

Senate Journal

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

Forty-second Legislative Day, Tuesday, April 13, 2004

The Senate was called to order by Senator Rozell.

Roll Call:

Present: Aldridge, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crutchfield, Dunlap, Easley, Fair, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, 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.—48.

Senator Rozell declared a quorum present.

The prayer was offered by Reverend Luke Back, St. Paul's Cathedral, Oklahoma City, the guest of Senator Cain.

REPORT OF ENGROSSED AND ENROLLED MEASURES

SCR 36 was correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

HBs 1056, 1133, 1695, 1821, 1830, 2102, 2110, 2127, 2243, 2265, 2280, 2287, 2330, 2375, 2496, 2600, 2639, 2680, 2682 and **2723** were each correctly engrossed and, together with engrossed **SAs**, properly signed and ordered returned to the Honorable House.

SBs 899, 1234, 1399, 1435, 1488 and **1558** were each correctly enrolled and after fourth reading, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

SCR 44 was correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

SR 53 was correctly enrolled, properly signed and ordered transmitted to the Secretary of State.

MESSAGE FROM THE HOUSE

Advising the Honorable Senate that the House of Representatives is ready to convene in Joint Session.

Senator Fisher moved that the Senate meet with the House in Joint Session, and that the Senate recess to the call of the Chair, which motion was declared adopted.

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JOINT SESSION

The Second Joint Session of the Second Regular Session of the Forty-ninth Legislature was called to order by the President of the Senate, Lieutenant Governor Mary Fallin.

Senator Monson moved that the attendance roll call of the Senate be considered the attendance roll call of the Senate in Joint Session, which motion was declared adopted.

Representative Rice moved that the attendance roll call of the House of Representatives be considered the attendance roll call of the House in Joint Session, which motion was declared adopted.

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

The invocation was offered by Representative Bill Paulk.

Colonel Dale Carney of the Oklahoma Army National Guard addressed the Joint Session commemorating the 45th Infantry Division.

Colonel Carney introduced Adjutant General Bud Wyatt who addressed the Joint Session. Major General Wyatt recognized Bronze Star and Purple Heart recipients seated in the gallery. He also presented 13 Bronze Stars, 1 Bronze Star with Valor and 1 Purple Heart to recipients on the floor of the Joint Session.

A formal proclamation from Governor Henry was read by Secretary of Veterans Affairs, Norman Lamb.

Upon motion of Representative Rice, the Joint Session was ordered dissolved at the hour of 9:45 a.m.

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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

HB 2435 by Askins and Nance of the House and Wilkerson of the Senate was called up for consideration.

Senator Wilkerson moved to amend **HB 2435**, Page 1, by restoring the title, which amendment was declared adopted.

The above amendment restores **HB 2435** to the engrossed version of the bill.

Senator Wilkerson moved that **HB 2435** be advanced, which motion was declared adopted.

THIRD READING

HB 2435 was read for the third time at length.

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

Aye: Brogdon, Cain, Coates, Crutchfield, Dunlap, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Lawler, Lerblance, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Smith, Taylor, Wilcoxson, Wilkerson and Williamson.--35.

Excused: Aldridge, Branan, Capps, Coffee, Corn, Easley, Fair, Laughlin, Leftwich, Littlefield, Shurden, Snyder and Williams.--13.

The bill passed.

HB 2435 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 2440 by Ellis et al of the House and Lerblance of the Senate was called up for consideration.

Senator Lerblance moved that **HB 2440** be advanced, which motion was declared adopted.

THIRD READING

HB 2440 was read for the third time at length.

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

Aye: Cain, Coates, Crutchfield, Dunlap, Fisher, Gumm, Harrison, Helton, Hobson, Horner, Kerr, Laster, Lawler, Lerblance, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Pruitt, Rabon, Robinson, Rozell, Smith, Taylor, Wilkerson and Williams.--28.

Nay: Brogdon, Ford, Johnson, Laughlin, Price, Reynolds, Riley, Wilcoxson and Williamson.--9.

Excused: Aldridge, Branan, Capps, Coffee, Corn, Easley, Fair, Leftwich, Littlefield, Shurden and Snyder.--11.

The bill passed.

Pursuant to Rule 12-23, Senator Lerblance served notice that the vote be reconsidered whereby **HB 2440** passed.

GENERAL ORDER

HB 2219 by Maddux et al of the House and Coates et al of the Senate was called up for consideration.

Senator Coates moved to amend **HB 2219**, 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 Coates moved that **HB 2219** be advanced, which motion was declared adopted.

THIRD READING

HB 2219 was read for the third time at length.

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

Aye: Branan, Cain, Coates, Fisher, Harrison, Helton, Hobson, Horner, Kerr, Laster, Laughlin, Maddox, Monson, Morgan, Myers, Nichols, Price, Reynolds, Robinson, Rozell, Smith, Taylor, Wilkerson, Williams and Williamson.--25.

Nay: Brogdon, Crutchfield, Dunlap, Easley, Ford, Gumm, Johnson, Lawler, Leftwich, Lerblance, Milacek, Pruitt, Rabon, Riley, Shurden and Wilcoxson.--16.

Excused: Aldridge, Capps, Coffee, Corn, Fair, Littlefield and Snyder.--7.

The bill passed.

Senators Ford, Dunlap, Crutchfield, Gumm, Shurden, Riley and Milacek desired to vote Aye on the emergency.

On the question of passage of the emergency, the vote resulted as follows: Aye: 32; Nay: 9; Excused: 7.

The emergency passed.

HB 2219 was referred for engrossment.

GENERAL ORDER

HB 2129 by Carey of the House and Gumm of the Senate was called up for consideration.

Senator Gumm moved to amend **HB 2129**, 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 that **HB 2129** be advanced, which motion was declared adopted.

THIRD READING

HB 2129 was read for the third time at length.

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

Aye: Branan, Cain, Coates, Corn, Crutchfield, Easley, Fisher, Gumm, Harrison, Helton, Hobson, Horner, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Littlefield, Maddox, Monson, Morgan, Myers, Nichols, Price, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Taylor, Wilcoxson, Wilkerson and Williams.--36.

Nay: Brogdon, Dunlap, Johnson, Milacek, Pruitt and Williamson.--6.

Excused: Aldridge, Capps, Coffee, Fair, Ford and Snyder.--6.

The bill passed.

HB 2129 was referred for engrossment.

**PENDING SENATE ACTION
HOUSE REQUEST FOR CONFERENCE**

Upon motion of Senator Fisher, the request of the Honorable House for conference on the following bills was ordered granted and Senate conferees to be named later:

HB 1437
HB 1853
HB 1866
HB 1874
HB 1875
HB 1891
HB 2274
HB 2335
HB 2637

GENERAL ORDER

HB 2444 by Roan of the House and Wilkerson of the Senate was called up for consideration.

Senator Wilkerson moved to amend **HB 2444**, Page 9, Line 6, by deleting all language after the word "Investigation" and before the semi-colon, and by amending the title to conform, which amendment was declared adopted.

The above amendment restores **HB 2444** to the engrossed version of the bill.

Senator Wilkerson moved that **HB 2444** be advanced, which motion was declared adopted.

THIRD READING

HB 2444 was read for the third time at length.

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

Aye: Branam, Cain, Capps, Coates, Corn, Crutchfield, Dunlap, Easley, Fisher, 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, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.--42.

Nay: Brogdon and Fair.--2.

Excused: Aldridge, Coffee, Ford and Snyder.--4.

The bill and emergency passed.

HB 2444 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 1847 by Winchester et al of the House and Monson and Lawler of the Senate was called up for consideration.

Senator Monson moved that **HB 1847** be advanced, which motion was declared adopted.

THIRD READING

HB 1847 was read for the third time at length.

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

Aye: Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crutchfield, Dunlap, Easley, 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, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.--46.

Excused: Aldridge and Snyder.--2.

The bill and emergency passed.

HB 1847 was referred for engrossment.

FIRST READING

The following was introduced and read the first time:

SR 54 – By Hobson.

A Resolution expressing gratitude to Senator Jim Dunlap for his service in the Oklahoma State Senate; and directing distribution.

GENERAL ORDER

HB 2194 by Deutschendorf of the House and Williams of the Senate was called up for consideration.

Senator Williams moved that **HB 2194** be advanced, which motion was declared adopted.

THIRD READING

HB 2194 was read for the third time at length.

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

Aye: Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crutchfield, Dunlap, Easley, 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, Riley, Robinson, Rozell, Shurden, Smith, Taylor, Wilcoxson, Wilkerson and Williams.--44.

Excused: Aldridge, Reynolds, Snyder and Williamson.--4.

The bill and emergency passed.

HB 2194 was referred for engrossment.

Senator Gumm presiding.

GENERAL ORDER

HB 2446 by Easley and Cox of the House and Robinson of the Senate was called up for consideration.

Senator Robinson moved to amend **HB 2446**, Page 1, by restoring the title, which amendment was declared adopted.

The above amendment restores **HB 2446** to the engrossed version of the bill.

Senator Robinson moved that **HB 2446** be advanced, which motion was declared adopted.

THIRD READING

HB 2446 was read for the third time at length.

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

Aye: Cain, Capps, Corn, Crutchfield, Easley, Fair, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Kerr, Laster, Lawler, Leftwich, Lerblance, Littlefield, Maddox, Monson, Morgan, Price, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Taylor, Wilkerson, Williams and Williamson.--34.

Nay: Branan, Brogdon, Coates, Coffee, Dunlap, Johnson, Laughlin, Milacek, Myers, Nichols, Pruitt and Wilcoxson.--12.

Excused: Aldridge and Snyder.--2.

The bill passed.

HB 2446 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HCR 1046 by Hastings of the House and Smith of the Senate was called up for consideration.

HCR 1046 was adopted upon motion of Senator Smith and properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 2101 by Paulk and Lindley of the House and Helton and Leftwich (Debbe) of the Senate was called up for consideration.

Senator Helton moved that **HB 2101** be advanced, which motion was declared adopted.

THIRD READING

HB 2101 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, Corn, Crutchfield, Dunlap, Easley, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin,

Lawler, Leftwich, Lerblance, Littlefield, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Taylor, Wilkerson, Williams and Williamson.--41.

Nay: Coffee, Fair, Pruitt, Smith and Wilcoxson.--5.

Excused: Aldridge and Snyder.--2.

The bill passed.

HB 2101 was referred for engrossment.

PENDING CONSIDERATION OF HAS

HAs to **SB 850** were rejected upon motion of Senator Fisher, conference requested, and Senate conferees to be named later.

GENERAL ORDER

HB 2552 by Hilliard et al of the House and Leftwich (Debbe) et al of the Senate was called up for consideration.

Senator Wilkerson asked to coauthor **HB 2552**, which was the order.

Senator Leftwich moved that **HB 2552** be advanced, which motion was declared adopted.

THIRD READING

HB 2552 was read for the third time at length.

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

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

Excused: Aldridge, Capps, Milacek and Snyder.--4.

The bill passed.

HB 2552 was referred for engrossment.

GENERAL ORDER

HB 2441 by Roan of the House and Coffee of the Senate was called up for consideration.

Senator Coffee moved that **HB 2441** be advanced, which motion was declared adopted.

THIRD READING

HB 2441 was read for the third time at length.

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

Aye: Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crutchfield, Easley, Fair, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Lerblance, Littlefield, Maddox, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Robinson, Rozell, Smith, Taylor, Wilkerson, Williams and Williamson.--40.

Nay: Dunlap.--1.

Excused: Aldridge, Leftwich, Milacek, Riley, Shurden, Snyder and Wilcoxson.--7.

The bill passed.

HB 2441 was referred for engrossment.

GENERAL ORDER

HB 2598 by Ellis and Adkins of the House and Rozell of the Senate was called up for consideration.

Senator Rozell moved that **HB 2598** be advanced, which motion was declared adopted.

THIRD READING

HB 2598 was read for the third time at length.

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

Aye: Cain, Capps, Coates, Coffee, Corn, Crutchfield, Dunlap, Easley, Fisher, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Littlefield, Maddox, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Rozell, Shurden, Smith, Taylor, Wilkerson and Williams.--37.

Nay: Aldridge, Branan, Brogdon, Fair, Ford, Robinson and Williamson.--7.

Excused: Milacek, Riley, Snyder and Wilcoxson.--4.

The bill and emergency passed.

HB 2598 was referred for engrossment.

GENERAL ORDER

HB 2403 by Young and Nance of the House and Myers and Lawler of the Senate was called up for consideration.

Senator Ford moved to amend **HB 2403**, Page 17, Line 22 ½, by inserting new Section 8 through 12 to read as follows:

“SECTION 8. AMENDATORY 10 O.S. 2001, Section 7302-7.1, is amended to read as follows:

Section 7302-7.1 A. ~~Sections~~ Section 7302-7.1 through 7302-7.5 et seq. of this title shall be known and may be cited as the “Delinquency and Youth Gang Intervention and Deterrence Prevention Act”.

B. The Legislature recognizes that the economic cost of crime to the state and communities continues to drain existing resources, and the cost to victims, both economic and psychological, is traumatic and tragic. The Legislature further recognizes that many adults in the criminal justice system were once delinquents in the juvenile justice system. The Legislature also recognizes that the most effective juvenile delinquency programs are programs that ~~not only~~ prevent children from entering the juvenile justice system, ~~but also~~ meet local community needs, and have substantial community involvement and support. Therefore, it is the belief of the Legislature that one of the best investments of scarce resources available to combat crime is to counteract the negative social and economic factors that contribute to criminal and delinquent behavior by engaging youth, ~~at an early age, who are determined to have the highest risk of involvement with gangs or delinquent behaviors or live in at-risk neighborhoods and communities~~ in positive programs and opportunities at the local, neighborhood and community level.

C. For the purpose of reducing the likelihood of later ~~or continued~~ involvement in criminal or delinquent activities, the intent of the Legislature in enacting the Delinquency and Youth Gang Intervention and ~~Deterrence~~ Prevention Act is to provide ~~for school, school-related and after-school~~ programs for adjudicated delinquents and highest risk children in grades 1 through 12, and their families, who live in at-risk school districts, neighborhoods and communities, as defined in Section 7302-7.2 of this title, and to aid all

communities in developing delinquency ~~prevention and gang intervention~~ and early ~~intervention prevention~~ programs and activities.

SECTION 9. AMENDATORY 10 O.S. 2001, Section 7302-7.2, is amended to read as follows:

Section 7302-7.2 For the purposes of the Delinquency and Youth Gang Intervention and ~~Deterrence~~ Prevention Act:

1. ~~“At-risk school districts, neighborhoods and communities” means a school district, neighborhood or community with residential and business areas within a specific political subdivision with a history of assault or battery offenses, shootings or firearm-related offenses, substance abuse-related offenses, property and theft-related offenses, and known gang activity that are documented by local law enforcement agencies, and an incidence of reported juvenile crime or referrals for juvenile court intakes, or some combination of both such incidence and referrals as approved by the Department of Juvenile Justice and substantiated by local law enforcement agencies, that is significantly higher than the statewide statistical mean for such offenses, incidence, referrals or combination;~~

2. ~~“School, school-related or after-school programs and activities” includes delinquency prevention or early intervention programs and activities that occur during or outside of regular school hours~~ “Children at highest risk of involvement with gangs or delinquent behaviors” means:

- a. children and their family members living in at-risk neighborhoods and communities as defined in this section,
- b. children living with family members who are gang members or associate with gang members,
- c. children living with family members who have been adjudicated or convicted of a criminal offense,
- d. children adjudicated delinquent and their family members, or
- e. children who use alcohol or controlled substances or who have behavioral problems in school, with peers, family members or authority figures, or some combination thereof; and

3. ~~“Delinquency prevention and early and gang intervention and prevention programs and activities” includes but is not limited to the following for participating youth: Intensive school and school-related programs, such as tutoring and other educational services, vocational training and counseling, employment services, recreational opportunities, and counseling services, such as family counseling, mental health counseling, substance abuse outpatient treatment, education programs, and programs and services involving the families~~ family members of participating youth; and

4. “Family members” means children, siblings, parents and persons living in the immediate household.

SECTION 10. AMENDATORY 10 O.S. 2001, Section 7302-7.3, as amended by Section 2, Chapter 413, O.S.L. 2002 (10 O.S. Supp. 2003, Section 7302-7.3), is amended to read as follows:

Section 7302-7.3 A. From funds appropriated for the Delinquency and Youth Gang Intervention and Prevention Act or otherwise available for that purpose, the Office of Juvenile Affairs through its Department of Juvenile Justice shall:

1. Issue requests for proposals and contract with eligible entities for delinquency ~~prevention and early and gang intervention and prevention~~ programs for children and their

family members who live in at-risk neighborhoods and communities, as defined by Section 7302-7.2 of this title;

2. Provide information and technical assistance to ~~school districts~~ individuals and entities receiving grants or contracts pursuant to the Delinquency and Youth Gang Intervention and Prevention Act, schools, neighborhood and community organizations, and agencies within the children and youth service system, as that term is defined by the Serious and Habitual Juvenile Offender Act, for the purpose of assisting them to make such agencies in making application for federal, state and private grants for delinquency ~~prevention~~ and early gang intervention and prevention programs; and

3. Coordinate efforts among the Office of Juvenile Affairs, Department of Human Services, State Department of Education, State Department of Health, Department of Mental Health and Substance Abuse Services, State Arts Council, Oklahoma Commission on Children and Youth, the Oklahoma Health Care Authority, 4-H Clubs, Oklahoma Cooperative Extension Service and other organizations identified by the Department of Juvenile Justice that provide services to children and youth on the creation of an out-of-school resource center subject to the availability of funds.

B. The Department of Juvenile Justice, with the assistance of and information provided by the Oklahoma Commission on Children and Youth and the Oklahoma State Bureau of Investigation, shall establish criteria and procedures for:

1. Identifying at-risk neighborhoods, ~~school districts, communities and specific areas within school districts~~ and communities, as defined by Section 7302-7.2 of this title, for the purposes of determining eligibility for any grants for at-risk areas available pursuant to the Delinquency and Youth Gang Intervention and ~~Deterrence~~ Prevention Act; and

2. Determining eligibility ~~for communities of individuals and other organizations~~ seeking other grants pursuant to the Delinquency and Youth Gang Intervention and ~~Deterrence~~ Prevention Act.

The Oklahoma Commission on Children and Youth and the Oklahoma State Bureau of Investigation shall provide the Department of Juvenile Justice with information and assistance, as requested by the Department, for the purpose of establishing the criteria required by this section.

SECTION 11. AMENDATORY 10 O.S. 2001, Section 7302-7.4, is amended to read as follows:

Section 7302-7.4 A. The ~~Board~~ Office of Juvenile Affairs shall establish ~~the proposal submission and education~~ procedures and criteria and for selecting and implementing program models and issuing and submitting grant proposals. The Board of Juvenile Affairs shall promulgate rules as necessary for the implementation of the Delinquency and Youth Gang Intervention and ~~Deterrence~~ Prevention Act. ~~Until the rules are promulgated by the Board, the rules for implementation of the Delinquency and Youth Gang Intervention and Deterrence Act promulgated by the Commission for Human Services shall remain in effect.~~

B. In order to be eligible for ~~an at-risk a~~ grant contract in an at-risk neighborhood or community, as defined by Section 7302-7.2 of this title, pursuant to the Delinquency and Youth Gang Intervention and ~~Deterrence~~ Prevention Act the proposal shall, at minimum:

1. Be a joint proposal made by an ~~at-risk school district, individual or organization, a~~ neighborhood or community organization, a municipality or county or a municipal or county agency from the at-risk neighborhood or community, and one or more agencies or

organizations within the children and youth service system. If a school ~~district~~ or local law enforcement agency is not a joint participant in the proposal, the proposal shall document and describe the active participation in and support of either the local school ~~district~~ or local law enforcement agency in the program and activities for which the proposal is submitted;

2. Be ~~for programs and activities~~ a program or activity for children ~~not less than six (6) years of age, or in grades 1 through 12, whichever is applicable~~ at highest risk of involvement in gangs or delinquent behaviors, as defined by Section 7302-7.2 of this title, and their family members;

3. Describe the respective roles and responsibilities for the administration and operation of the program and activities, including but not limited to the designation of the entity responsible for the receipt and expenditure of any funds awarded pursuant to the Delinquency and Youth Gang Intervention and ~~Deterrence~~ Prevention Act;

4. Specifically identify the ~~area within a school district or community or the at-risk neighborhood~~ or community where the programs and activities will be implemented and provide either statistical information concerning the at-risk area or a letter of support from a local school or local law enforcement agency;

5. Describe how the program will coordinate and cooperate with programs and services administered by the Department of Juvenile Justice, the Department of Human Services, the State Department of Education, and other state or local agencies, such as law enforcement, courts and other agencies within the juvenile, children and youth service system; and

6. Provide the program and activities on-site in a school, community center, or other similar location within the identified at-risk neighborhood ~~or identified area of the school district~~ or community.

C. In order to be eligible for training or continuing education grants or any other contract grant pursuant to the Delinquency and Youth Gang Intervention and ~~Deterrence~~ Prevention Act, the proposal shall, at a minimum:

1. Describe the respective roles and responsibilities for the administration and operation of the ~~program and activities~~ training or activity, including but not limited to the designation of the entity responsible for the receipt and expenditure of any funds awarded pursuant to the Delinquency and Youth Gang Intervention and ~~Deterrence~~ Prevention Act; and

2. Describe how the ~~program~~ training or activity will coordinate and cooperate with existing programs and services administered by the Department of Juvenile Justice, the Department of Human Services, the State Department of Education, and other state or local agencies, such as law enforcement, courts and other agencies within the juvenile, children and youth service system.

D. Each entity ~~which receives~~ receiving a grant or contract pursuant to ~~this section~~ the Delinquency and Youth Gang Intervention and Prevention Act shall submit an annual evaluation report to the Department of Juvenile Justice, by a date subsequent to the end of the contract period as established by the Department, documenting the extent to which the program objectives ~~have been~~ were met and any other information required by the Department.

SECTION 12. AMENDATORY 10 O.S. 2001, Section 7302-7.5, is amended to read as follows:

Section 7302-7.5 ~~Effective July 1, 1995, the~~ The Department of Juvenile Justice shall have the responsibility for implementation and evaluation of the Delinquency and Youth Gang Intervention and Deterrence Prevention Act shall be transferred to the Department of Juvenile Justice. Any contract entered into by the Department of Human Services pursuant to the Delinquency and Youth Gang Intervention and Deterrence Act that is still in effect on July 1, 1995, shall remain in effect for the duration of the contract and shall be honored by the Department of Juvenile Justice and any modifications thereto.”, and by renumbering subsequent section, which amendment was declared adopted.

Senator Myers moved that **HB 2403** be advanced, which motion was declared adopted.

THIRD READING

HB 2403 was read for the third time at length.

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

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

Excused: Leftwich, Milacek, Riley, Snyder and Wilcoxson.--5.

The bill passed.

HB 2403 was referred for engrossment.

GENERAL ORDER

HB 2390 by Calvey et al of the House and Aldridge of the Senate was called up for consideration.

Senator Aldridge moved to amend **HB 2390**, Page 1, Line 13 through Page 20, Line 6, by deleting Section 1 and inserting in lieu thereof a new Section 1 to read as follows:

“SECTION 1. AMENDATORY 68 O.S. 2001, Section 1356, as amended by Section 1 of Enrolled Senate Bill No. 1383 of the 2nd Session of the 49th Oklahoma Legislature, is amended to read as follows:

There are hereby specifically exempted from the tax levied by Section 1350 et seq. of this title:

1. Sale of tangible personal property or services to the United States government or to the State of Oklahoma, any political subdivision of this state or any agency of a political subdivision of this state; provided, all sales to contractors in connection with the performance of any contract with the United States government, State of Oklahoma or any of its political subdivisions shall not be exempted from the tax levied by Section 1350 et seq. of this title, except as hereinafter provided;

2. Sales of property to agents appointed by or under contract with agencies or instrumentalities of the United States government if ownership and possession of such property transfers immediately to the United States government;

3. Sales of property to agents appointed by or under contract with a political subdivision of this state if the sale of such property is associated with the development of a qualified federal facility, as provided in the Oklahoma Federal Facilities Development Act, and if ownership and possession of such property transfers immediately to the political subdivision or the state;

4. Sales made directly by county, district or state fair authorities of this state, upon the premises of the fair authority, for the sole benefit of the fair authority or sales of admission tickets to such fairs or fair events at any location in the state authorized by county, district or state fair authorities; provided, the exemption provided by this paragraph for admission tickets to fair events shall apply only to any portion of the admission price that is retained by or distributed to the fair authority. As used in this paragraph, "fair event" shall be limited to an event held on the premises of the fair authority in conjunction with and during the time period of a county, district or state fair;

5. Sale of food in cafeterias or lunch rooms of elementary schools, high schools, colleges or universities which are operated primarily for teachers and pupils and are not operated primarily for the public or for profit;

6. Dues paid to fraternal, religious, civic, charitable or educational societies or organizations by regular members thereof, provided, such societies or organizations operate under what is commonly termed the lodge plan or system, and provided such societies or organizations do not operate for a profit which inures to the benefit of any individual member or members thereof to the exclusion of other members and dues paid monthly or annually to privately owned scientific and educational libraries by members sharing the use of services rendered by such libraries with students interested in the study of geology, petroleum engineering or related subjects;

7. Sale of tangible personal property or services to or by churches, except sales made in the course of business for profit or savings, competing with other persons engaged in the same or a similar business or sale of tangible personal property or services by an organization exempt from federal income tax pursuant to Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, made on behalf of or at the request of a church or churches if the sale of such property is conducted not more than once each calendar year for a period not to exceed three (3) days by the organization and proceeds from the sale of such property are used by the church or churches or by the organization for charitable purposes;

8. The amount of proceeds received from the sale of admission tickets which is separately stated on the ticket of admission for the repayment of money borrowed by any accredited state-supported college or university or any public trust of which a county in this state is the beneficiary, for the purpose of constructing or enlarging any facility to be used for the staging of an athletic event, a theatrical production, or any other form of

entertainment, edification or cultural cultivation to which entry is gained with a paid admission ticket. Such facilities include, but are not limited to, athletic fields, athletic stadiums, field houses, amphitheaters and theaters. To be eligible for this sales tax exemption, the amount separately stated on the admission ticket shall be a surcharge which is imposed, collected and used for the sole purpose of servicing or aiding in the servicing of debt incurred by the college or university to effect the capital improvements hereinbefore described;

9. Sales of tangible personal property or services to the council organizations or similar state supervisory organizations of the Boy Scouts of America, Girl Scouts of U.S.A. and the Campfire Boys and Girls;

10. Sale of tangible personal property or services to any county, municipality, rural water district, public school district, the institutions of The Oklahoma State System of Higher Education, the Grand River Dam Authority, the Northeast Oklahoma Public Facilities Authority, the Oklahoma Municipal Power Authority, City of Tulsa-Rogers County Port Authority, Muskogee City-County Port Authority, the Oklahoma Department of Veterans Affairs, the Broken Bow Economic Development Authority or to any person with whom any of the above-named subdivisions or agencies of this state has duly entered into a public contract pursuant to law, necessary for carrying out such public contract or to any subcontractor to such a public contract. Any person making purchases on behalf of such subdivision or agency of this state shall certify, in writing, on the copy of the invoice or sales ticket to be retained by the vendor that the purchases are made for and on behalf of such subdivision or agency of this state and set out the name of such public subdivision or agency. Any person who wrongfully or erroneously certifies that purchases are for any of the above-named subdivisions or agencies of this state or who otherwise violates this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount equal to double the amount of sales tax involved or incarcerated for not more than sixty (60) days or both;

11. Sales of tangible personal property or services to private institutions of higher education and private elementary and secondary institutions of education accredited by the State Department of Education or registered by the State Board of Education for purposes of participating in federal programs or accredited as defined by the Oklahoma State Regents for Higher Education which are exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C., Section 501(c)(3), including materials, supplies, and equipment used in the construction and improvement of buildings and other structures owned by the institutions and operated for educational purposes.

Any person, firm, agency or entity making purchases on behalf of any institution, agency or subdivision in this state, shall certify in writing, on the copy of the invoice or sales ticket the nature of the purchases, and violation of this paragraph shall be a misdemeanor as set forth in paragraph 10 of this section;

12. Tuition and educational fees paid to private institutions of higher education and private elementary and secondary institutions of education accredited by the State Department of Education or registered by the State Board of Education for purposes of participating in federal programs or accredited as defined by the Oklahoma State Regents for Higher Education which are exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C., Section 501(c)(3);

13. a. Sales of tangible personal property made by:

- (1) a public school,
 - (2) a private school offering instruction for grade levels kindergarten through twelfth grade,
 - (3) a public school district,
 - (4) a public or private school board,
 - (5) a public or private school student group or organization,
 - (6) a parent-teacher association or organization other than as specified in subparagraph b of this paragraph, or
 - (7) public or private school personnel for purposes of raising funds for the benefit of a public or private school, public school district, public or private school board or public or private school student group or organization, or
- b. Sales of tangible personal property made by or to nonprofit parent-teacher associations or organizations exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C., Section 501 (c)(3).

The exemption provided by this paragraph for sales made by a public or private school shall be limited to those public or private schools accredited by the State Department of Education or registered by the State Board of Education for purposes of participating in federal programs. Sale of tangible personal property in this paragraph shall include sale of admission tickets and concessions at athletic events;

14. Sales of tangible personal property by:

- a. local 4-H clubs,
- b. county, regional or state 4-H councils,
- c. county, regional or state 4-H committees,
- d. 4-H leader associations,
- e. county, regional or state 4-H foundations, and
- f. authorized 4-H camps and training centers.

The exemption provided by this paragraph shall be limited to sales for the purpose of raising funds for the benefit of such organizations. Sale of tangible personal property exempted by this paragraph shall include sale of admission tickets;

15. The first Seventy-five Thousand Dollars (\$75,000.00) each year from sale of tickets and concessions at athletic events by each organization exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C., Section 501(c)(4);

16. Items or services which are subsequently given away by the Oklahoma Tourism and Recreation Department as promotional items pursuant to Section 1834 of Title 74 of the Oklahoma Statutes;

17. Sales of tangible personal property or services to fire departments organized pursuant to Section 592 of Title 18 of the Oklahoma Statutes which items are to be used for the purposes of the fire department. Any person making purchases on behalf of any such fire department shall certify, in writing, on the copy of the invoice or sales ticket to be retained by the vendor that the purchases are made for and on behalf of such fire department and set out the name of such fire department. Any person who wrongfully or erroneously certifies that the purchases are for any such fire department or who otherwise violates the provisions of this section shall be deemed guilty of a misdemeanor and upon

conviction thereof, shall be fined an amount equal to double the amount of sales tax involved or incarcerated for not more than sixty (60) days, or both;

18. Complimentary or free tickets for admission to places of amusement, sports, entertainment, exhibition, display or other recreational events or activities which are issued through a box office or other entity which is operated by a state institution of higher education with institutional employees or by a municipality with municipal employees;

19. The first Fifteen Thousand Dollars (\$15,000.00) each year from sales of tangible personal property by fire departments organized pursuant to Titles 11, 18, or 19 of the Oklahoma Statutes for the purposes of raising funds for the benefit of the fire department. Fire departments selling tangible personal property for the purposes of raising funds shall be limited to no more than six (6) days each year to raise such funds in order to receive the exemption granted by this paragraph;

20. Sales of tangible personal property or services to any Boys & Girls Clubs of America affiliate in this state which is not affiliated with the Salvation Army and which is exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C., Section 501(c)(3);

21. Sales of tangible personal property or services to any organization, which takes court-adjudicated juveniles for purposes of rehabilitation, and which is exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C., Section 501(c)(3), provided that at least fifty percent (50%) of the juveniles served by such organization are court adjudicated and the organization receives state funds in an amount less than ten percent (10%) of the annual budget of the organization;

22. Sales of tangible personal property or services to:

- a. any federally qualified community health center as defined in Section 254c of Title 42 of the United States Code,
- b. any migrant health center as defined in Section 254b of Title 42 of the United States Code,
- c. any clinic receiving disbursements of state monies from the Indigent Health Care Revolving Fund pursuant to the provisions of Section 66 of Title 56 of the Oklahoma Statutes, and
- d. any community based health center which meets all of the following criteria:
 - (1) provides primary care services at no cost to the recipient, and
 - (2) is exempt from taxation pursuant to the provisions of Section 501(c)(3) of the Internal Revenue Code, 26 U.S.C., Section 501(c)(3);

23. Dues or fees, including free or complimentary dues or fees which have a value equivalent to the charge that could have otherwise been made, to YMCAs, YWCAs or municipally-owned recreation centers for the use of facilities and programs;

24. The first Fifteen Thousand Dollars (\$15,000.00) each year from sales of tangible personal property or services to or by a cultural organization established to sponsor and promote educational, charitable and cultural events for disadvantaged children, and which organization is exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C., Section 501(c)(3);

25. Sales of tangible personal property or services to museums or other entities which have been accredited by the American Association of Museums. Any person making

purchases on behalf of any such museum or other entity shall certify, in writing, on the copy of the invoice or sales ticket to be retained by the vendor that the purchases are made for and on behalf of such museum or other entity and set out the name of such museum or other entity. Any person who wrongfully or erroneously certifies that the purchases are for any such museum or other entity or who otherwise violates the provisions of this paragraph shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined an amount equal to double the amount of sales tax involved or incarcerated for not more than sixty (60) days, or by both such fine and incarceration;

26. Sales of tickets for admission by any museum accredited by the American Association of Museums. In order to be eligible for the exemption provided by this paragraph, an amount equivalent to the amount of the tax which would otherwise be required to be collected pursuant to the provisions of Section 1350 et seq. of this title shall be separately stated on the admission ticket and shall be collected and used for the sole purpose of servicing or aiding in the servicing of debt incurred by the museum to effect the construction, enlarging or renovation of any facility to be used for entertainment, edification or cultural cultivation to which entry is gained with a paid admission ticket;

27. Sales of tangible personal property or services occurring on or after June 1, 1995, to children's homes which are supported or sponsored by one or more churches, members of which serve as trustees of the home;

28. Sales of tangible personal property or services to the organization known as the Disabled American Veterans, Department of Oklahoma, Inc., and subordinate chapters thereof;

29. Sales of tangible personal property or services to youth camps which are supported or sponsored by one or more churches, members of which serve as trustees of the organization;

30. Transfer of tangible personal property made pursuant to Section 3226 of Title 63 of the Oklahoma Statutes by the University Hospitals Trust;

31. Sales of tangible personal property or services to a municipality, county or school district pursuant to a lease or lease-purchase agreement executed between the vendor and a municipality, county or school district. A copy of the lease or lease-purchase agreement shall be retained by the vendor;

32. Sales of tangible personal property or services to any spaceport user, as defined in the Oklahoma Space Industry Development Act;

33. The sale, use, storage, consumption, or distribution in this state, whether by the importer, exporter, or another person, of any satellite or any associated launch vehicle, including components of, and parts and motors for, any such satellite or launch vehicle, imported or caused to be imported into this state for the purpose of export by means of launching into space. This exemption provided by this paragraph shall not be affected by:

- a. the destruction in whole or in part of the satellite or launch vehicle,
- b. the failure of a launch to occur or be successful, or
- c. the absence of any transfer or title to, or possession of, the satellite or launch vehicle after launch;

34. The sale, lease, use, storage, consumption, or distribution in this state of any space facility, space propulsion system or space vehicle, satellite, or station of any kind possessing space flight capacity, including components thereof;

35. The sale, lease, use, storage, consumption, or distribution in this state of tangible personal property, placed on or used aboard any space facility, space propulsion system or space vehicle, satellite, or station possessing space flight capacity, which is launched into space, irrespective of whether such tangible property is returned to this state for subsequent use, storage, or consumption in any manner;

36. The sale, lease, use, storage, consumption, or distribution in this state of tangible personal property meeting the definition of "section 38 property" as defined in Sections 48(a)(1)(A) and (B)(i) of the Internal Revenue Code of 1986, that is an integral part of and used primarily in support of space flight; however, section 38 property used in support of space flight shall not include general office equipment, any boat, mobile home, motor vehicle, or other vehicle of a class or type required to be registered, licensed, titled, or documented in this state or by the United States government, or any other property not specifically suited to supporting space activity. The term "in support of space flight", for purposes of this paragraph, means the altering, monitoring, controlling, regulating, adjusting, servicing, or repairing of any space facility, space propulsion systems or space vehicle, satellite, or station possessing space flight capacity, including the components thereof;

37. The purchase or lease of machinery and equipment for use at a fixed location in this state, which is used exclusively in the manufacturing, processing, compounding, or producing of any space facility, space propulsion system or space vehicle, satellite, or station of any kind possessing space flight capacity. Provided, the exemption provided for in this paragraph shall not be allowed unless the purchaser or lessee signs an affidavit stating that the item or items to be exempted are for the exclusive use designated herein. Any person furnishing a false affidavit to the vendor for the purpose of evading payment of any tax imposed by Section 1354 of this title shall be subject to the penalties provided by law. As used in this paragraph, "machinery and equipment" means "section 38 property" as defined in Sections 48(a)(1)(A) and (B)(i) of the Internal Revenue Code of 1986, which is used as an integral part of the manufacturing, processing, compounding, or producing of items of tangible personal property. Such term includes parts and accessories only to the extent that the exemption thereof is consistent with the provisions of this paragraph;

38. The amount of a surcharge or any other amount which is separately stated on an admission ticket which is imposed, collected and used for the sole purpose of constructing, remodeling or enlarging facilities of a public trust having a municipality or county as its sole beneficiary;

39. Sales of tangible personal property or services which are directly used in or for the benefit of a state park in this state, which are made to an organization which is exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C., Section 501(c)(3) and which is organized primarily for the purpose of supporting one or more state parks located in this state;

40. The sale, lease or use of parking privileges by an institution of The Oklahoma State System of Higher Education;

41. Sales of tangible personal property or services for use on campus construction projects for the benefit of institutions of The Oklahoma State System of Higher Education or private institutions of higher education accredited by the Oklahoma State Regents for Higher Education when such projects are financed by or through the use of nonprofit

entities which are exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C., Section 501(c)(3);

42. Sales of tangible personal property or services by an organization which is exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C., Section 501(c)(3), in the course of conducting a national championship sports event, but only if all or a portion of the payment in exchange therefor would qualify as the receipt of a qualified sponsorship payment described in Internal Revenue Code, 26 U.S.C., Section 513(i). Sales exempted pursuant to this paragraph shall be exempt from all Oklahoma sales, use, excise and gross receipts taxes;

43. Sales of tangible personal property or services to or by an organization which:
- a. is exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C., Section 501(c)(3),
 - b. is affiliated with a comprehensive university within The Oklahoma State System of Higher Education, and
 - c. has been organized primarily for the purpose of providing education and teacher training and conducting events relating to robotics; ~~and~~

44. The first Fifteen Thousand Dollars (\$15,000.00) each year from sales of tangible personal property by youth athletic teams which are part of an athletic organization exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C., Section 501(c)(4), for the purposes of raising funds for the benefit of the team;

45. Sales of tickets for admission to a collegiate athletic event that is held in a facility owned or operated by a municipality or a public trust of which the municipality is the sole beneficiary and that actually determines or is part of a tournament or tournament process for determining a conference tournament championship, a conference championship, or a national championship; ~~and~~

46. Sales of tangible personal property or services to or by an organization which is exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C., Section 501(c)(3) and is operating the Oklahoma City National Memorial and Museum, an affiliate of the National Park System;

47. The first Two Thousand Dollars (\$2,000.00) each year of sales of tangible personal property or services to, by or for the benefit of a qualified neighborhood watch organization that is endorsed or supported by or working directly with the governing law enforcement agency. As used in this paragraph, "qualified neighborhood watch organization" refers to an organization that is a not-for-profit corporation under the laws of the State of Oklahoma that was created to help prevent criminal activity in an area through community involvement and interaction with local law enforcement, and which is one of the first two thousand organizations which make application to the Oklahoma Tax Commission for the exemption after the effective date of this act;

48. Sales of tangible personal property to a nonprofit organization, exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C., Section 501(c)(3), organized primarily for the purpose of providing services to homeless persons during the day and located in a metropolitan area with a population in excess of five hundred thousand (500,000) persons according to the latest Federal Decennial Census. The exemption authorized by this paragraph shall be applicable to sales of tangible personal property to a qualified entity occurring on or after January 1, 2004; and

49. The first Two Thousand Dollars (\$2,000.00) each year of sales of tangible personal property or services to a foundation that is exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C., Section 501(c)(3) and that is funded through donations from individuals, businesses, corporations, foundations and organizations and that is formed for the purpose of providing support through the donation of supplies, materials, goods or other resources to a public or private school or public school district. Only the first three hundred foundations that make application to the Oklahoma Tax Commission for the exemption in this paragraph after the effective date of this act shall qualify for the exemption.”, which amendment was declared adopted.

Senator Aldridge moved that **HB 2390** be advanced, which motion was declared adopted.

THIRD READING

HB 2390 was read for the third time at length.

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

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

Excused: Milacek, Snyder and Wilcoxson.--3.

The bill and emergency passed.

HB 2390 was referred for engrossment.

MESSAGE FROM THE HOUSE

Advising fourth reading of and transmitting for signature Enrolled **HBs 1872, 2166, 2351, 2383, 2662 and 2697**.

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

Advising passage of and returning the following Engrossed bills:

SB 1153

SB 1523

The above-numbered measures were referred for enrollment.

Advising rejection of **SAs** to the following bills, requesting conference and House conferees to be named later:

HB 1475
HB 2124
HB 2213
HB 2293
HB 2380
HB 2391
HB 2557

Advising concurrence in **SAs** to and passage of Engrossed **HB 1904**.

Advising passage of and transmitting for consideration Engrossed **HCRs 1072** and **1073**.

HCR 1072 – By Hefner, Adair, Adkins, Armes, Askins, Balkman, Bengé, Blackburn, Blackwell, Bonny, Boren, Braddock, Brannon, Calvey, Carey, Cargill, Case, Claunch, Coleman, Covey, Cox, Dank, Davis, DeWitt, Deutschendorf, Dorman, Easley, Eddins, Ellis, Ericson, Erwin, Ferguson, Gilbert, Graves, Greenwood, Hamilton, Harrison, Hastings, Hiatt, Hilliard, Hutchison, Ingmire, Jones, Kirby, Lamons, Langmacher, Leist, Lerblance, Lindley, Liotta, Maddux, Mass, McCarter, McClain, McIntyre, Miller (Doug), Miller (Ray), Mitchell, Morgan (Danny), Morgan (Fred), Nance, Nations, Newport, Oneal, Paulk, Perry, Peters, Peterson (Pam), Peterson (Ron), Pettigrew, Phillips, Piatt, Plunk, Pope, Reynolds, Rice, Roan, Roberts, Roggow, Smaligo, Smith, Smith (Hopper), Smithson, Staggs, Stanley, Steele, Sullivan, Sweeden, Taylor, Tibbs, Toure, Trebilcock, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Winchester, Worthen, Wright and Young of the House and Helton of the Senate.

A Concurrent Resolution proclaiming the second Tuesday of every April as the “Oklahoma National Guard and the 45th Infantry Division Appreciation Day”; encouraging schools across the state to show appreciation for the brave and courageous deeds exhibited by members of the Oklahoma National Guard and 45th Infantry Division; and directing distribution.

HCR 1073 – By Braddock of the House and Helton of the Senate.

A Concurrent Resolution recalling from the Office of the Governor Enrolled House Bill No. 2472, passed by the 2nd Session of the 49th Oklahoma Legislature.

The above-numbered measures were read the first time.

**MESSAGE FROM THE HOUSE
HAS TO SENATE BILLS**

Advising passage of and returning the following engrossed bills as amended:

SB 756 - coauthored by Adkins, McCarter, Liotta of the House

SB 864

SB 868

SB 901 - coauthored by Hefner, Liotta, Wells, Deutschendorf, McCarter, Greenwood, Dank, Wright of the House

SB 969 - coauthored by Braddock, Nance, Lindley of the House

SB 998 - coauthored by Piatt, Adair, Armes, Hiatt, Jones, Miller (Ray), Roan, Roggow, Walker of the House

SB 1071 - coauthored by Adkins, Balkman, Bengel, Calvey, Cargill, Case, DeWitt, Ericson, Jones, Nance, Peters, Peterson (Pam), Peterson (Ron), Piatt, Tibbs, Trebilcock, Young of the House

SB 1131 - coauthored by Deutschendorf, McCarter of the House

SB 1136 - coauthored by Deutschendorf, McCarter of the House

SB 1140

SB 1142

SB 1174

SB 1176 - coauthored by Lamons, Peters, McClain, Adkins, Peterson (Ron) of the House

SB 1219 - coauthored by McClain, Deutschendorf, McCarter, Braddock, Nations of the House

SB 1275

SB 1299

SB 1328

SB 1398 - coauthored by Piatt of the House

SB 1410 - coauthored by Adkins, Balkman, Calvey, Case, Ericson, Nance of the House

SB 1420 - coauthored by Nance of the House

SB 1504 - coauthored by Boren of the House

SB 1589

SB 1609 - coauthored by Adkins, Piatt, Morgan (Fred), Staggs, Coleman, Dank, Greenwood, Calvey of the House

House amendments were read on the above-numbered bills.

Senator Fisher moved that the Senate recess until 1:00 p.m., which motion was declared adopted.

*

The Senate reconvened with Senator Gumm presiding.

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

PENDING CONSIDERATION OF HAS

HAs to SB 1574 were concurred in upon motion of Senator Corn.

SB 1574, as amended by the Honorable House, was read at length.

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

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

Excused: Maddox, Monson, Morgan, Reynolds, Robinson, Snyder and Taylor.--7.

The bill and emergency passed.

House amendments were properly signed and the above-numbered bill was referred for enrollment.

PENDING CONSIDERATION OF HAS

HAs to SB 1556 were rejected upon motion of Senator Fisher, conference requested, and Senate conferees to be named later.

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

Senator Hobson asked unanimous consent to suspend Rule 5-4 and refer **SR 54** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SR 54 by Hobson was called up for consideration.

All other members of the Senate, except Senator Dunlap, asked to coauthor **SR 54**, which was the order.

SR 54 was adopted upon motion of Senator Williamson and referred for enrollment.

SPECIAL RECOGNITION OF SENATOR JIM DUNLAP

Senator Dunlap was honored by the Oklahoma State Senate for his 16 years of service. His portrait was displayed as a tribute in the Senate Chamber for this legislative day.

Senator Williamson addressed the Senate commending Senator Dunlap for his contributions and leadership within the Republican Party. He also commended Senator Dunlap for his years of service to the citizens of Senate District 29 in the Oklahoma State Senate. In addition, remarks were given by Lieutenant Governor Mary Fallin, President Pro Tempore Hobson and Senators Rozell, Rabon, Monson, Coffee and Shurden.

Senator Dunlap addressed the Senate and introduced his family. His guests in attendance were his parents, Ken and Levah Dunlap; his wife, Pam; former State Senator Denzil Garrison and his wife, Barbara; and Representatives Mike Wilt and Gary Taylor. Senator Dunlap also recognized his executive assistant, Debbie Thurmond, for her hard work and dedication.

GENERAL ORDER

HB 2197 by Deutschendorf of the House and Capps of the Senate was called up for consideration.

Senator Capps moved to amend **HB 2197**, Page 1, by restoring the title, which amendment was declared adopted.

The above amendment restores **HB 2197** to the engrossed version of the bill.

Senator Capps moved that **HB 2197** be advanced, which motion was declared adopted.

THIRD READING

HB 2197 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, Corn, Crutchfield, Dunlap, Easley, Fair, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Maddox, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Rozell, Smith, Snyder, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.--43.

Excused: Coffee, Littlefield, Milacek, Robinson and Shurden.--5.

The bill and emergency passed.

HB 2197 was properly signed and ordered returned to the Honorable House.

MESSAGES FROM THE HOUSE

Advising the signing of and returning Enrolled **SCR 44**.

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

Advising fourth reading of and returning Enrolled **SBs 899, 1234, 1399, 1435, 1488** and **1558**.

The above-numbered enrolled measures were referred to the Governor.

GENERAL ORDER

HB 2379 by Rice et al of the House and Williams and Fair of the Senate was called up for consideration.

Senator Williams moved that **HB 2379** be advanced, which motion was declared adopted.

THIRD READING

HB 2379 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, Capps, Coates, Coffee, Corn, Crutchfield, Easley, Fair, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Lerblance, Maddox, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Rozell, Shurden, Smith, Snyder, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.--42.

Excused: Cain, Dunlap, Leftwich, Littlefield, Milacek and Robinson.--6.

The bill passed.

HB 2379 was referred for engrossment.

PENDING CONSIDERATION OF HAS

HAs to SB 900 were concurred in upon motion of Senator Pruitt.

SB 900, as amended by the Honorable House, was read 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, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Rozell, Shurden, Smith, Snyder, Taylor, Wilcoxson, Wilkerson and Williams.--42.

Excused: Easley, Littlefield, Maddox, Milacek, Robinson and Williamson.--6.

The bill passed.

House amendments were properly signed and the above-numbered bill was referred for enrollment.

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

Senator Helton asked unanimous consent to suspend Rule 5-4 and refer **HCR 1073** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

HCR 1073 by Braddock of the House and Helton of the Senate was called up for consideration.

HCR 1073 was adopted upon motion of Senator Helton and properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 2134 by Peters and Adkins of the House and Riley of the Senate was called up for consideration.

Senator Williamson moved to amend **HB 2134**, Page 1, Line 15 through Page 2, Line 19, by striking all language and inserting in lieu thereof the "Marriage Protection

Amendment” which clearly defines marriage in Oklahoma as the union of one man and one woman as set forth in the attachment which reads as follows:

“An Act relating to marriage and family; directing the Secretary of State to refer to the people for their approval or rejection a proposed amendment to the Oklahoma Constitution by adding a new section to Article II to be designated as Section 35; defining marriage; prohibiting certain construction; barring recognition of certain marriages; providing ballot title; and directing filing.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 2. The Secretary of State shall refer to the people for their approval or rejection, as and in the manner provided by law, the following proposed amendment to Article II of the Constitution of the State of Oklahoma by adding a new Section 35 to read as follows:

Section 35. A. Marriage in this state shall consist only of the union of one man and one woman. Neither this Constitution nor any other provision of law shall be construed to require that marital status or the legal incidents thereof be conferred upon unmarried couples or groups.

B. A marriage between persons of the same gender performed in another state shall not be recognized as valid and binding in this state as of the date of the marriage.

SECTION 3. The Ballot Title for the proposed Constitutional amendment as set forth in SECTION 1 of this act shall be in the following form:

BALLOT TITLE

Legislative Referendum No. _____

State Question No. _____

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

This measure adds a new section of law to the State Constitution. It adds Section 35 to Article 2. It defines marriage to be between one man and one woman. It prohibits giving the benefits of marriage to people who are not married. It provides that same sex marriages in other states are not valid in this state.

SHALL THIS AMENDMENT BE APPROVED BY THE PEOPLE?

YES, FOR THE AMENDMENT

NO, AGAINST THE AMENDMENT

SECTION 4. The President Pro Tempore of the Senate shall, immediately after the passage of this act, 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.” and by amending the title to conform.

Senator Fisher asked that **HB 2134** be laid over for this legislative day, which was the order.

HB 2134 remains on General Order pending consideration of the Williamson amendment.

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

*

The Senate reconvened with Senator Gumm presiding.

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

MESSAGES FROM THE HOUSE

Advising passage of and returning the following Engrossed bills:

SB 1489

SB 1546

The above-numbered measures were referred for enrollment.

Advising the signing of and transmitting for signature Enrolled **HCR 1073**.

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

GENERAL ORDER

HB 2626 by Askins et al of the House and Leftwich (Debbe) and Fair of the Senate was called up for consideration.

Senator Leftwich moved that **HB 2626** be advanced, which motion was declared adopted.

THIRD READING

HB 2626 was read for the third time at length.

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

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

Excused: Littlefield, Smith and Snyder.--3.

The bill passed.

HB 2626 was referred for engrossment.

Senator Rozell presiding.

GENERAL ORDER

HB 2319 by Wilson of the House and Shurden of the Senate , considered on Page 1087, was called up for further consideration.

Senator Rabon moved to amend the floor substitute to **HB 2319**, Page 19, Line 15, by inserting after the word "Department" and before the period the language "or by personal delivery and posted in a conspicuous place within the marina", which amendment was declared adopted.

Senator Gumm moved to amend the floor substitute to **HB 2319**, Page 19, Line 3, by inserting after the word "park" and before the word "shall" the language "and which is situated upon a lake that is wholly contained within the borders of the State of Oklahoma"; Page 19, Line 8, by inserting after the word "marina" and before the word "is" the language "as described in subsection A"; and by amending the prior Crutchfield amendment adding a new subsection E, considered on Page 1052, by inserting before the period at the end of the first sentence the following language "and which is situated upon a lake that is wholly contained within the borders of the State of Oklahoma", which amendment was declared adopted.

Senator Gumm moved to amend the floor substitute to **HB 2319**, Page 20, Line 4 ½ , by inserting a new Section 5 to read as follows:

"SECTION 5. AMENDATORY Section 9, Chapter 343, O.S.L. 2002 (74 O.S. Supp. 2003, Section 1852.3), is amended to read as follows:

Section 1852.3. A. The Oklahoma Tourism and Recreation Commission is authorized to sell real estate and personal property owned or acquired by the State of

Oklahoma or the Oklahoma Tourism and Recreation Department, now or in the future, and under the jurisdiction of the Commission located within Marshall County and situated within Texoma State Park.

B. The sale of real estate and personal property authorized pursuant to subsection A of this section shall be subject to all existing easements and reservations of record. The Commission or Department shall transfer any interests held, including but not limited to licenses, operating permits and leasehold interests to a subsequent purchaser.

C. The Commission and Department shall utilize the procedure pursuant to Section 129.4 of Title 74 of the Oklahoma Statutes for such sale; provided, however, all monies received from the sale of these properties, except those monies necessary to pay the expenses incurred pursuant to the sale, shall be deposited in the Oklahoma Tourism and Recreation Department Revolving Fund 215 ("215 Fund"). Revenue derived from such real estate and personal property sale deposited to the fund shall be utilized for ~~the benefit of the state park system~~ further improvements in and around Lake Texoma as provided for in subsection D. Such real estate and personal property sale shall not be subject to the provisions of Section 456.7 of Title 74 of the Oklahoma Statutes.

D. For every developed acre of land containing recreational vehicle campgrounds and other campgrounds that is sold pursuant to this section, an equivalent amount of replacement land shall be selected by the Oklahoma Tourism and Recreation Department in a suitable area at Lake Texoma or in the vicinity, and developed to provide comparable outdoor public recreation facilities for operation as part of the Oklahoma state park system.

E. Any sale of real estate or personal property described in subsection A and authorized by any other provision of law, whether made between the Oklahoma Tourism and Recreation Commission and a private entity, tribal government or investment in or acquisition, exchange or grant between the Oklahoma Tourism and Recreation Commission or any other agency of state government, shall be subject to the following provisions:

1. The state employees at Texoma State Park, Lake Texoma Lodge, or any facility located on property described in subsection A, shall have primacy in any and all employment opportunities created by any successor operator of facilities located on property described in subsection A that is owned and operated by the Oklahoma Tourism and Recreation Department on the effective date of this act;

2. Any sale, investment, acquisition, exchange or grant of property described in subsection A and authorized by any other provision of law shall ensure a fair return to the Oklahoma Tourism and Recreation Department to be distributed as provided for in subsections C and D hereof;

3. Any such sale, investment, acquisition, exchange or grant of property described in subsection A and authorized by any other provision of law must lead to the highest and best use of the property;

4. Existing concessionaires in and around the park shall be consulted and given opportunities to participate in any business opportunities and improvements resulting from any sales, investment, exchange or grant of property described in subsection A and authorized by any other provision of law. Any concessionaires operating under valid contracts with the Oklahoma Tourism and Recreation Department on the effective date of

this act shall have first rights for renewing said contracts for a period of not less than 20 years from said sale, investment, acquisition, exchange or grant.

6. Any such sale, investment, acquisition, exchange or grant of any real property described in subsection A and authorized by any other provision of law shall include a provision that real estate currently occupied by the Lake Texoma Association, including its headquarters building, be granted to the association which shall be allowed to remain at its current location.”, which amendment was declared adopted.

Senator Shurden moved to amend **HB 2319**, Page 1, by restoring the title, which amendment was declared adopted.

Senator Shurden moved that **HB 2319** be advanced, which motion was declared adopted.

THIRD READING

HB 2319 was read for the third time at length.

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

Aye: Branan, Cain, Capps, Coates, Corn, Crutchfield, Dunlap, Fisher, Gumm, Harrison, Helton, Hobson, Horner, Kerr, Laster, Laughlin, Leftwich, Lerblance, Maddox, Milacek, Monson, Morgan, Myers, Price, Rabon, Robinson, Rozell, Shurden, Smith, Wilkerson, Williams and Williamson.--32.

Nay: Aldridge, Brogdon, Coffee, Easley, Fair, Johnson, Lawler, Nichols, Pruitt, Reynolds, Riley and Wilcoxson.--12.

Excused: Ford, Littlefield, Snyder and Taylor.--4.

The bill and emergency passed.

HB 2319 was referred for engrossment.

GENERAL ORDER

HB 2607 by Peterson (Ron) of the House and Smith of the Senate was called up for consideration.

Senator Smith moved that **HB 2607** be advanced, which motion was declared adopted.

THIRD READING

HB 2607 was read for the third time at length.

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

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

Excused: Helton, Morgan, Riley, Snyder and Taylor.--5.

The bill and emergency passed.

HB 2607 was referred for engrossment.

MESSAGES FROM THE HOUSE

Advising passage of and returning the following Engrossed resolution:

SCR 38

The above-numbered measure was referred for enrollment.

Advising rejection of **SAs** to the following bills, requesting conference and House conferees to be named later:

HB 2143

HB 2367

GENERAL ORDER

HB 1694 by Tyler of the House and Leftwich (Debbe) of the Senate was called up for consideration.

Senator Leftwich moved that **HB 1694** be advanced, which motion was declared adopted.

THIRD READING

HB 1694 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, Corn, Crutchfield, Easley, Fair, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Milacek, Monson, Myers, Rabon, Riley, Rozell, Shurden, Smith, Wilkerson and Williams.--33.

Nay: Dunlap, Johnson, Nichols, Price, Pruitt, Reynolds and Wilcoxson.--7.

Excused: Coffee, Littlefield, Maddox, Morgan, Robinson, Snyder, Taylor and Williamson.--8.

The bill and emergency passed.

HB 1694 was referred for engrossment.

GENERAL ORDER

HB 2373 by McCarter et al of the House and Leftwich (Debbe) et al of the Senate was called up for consideration.

Senator Leftwich moved that **HB 2373** be advanced, which motion was declared adopted.

THIRD READING

HB 2373 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, Easley, 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, Robinson, Rozell, Shurden, Smith, Wilcoxson, Wilkerson and Williams.--42.

Nay: Dunlap.--1.

Excused: Littlefield, Riley, Snyder, Taylor and Williamson.--5.

The bill and emergency passed.

HB 2373 was referred for engrossment.

Senator Rabon presiding.

GENERAL ORDER

HB 2710 by Toure of the House and Wilkerson of the Senate was called up for consideration.

Senator Wilkerson moved that **HB 2710** be advanced, which motion was declared adopted.

THIRD READING

HB 2710 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, Capps, Coates, Corn, Crutchfield, Easley, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Littlefield, Maddox, Monson, Myers, Price, Robinson, Rozell, Smith, Wilkerson, Williams and Williamson.--32.

Nay: Brogdon, Coffee, Dunlap, Fair, Nichols, Pruitt, Rabon, Reynolds, Riley, Shurden and Wilcoxson.--11.

Excused: Fisher, Milacek, Morgan, Snyder and Taylor.--5.

The bill and emergency passed.

HB 2710 was referred for engrossment.

GENERAL ORDER

HB 2154 by Rice et al of the House and Corn of the Senate was called up for consideration.

Senator Corn moved that **HB 2154** be advanced, which motion was declared adopted.

THIRD READING

HB 2154 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, Easley, Fair, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster,

Laughlin, Lawler, Leftwich, Lerblance, Littlefield, Maddox, Monson, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Rozell, Shurden, Smith, Wilcoxson, Wilkerson, Williams and Williamson.--41.

Excused: Coffee, Fisher, Milacek, Morgan, Robinson, Snyder and Taylor.--7.

The bill passed.

HB 2154 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 2664 by Adair and Ferguson of the House and Hobson of the Senate was called up for consideration.

Senator Laster moved to amend **HB 2664**, Page 5, Lines 8 and 9, by deleting Section 4, and by renumbering subsequent section, which amendment was declared adopted.

Senator Laster moved that **HB 2664** be advanced, which motion was declared adopted.

THIRD READING

HB 2664 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, Capps, Coates, Coffee, Corn, Crutchfield, Dunlap, Easley, 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, Wilcoxson, Wilkerson, Williams and Williamson.--45.

Excused: Cain, Snyder and Taylor.--3.

The bill passed.

HB 2664 was referred for engrossment.

GENERAL ORDER

HB 2681 by Hefner and Dorman of the House and Kerr of the Senate was called up for consideration.

Senator Kerr moved that **HB 2681** be advanced, which motion was declared adopted.

THIRD READING

HB 2681 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, Capps, Coates, Corn, Crutchfield, Dunlap, Easley, Fair, Fisher, Gumm, Harrison, Hobson, Horner, Kerr, Laster, Lawler, Leftwich, Lerblance, Littlefield, Milacek, Monson, Morgan, Rabon, Rozell, Shurden, Wilkerson and Williams.--29.

Nay: Brogdon, Johnson, Laughlin, Maddox, Myers, Nichols, Price, Pruitt, Reynolds, Riley, Wilcoxson and Williamson.--12.

Excused: Coffee, Ford, Helton, Robinson, Smith, Snyder and Taylor.--7.

The bill passed.

Senators Nichols, Price and Wilcoxson desired to vote Aye on the emergency.

On the question of passage of the emergency, the vote resulted as follows: Aye: 32; Nay: 9; Excused: 7.

The emergency passed.

HB 2681 was referred for engrossment.

GENERAL ORDER

HB 2277 by Rice of the House and Corn of the Senate was called up for consideration.

Senator Corn moved that **HB 2277** be advanced, which motion was declared adopted.

THIRD READING

HB 2277 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, Easley, Fair, Fisher, Gumm, Harrison, Hobson, Horner, Johnson, Kerr, Laster, Laughlin,

Lawler, Leftwich, Lerblance, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Rozell, Shurden, Wilcoxson, Wilkerson and Williamson.--39.

Excused: Coffee, Ford, Helton, Littlefield, Robinson, Smith, Snyder, Taylor and Williams.--9.

The bill passed.

HB 2277 was referred for engrossment.

GENERAL ORDER

HB 2683 by Hefner and Dorman of the House and Nichols of the Senate was called up for consideration.

Senator Nichols moved that **HB 2683** be advanced, which motion was declared adopted.

THIRD READING

HB 2683 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, Easley, Fair, Fisher, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Riley, Rozell, Shurden, Wilcoxson, Wilkerson, Williams and Williamson.--40.

Excused: Coffee, Ford, Littlefield, Reynolds, Robinson, Smith, Snyder and Taylor.--8.

The bill passed.

HB 2683 was referred for engrossment.

GENERAL ORDER

HB 2724 by Stanley and Adkins of the House and Shurden of the Senate was called up for consideration.

Senator Shurden moved to amend **HB 2724**, Page 1, Line 13 through Page 2, Line 4, by deleting Section 1 and Page 1, by restoring the title and enacting clause, which amendment was declared adopted.

Senator Shurden moved that **HB 2724** be advanced, which motion was declared adopted.

THIRD READING

HB 2724 was read for the third time at length.

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

Aye: Aldridge, Branan, Brogdon, Capps, Coates, Corn, Crutchfield, Dunlap, Easley, Fair, Fisher, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laughlin, Lawler, Lerblance, Maddox, Milacek, Monson, Morgan, Myers, Price, Rabon, Riley, Rozell, Shurden, Wilkerson and Williams.--33.

Nay: Cain, Laster, Leftwich, Nichols, Pruitt, Wilcoxson and Williamson.--7.

Excused: Coffee, Ford, Littlefield, Reynolds, Robinson, Smith, Snyder and Taylor.--8.

The bill and emergency passed.

HB 2724 was referred for engrossment.

PENDING CONSIDERATION OF HAS

HAs to **SB 1471** were rejected upon motion of Senator Fisher, conference requested, and Senate conferees to be named later.

PENDING SENATE ACTION HOUSE REQUEST FOR CONFERENCE

Upon motion of Senator Fisher, the request of the Honorable House for conference on the following bills was ordered granted and Senate conferees to be named later:

HB 1475

HB 2124

HB 2143

HB 2213

HB 2293

HB 2367

HB 2380

HB 2391

HB 2557

GENERAL ORDER

HB 2314 by Lindley of the House and Corn of the Senate was called up for consideration.

Senator Corn moved that **HB 2314** be advanced, which motion was declared adopted.

THIRD READING

HB 2314 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, Easley, Fair, Fisher, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Rozell, Shurden, Wilcoxson, Wilkerson and Williamson.--40.

Excused: Coffee, Ford, Littlefield, Robinson, Smith, Snyder, Taylor and Williams.--8.

The bill passed.

HB 2314 was referred for engrossment.

MOTION TO RECONSIDER VOTE

Senator Monson moved to reconsider the vote whereby **HB 2299** failed, which motion was declared adopted upon roll call as follows:

Aye: Aldridge, Branan, Cain, Capps, Coates, Corn, Crutchfield, Dunlap, Easley, Fair, Fisher, Gumm, Harrison, Helton, Hobson, Horner, Kerr, Laster, Lawler, Leftwich, Lerblance, Maddox, Milacek, Monson, Morgan, Price, Pruitt, Rabon, Robinson, Rozell, Shurden, Wilkerson and Williams.--33.

Nay: Brogdon, Coffee, Johnson, Laughlin, Myers, Nichols, Reynolds, Riley and Wilcoxson.--9.

Excused: Ford, Littlefield, Smith, Snyder, Taylor and Williamson.--6.

THIRD READING

HB 2299 was read for the third time at length.

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

Aye: Cain, Capps, Corn, Crutchfield, Dunlap, Easley, Fair, Fisher, Gumm, Harrison, Helton, Hobson, Horner, Kerr, Leftwich, Lerblance, Littlefield, Monson, Morgan, Pruitt, Rabon, Robinson, Shurden, Wilkerson and Williams.--25.

Nay: Aldridge, Branan, Brogdon, Coates, Coffee, Johnson, Laster, Laughlin, Lawler, Maddox, Milacek, Myers, Nichols, Price, Reynolds, Riley, Rozell and Wilcoxson.--18.

Excused: Ford, Smith, Snyder, Taylor and Williamson.--5.

The bill passed.

HB 2299 was referred for engrossment.

GENERAL ORDER

HB 2372 by Hutchison et al of the House and Corn of the Senate was called up for consideration.

Senator Corn moved that **HB 2372** be advanced, which motion was declared adopted.

THIRD READING

HB 2372 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, Capps, Coates, Corn, Crutchfield, Dunlap, Easley, Fisher, 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, Wilcoxson, Wilkerson, Williams and Williamson.--41.

Nay: Brogdon and Fair.--2.

Excused: Coffee, Ford, Smith, Snyder and Taylor.--5.

The bill and emergency passed.

HB 2372 was referred for engrossment.

EXECUTIVE NOMINATIONS

The following executive nominations were read and referred to committee as indicated:

Ferretti, Joseph J., Ph.D., Oklahoma City, as a member of the Science and Technology Council - Aerospace and Technology

Lowrance, Danny Lee, Duncan, as a member of the Oklahoma Conservation Commission - Energy, Environment and Communications

Rose, Sandra, Norman, as a member of the Environmental Quality Board - Energy, Environment and Communications

Thomas, Warren W., Norman, as a member of the Science and Technology Council - Aerospace and Technology

Senator Fisher moved that when the clerk's desk is clear, the Senate stand adjourned to convene Wednesday, April 14, 2004, at 10:00 a.m., which motion prevailed.

FIRST READING

The following was introduced and read the first time:

SCR 58 – By Wilcoxson of the Senate and Coleman of the House.

A Concurrent Resolution praising the life and public service of Helen Cole; mourning her loss and offering condolences to her family; and directing distribution.

BILLS RELEASED

TIME EXPIRED TO RECONSIDER

HBs 2305 and **2306** were referred for engrossment.

Pursuant to the Fisher motion, the Senate adjourned at 4:40 p.m. to meet Wednesday, April 14, 2004, at 10:00 a.m.