

# Senate Journal

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

**Twenty-fourth Legislative Day, Thursday, March 11, 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, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Littlefield, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Wilcoxson, Williams and Williamson.—44.

Excused: Helton, Taylor and Wilkerson.—3.

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 865, 896, 905, 1091, 1114, 1258, 1274, 1275, 1278, 1296, 1318, 1352, 1407, 1412, 1448, 1561, 1583 and 1626 and SJR 53 and SCR 46** were each correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

**HB 2007** was correctly engrossed and, together with engrossed **SAs**, properly signed and ordered returned to the Honorable House.

## UNANIMOUS CONSENT REQUEST DIRECT TO CALENDAR

Senator Maddox asked unanimous consent to suspend Rule 5-4 and refer **SCR 50** direct to the Calendar for consideration, which was the order.

## GENERAL ORDER

**SCR 50** by Maddox of the Senate and McCarter of the House was called up for consideration.

**SCR 50** was adopted upon motion of Senator Maddox and referred for engrossment.

## GENERAL ORDER

**SB 1434** by Hobson of the Senate and Adair of the House was called up for consideration.

Senator Corn moved to amend **SB 1434**, Page 18, Line 22 through Page 22, Line 19, by deleting Section 4 and inserting a new Section 4 to read as follows:

“SECTION 4. AMENDATORY 72 O.S. 2001, Section 67.13a, is amended to read as follows:

Except for the purposes of determining military service credit for state retirement,  
~~The~~the words "war veterans" used in Section 67.13 of this title shall be construed to mean such honorably discharged persons as served:

1. In the Armed Forces of the United States at any time during the period from April 6, 1917, to November 11, 1918, both dates inclusive;
2. In the Armed Forces of the United States as members of the 45th Division at any time during the period from September 16, 1940, to December 7, 1941, both dates inclusive;
3. In the Armed Forces of the United States at any time during the period from December 7, 1941, to December 31, 1946, both dates inclusive;
4. In the Armed Forces of the United States at any time during the period from June 27, 1950, to January 31, 1955, both dates inclusive;
5. For a period of ninety (90) days or more, unless discharged from active duty for a service-connected disability, in the Armed Forces of the United States during the period of time in which the United States participated in a war, campaign or battle, but excluding any person who shall have served on active duty for training only, unless discharged from active duty for service-connected disability;
6. In the Armed Forces of the United States at any time during the period which began on:
  - a. February 28, 1961, and ended on May 7, 1975, in the case of a veteran who served in the Republic of Vietnam during that period, and

b. August 5, 1964, and ended on May 7, 1975, in all other cases, except that such period shall be deemed to have ended on December 31, 1976, when determining eligibility for education and training benefits; or

7. In the Armed Forces of the United States on or after August 1, 1990, during the period of time in which the United States participates in a war, military or naval campaign, or expedition, excluding any person who shall have served on active duty for training only, unless discharged from active duty for service-connected disability.

The term "war veterans" shall include only those persons who shall have served during the times or in the areas prescribed in this section, and those persons who were awarded service medals, as authorized by the United States Department of Defense as reflected in the veteran's Defense Department Form 214, related to the Vietnam Conflict who served prior to August 5, 1964. Any honorably discharged war veteran of any of the Armed Forces of the United States shall be entitled to such tax exemptions to include but not be limited to tax-exempt veterans' benefits as provided in paragraph 12 of Section 2887 of Title 68 of the Oklahoma Statutes, special permits and veterans' preferences for state employment; provided, that any person who shall have served on active duty for training purposes only shall not be entitled to any such tax exemptions, special permits or veterans' preferences.

The provisions of this act shall include military retirees, whose retirement was based only on active service, that have been rated as having twenty percent (20%) or greater service-connected disability by the Veterans Administration or the Armed Forces of the United States. For the purpose of defining military service or status as a war veteran for the granting of military service credit in the retirement systems of the State of Oklahoma, the specific statutory provisions and definitions of each respective system shall govern exclusively.”, which amendment was declared adopted.

Senator Corn moved that **SB 1434** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 1434** was read for the third time at length.

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

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

Excused: Helton, Morgan, Robinson, Taylor and Wilkerson.--5.

Vacancy: District 18.--1.

The bill and emergency passed.

**SB 1434** was referred for engrossment.

### **GENERAL ORDER**

**SB 1475** by Littlefield of the Senate and Hutchison of the House was called up for consideration.

Senator Littlefield moved to amend **SB 1475**, Page 1, by restoring the title, which amendment was declared adopted.

Senator Littlefield moved that **SB 1475** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 1475** 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, Gumm, Harrison, Hobson, Horner, Kerr, Laster, Lawler, Leftwich, Lerblance, Littlefield, Monson, Price, Rabon, Rozell, Shurden and Williams.--21.

Nay: Aldridge, Branan, Brogdon, Coates, Coffee, Dunlap, Fair, Ford, Johnson, Laughlin, Milacek, Myers, Nichols, Pruitt, Reynolds, Riley, Smith, Snyder, Wilcoxson and Williamson.--20.

Excused: Helton, Maddox, Morgan, Robinson, Taylor and Wilkerson.--6.

Vacancy: District 18.--1.

The bill failed.

### **GENERAL ORDER**

**SB 1486** by Pruitt of the Senate and Morgan (Fred) of the House was called up for consideration.

Senator Pruitt moved to amend **SB 1486**, Page 3, Lines 6 through 22, by deleting subsections G and H and by relettering subsequent subsections, which amendment was declared adopted.

Senator Pruitt moved that **SB 1486** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 1486** was read for the third time at length.

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

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

Excused: Helton, Morgan, Robinson, Taylor and Wilkerson.--5.

Vacancy: District 18.--1.

The bill and emergency passed.

**SB 1486** was referred for engrossment.

**GENERAL ORDER**

**SB 811** by Williams of the Senate and McCarter of the House was called up for consideration.

Senator Cain asked to coauthor **SB 811**, which was the order.

Senator Williams moved to amend **SB 811**, Page 1, Lines 22 and 23, by deleting all language after the word "teach" on Line 22 and before the word "history" on Line 23; and Page 2, Lines 9, 13, and 20, by deleting the word "Oklahoma" on each line, which amendment was declared adopted.

Senator Williams moved that **SB 811** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 811** was read for the third time at length.

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

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

Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Rozell, Shurden, Snyder, Wilcoxson, Williams and Williamson.--41.

Excused: Helton, Morgan, Robinson, Smith, Taylor and Wilkerson.--6.

Vacancy: District 18.--1.

The bill passed.

The Chair advised that Senator Smith, having been present in the Chamber during the vote on **SB 811** would be shown voting Nay in compliance with Rule 14-1B. The vote thereby resulted as follows: Aye: 41; Nay: 1; Excused: 5; Vacancy: 1.

**SB 811** was referred for engrossment.

### **GENERAL ORDER**

**SJR 47** by Wilkerson of the Senate was called up for consideration.

Senator Leftwich moved that **SJR 47** be laid over temporarily, which was the order.

**SJR 47** remains on General Order.

### **GENERAL ORDER**

**SB 1143** by Corn of the Senate and Ferguson of the House was called up for consideration.

Representative Ferguson asked to be removed and Representative Hilliard asked to be named Principal House author on **SB 1143**, which was the order.

Senator Corn moved that **SB 1143** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 1143** was read for the third time at length.

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

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

Williamson.--40.

Excused: Helton, Leftwich, Morgan, Pruitt, Robinson, Taylor and Wilkerson.--7.

Vacancy: District 18.--1.

The bill and emergency passed.

**SB 1143** was referred for engrossment.

### **MOTION TO RECONSIDER VOTE**

Senator Monson moved to reconsider the vote whereby **SB 1565** failed, which motion was declared adopted upon roll call as follows:

Aye: Aldridge, Branan, Cain, Capps, Coates, Coffee, Corn, Crutchfield, Dunlap, Fisher, Harrison, Hobson, Horner, Johnson, Lerblance, Littlefield, Monson, Myers, Price, Rabon, Riley, Rozell, Shurden, Wilcoxson and Williams.--25.

Nay: Brogdon, Fair, Ford, Gumm, Kerr, Laster, Laughlin, Lawler, Maddox, Milacek, Nichols, Pruitt, Reynolds, Smith, Snyder and Williamson.--16.

Excused: Helton, Leftwich, Morgan, Robinson, Taylor and Wilkerson.--6.

Vacancy: District 18.--1.

**SB 1565** was placed on Third Reading.

### **MOTION TO RECONSIDER VOTE**

Senator Aldridge moved to reconsider the vote whereby **SB 1474** failed, which motion was declared adopted upon roll call as follows:

Aye: Aldridge, Branan, Cain, Capps, Coates, Coffee, Corn, Crutchfield, Fisher, Ford, Gumm, Hobson, Horner, Johnson, Laughlin, Lawler, Maddox, Monson, Nichols, Pruitt, Rabon, Riley, Smith, Wilcoxson, Williams and Williamson.--26.

Nay: Brogdon, Dunlap, Fair, Harrison, Kerr, Laster, Lerblance, Littlefield, Milacek, Myers, Price, Reynolds, Rozell, Shurden and Snyder.--15.

Excused: Helton, Leftwich, Morgan, Robinson, Taylor and Wilkerson.--6.

Vacancy: District 18.--1.

**Senator Gumm presiding.**

### **THIRD READING**

**SB 1474** was read for the third time at length.

Senator Aldridge moved to reconsider the vote whereby **SB 1474** was advanced, which motion was declared adopted.

### **GENERAL ORDER**

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

Senator Aldridge moved to amend **SB 1474**, Page 2, Line 2, by deleting after the second word “one” and before the word “staff” the word “support” and inserting in lieu thereof the words “certified and one non-certified”, 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 and emergency, the vote resulted as follows:

Aye: Aldridge, Branan, Cain, Coates, Corn, Crutchfield, Fair, Fisher, Ford, Gumm, Hobson, Horner, Johnson, Laughlin, Lawler, Leftwich, Maddox, Monson, Nichols, Reynolds, Riley, Shurden, Smith, Wilcoxson and Williamson.--25.

Nay: Brogdon, Capps, Coffee, Dunlap, Harrison, Kerr, Laster, Lerblance, Littlefield, Milacek, Myers, Price, Pruitt, Rabon, Rozell, Snyder and Williams.--17.

Excused: Helton, Morgan, Robinson, Taylor and Wilkerson.--5.

Vacancy: District 18.--1.

The bill passed and the emergency failed.

**SB 1474** was referred for engrossment.



## **GENERAL ORDER**

**SJR 47** by Wilkerson of the Senate was called up for further consideration.

Representative Morgan (Fred) asked to be named Principal House author on **SJR 47**, which was the order.

All other members of the Senate asked to coauthor **SJR 47**, which was the order.

Senator Leftwich moved that **SJR 47** be advanced, which motion was declared adopted.

## **THIRD READING**

**SJR 47** 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, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Littlefield, Maddox, Milacek, Monson, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Rozell, Shurden, Snyder, Wilcoxson, Williams and Williamson.--41.

Excused: Helton, Morgan, Robinson, Smith, Taylor and Wilkerson.--6.

Vacancy: District 18.--1.

The resolution passed.

**SJR 47** was referred for engrossment.

## **INTRODUCTION**

Senator Lerblance introduced his wife, Frances, to the Senate.

## **THIRD READING**

**SB 1565** 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, Fisher, Gumm, Harrison, Hobson, Horner, Johnson, Leftwich, Littlefield, Monson, Myers, Price, Pruitt, Riley, Rozell, Shurden, Wilcoxson and Williams.--25.

Nay: Aldridge, Brogdon, Fair, Ford, Kerr, Laster, Laughlin, Lawler, Lerblance, Maddox, Milacek, Nichols, Rabon, Reynolds, Snyder and Williamson.--16.

Excused: Helton, Morgan, Robinson, Smith, Taylor and Wilkerson.--6.

Vacancy: District 18.--1.

The bill passed.

**SB 1565** was referred for engrossment.

#### **MOTION TO RECONSIDER VOTE**

Senator Cain moved to reconsider the vote whereby **SB 1425** failed, which motion failed of adoption upon roll call as follows:

Aye: Branan, Cain, Capps, Corn, Crutchfield, Fair, Fisher, Harrison, Hobson, Horner, Kerr, Laster, Leftwich, Lerblance, Monson, Reynolds, Rozell, Wilcoxson and Williams.--19.

Nay: Brogdon, Coates, Coffee, Dunlap, Ford, Gumm, Johnson, Laughlin, Lawler, Maddox, Milacek, Myers, Nichols, Pruitt, Rabon, Riley, Shurden and Snyder.--18.

Excused: Aldridge, Helton, Littlefield, Morgan, Price, Robinson, Smith, Taylor, Wilkerson and Williamson.--10.

Vacancy: District 18.--1.

#### **MOTION TO RECONSIDER VOTE**

Senator Wilcoxson moved to reconsider the vote whereby **SB 1456** failed, which motion failed of adoption upon roll call as follows:

Aye: Aldridge, Branan, Brogdon, Cain, Capps, Coates, Coffee, Fair, Fisher, Ford, Hobson, Johnson, Laughlin, Leftwich, Maddox, Myers, Reynolds, Snyder, Wilcoxson, Williams and Williamson.--21.

Nay: Corn, Crutchfield, Dunlap, Gumm, Harrison, Horner, Kerr, Laster, Lawler, Lerblance, Milacek, Nichols, Price, Pruitt, Rabon, Riley, Rozell and Shurden.--18.

Excused: Helton, Littlefield, Monson, Morgan, Robinson, Smith, Taylor and Wilkerson.--8.

Vacancy: District 18.--1.

**Senator Rabon presiding.**

### **GENERAL ORDER**

**SB 1363** by Pruitt of the Senate and Balkman of the House was called up for consideration.

Senator Pruitt moved that **SB 1363** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 1363** was read for the third time at length.

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

Aye: Aldridge, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crutchfield, Dunlap, Fair, Fisher, Gumm, Harrison, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Maddox, Milacek, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Rozell, Shurden, Snyder, Wilcoxson, Williams and Williamson.--37.

Excused: Ford, Helton, Hobson, Littlefield, Monson, Morgan, Robinson, Smith, Taylor and Wilkerson.--10.

Vacancy: District 18.--1.

The bill passed.

**SB 1363** was referred for engrossment.

**MESSAGE FROM THE HOUSE**

Advising passage of and transmitting for consideration Engrossed **HBs 1821, 1832, 1877, 1924, 1932, 1940, 1942, 1944, 1946, 1966, 1968, 1970, 1972, 1974, 1976, 1978, 1980, 2027, 2029, 2031, 2033, 2035, 2037, 2039, 2041, 2051, 2053, 2073, 2079, 2081, 2083, 2085, 2087, 2250, 2274, 2288, 2307, 2341, 2359, 2363, 2365, 2384, 2416, 2417, 2419, 2440, 2445, 2446, 2534, 2537, 2550, 2554, 2600, 2603, 2612, 2627, 2660, 2676, 2714 and 2724.**

**HB 1821** – By Winchester of the House and Smith of the Senate.

( children – amending 10 O.S., Section 7502-1.4 – foreign adoption – birth certificate – effective date – emergency )

**HB 1832** – By Paulk and Nance of the House and Helton of the Senate.

An Act relating to the firearms; amending 21 O.S. 2001, Section 1289.24, as amended by Section 5, Chapter 465, O.S.L. 2003 (21 O.S. Supp. 2003, Section 1289.24), which relates to state preemption of firearm regulation; adding exception to state preemption; and providing an effective date.

**HB 1877** – By Pope and Langmacher of the House and Price of the Senate.

( waters and water rights - amending 82 O.S., Sections 1501-205.1 and 1501-205.2 - Geographic Information System – Council – codification - effective date )

**HB 1924** – By Mitchell and Bonny of the House and Morgan and Robinson of the Senate.

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

**HB 1932** – By Mitchell and Bonny of the House and Morgan and Robinson of the Senate.

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

**HB 1940** – By Mitchell and Bonny of the House and Morgan and Robinson of the Senate.

An Act relating to the Oklahoma Commission on Children and Youth; requiring budgeting in certain categories and amounts; requiring performance measures; providing for exemptions from certain expenditure limitations; providing for duties and compensation of employees; limiting the salary of the Director; providing budgetary limitations;

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

**HB 1942** – By Mitchell and Bonny of the House and Morgan and Robinson of the Senate.

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

**HB 1944** – By Mitchell and Bonny of the House and Morgan and Robinson of the Senate.

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

**HB 1946** – By Mitchell and Bonny of the House and Morgan and Robinson of the Senate.

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

**HB 1966** – By Mitchell and Bonny of the House and Morgan and Robinson of the Senate.

An Act relating to the Office of the Attorney General; requiring budgeting of funds in certain categories and amounts; providing for duties and compensation of employees; providing budgetary limitations; making appropriations nonfiscal; providing lapse dates; requiring and prohibiting certain budget measures; providing an effective date; and declaring an emergency.

**HB 1968** – By Mitchell and Bonny of the House and Morgan and Robinson of the Senate.

An Act relating to the Court of Criminal Appeals; requiring budgeting in certain categories and amounts; authorizing employment of temporary employees; exempting temporary employees from budgetary limitations; providing for the duties and compensation of employees; providing budgetary limitations; providing lapse dates; requiring certain budget procedures; prohibiting certain budget procedures; making appropriations nonfiscal; providing an effective date; and declaring an emergency.

**HB 1970** – By Mitchell and Bonny of the House and Morgan and Robinson of the Senate.

An Act relating to the District Attorneys Council; requiring budgeting in certain categories and amounts; providing for duties and compensation of employees; providing budgetary limitations; authorizing the District Attorneys Council to hire certain number of legal interns for certain period of time; exempting interns from budgetary limitations; providing lapse dates; requiring and prohibiting certain budget practices; providing an effective date; and declaring an emergency.

**HB 1972** – By Mitchell and Bonny of the House and Morgan and Robinson of the Senate.

An Act relating to the district courts; providing budgetary limits; requiring budgeting of certain funds in certain categories and amounts; limiting salaries of certain employees; providing budgetary limitations on certain full-time-equivalent employees; authorizing the total or partial refund of payments to the State Judicial Fund by local court funds under certain circumstances; providing procedures; authorizing expenditure from the Supreme Court Revolving Fund in certain circumstances; making appropriations nonfiscal; providing lapse dates; requiring and prohibiting certain budget practices; providing an effective date; and declaring an emergency.

**HB 1974** – By Mitchell and Bonny of the House and Morgan and Robinson of the Senate.

An Act relating to the Oklahoma Indigent Defense System; requiring budgeting in certain categories and amounts; providing budgetary limitations; providing for duties and compensation of employees; limiting the salary of the Executive Director; exempting certain employees from budgetary limitations on full-time-equivalent employees; making appropriations nonfiscal; providing lapse dates; providing an effective date; and declaring an emergency.

**HB 1976** – By Mitchell and Bonny of the House and Morgan and Robinson of the Senate.

An Act relating to the Council on Judicial Complaints; requiring budgeting in certain categories and amounts; providing for the duties and compensation of employees; providing budgetary limitations; limiting salary of the Director; providing lapse dates; requiring and prohibiting certain budget practices; providing an effective date; and declaring an emergency.

**HB 1978** – By Mitchell and Bonny of the House and Morgan and Robinson of the Senate.

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

**HB 1980** – By Mitchell and Bonny of the House and Morgan and Robinson of the Senate.

An Act relating to the Workers' Compensation Court; requiring budgeting in certain categories and amounts; providing for the duties and compensation of employees; providing budgetary limitations; requiring certain budget procedures; prohibiting certain budget procedures; providing lapse dates; requiring and prohibiting certain budget practices; providing an effective date; and declaring an emergency.

**HB 2027** – By Mitchell and Bonny of the House and Morgan and Robinson of the Senate.

( Office of State Finance – appropriation – effective date - emergency )

**HB 2029** – By Mitchell and Bonny of the House and Morgan and Robinson of the Senate.

( Office of the Governor – appropriation – effective date – emergency )

**HB 2031** – By Mitchell and Bonny of the House and Morgan and Robinson of the Senate.

( Oklahoma House of Representatives – appropriation – effective date – emergency )

**HB 2033** – By Mitchell and Bonny of the House and Morgan and Robinson of the Senate.

( Legislative Service Bureau – appropriations – effective date – emergency )

**HB 2035** – By Mitchell and Bonny of the House and Morgan and Robinson of the Senate.

( Lieutenant Governor - appropriation - effective date – emergency )

**HB 2037** – By Mitchell and Bonny of the House and Morgan and Robinson of the Senate.

( Secretary of State – appropriation – effective date – emergency )

**HB 2039** – By Mitchell and Bonny of the House and Morgan and Robinson of the Senate.

( Oklahoma State Senate – appropriation - effective date – emergency )

**HB 2041** – By Mitchell and Bonny of the House and Morgan and Robinson of the Senate.

An Act relating to the Oklahoma Space Industry Development Authority; budgeting funds in certain categories and amounts; providing for the duties and compensation of employees; limiting the salary of the Executive Director; providing budgetary limitations; providing exceptions to the budgetary limitations; making appropriations nonfiscal; providing lapse dates; providing an effective date; and declaring an emergency.

**HB 2051** – By Mitchell and Bonny of the House and Morgan and Robinson of the Senate.

An Act relating to the Office of Juvenile Affairs; requiring budgeting in certain categories and amounts; providing certain restrictions for certain funds; providing exceptions; providing for and requiring the implementation of a Medicaid organized health care delivery system; requiring certain uses of specifying program funding and certain providers; providing for duties and compensation of employees; limiting the salary of the Director; authorizing certain attorney position; providing certain budgetary limitation; authorizing certain requests for exemptions from expenditure limitations and budgetary limitations; requiring certain procedures; requiring certain filings; requiring certain approvals; providing exemptions; requiring written notice; providing procedures; making certain appropriations nonfiscal; providing lapse dates; requiring certain budget procedures; prohibiting certain budget procedures; providing an effective date; and declaring an emergency.

**HB 2053** – By Mitchell and Bonny of the House and Morgan and Robinson of the Senate.

An Act relating to the State Department of Rehabilitation Services; requiring budgeting in certain categories and amounts; providing for exemptions from certain expenditure limitations; providing for duties and compensation of employees; limiting the salary of the Director; providing budgetary limitations; making certain employee positions exempt from FTE limitations; authorizing certain early transfers of tax collections for specific purpose; authorizing and requiring transfer of certain monies; specifying certain purposes; authorizing certain interyear transfers; requiring certain process and maintenance of records; providing lapse dates; requiring certain budget procedures; prohibiting certain budget procedures; providing an effective date; and declaring an emergency.

**HB 2073** – By Mitchell and Bonny of the House and Morgan and Robinson of the Senate.

An Act relating to the Alcoholic Beverage Laws Enforcement Commission; requiring budgeting in certain categories and amounts; providing for the duties and compensation of employees; limiting salary of the Director; providing budgetary limitations; providing lapse dates; requiring and prohibiting certain budget practices; providing an effective date; and declaring an emergency.

**HB 2079** – By Mitchell and Bonny of the House and Morgan and Robinson of the Senate.

An Act relating to Oklahoma State Bureau of Investigation; requiring budgeting in certain categories and amounts; providing for the duties and compensation of employees; limiting salary of the Director; providing budgetary limitations; authorizing transfer of funds to an agency special account for certain purposes; limiting amount authorized to be transferred; requiring certain report; specifying duties for certain full-time-equivalent employees; making their employment contingent on certain funding; providing lapse dates; requiring and prohibiting certain budget practices; providing an effective date; and declaring an emergency.



**HB 2081** – By Mitchell and Bonny of the House and Morgan and Robinson of the Senate.

An Act relating to the Council on Law Enforcement Education and Training; budgeting in certain categories and amounts; providing for the duties and compensation of employees; limiting the salary of the Director; providing budgetary limitations; providing exceptions to the budgetary limitations; limiting expenditures for certain purpose; providing lapse date; providing an effective date; and declaring an emergency.

**HB 2083** – By Mitchell and Bonny of the House and Morgan and Robinson of the Senate.

An Act relating to Board of Medicolegal Investigations; requiring budgeting in certain categories and amounts; providing for the duties and compensation of employees; limiting salary of the Chief Medical Examiner; providing budgetary limitations; making certain full-time-equivalent employees contingent upon certain funding; providing lapse dates; requiring and prohibiting certain budget practices; providing an effective date; and declaring an emergency.

**HB 2085** – By Mitchell and Bonny of the House and Morgan and Robinson of the Senate.

An Act relating to the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control; requiring budgeting in certain categories and amounts; providing for the duties and compensation of employees; limiting salary of the Director; providing budgetary limitations; limiting amount of appropriation which may be used for certain purpose; authorizing transfer of funds to an agency special account for certain purposes; limiting amount authorized to be transferred; requiring promulgation of certain rules; providing lapse dates; requiring and prohibiting certain budget practices; providing an effective date; and declaring an emergency.

**HB 2087** – By Mitchell and Bonny of the House and Morgan and Robinson of the Senate.

An Act relating to Pardon and Parole Board; requiring budgeting in certain categories and amounts; providing for the duties and compensation of employees; limiting the salary of the Chief Administrative Officer; providing budgetary limitations; providing lapse dates; requiring and prohibiting certain budget practices; providing an effective date; and declaring an emergency.

**HB 2250** – By Paulk, Toure and Liotta of the House and Robinson of the Senate.  
( public health - court fees - Trauma Care Assistance Revolving Fund – reports )

**HB 2274** – By Case of the House and Rozell of the Senate.

An Act relating to roads, bridges and ferries; amending 69 O.S. 2001, Sections 633, 661 and 665, which relate to plans and specifications, priority of replacement or repair projects and certification of county compliance with agreements and obligations; increasing estimated cost threshold fee requiring certain plans and specifications; modifying certain weight rating; adding certain allowed expenditure; providing procedure for reimbursement; amending 69 O.S. 2001, Section 1706, which relates to streets and highways; clarifying

maintenance responsibilities of the Oklahoma Transportation Authority; and providing an effective date.

**HB 2288** – By Turner, Askins, Boren, Brannon, Carey, Dorman, Harrison, Pope and Smithson of the House and Gumm of the Senate.

( rural economic development – Rural Action Partnership Program – amending 74 O.S., Section 8302 – teleconference – codification – effective date )

**HB 2307** – By Hamilton of the House and Cain of the Senate.

An Act relating to guardianship; amending 30 O.S. 2001, Section 2-101, which relates to appointment of a guardian for a minor; authorizing home study and report; providing procedures for certain home studies; requiring the court to make certain decisions; prohibiting certain state agencies from making certain home studies; providing for payment; and requiring certain compliance.

**HB 2341** – By Smith of the House and Shurden of the Senate.

( game and fish – Oklahoma Wildlife Land Stamp – amending 29 O.S., Sections 3-303 and 4-114 – lifetime licenses – codification – effective date )

**HB 2359** – By Covey of the House and Price of the Senate.

An Act relating to state government; requiring Director of Oklahoma State Bureau of Investigation to create property identification number; stating purpose of program; allowing persons to register property and receive property identification number; requiring property identification number for certain trailers; providing for optional registration of other property; prohibiting removal of property identification number in certain circumstances; providing for promulgation of rules; amending 47 O.S. 2001, Section 1102, as amended by Section 14, Chapter 22, O.S.L. 2002 (47 O.S. Supp. 2003, Section 1102), which relates to motor vehicles; requiring property identification number on certain implements of husbandry; providing for codification; and providing an effective date.

**HB 2363** – By Cargill, Adkins and Nance of the House and Laster of the Senate.

An Act relating to courts; amending 20 O.S. 2001, Section 91.2, which relates to dockets; adding business court docket; enacting the Business Court Act; listing certain legal actions to be assigned to business courts; clarifying parties of actions subject to business courts; listing certain legal actions prohibited from business courts; providing for codification; and providing an effective date.

**HB 2365** – By Cargill and Vaughn of the House and Coffee of the Senate.

An Act relating to cities and towns; amending 11 O.S. 2001, Section 27-129, which relates to appeals in municipal courts not of record; modifying maximum amount allowed for appeal bond; amending 11 O.S. 2001, Section 28-101, which relates to municipal criminal courts of record; changing the population requirement for municipal criminal courts of record; providing procedure for creating courts of record; and providing an effective date.

**HB 2384** – By Cox of the House and Monson of the Senate.

An Act relating to schools; amending 70 O.S. 2001, Section 3-150, which relates to the Academic Performance Index; prohibiting inclusion of data on students in certain schools in certain school districts; amending 70 O.S. 2001, Section 1210.508, as amended by Section 2, Chapter 428, O.S.L. 2003 (70 O.S. Supp. 2003, Section 1210.508), which relates to the Oklahoma School Testing Program; prohibiting reporting student performance levels on high school transcripts for students in certain schools in certain school districts; prohibiting reporting results of fine arts assessment for students in certain schools in certain school districts; amending 70 O.S. 2001, Section 1210.531, as amended by Section 5, Chapter 453, O.S.L. 2002 (70 O.S. Supp. 2003, Section 1210.531), which relates to the Oklahoma Educational Indicators Program; prohibiting inclusion of certain test results for students in certain schools in certain school districts; amending 70 O.S. 2001, Section 1210.541, as amended by Section 3, Chapter 428, O.S.L. 2003 (70 O.S. Supp. 2003, Section 1210.541), which relates to student performance accountability system; prohibiting inclusion of certain student performance data for students in certain schools in certain school districts; providing an effective date; and declaring an emergency.

**HB 2416** – By Stanley of the House and Shurden of the Senate.

An Act relating to amusements and sports; amending 3A O.S. 2001, Section 208.11, as amended by Section 1, Chapter 48, O.S.L. 2003 (3A O.S. Supp. 2003, Section 208.11), which relates to the Oklahoma Horse Racing Act; clarifying certain dosage limitations; and declaring an emergency.

**HB 2417** – By McIntyre and Gilbert of the House and Horner of the Senate.

An Act relating to state government; amending 74 O.S. 2001, Section 8222, which relates to the Greenwood Area Redevelopment Authority; and modifying geographic area.

**HB 2419** – By McIntyre of the House and Wilkerson of the Senate.

An Act relating to children; amending 10 O.S. 2001, Section 7303-4.3, which relates to certification proceedings; providing for the filing of juvenile proceedings within certain time; and providing an effective date.

**HB 2440** – By Ellis, Harrison and Smithson of the House and Lerblance of the Senate.

An Act relating to waters and water rights; amending Section 1, Chapter 485, O.S.L. 2002 (82 O.S. Supp. 2003, Section 1B), which relates to the moratorium on the sale or exploitation of certain waters; modifying termination date; specifying certain conditions; amending Section 3, Chapter 485, O.S.L. 2002 (74 O.S. Supp. 2003, Section 1221.A), which relates to moratorium on compact or cooperative agreement concerning certain waters; modifying length of moratorium; amending Section 4, Chapter 485, O.S.L. 2002 (82 O.S. Supp. 2003, Section 1C), which relates to the Joint Committee on Water Planning; 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; and providing procedure for vacancies.

**HB 2445** – By Roan, Askins and Nance of the House and Wilkerson of the Senate.  
( criminal procedure – amending 12 O.S., Section 2609 – amending six sections in Title 21 – kidnapping – amending 22 O.S., Sections 303 and 991c – material witnesses – amending 47 O.S., Section 11-904 – personal injury accident – amending 63 O.S., Section 2-401 – penalties – amending 74 O.S., Sections 150.23 and 913 – furlough – codification – effective date – emergency )

**HB 2446** – By Easley and Cox of the House and Robinson of the Senate.  
An Act relating to insurance; amending 36 O.S. 2001, Sections 361 and 362, as amended by Sections 5 and 6, Chapter 307, O.S.L. 2002 (36 O.S. Supp. 2003, Sections 361 and 362), which relate the Anti-Fraud Unit; modifying Division within the Insurance Department in which the Anti-Fraud Unit is placed; modifying fee; and providing an effective date.

**HB 2534** – By Walker, Deutschendorf, Pettigrew, Winchester, Adkins, Morgan (Fred), Wright, Greenwood, Stanley, Blackwell, Dank, Hamilton, Maddux, Nance, Peterson (Pam), Pope, Tibbs, Trebilcock and Vaughn of the House and Corn and Price of the Senate.  
An Act relating to public health and safety; providing for informed consent for an abortion; defining terms; requiring certain persons to receive specified information; specifying certain requirements; providing exceptions; specifying time limitations; providing restrictions; requiring certification; specifying procedures and contents; making certain acts unlawful; requiring publication; requiring warnings; providing for contents and form; requiring maintenance of a web site; providing for emergency abortions; requiring reporting; requiring notices at certain facilities; providing for contents; requiring the State Department of Health to make certain abortion reports; providing for contents; requiring certain reporting; specifying penalties; providing for publication; providing for confidentiality and anonymity; providing for construction of act; providing for liability; authorizing certain actions; making certain acts unlawful; providing exception; providing for additional remedies; providing severability; providing for codification; and declaring an emergency.

**HB 2537** – By Winchester, Dank, DeWitt, Steele, Armes, Peterson (Pam), Tibbs and Trebilcock of the House and Branan of the Senate.

An Act relating to schools; directing the State Board of Education to develop and implement a paperwork reduction and simplification plan; providing dates for development of the plan; stating goal of the plan; providing for input from school districts and school district personnel; requiring identification of all requirements and data; providing for coordination of reporting dates and use of electronic data processing; providing for codification; and declaring an emergency.

**HB 2550** – By Morgan (Danny) and McClain of the House and Crutchfield of the Senate.

An Act relating to oil and gas; amending 52 O.S. 2001, Sections 24.4 and 24.5, which relate to gas gathering; modifying certain definitions; adding definitions; deleting certain prohibition for challenging a fee; authorizing the Corporation Commission to order certain fees or terms and conditions to similarly situated shippers; prohibiting abrogation of

existing contracts; modifying certain exemptions to requirement for open access; deleting certain exemption to requirement for open access; modifying factors used by the Commission to determine fees or terms and conditions; deleting certain factor used by the Commission to determine fees or terms and conditions; modifying certain factor for requiring interim gathering; requiring Commission to include certain factors in an order; changing number of days required for certain written notice; deleting certain exception to requirements; deleting prohibition for creation of certain obligations; deleting jurisdiction of the Commission over certain facilities or processes; expanding the authority of the Commission to enforce certain action; granting the Commission the power to inspect certain documents; authorizing the Commission to punish certain noncompliance; authorizing the Commission to issue due process; authorizing Commission to impose certain punishment; requiring persons providing contracts to delete certain information from the contracts; allowing for certain information to be deleted from contracts under Commission review; requiring gatherers to maintain records in certain manner; providing procedure for applying fees or terms and conditions to certain persons; prohibiting certain jurisdiction of Commission to regulate certain abandonment or certain terms and conditions; and declaring an emergency.

**HB 2554** – By Nations of the House and Nichols of the Senate.

An Act relating to contracts; prohibiting performance of certain services; providing exception; requiring mold assessors and mold remediators to distribute certain materials; allowing certain participation by the Oklahoma Real Estate Commission; referencing the section as part of the Oklahoma Consumer Protection Act; providing definitions; providing for codification; providing an effective date; and declaring an emergency.

**HB 2600** – By Hilliard and Wells of the House and Monson of the Senate.

( trauma care – amending 63 O.S., Section 1-2522 – revolving fund – effective date )

**HB 2603** – By Lindley of the House and Shurden of the Senate.

An Act relating to railroads; amending 66 O.S. 2001, Section 55, which relates to acquisition of land; modifying consideration given in determining reimbursement of certain fees; and providing an effective date.

**HB 2612** – By Sweeden of the House and Corn of the Senate.

( children – amending 10 O.S., Section 7302-1.1 – Board of Juvenile Affairs – terms – emergency )

**HB 2627** – By Miller (Doug) and Adkins of the House and Coffee and Snyder of the Senate.

An Act relating to professions and occupations; amending 59 O.S. 2001, Section 858-623, as amended by Section 1, Chapter 449, O.S.L. 2002 (O.S. Supp. 2003, Section 858-623), which relates to home inspections; requiring certain inspection to be performed by a professional craftsman or person qualified by education or training; requiring single-item inspector to be licensed under certain circumstances; and providing an effective date.

**HB 2660** – By Adair and Pope of the House and Hobson of the Senate.

( revenue and taxation – legislative referendum – codification – effective date – ballot title – filing )

**HB 2676** – By Dorman of the House and Monson of the Senate.

An Act relating to elections; amending 26 O.S. 2001, Section 1-106, which relates to determination of dates; authorizing the Secretary of the State Election Board to change the date of an event in certain circumstances; amending 26 O.S. 2001, Section 2-107, as amended by Section 2, Chapter 485, O.S.L. 2003 (26 O.S. Supp. 2003, Section 2-107), which relates to the duties of the Secretary of the State Election Board; modifying duties; requiring the Secretary to promulgate certain rules; amending 26 O.S. 2001, Section 3-113, which relates to instructions to voters; requiring instructions to include all information required by law; amending 26 O.S. 2001, Section 3-119, which relates to subprecincts; modifying requirement for creating a subprecinct; amending 26 O.S. 2001, Sections 4-112, as amended by Section 4, Chapter 447, O.S.L. 2002 and 4-113 (26 O.S. Supp. 2003, Section 4-112), which relate to voter registration; modifying information to be provided in registration application; clarifying statutory reference; amending 26 O.S. 2001, Section 7-114, which relates to voting procedure; modifying procedure for determining voter eligibility; providing penalty; requiring certain voters to provide identification to vote in federal elections; providing acceptable forms of identification; providing exception to requirement; allowing certain voters to cast provisional ballots; requiring provisional ballots to be available for all elections conducted by a county election board; requiring the Secretary of the State Election Board to promulgate rules pertaining to provisional ballots; providing who is entitled to cast a provisional ballot; providing procedure for casting and counting provisional ballots; making certain information confidential; providing for an extension of time to investigate and verify provisional ballots; requiring the secretary of a county election board to retain materials pertaining to provisional ballots for a certain period of time; amending 26 O.S. 2001, Sections 8-106 and 8-114, which relate to certifications and contests; clarifying language; providing that procedure for recount applies to provisional ballots; providing election dates for municipalities with home rule charters; amending Section 9, Chapter 485, O.S.L. 2003 and 26 O.S. 2001, Section 14-121, as last amended by Section 20, Chapter 485, O.S.L. 2003 (26 O.S. Supp. 2003, Sections 14-104.1 and 14-121), which relate to absentee voting; providing that certain absentee ballot procedure applies to ballots cast by voters who are absent from the United States; providing for absentee provisional ballots; creating the Task Force on Lowering the Voting Age; specifying membership, procedures, staffing, and duties of the task force; requiring report; repealing 26 O.S. 2001, Section 7-116, which relates to voter identification cards; providing for noncodification; providing for codification; and providing an effective date.

**HB 2714** – By Toure of the House and Monson of the Senate.

( professions and occupations – amending 20 sections in Title 59 – architects – physicians – engineers – licenses – effective date )

**HB 2724** – By Stanley and Adkins of the House and Shurden of the Senate.  
( professions and occupations – amending 12 sections in Title 59 – Board of  
Chiropractic Examiners – membership – license – repealing 59 O.S., Section 161.10 –  
codification – emergency )

The above-numbered measures were read the first time.

#### **MESSAGE FROM THE HOUSE**

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

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

Senator Fisher moved that when the clerk's desk is clear, the Senate stand adjourned to convene Monday, March 15, 2004, at 1:30 p.m., which motion prevailed.

#### **MOTION EXPIRED**

Time expired for consideration of the motion to reconsider whereby **SBs 1228, 1339** and **1459** failed.

#### **BILLS RELEASED TIME EXPIRED TO RECONSIDER**

**SBs 1529** and **1546** were referred for engrossment.

#### **SECOND READING**

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

**HB 2012** – Direct To Calendar  
**HB 2140** – Judiciary  
**HB 2141** – Judiciary

Pursuant to the Fisher motion, the Senate adjourned at 10:45 a.m. to meet Monday, March 15, 2004, at 1:30 p.m.