of museum upon certain approval; providing lease conditions; replacing entity responsible for maintaining certain records; replacing entity authorized to exchange surplus items; and providing an effective date.

HB 2356 – By Lamons and Nance of the House and Taylor of the Senate.

(law enforcement – Uniform Police Officers’ Bill of Rights - rights and privileges - codification - effective date)

HB 2372 – By Hutchison, Adkins and Taylor of the House and Corn of the Senate.

(volunteer firefighters – Oklahoma Volunteer Firefighter Training Incentive Act of 2004 – registration fee – effective date – emergency)

HB 2380 – By Peters, Lamons, Nance, Easley, Gilbert and Calvey of the House and Williamson of the Senate.

An Act relating to crimes and punishments; amending 21 O.S. 2001, Section 644, which relates to assault, assault and battery, and domestic abuse; requiring certain defendants to participate in counseling or treatment under certain circumstances; establishing guidelines for participants; providing for additional counseling or treatment under certain circumstances; providing for review hearings; allowing continuing

jurisdiction by the court; allowing revocation of a sentence for noncompliance; requiring defendant to be present at the first review hearing; allowing for the consideration of progress reports at subsequent review hearings; providing for the appointment of a referee; providing for compensation; defining term; modifying crime of assault and battery with intent to cause great bodily harm to include strangulation or attempted strangulation; providing a penalty; defining term; providing immunity from liability for district courts and judges; proscribing the charge of fees or costs to certain victims; requiring disclosure of certain information; amending 22 O.S. 2001, Section 60.6 and Section 6, Chapter 466, O.S.L. 2002 (22 O.S. Supp. 2003, Section 60.16), which relate to the Protection From Domestic Abuse Act; providing penalty for third or subsequent conviction of violating a protective order; providing penalty for second or subsequent conviction of violating a protective order and causing injury; requiring certain defendants to participate in counseling or treatment under certain circumstances; establishing guidelines for participants; providing for additional counseling or treatment under certain circumstances; providing for review hearings; allowing continuing jurisdiction by the court; allowing revocation of a sentence for noncompliance; requiring defendant to be present at the first review hearing; allowing for the consideration of progress reports at subsequent review hearings; providing for the appointment of a referee; providing for compensation; providing immunity from liability for district courts and judges; limiting who may be held in violation of a protective order; requiring investigation by a peace officer prior to arrest; authorizing court to issue protective and restraining orders to alleged victims under certain circumstances; specifying the duration of the protective order; providing for codification; and providing an effective date.

HB 2393 – By Staggs of the House and Crutchfield of the Senate.

(schools – amending 70 O.S., Sections 6-101.3, 17-116.10, 18-114.7 and 18-114.9 – teachers – postretirement employment – reduction in salary – effective date – emergency)

HB 2426 – By Carey of the House and Ford of the Senate.

(property – Oklahoma Uniform Trust Code – scope - governing law – duties of trustee – amending 6 O.S., Section 902 – Totten Trust – amending 18 O.S., Sections 381.39a and 381.40a – repealing 48 sections in Title 60 – codification – recodification – effective date)

HB 2429 – By Miller (Doug) and Nance of the House and Nichols of the Senate.

An Act relating to motor vehicles; amending 47 O.S. 2001, Section 1136, as last amended by Section 46 of Enrolled House Bill No. 2725 of the 2nd Session of the 49th Oklahoma Legislature, which relates to special license plates; requiring motor license agents to display certain special license plate; adding various special license plates; specifying fees for the special license plates; providing for apportionment of certain fee; creating the Animal Friendly Revolving Fund; stating purpose of fund; providing requirements to receive funds; providing for codification; and providing an effective date.

HB 2457 – By Pope and Sweeden of the House and Price of the Senate.

(conservation districts – amending 27A O.S., Section 1-1-201 – Oklahoma Environmental Quality Act – amending 74 O.S., Sections 85.58A and 85.58L – risk management – repealing 74 O.S., Section 85.58I – effective date – emergency)

HB 2462 – By Smaligo and Liotta of the House and Brogdon of the Senate.
(mines and mining – distance limitations – codification – effective date)

HB 2475 – By Hamilton, Newport, Deutschendorf, Pettigrew and Adkins of the House and Shurden of the Senate.

An Act relating to civil and criminal law; amending 12 O.S. 2001, Section 1053, which relates to wrongful death; making section available for death of an unborn child; providing exceptions; prohibiting certain prosecutions; amending 21 O.S. 2001, Sections 652, 713, 714, and 715, which relate to intentional and wrongful injuries to another; including unborn child in sections; providing definition; providing exceptions; prohibiting certain prosecutions; increasing certain penalties; and providing an effective date.

HB 2530 – By Walker of the House and Crutchfield of the Senate.

An Act relating to officers; amending 51 O.S. 2001, Section 6, as last amended by Section 4, Chapter 387, O.S.L. 2003 (51 O.S. Supp. 2003, Section 6), which relates to dual office holding; providing an exemption for park rangers elected or appointed to a local board of education or municipal office; and declaring an emergency.

HB 2542 – By Carey and Dorman of the House and Gumm of the Senate.

An Act relating to public lands; authorizing the Commissioners of the Land Office to invest in certain real property under the jurisdiction of the Oklahoma Tourism and Recreation Commission; limiting the amount of investment; authorizing the Commissioners to acquire, exchange, or grant certain real property; making investment contingent upon compliance with certain laws; providing for codification; and declaring an emergency.

HB 2551 – By Hilliard of the House and Crutchfield of the Senate.

(roads, bridges and ferries – interchange - codification - effective date – emergency)

HB 2567 – By Greenwood, Adkins, Staggs and O’Neal of the House and Wilcoxson of the Senate.

An Act relating to schools; creating the Elementary and Middle School Mathematics Task Force; stating purpose of the Task Force; establishing membership; establishing duties; providing for appointments and appointment of cochairs; providing for meetings and staffing; providing for travel reimbursement; requiring a report; providing for noncodification; and declaring an emergency.

HB 2692 – By Ferguson and Pettigrew of the House and Corn of the Senate.

An Act relating to public retirement systems; requiring cost-of-living increases for specified public retirement systems to be approved by board of trustees; requiring certain funded ratio for approval of cost-of-living increase; defining terms; requiring analysis of normal cost information related to certain retirement benefit design modifications; requiring certain action by boards of trustees of public retirement systems; providing for actuarial analysis; prescribing procedures for increase in employee contribution rate; requiring certain communications to Governor, Speaker of the Oklahoma House of Representatives, President Pro Tempore of the State Senate, Office of State Finance and State Treasurer regarding increases in employee contribution rates; providing for effect of modifications

adopted by board of trustees of retirement system; enacting the Oklahoma Elected Official Defined Contribution Retirement Plan Act; defining terms; providing for scope of act; requiring certain elected officials to participate in Oklahoma Elected Official Defined Contribution Retirement Plan; providing for employee contribution; providing for matching employer contribution amount; providing for vesting of certain amounts; providing for eligible retirement dates; providing for distributions in the event of death; providing for cessation of contributions; authorizing maintenance of managed account for certain period of time; requiring Board of Trustees of Oklahoma Public Employees Retirement System to provide for investment options; authorizing contracts for management services; requiring range of investment options; specifying requirements related to managed accounts; authorizing changes in options; authorizing private letter ruling for purposes of retirement plan qualification; enacting the Pension System Dedicated Revenue Reallocation Act of 2004; defining terms; providing for reallocation of certain dedicated revenues to certain public retirement systems; prescribing period for reallocation of revenues; prescribing methodology for determination of reallocation period; providing for continuation of reallocation process; providing for termination of reallocation of dedicated revenue based upon funded status of retirement systems; amending 11 O.S. 2001, Section 49-100.3, which relates to the Oklahoma Firefighters Pension and Retirement System; amending 11 O.S. 2001, Section 50-103.1, as amended by Section 1, Chapter 51, O.S.L. 2003 (11 O.S. Supp. 2003, Section 50-103.1), which relates to the Oklahoma Police Pension and Retirement System; amending 47 O.S. 2001, Section 2-303, which relates to the Oklahoma Law Enforcement Retirement System; amending 70 O.S. 2001, Section 17-106, which relates to the Teachers' Retirement System of Oklahoma; amending 74 O.S. 2001, Section 905, which relates to the Oklahoma Public Employees Retirement System; modifying composition of board of trustees for retirement systems; modifying certain appointments by Speaker of the Oklahoma House of Representatives; modifying certain appointments by President Pro Tempore of the State Senate; modifying certain appointments by Governor; modifying certain appointments by other entities; providing for ex officio and nonvoting status of Director of Office of State Finance; providing for continuation of existing terms of office; providing for timing of certain appointments by Speaker of the Oklahoma House of Representatives, President Pro Tempore of the State Senate and the Governor; providing for selection of certain trustees by various entities; providing for codification; providing an effective date; and declaring an emergency.

HB 2693 – By Ferguson of the House and Corn of the Senate.

(Oklahoma Public Employees Retirement System – cost-of-living increase – codification – effective date)

HCR 1045 – By Rice and Wells of the House and Helton of the Senate.

A Concurrent Resolution memorializing Congress to pass certain legislation relating to expanding federal tax credits for high cost gas exploration and nontraditional fuel development; and directing distribution.

The above-numbered measures were read the first time.

MESSAGE FROM THE HOUSE

Advising the signing of and returning Enrolled **SCR 45**.

The above-numbered enrolled measure was transmitted to the Secretary of State.

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 1123 by Rabon of the Senate and Mass of the House was called up for consideration.

Senator Rabon moved to amend **SB 1123**, Page 2, Line 1, by inserting a new Section 2 to read as follows:

“SECTION 2. AMENDATORY 19 O.S. 2001, Section 421.1, as amended by Section 1, Chapter 214, O.S.L. 2002 (19 O.S. Supp. 2003, Section 421.1), is amended to read as follows:

A. The board of county commissioners is hereby authorized to use any tools, apparatus, machinery or equipment belonging to the county, the original cost of which exceeded Two Hundred Fifty Dollars (\$250.00), as a trade-in on a cash purchase or lease purchase of any other tools, apparatus, machinery or equipment.

B. To establish an appraised value for an item to be sold at public auction, the purchasing agent may refer to an industry-recognized appraisal manual for used construction equipment to estimate the value of the item being sold, or obtain appraisal quotes from at least two vendors in the business of selling items like the one being sold.

C. Except when such items are disposed of pursuant to subsection F of this section, the following procedures shall be used for the sale, by the board of county commissioners, of any tools, apparatus, machinery or equipment, the original cost of which exceeded Two Hundred Fifty Dollars (\$250.00), belonging to the county:

1. The board of county commissioners shall give notice of such sale by publication in a newspaper of general paid circulation in the county for two (2) successive weekly issues;

2. Bids for such tools, apparatus, machinery or equipment on sale shall be in writing, sealed and delivered to the county clerk of such county;

3. At the next regular meeting of the board of county commissioners after the expiration of fifteen (15) days from the date of first publication of notice of the sale, the board of county commissioners shall open such bids and award such tools, apparatus, machinery or equipment to the highest and best bidder with the option of rejecting all bids; and

4. The board of county commissioners may hold a public auction in lieu of advertising for sealed bids as provided above. Such auction shall be advertised as provided herein.

D. A board of county commissioners may sell any materials, tools, apparatus, machinery or equipment to a state agency, if the agency is subject to the Oklahoma Central Purchasing Act, or to a political subdivision of the state if the political subdivision is subject to such act or a similar competitive bidding procedure. The board of county commissioners may purchase materials, tools, apparatus, machinery or equipment from a state agency, if the agency is subject to the Oklahoma Central Purchasing Act, or from a political subdivision of the state if the political subdivision is subject to such act or a similar competitive bidding procedure.

E. The board of county commissioners may, by resolution, enter into an agreement with any other county or political subdivision for the purpose of selling, transferring, trading or otherwise disposing of equipment or materials.

F. Advertisement of surplus property consigned to sell at a Circuit Engineering District auction shall be provided by the auction company under contract to conduct the sale. Advertising shall be provided to attract the most potential buyers. Advertising media may include, but not be limited to, sale flyers, newspapers, radio, television, and Internet postings.” and by renumbering subsequent sections and amending the title to conform, which amendment was declared adopted.

Senator Rabon moved that **SB 1123** be advanced, which motion was declared adopted.

THIRD READING

SB 1123 was read for the third time at length.

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

Aye: Aldridge, Branan, Brogdon, Cain, Capps, Coates, Corn, Crutchfield, Dunlap, Fair, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Wilcoxson, Wilkerson, Williams and Williamson.--44.

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

Vacancy: District 18.--1.

The bill passed.

SB 1123 was referred for engrossment.

GENERAL ORDER

SB 1119 by Gumm and Coffee of the Senate and Braddock of the House was called up for consideration.

Representatives Pettigrew and Adkins asked to coauthor **SB 1119**, which was the order.

Senator Coffee moved to amend **SB 1119**, Page 7, Line 9, by inserting after the word “services” and before the period the words “and over wireline and wireless 911 and E911 emergency number services provided to a state or local governmental entity or its agent or to a public safety answering point”; and Page 23, Line 11, by inserting after the word “services” and before the period the words “and over wireline and wireless 911 and E911 emergency number services provided to a state or local governmental entity or its agent or to a public safety answering point”, which amendment was declared adopted.

Senator Rabon moved to amend **SB 1119**, Page 14, Line 17, by striking after the word “authority” the comma and the word “and” and inserting in lieu thereof a semi-colon; Page 14, Line 18, by striking after the word “services” the semi-colon and inserting in lieu thereof a comma; and Page 14, Line 18½, by inserting a new subparagraph “h” to read as follows:

“h. access to an internet service provider in the local calling area at no increase in the stand-alone access rate and on a non-usage sensitive basis.”, which amendment was declared adopted.

Senator Crutchfield moved to amend **SB 1119**, Page 18, Line 9, by inserting after the word “that” and before the word “is” the word “either”; Page 18, Line 10, by inserting after the word “area” and before the word “by” the words “, or is a competitive local calling area within which the aggregate number of access lines, or access line equivalent, served by CLECs and ILECs is fifty thousand (50,000) or less,”; and Page 18, Lines 13 through 18, by deleting Paragraph 2 and inserting in lieu thereof a new Paragraph 2 to read as follows:

“2. A provider serving more than twenty percent (20%) of the wireline access lines in the state shall not charge a stand-alone residential access line rate in any local calling area that is higher than that provider’s stand-alone residential access line rate in the largest local calling area in the state served by that provider;”, which amendment was declared adopted.

Senator Gumm moved that **SB 1119** be advanced, which motion was declared adopted.

THIRD READING

SB 1119 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, Fair, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lerblance, Littlefield, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Robinson, Rozell, Shurden, Smith, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.--42.

Nay: Dunlap, Lawler, Leftwich and Snyder.--4.

Excused: Riley.--1.

Vacancy: District 18.--1.

The bill and emergency passed.

SB 1119 was referred for engrossment.

GENERAL ORDER

SB 1495 by Corn of the Senate and Taylor of the House was called up for consideration.

Senator Corn moved that **SB 1495** be advanced, which motion was declared adopted.

THIRD READING

SB 1495 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, Fisher, Gumm, Harrison, Helton, Hobson, Horner, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Littlefield, Maddox, Milacek, Monson, Myers, Nichols, Rabon, Reynolds, Robinson, Rozell, Shurden, Smith, Snyder, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.--39.

Nay: Dunlap, Fair, Johnson, Price and Pruitt.--5.

Excused: Ford, Morgan and Riley.--3.

Vacancy: District 18.--1.

The bill passed.

SB 1495 was referred for engrossment.

Senator Rabon presiding.

GENERAL ORDER

SB 1364 by Kerr of the Senate and Braddock of the House was called up for consideration.

Senator Kerr moved that **SB 1364** be advanced, which motion was declared adopted.

THIRD READING

SB 1364 was read for the third time at length.

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

Aye: Aldridge, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crutchfield, Dunlap, Fair, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Kerr, Laster, Lawler, Leftwich, Lerblance, Maddox, Milacek, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Robinson, Rozell, Shurden, Smith, Snyder, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.--41.

Nay: Laughlin.--1.

Excused: Johnson, Littlefield, Monson, Morgan and Riley.--5.

Vacancy: District 18.--1.

The bill and emergency passed.

SB 1364 was referred for engrossment.

GENERAL ORDER

SB 901 by Pruitt and Gumm of the Senate and Morgan (Fred) of the House was called up for consideration.

Senator Helton asked to coauthor **SB 901**, which was the order.

Senator Pruitt moved that **SB 901** be advanced, which motion was declared adopted.

THIRD READING

SB 901 was read for the third time at length.

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

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

Excused: Littlefield, Monson, Morgan and Riley.--4.

Vacancy: District 18.--1.

The bill and emergency passed.

SB 901 was referred for engrossment.

GENERAL ORDER

SB 1210 by Robinson of the Senate and Toure of the House was called up for consideration.

Senator Robinson moved that **SB 1210** be advanced, which motion was declared adopted.

THIRD READING

SB 1210 was read for the third time at length.

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

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

Wilkerson, Williams and Williamson.--43.

Excused: Littlefield, Monson, Morgan and Riley.--4.

Vacancy: District 18.--1.

The bill passed.

SB 1210 was referred for engrossment.

GENERAL ORDER

SB 1317 by Helton of the Senate and Wells of the House was called up for consideration.

Senator Helton moved that **SB 1317** be advanced, which motion was declared adopted.

THIRD READING

SB 1317 was read for the third time at length.

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

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

Excused: Littlefield, Monson, Morgan and Riley.--4.

Vacancy: District 18.--1.

The bill and emergency passed.

SB 1317 was referred for engrossment.

GENERAL ORDER

SJR 42 by Laughlin of the Senate and Blackwell of the House was called up for consideration.

Senator Laughlin moved that **SJR 42** be advanced, which motion was declared adopted.

THIRD READING

SJR 42 was read for the third time at length.

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

Aye: Aldridge, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crutchfield, Dunlap, Fair, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Littlefield, Maddox, Milacek, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Robinson, Rozell, Shurden, Smith, Snyder, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.--44.

Excused: Monson, Morgan and Riley.--3.

Vacancy: District 18.--1.

The resolution passed.

SJR 42 was referred for engrossment.

GENERAL ORDER

SB 862 by Reynolds of the Senate and Roggow of the House was called up for consideration.

Senator Reynolds moved that **SB 862** be advanced, which motion was declared adopted.

THIRD READING

SB 862 was read for the third time at length.

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

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

Excused: Johnson, Monson, Morgan and Riley.--4.

Vacancy: District 18.--1.

The bill passed.

Senator Johnson desired to vote Aye on the emergency.

On the question of passage of the emergency, the vote resulted as follows: Aye: 44; Excused: 3; Vacancy: 1.

The emergency passed.

SB 862 was referred for engrossment.

GENERAL ORDER

SB 1480 by Wilkerson and Coates of the Senate and Plunk of the House was called up for consideration.

Senator Wilkerson moved to amend **SB 1480**, by striking the title, the enacting clause and the entire body of the bill and substituting the floor substitute, which amendment was declared adopted. (Copies were provided for all Senators.)

Senator Gumm moved to amend the floor substitute to **SB 1480**, Page 3, Line 22½, by inserting a new Section 10 to read as follows:

“SECTION 10. NEW LAW A new section of law to be codified as Section 1668 of Title 69, unless there is created a duplication in numbering, reads as follows:

State Highway 7, from where it intersects with State Highway 99, West through Reagan, Oklahoma, to the intersection of State Highway 1 shall be designated the “Lieutenant Commander Clarence O. ‘Smokey’ Tolbert Memorial Highway”. The Department of Transportation shall cause suitable permanent markers to be placed on the highway bearing his name, including within the Reagan community.”, and by renumbering subsequent sections, which amendment was declared adopted.

Senator Wilkerson moved that **SB 1480** be advanced, which motion was declared adopted.

THIRD READING

SB 1480 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, Crutchfield, Dunlap, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Littlefield, Maddox, Milacek, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Robinson, Rozell, Shurden, Smith, Snyder, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.--42.

Excused: Corn, Fair, Monson, Morgan and Riley.--5.

Vacancy: District 18.--1.

The bill and emergency passed.

SB 1480 was referred for engrossment.

GENERAL ORDER

SB 1246 by Nichols of the Senate and Smithson of the House was called up for consideration.

Senator Nichols moved that **SB 1246** be advanced, which motion was declared adopted.

THIRD READING

SB 1246 was read for the third time at length.

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

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

Excused: Corn, Monson, Morgan and Riley.--4.

Vacancy: District 18.--1.

The bill passed.

SB 1246 was referred for engrossment.

Senator Gumm presiding.

GENERAL ORDER

SB 1534 by Wilcoxson of the Senate and Peterson (Pam) of the House was called up for consideration.

Senator Wilcoxson moved that **SB 1534** be advanced, which motion was declared adopted.

THIRD READING

SB 1534 was read for the third time at length.

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

Aye: Aldridge, Branan, Brogdon, Cain, Coates, Coffee, Corn, Dunlap, Fair, Gumm, Harrison, Helton, Hobson, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Littlefield, Maddox, Morgan, Myers, Nichols, Pruitt, Rabon, Reynolds, Robinson, Rozell, Wilcoxson, Wilkerson, Williams and Williamson.--34.

Nay: Capps, Crutchfield, Fisher, Ford, Milacek, Price, Shurden and Smith.--8.

Excused: Horner, Monson, Riley, Snyder and Taylor.--5.

Vacancy: District 18.--1.

The bill and emergency passed.

SB 1534 was referred for engrossment.

GENERAL ORDER

SB 1151 by Williamson of the Senate and Pettigrew of the House was called up for consideration.

Senator Williamson moved that **SB 1151** be advanced, which motion was declared adopted.

THIRD READING

SB 1151 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, Crutchfield, Fair, Fisher, Gumm, Helton, Hobson, Laster, Maddox, Reynolds, Robinson, Wilcoxson, Wilkerson, Williams and Williamson.--19.

Nay: Coates, Coffee, Corn, Dunlap, Ford, Harrison, Johnson, Kerr, Laughlin, Lawler, Leftwich, Lerblance, Littlefield, Milacek, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Rozell and Shurden.--22.

Excused: Horner, Monson, Riley, Smith, Snyder and Taylor.--6.

Vacancy: District 18.--1.

The bill failed.

GENERAL ORDER

SB 1412 by Wilkerson of the Senate and Roan of the House was called up for consideration.

Senator Wilkerson asked that **SB 1412** be laid over for this legislative day, which was the order.

SB 1412 remains on General Order.

GENERAL ORDER

SJR 48 by Leftwich (Debbe) of the Senate and Staggs of the House was called up for consideration.

Senator Leftwich moved to amend **SJR 48**, Page 1, by restoring the title, which amendment was declared adopted.

Senator Leftwich (Debbe) moved that **SJR 48** be advanced, which motion was declared adopted.

THIRD READING

SJR 48 was read for the third time at length.

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

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

Excused: Ford, Monson, Riley, Snyder and Taylor.--5.

Vacancy: District 18.--1.

The resolution passed.

SJR 48 was referred for engrossment.

GENERAL ORDER

SB 1339 by Robinson of the Senate and Phillips of the House was called up for consideration.

Representative Phillips asked to be removed and Representative McCarter asked to be named Principal House author on **SB 1339**, which was the order.

Senator Robinson moved that **SB 1339** be advanced, which motion was declared adopted.

THIRD READING

SB 1339 was read for the third time at length.

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

Aye: Cain, Capps, Fisher, Harrison, Horner, Johnson, Lerblance, Morgan, Robinson, Rozell, Taylor, Wilkerson and Williams.--13.

Nay: Aldridge, Branan, Brogdon, Coates, Coffee, Corn, Crutchfield, Dunlap, Fair, Gumm, Helton, Kerr, Laster, Laughlin, Lawler, Leftwich, Maddox, Milacek, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Shurden, Smith, Snyder, Wilcoxson and Williamson.--29.

Excused: Ford, Hobson, Littlefield, Monson and Riley.--5.

Vacancy: District 18.--1.

The bill failed.

Pursuant to Rule 12-23, Senator Robinson served notice that the vote be reconsidered whereby **SB 1339** failed.

GENERAL ORDER

SB 1474 by Aldridge of the Senate and Cargill of the House was called up for consideration.

Senator Aldridge moved to amend **SB 1474**, Page 2, Line 11, by inserting after the word "event" and before the period" the words "or to absolve any school district or school employee of liability that might otherwise exist under The Governmental Tort Claims Act", which amendment was declared adopted.

Senator Aldridge moved that **SB 1474** be advanced, which motion was declared adopted.

THIRD READING

SB 1474 was read for the third time at length.

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

Aye: Aldridge, Branan, Cain, Coates, Corn, Ford, Gumm, Harrison, Helton, Johnson, Lawler, Leftwich, Maddox, Milacek, Morgan, Reynolds, Robinson, Shurden, Smith, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.--24.

Nay: Brogdon, Capps, Coffee, Crutchfield, Dunlap, Fair, Fisher, Horner, Kerr, Laster, Laughlin, Lerblance, Myers, Nichols, Price, Pruitt, Rabon, Rozell and Snyder.--19.

Excused: Hobson, Littlefield, Monson and Riley.--4.

Vacancy: District 18.--1.

The bill failed.

Pursuant to Rule 12-23, Senator Aldridge served notice that the vote be reconsidered whereby **SB 1474** failed.

GENERAL ORDER

SB 450 by Coffee and Morgan of the Senate and Wright of the House was called up for consideration.

Representative Rice asked to coauthor **SB 450**, which was the order.

Senator Coffee moved to amend **SB 450**, Page 1, Line 17, by deleting before the word “per” the words and numeral “fifteen cents (\$0.15)” and inserting in lieu thereof the words and numeral “fourteen cents (\$0.14)”; Page 1, Line 18, by deleting before the word “per” the words and numeral “fourteen cents (\$0.14)” and inserting in lieu thereof the words and numeral “thirteen cents (\$0.13)”; Page 1, Line 21, by striking after the semi-colon the word “and”; and Page 1, Line 21½, by inserting a new paragraph 2 to read as follows:

2. Effective November 1, 2005, for all matters other than tabular matter, fifteen cents (\$0.15) per word for first insertion, and fourteen cents (\$0.14) per word for each subsequent insertion, with each separate group of numerals included in the matter to be counted as one word, regardless of the number of digits involved”, and by renumbering subsequent paragraph and by amending the title to conform, which amendment was declared adopted.

Senator Coffee moved that **SB 450** be advanced, which motion was declared adopted.

THIRD READING

SB 450 was read for the third time at length.

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

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

Excused: Hobson, Littlefield, Milacek, Monson, Riley and Williamson.--6.

Vacancy: District 18.--1.

The bill passed.

SB 450 was referred for engrossment.

MOTION TO RECONSIDER VOTE

Senator Branan moved to reconsider the vote whereby **SB 1386** failed, which motion was declared adopted upon roll call as follows:

Aye: Aldridge, Branan, Brogdon, Cain, Coates, Coffee, Corn, Crutchfield, Fair, Ford, Gumm, Helton, Johnson, Laster, Laughlin, Lawler, Lerblance, Littlefield, Morgan, Price,

Rabon, Reynolds, Robinson, Snyder, Taylor, Wilkerson, Williams and Williamson.--28.

Nay: Capps, Dunlap, Fisher, Harrison, Horner, Kerr, Leftwich, Maddox, Milacek, Myers, Nichols, Pruitt, Rozell and Wilcoxson.--14.

Excused: Hobson, Monson, Riley, Shurden and Smith.--5.

Vacancy: District 18.--1.

THIRD READING

SB 1386 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, Coates, Coffee, Corn, Crutchfield, Fair, Ford, Gumm, Helton, Johnson, Laster, Laughlin, Lawler, Littlefield, Myers, Price, Reynolds, Snyder, Taylor and Wilkerson.--23.

Nay: Capps, Dunlap, Fisher, Harrison, Horner, Kerr, Leftwich, Lerblance, Maddox, Milacek, Morgan, Nichols, Pruitt, Rabon, Robinson, Rozell, Wilcoxson, Williams and Williamson.--19.

Excused: Hobson, Monson, Riley, Shurden and Smith.--5.

Vacancy: District 18.--1.

The bill failed.

GENERAL ORDER

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

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

THIRD READING

SJR 53 was read for the third time at length.

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

Aye: Cain, Crutchfield, Fair, Fisher, Gumm, Harrison, Helton, Horner, Laster, Leftwich, Lerblance, Maddox, Morgan, Robinson, Rozell, Snyder, Taylor, Wilkerson, Williams and Williamson.--20.

Nay: Aldridge, Branan, Brogdon, Capps, Coates, Coffee, Corn, Dunlap, Ford, Johnson, Kerr, Laughlin, Lawler, Milacek, Myers, Nichols, Price, Pruitt, Rabon, Reynolds and Wilcoxson.--21.

Excused: Hobson, Littlefield, Monson, Riley, Shurden and Smith.--6.

Vacancy: District 18.--1.

The resolution failed.

Pursuant to Rule 12-23, Senator Williams served notice that the vote be reconsidered whereby **SJR 53** failed.

GENERAL ORDER

SB 1416 by Helton of the Senate and McCarter of the House was called up for consideration.

Senator Helton moved that **SB 1416** be advanced, which motion was declared adopted.

THIRD READING

SB 1416 was read for the third time at length.

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

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

Excused: Hobson, Monson, Riley, Shurden, Smith and Taylor.--6.

Vacancy: District 18.--1.

The bill passed.

SB 1416 was referred for engrossment.

GENERAL ORDER

SB 1542 by Nichols of the Senate and Balkman of the House was called up for consideration.

Senator Wilkerson moved to amend **SB 1542**, Page 2, Line 17 ½, by inserting a new Section 2 to read as follows:

“SECTION 2. AMENDATORY 74 O.S. 2001, Section 150.12, as amended by Section 12, Chapter 199, O.S.L. 2003 (74 O.S. Supp. 2003, Section 150.12), is amended to read as follows:

Section 150.12 A. 1. It is hereby the duty of any sheriff, chief of police, city marshal, constable and any other law enforcement officer who takes custody of a person who has been arrested and who, in the best judgment of the arresting officer, is believed to have committed any offense, except an offense exempted by the rules promulgated by the Oklahoma State Bureau of Investigation pursuant to the provisions of Section 150.1 et seq. of this title, to take or cause to be taken the fingerprint impressions of such person or persons ~~in triplicate~~ and to forward ~~two copies of~~ such fingerprint impressions together with identification information to the Oklahoma State Bureau of Investigation, at its Oklahoma City office. If the sheriff, chief of police, city marshal, or constable has contracted for the custody of prisoners, such contractor shall be required to take the fingerprint impressions of such person.

2. It shall not be the responsibility of, nor shall the sheriff, chief of police, city marshal, constable, other law enforcement officer, or contractor receiving custody of an arrested person as a prisoner require the arresting officer to take the fingerprint impressions of the arrested person; provided, if the arresting officer is employed by the same law enforcement agency as the sheriff, chief of police, city marshal, or constable receiving custody of such person, the arresting officer may be required to take such impressions.

3. The law enforcement officers shall also forward the prosecution filing report and the disposition report forms to the appropriate prosecuting authority within seventy-two (72) hours. If fingerprint impressions have not been taken at the time of an arrest, the court shall order the fingerprints to be taken by the sheriff at the arraignment, first appearance, or at the time of final adjudication of a defendant whose court attendance has been secured by a summons or citation for any offense, except an offense exempted by the rules promulgated by the Bureau. If a person is in the custody of a law enforcement or correctional agency and a warrant issues or an information is filed alleging the person to have committed an offense other than the offense for which the person is in custody, the custodial law enforcement or correctional agency shall take the fingerprints of such person in connection with the new offense, provided the offense is not exempted by the rules of the Bureau. Any fingerprint impressions and identification information required by this subsection shall be sent to the Bureau within seventy-two (72) hours after taking such fingerprints.

B. In order to maintain a complete criminal history record, the court shall inquire at the time of sentencing whether or not the person has been fingerprinted for the offense upon which the sentence is based and, if not, shall order the fingerprints be taken immediately of such person and those fingerprints shall be sent by the law enforcement agency taking the

fingerprint impressions to the Bureau within seventy-two (72) hours after taking the fingerprint impressions.

C. In addition to any other fingerprints which may have been taken of a person in a criminal matter, the Department of Corrections shall take the fingerprints of all prisoners received at the Lexington Reception and Assessment Center or otherwise received into the custody of the Department and shall send copies of such fingerprints together with identification information to the Bureau within seventy-two (72) hours of taking such fingerprints.

D. The Bureau shall, upon receipt of fingerprint impressions and identification information for offenses not exempt by rule of the Bureau, send one copy of the fingerprint impressions to the Federal Bureau of Investigation, at its Washington, D.C., office, and the other copy shall be filed in the Oklahoma State Bureau of Investigation's office. The rules promulgated by the Bureau pursuant to the provision of this act exempting certain offenses from mandatory reporting shall be based upon recommended Federal Bureau of Investigation standards for reporting criminal history information and are not intended to include violators of city or town ordinances and great care shall be exercised to exclude the reporting of criminal history information for such offenses, except when recommended by the Federal Bureau of Investigation standards.

E. The reporting to the Oklahoma State Bureau of Investigation of criminal history information on each person subject to the mandatory reporting requirements of Section 150.1 et seq. of this title shall be mandatory for all law enforcement agencies, courts, judicial officials, district attorneys and correctional administrators participating in criminal matters, whether reported directly or indirectly, manually or by automated system as may be provided by the rules promulgated by the Bureau.

F. Except for offenses exempted by the rules promulgated by the Bureau, the following events shall be reported to the Bureau within seventy-two (72) hours and the Bureau shall have seventy-two (72) hours after receipt of the report to enter such information into a criminal record data base:

1. An arrest;
2. The release of a person after arrest without the filing of any charge; and
3. A decision of a prosecutor not to commence criminal proceedings or to defer or postpone prosecution.

G. Except for offenses exempted by the rules promulgated by the Bureau, the following events shall be reported to the Bureau within thirty (30) days and the Bureau shall have thirty (30) days after receipt of the report to enter such information into a criminal record data base:

1. A decision by a prosecutor to modify or amend initial charges upon which the arrest was made, including deletions or additions of charges or counts;
2. The presentment of an indictment or the filing of a criminal information or other statement of charges;
3. The dismissal of an indictment or criminal information or any charge specified in such indictment or criminal information;
4. An acquittal, conviction or other court disposition at trial or before, during or following trial, including dispositions resulting from pleas or other agreements;
5. The imposition of a sentence;

6. The commitment to or release from the custody of the Department of Corrections or incarceration in any jail or other correctional facility;
7. The escape from custody of any correctional facility, jail or authority;
8. The commitment to or release from probation or parole;
9. An order of any appellate court;
10. A pardon, reprieve, commutation of sentence or other change in sentence, including a change ordered by the court;
11. A revocation of probation or parole or other change in probation or parole status; and
12. Any other event arising out of or occurring during the course of criminal proceedings or terms of the sentence deemed necessary as provided by the rules established by the Bureau.

The Bureau shall have authority to withhold any entry on a criminal history record when there is reason to believe the entry is based on error or an unlawful order. The Bureau shall in such case take immediate action to clarify or correct the entry.

H. Information reportable under the provisions of this section shall be reportable by the law enforcement officer or person directly responsible for the action, event or decision, unless otherwise provided by rule or agreement. The form and content of information to be reported and methods for reporting information, including fingerprint impressions and other identification information, shall be established by the rules promulgated by the Bureau. The Bureau is hereby directed to establish rules to implement the provisions of Section 150.1 et seq. of this title, provided any rule relating to reporting by courts or judicial officials shall be issued jointly by the Bureau and the Oklahoma Supreme Court.

I. Any person or agency subject to the mandatory reporting of criminal history information or fingerprints as required by the provisions of this act shall take appropriate steps to ensure that appropriate agency officials and employees understand such requirements. Each agency shall establish, and in appropriate cases impose, administrative sanctions for failure of an official or employee to report as provided by law. Refusal or persistent failure of a person or agency to comply with the mandatory reporting requirements of this act may result in the discontinued access to Bureau information or assistance until such agency complies with the law.”, and by renumbering subsequent section, which amendment was declared adopted.

Senator Nichols moved that **SB 1542** be advanced, which motion was declared adopted.

THIRD READING

SB 1542 was read for the third time at length.

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

Aye: Aldridge, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crutchfield, Dunlap, Fair, Fisher, Ford, Gumm, Helton, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Littlefield, Maddox, Milacek, Morgan, Myers, Nichols, Price, Pruitt, Rabon,

Robinson, Rozell, Shurden, Snyder, Wilcoxson, Wilkerson, Williams and Williamson.--39.

Nay: Branan and Reynolds.--2.

Excused: Harrison, Hobson, Monson, Riley, Smith and Taylor.--6.

Vacancy: District 18.--1.

The bill passed.

SB 1542 was referred for engrossment.

GENERAL ORDER

SB 1164 by Johnson of the Senate and Winchester of the House was called up for consideration.

Senator Johnson moved to amend **SB 1164**, 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 Johnson moved to amend **SB 1164**, Page 1, by restoring the title, which amendment was declared adopted.

Senator Johnson moved that **SB 1164** be advanced, which motion was declared adopted.

THIRD READING

SB 1164 was read for the third time at length.

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

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

Nay: Rabon.--1.

Excused: Hobson, Monson, Riley, Smith and Taylor.--5.

Vacancy: District 18.--1.

The bill and emergency passed.

SB 1164 was referred for engrossment.

GENERAL ORDER

SB 1549 by Shurden of the Senate and Leist of the House was called up for consideration.

Senator Capps and all other members of the Senate asked to coauthor **SB 1549**, which was the order.

Senator Shurden moved that **SB 1549** be advanced, which motion was declared adopted.

THIRD READING

SB 1549 was read for the third time at length.

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

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

Excused: Hobson, Leftwich, Monson, Riley, Smith and Taylor.--6.

Vacancy: District 18.--1.

The bill and emergency passed.

SB 1549 was referred for engrossment.

GENERAL ORDER

SB 1484 by Snyder of the Senate and Braddock of the House was called up for consideration.

Senator Snyder moved that **SB 1484** be advanced, which motion was declared adopted.

THIRD READING

SB 1484 was read for the third time at length.

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

Aye: Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crutchfield, Dunlap, Fair, Ford, Gumm, Harrison, Helton, Horner, Kerr, Laster, Lawler, Lerblance, Littlefield, Maddox, Milacek, Myers, Nichols, Price, Rabon, Reynolds, Robinson, Rozell, Shurden, Snyder, Wilkerson, Williams and Williamson.--34.

Nay: Aldridge, Fisher, Johnson, Laughlin, Pruitt and Wilcoxson.--6.

Excused: Hobson, Leftwich, Monson, Morgan, Riley, Smith and Taylor.--7.

Vacancy: District 18.--1.

The bill passed.

SB 1484 was referred for engrossment.

REPORT OF ENGROSSED AND ENROLLED MEASURE

SB 1600 was correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

GENERAL ORDER

SB 1099 by Coates of the Senate and Boren of the House was called up for consideration.

Senator Coates asked that **SB 1099** be laid over for this legislative day, which was the order.

SB 1099 remains on General Order.

Senator Fisher moved that when the clerk's desk is clear, the Senate stand adjourned to convene Tuesday, March 9, 2004, at 9:30 a.m., which motion prevailed.

FIRST READING

The following were introduced and read the first time:

SCR 49 – By Wilcoxson of the Senate and Greenwood of the House.

A Concurrent Resolution urging the Congress of the United States to amend Section 1917(b)(1)(C) of the Social Security Act by deleting May 14, 1993, as the deadline for approval by states of long-term care partnership programs; and directing distribution.

MESSAGE FROM THE GOVERNOR

Advising his approval March 8, 2004, of Enrolled **SB 553**.

Pursuant to the Fisher motion, the Senate adjourned at 4:55 p.m. to meet Tuesday, March 9, 2004, at 9:30 a.m.