

## Forty-fourth Legislative Day

Monday, April 22, 2002

The House was called to order by Speaker Pro Tempore Matlock.

The roll was called with 99 Members present.

The following Members were excused: Glover, Nations.—2.

The Speaker Pro Tempore declared a quorum present.

Prayer was offered by Reverend E. Elizabeth Brown, First United Methodist Church, Hennessey.

Upon motion of Representative Pope (Clay), Reverend Brown was confirmed as House Chaplain for this legislative week.

The Journal for the last legislative day was approved.

### ENGROSSED AND ENROLLED MEASURES

**HCR 1055** was reported correctly engrossed, properly signed, in open session, and ordered transmitted to the Honorable Senate.

**HAs to SBs 17, 820, 823, 834, 839, 963, 1233, 1234, 1271, 1302, 1363, 1385, 1468, 1512, 1554, 1560, 1638 and 1649** were reported correctly engrossed, properly signed, in open session, and the measures, as amended, were ordered returned to the Honorable Senate.

**HBs 2216, 2371 and 2673** were reported correctly enrolled and, after fourth reading, properly signed, in open session, and ordered transmitted to the Honorable Senate.

**HR 1034** was reported correctly enrolled, properly signed, in open session, and ordered transmitted to the Secretary of State.

**MESSAGES FROM THE GOVERNOR**

Advising of his approval of **HBs 1435, 1440, 1981, 1997, 2026, 2084, 2169, 2175, 2176, 2195, 2203, 2256, 2301, 2303, 2328, 2400, 2629, 2652 and 2833** on April 19, 2002, and **HB 2779** on April 22, 2002.

**MESSAGES FROM THE SENATE**

Advising the signing of and transmitting for signature Enrolled **SCR 67**.

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

Advising fourth reading of and transmitting for signature Enrolled **SBs 906, 977 and 1270**.

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

**Returning enrolled measures**

Announcing that Enrolled **HBs 2216, 2371 and 2673** have been read at length for the fourth time and signed by the Presiding Officer of Senate, in open session.

The above measures were ordered transmitted to the Honorable Governor.

**Transmitting engrossed measure**

Announcing the passage of the following engrossed measure.

The measure was introduced and read.

**SCR 68** – By Taylor, Cain, Campbell, Coffee, Crutchfield, Dickerson, Douglass, Dunlap, Easley, Fair, Fisher, Ford, Haney, Harrison, Helton, Henry, Herbert, Hobson, Horner, Johnson, Kerr, Laughlin, Leftwich, Littlefield, Maddox, Martin, Mickle, Milacek, Monson, Morgan, Muegge, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Stipe, Wilcoxson, Wilkerson, Williams and Williamson of the Senate and Adair of the House.

A Concurrent Resolution congratulating State Senator Gilmer Capps upon his selection as 2002 ProSpace American Space Legislator of the Year; encouraging Senator Capps to continue to transform Oklahoma into a space center; and directing distribution.

**Conference requested**

Advising rejection of **HAs to SBs 17, 563 and 1521** and requesting conference thereon. Senate conferees to be named later.

### **Concurrence in HAs**

Announcing the concurrence of Senate in **HAs** to **SBs 900, 992** and **1420** and the passage of said measures, as amended thereby.

### **SECOND READING**

The following was read for the second time and referred to committee:

**SB 1682** – Redistricting

### **RESOLUTION REFERRED**

The following was withdrawn from the Calendar and referred to committee:

**HR 1035** – Rules

### **CONFEREES ADDED**

The Speaker added Covey and Piatt as conferees on **SB 936**. The conferees are as follows:

**SB 936** – Turner, Webb, Case, McCarter, Roan, Covey, Piatt

### **RESOLUTION**

The following was introduced and read:

**HCR 1058** – By Dunegan of the House and Herbert of the Senate.

A Concurrent Resolution congratulating the Office of Personnel Management and the Oklahoma Merit Protection Commission on the twentieth anniversary of the Oklahoma Personnel Act; and directing distribution.

### **GENERAL ORDER**

**SB 1329** by Cain of the Senate and Gilbert of the House was read and considered.

Representative Graves moved to amend **SB 1329**, Page 4, Section 1, Line 17 ½ by adding a new subsection C and Page 26, Section 8, Line 15 ½ by adding a new subsection 3 to read as follows: "a person who is either homosexual, lesbian or bisexual.", which amendment was declared adopted.

Representative Gilbert moved to amend **SB 1329**, Page 21, Section 6, Line 16 by striking the word "has" and inserting in lieu thereof "shall have", which amendment was declared adopted.

Representative Roach moved to amend **SB 1329** by inserting new Sections 15, 16 and 17 to read as follows and renumbering subsequent section, which amendment was declared adopted:

“SECTION 15. AMENDATORY 10 O.S. 2001, Section 7003-2.1, is amended to read as follows:

Section 7003-2.1 A. ~~A Pursuant to the provisions of this section,~~ a child may be taken into ~~protective~~ custody prior to the filing of a petition:

1. By a peace officer or employee of the court, without a court order if the child's surroundings are such as to endanger the welfare of the child or if continuation of the child in the child's home is contrary to the health, safety or welfare of the child;

2. By an order of the district court issued upon the application of the office of the district attorney. The court shall include in the order a specific determination that continuation of the child in the child's home is contrary to the health, safety or welfare of the child. The application presented by the district attorney may be supported by a sworn affidavit which may be based upon information and belief. The application shall state facts sufficient to demonstrate to the court that there is reasonable suspicion to believe the child is in need of protection due to abandonment, abuse or neglect, or is in surroundings that are such as to endanger the welfare of the child. The application may be verbal. If verbal, a written application shall be submitted to the district court within one (1) judicial day from the issuance of the order.

a. When an order issued by the district court pursuant to this paragraph places the child in the emergency custody of the Department of Human Services pending further hearing specified by Section 7003-2.4 of this title, an employee of the Department may take the child into custody in the following limited circumstance:

(1) the child is located in an educational or day care facility,

(2) it is determined that assumption of the child's custody from such facility is necessary to protect the child from risk of endangerment, and

(3) assumption of the child's custody from the facility can occur without a breach of the peace, otherwise the child shall be taken into custody by a peace officer or employee of the court.

b. It is the intent of the Legislature that emergency custody of a child pursuant to a court order shall not occur at an educational or day care facility unless it is determined necessary to avoid endangerment to the child. The Department shall establish specific policies when an employee of the Department may take a child into emergency custody pursuant to a court order at an educational or day care facility;

3. By order of the district court when the child is in need of medical or mental health treatment in order to protect the child's health, safety or welfare and the child's parent, legal guardian, custodian or other person having custody or control of the child is unwilling or unavailable to consent to such medical or mental health treatment or other action pursuant to this article. The court shall specifically include in the order authorization for such

medical or mental health treatment as it deems necessary. The court shall include in the order a specific determination that continuation of the child in the child's home is contrary to the health, safety or welfare of the child; and

4. Pursuant to the provisions of Section ~~2~~ 7115.1 of this ~~act~~ title.

B. Whenever a child is taken into ~~protective~~ custody pursuant to subsection A of this section:

1. ~~Such~~ The child may be taken to a children's shelter located within the county where ~~protective~~ or emergency custody is assumed or, if there is no children's shelter within the county, to a children's shelter designated by the court, provided that the placement of an infant who appears to be or has been determined to have a medical condition or illness that falls within the placement protocol for at-risk infants established pursuant to subsection D of this section shall be taken to a location as provided in the placement protocol;

2. Except as otherwise provided by subsection C of this section, ~~such~~ the child may be taken before a judge of the district court for the purpose of obtaining an order for ~~protective~~ emergency custody. The court may place the child in the emergency custody of the Department of Human Services pending further hearing specified by Section 7003-2.4 of this title. The Department may place the child in a kinship foster care home, another foster home or other suitable placement that is determined by the Department to meet the needs of the child, provided that the placement of an infant who appears to be or has been determined to have a medical condition or illness that falls within the placement protocol for at-risk infants established pursuant to subsection D of this section shall be taken to a location as provided in the placement protocol;

3. ~~Such~~ The child may be taken directly to or retained in a health care facility for medical treatment, when it reasonably appears to the peace officer or court employee that the child is in need of emergency medical treatment to maintain the child's health, or as otherwise directed by the court; or

4. ~~Such~~ The child may be taken directly to or retained in a mental health facility for mental health care, or inpatient mental health evaluation or inpatient mental health treatment, in accordance with the provisions of the Inpatient Mental Health Treatment of Children Act, when it reasonably appears to the peace officer or court employee that the child is in need of emergency mental health care to preserve the child's health, or as otherwise directed by the court; and

5. Except as otherwise provided by subsection C of this section, the district court of the county where the ~~protective~~ emergency custody is assumed shall be immediately notified, verbally or in writing, that the child has been taken into ~~protective~~ custody. If notification is verbal, written notification shall be sent to the district court within one (1) judicial day of such verbal notification.

C. The court may provide, in an order issued pursuant to this section or by a standing order or rule, for the disposition of children taken into ~~protective~~ emergency custody and notification of the ~~protective~~ custody. Such order or rule shall be consistent with the provisions of subsection B of this section, but may also:

1. Designate a licensed child care facility other than a children's shelter appropriate for the temporary care of deprived children if such facility is willing to provide care, provided that the placement of an infant who appears to be or has been determined to have a medical condition or illness that falls within the placement protocol for at-risk infants established pursuant to subsection D of this section shall be taken to a location as provided in the placement protocol;

2. Authorize the release of a child from ~~protective~~ custody in accord with such criteria as the court specifies or the placement of a child with such responsible persons as the court may designate and who are willing to provide care for the child pending further proceedings; and

3. Require such notice to the court concerning the assumption of ~~protective~~ custody and the disposition of children taken into ~~protective~~ custody as the court may direct.

D. 1. The Department of Human Services shall establish by rule a placement protocol for at-risk infants.

2. Factors for determining at-risk infants include, but are not limited to:

- a. premature infants,
- b. history of respiratory distress,
- c. oxygen dependency,
- d. diagnosis requiring special care beyond routine infant care,
- e. infants under six (6) weeks of age, and
- f. medical conditions or illnesses of the infants that without protocol placements may result in increased episodes of illness, prolonged hospitalization and increased cost for care.

3. Appropriate placement pursuant to this subsection of at-risk infants shall include, but not be limited to, foster care, approved kinship foster care and health care facilities. A children's shelter shall not be deemed to be an appropriate placement for at-risk infants unless the shelter meets the placement protocol.

4. If the at-risk infant is in a hospital setting, the infant may be placed in another appropriate placement pursuant to this subsection, only upon the release of the infant from the hospital by the infant's primary physician.

~~D. E.~~ No child taken into ~~protective~~ custody pursuant to this section shall be confined in any jail, adult lockup, or adult or juvenile detention facility. No child shall be transported or detained in a secure facility in association with delinquent, criminal, vicious, or dissolute persons.

SECTION 16. AMENDATORY 10 O.S. 2001, Section 7501-1.3, is amended to read as follows:

Section 7501-1.3 As used in the Oklahoma Adoption Code:

1. "Abandonment" includes, but is not limited to, the following:

- a. the parent has left the minor alone or in the care of another who is not the parent of the minor without identifying the minor or furnishing a means of identification for the minor, the whereabouts of the parents are unknown, and the minor's identity cannot be ascertained by the exercise of reasonable diligence,
- b. the parent has voluntarily left the minor alone or in the care of another who is not the parent of the minor and expressed a willful intent by words, actions, or omissions not to return for the minor, or
- c. the parent fails to maintain a substantial and positive relationship with the minor for a period of six (6) consecutive months out of the last fourteen (14) months immediately preceding the filing of a petition for termination of parental rights. For purposes of this section, "establish and/or maintain a substantial, positive relationship" includes but is not limited to:

- (1) frequent and regular contact with the minor through frequent and regular visitation or frequent, regular communication to or with the minor, and
- (2) exercising parental rights and responsibilities. Incidental or token visits or communications shall not be sufficient to establish or maintain a substantial and positive relationship with the minor.

The term "abandonment" shall not include when a parent has relinquished a minor to or placed the minor in the custody of a licensed child-placing agency or other court-appointed individual;

2. "Adoptee" means an individual who is adopted or is to be adopted;
3. "Adult" means an individual who has attained eighteen (18) years of age;
4. "Minor" means any person who has not attained the age of eighteen (18) years;
5. "Child-placing agency" means any child welfare agency licensed pursuant to the Oklahoma Child Care Facilities Licensing Act and authorized to place minors for adoption;
6. "Contested proceeding" means any proceeding pursuant to the Oklahoma Adoption Code in which an interested party enters an appearance to contest the petition;
7. "Department" means the Department of Human Services;
8. "Direct placement adoption" means any adoption in which the minor is not placed for adoption by the Department of Human Services or a child-placing agency;
9. "Guardian" means an individual, other than a parent, appointed by a court to be the guardian of the person of a minor;
10. "Parent" means an individual who is the biological or adoptive parent of a child or who is legally recognized as a mother or father of a child. The term "parent" does not include an individual whose parental relationship to a child has been terminated;
11. "Permanent relinquishment" means the voluntary surrender of the rights of the parent or guardian with respect to a minor, including legal and physical custody of the minor, to a child-placing agency, Department of Human Services or any person with the assent of the court, by a minor's parent or guardian, for purposes of the minor's adoption;
12. "Putative father" means the father of a minor born out of wedlock or a minor whose mother was married to another person at the time of the birth of the minor or within the ten (10) months prior to the birth of the minor and includes, but is not limited to, a man who has acknowledged or claims paternity of a minor, a man named by the mother of the minor to be the father of the minor, or any man who is alleged to have engaged in sexual intercourse with a woman during a possible time of conception;
13. "State" means any state, territory, or possession of the United States, the commonwealth of Puerto Rico, and the District of Columbia; and
14. "Stepparent" means an individual who is the spouse or surviving spouse of a parent of a minor, but who is not a legal parent of the minor.

SECTION 17. AMENDATORY 10 O.S. 2001, Section 7505-6.2, is amended to read as follows:

Section 7505-6.2 A. Before the final hearing on the petition for adoption, the following must be filed in the proceeding when available:

1. A certified copy of the birth certificate or other record of the date and place of birth of the minor;
2. Any consent, extra judicial consent, or permanent relinquishment, with respect to the minor that has been executed, and any written verifications required by the Oklahoma

Adoption Code from the individual before whom a consent, extra judicial consent, or permanent relinquishment was executed;

3. A certified copy of any court order terminating the parental rights of the minor's parents or guardian;
  4. A certified copy of any existing court order or the petition in any pending proceeding concerning custody of or visitation with the minor;
  5. A copy of any home study performed on the petitioners, including the home studies required by Sections 7505-5.1, 7505-5.2 and 7505-5.3 of this title-;
  6. In an adoptive placement in which the adoptive parents or birth parents were not both legal residents of Oklahoma prior to the initiation of the adoption process and the parties are not otherwise exempt from the Interstate Compact on the Placement of Children, a copy of the approval by both the sending state and receiving state pursuant to the Interstate Compact on the Placement of Children;
  7. A copy of any agreement with a public agency to provide a subsidy for the benefit of a minor with a special need;
  8. A verified document by the Department, or child-placing agency that placed the minor for adoption, or the attorney for the adoptive parent in direct placement adoption, or the person who is placing the minor for adoption in a direct placement adoption in which the adoptive parent is not represented by an attorney, stating that the petitioner for adoption has been furnished a copy of the medical and social history report, pursuant to Section 7504-1.2 of this title;
  9. The name and address, if known, of any person who is entitled to receive notice of the proceeding for adoption;
  10. The affidavit of expenditures;
  11. A copy of the medical and social history report, as required by subsection D of Section 7504-1.2 of this title, including the initial report and all supplemental reports, if any, prepared pursuant to subsection C of Section 7504-1.2 of this title;
  12. Affidavits of nondisclosure, if any, signed by a biological parent;
  13. a. A copy of the state criminal background check, national fingerprint-based criminal background check, if required by the provisions of the Oklahoma Adoption Code, a search of the Department of Corrections' files maintained pursuant to the Sex Offenders Registration Act, and a search of the child abuse and neglect files maintained for review by authorized entities by the Department of Human Services pursuant to the Oklahoma Child Abuse Reporting and Prevention Act, or
    - b. If the adoptive petitioners are not legal residents of Oklahoma and the sending state has comparable and accessible checks and searches as specified by subparagraph a of this paragraph, a copy of the approval of both the sending state and receiving state pursuant to the Interstate Compact on the Placement of Children or verification that this adoptive placement is otherwise exempt from the Interstate Compact on the Placement of Children; and
  14. Any such other document or information required by the court.
- B. If an item required by subsection A of this section is not available, the person responsible for furnishing the item shall file an affidavit explaining its absence.”



Representative Gilbert moved that **SB 1329** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Gilbert, **SB 1329** was considered engrossed and placed on Third Reading and Final Passage.

### THIRD READING

**SB 1329** was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Adkins, Askins, Balkman, Begley, Benge, Benson, Blackburn, Bonny, Braddock, Calvey, Cargill, Case, Claunch, Coleman, Corn, Covey, Cox, Dank, Davis, Deutschendorf, DeWitt, Dunegan, Easley, Eddins, Ericson, Ervin, Erwin, Ferguson, Fields, Friskup, Gilbert, Graves, Gray, Greenwood, Hastings, Hefner, Hiett, Hilliard, Hutchison, Ingmire, Jones, Kirby, Langmacher, Leist, Lindley, Liotta, Maddux, Mass, Matlock, McCarter, Miller (Doug), Miller (Ray), Mitchell, Morgan, Nance, Newport, O'Neal, Paulk, Peters, Peterson, Phillips, Piatt, Plunk, Pope (Clay), Pope (Tim), Rice, Roach, Roan, Roberts, Roggow, Smaligo, Smith (Dale), Staggs, Steele, Stites (Chad), Stites (J.T.), Sullivan, Taylor, Tibbs, Toure, Turner, Tyler, Vaughn, Walker, Webb, Wells, Wilson, Wilt, Winchester, Worthen, Young, Mr. Speaker.--92.

Nay: Pettigrew, Wright.--2.

Excused: Glover, Nations, Perry, Ross, Smith (Hopper), Stanley, Sweeden.--7.

The measure passed.

**SB 1329** was referred for engrossment.

### GENERAL ORDER

**SB 1299** by Rozell of the Senate and Webb of the House was read and considered.

Representative Mitchell moved to amend **SB 1299**, Page 1, Section 1, Lines 7-8 by deleting the language "Further, reimbursement fee schedules relative and appropriate to the facility or physician contract shall be disclosed in the contract.", which amendment was declared adopted.

Representative Webb moved that **SB 1299** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Webb, **SB 1299** was considered engrossed and placed on Third Reading and Final Passage.

**THIRD READING**

**SB 1299** was read at length for the third time. On passage of the measure and emergency, the roll call was as follows:

Aye: Adkins, Askins, Balkman, Begley, Bengé, Benson, Blackburn, Bonny, Braddock, Calvey, Cargill, Case, Claunch, Coleman, Corn, Covey, Cox, Dank, Davis, Deutschendorf, DeWitt, Dunegan, Easley, Ericson, Ervin, Erwin, Ferguson, Fields, Friskup, Gilbert, Graves, Gray, Greenwood, Hastings, Hefner, Hiett, Hilliard, Hutchison, Ingmire, Jones, Kirby, Langmacher, Leist, Lindley, Liotta, Maddux, Mass, Matlock, McCarter, Miller (Doug), Miller (Ray), Mitchell, Morgan, Nance, Newport, O'Neal, Paulk, Peters, Peterson, Pettigrew, Phillips, Piatt, Plunk, Pope (Clay), Pope (Tim), Rice, Roach, Roan, Roberts, Roggow, Smaligo, Smith (Dale), Staggs, Steele, Stites (Chad), Stites (J.T.), Sullivan, Taylor, Tibbs, Toure, Turner, Tyler, Vaughn, Walker, Webb, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--93.

Excused: Eddins, Glover, Nations, Perry, Ross, Smith (Hopper), Stanley, Sweeden.--8.

The measure and emergency passed.

**SB 1299** was referred for engrossment.

**GENERAL ORDER**

**SB 937** by Shurden of the Senate and Smith (Dale) of the House was read and considered.

Representative Smith (Dale) moved that **SB 937** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Smith (Dale), **SB 937** was considered engrossed and placed on Third Reading and Final Passage.

**THIRD READING**

**SB 937** was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Benson, Blackburn, Bonny, Braddock, Erwin, Fields, Friskup, Hutchison, Leist, Plunk, Roan, Smith (Dale), Stites (J.T.), Sweeden, Toure, Turner.--16.

Nay: Adkins, Askins, Balkman, Begley, Bengé, Calvey, Cargill, Case, Claunch, Coleman, Corn, Covey, Dank, Davis, Deutschendorf, DeWitt, Dunegan, Easley, Ericson, Ervin, Ferguson, Gilbert, Graves, Gray, Greenwood, Hastings, Hefner, Hiett, Hilliard, Ingmire, Jones, Kirby, Langmacher, Lindley, Liotta, Maddux, Mass, Matlock, McCarter, Miller (Doug), Miller (Ray), Mitchell, Morgan, Nance, Newport, O'Neal, Paulk, Peters,

Peterson, Pettigrew, Phillips, Piatt, Pope (Clay), Pope (Tim), Rice, Roach, Roberts, Roggow, Smaligo, Smith (Hopper), Staggs, Stanley, Steele, Stites (Chad), Sullivan, Taylor, Tibbs, Tyler, Vaughn, Walker, Webb, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--79.

Excused: Cox, Eddins, Glover, Nations, Perry, Ross.--6.

The measure failed.

Representative Smith (Dale) served notice to reconsider the vote whereby **SB 937** failed.

### **GENERAL ORDER**

**SB 1406** by Martin of the Senate and Askins of the House was read and considered.

Representative Askins moved to amend **SB 1406** by striking the enacting clause, which amendment was declared adopted.

Representative Askins moved that **SB 1406** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Askins, **SB 1406** was considered engrossed and placed on Third Reading and Final Passage.

### **THIRD READING**

**SB 1406** was read at length for the third time. On passage of the measure and emergency, the roll call was as follows:

Aye: Adkins, Askins, Balkman, Begley, Benge, Benson, Blackburn, Bonny, Braddock, Calvey, Cargill, Case, Claunch, Coleman, Corn, Covey, Cox, Dank, Davis, Deutschendorf, DeWitt, Dunegan, Easley, Eddins, Ericson, Ervin, Erwin, Ferguson, Fields, Friskup, Gilbert, Graves, Gray, Greenwood, Hastings, Hefner, Hiatt, Hilliard, Hutchison, Ingmire, Jones, Kirby, Langmacher, Leist, Lindley, Liotta, Maddux, Mass, Matlock, McCarter, Miller (Doug), Miller (Ray), Mitchell, Morgan, Nance, Newport, O'Neal, Paulk, Peters, Peterson, Pettigrew, Phillips, Piatt, Plunk, Pope (Clay), Pope (Tim), Rice, Roach, Roan, Roberts, Roggow, Smaligo, Smith (Dale), Smith (Hopper), Staggs, Stanley, Steele, Stites (Chad), Stites (J.T.), Sullivan, Sweeden, Taylor, Tibbs, Toure, Turner, Tyler, Vaughn, Walker, Webb, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--97.

Excused: Glover, Nations, Perry, Ross.--4.

The measure and emergency passed.

**SB 1406** was referred for engrossment.

## GENERAL ORDER

**SB 1516** by Wilkerson of the Senate and Askins of the House was read and considered.

Coauthored by Representative(s) Braddock

Representative Askins moved to amend **SB 1516** by striking the enacting clause, which amendment was declared adopted.

Representative Roach moved to amend **SB 1516** by inserting new Sections 7, 8, 9 and 10 to read as follows and renumbering subsequent section:

“SECTION 7. AMENDATORY 20 O.S. 2001, Section 91.2, is amended to read as follows:

Section 91.2 A. To facilitate the trial and disposition of cases, actions filed in the district court shall be assigned to various dockets by the clerk of the court pursuant to the direction and supervision of the presiding judge of the district. Until changed by order of the Supreme Court, only the following dockets are established: a civil docket, a criminal docket, a traffic docket, a probate docket, a juvenile and family relations docket, and a small claims docket.

B. Whenever a district court establishes a drug court program pursuant to the provisions of ~~Sections 1 through 12 of this act~~ the Oklahoma Drug Court Act, the judge having authority over the program shall cause to be established a drug court docket. Whenever a district court that has a drug court program establishes a maternal drug court program pursuant to Section 471.1 of Title 22 of the Oklahoma Statutes, the judge having authority over the program shall cause to be established a maternal drug court docket. In those cases assigned to the drug court docket or maternal drug court docket, the judge shall determine what information or pleadings are to be maintained in a confidential case file which shall be closed to public inspection. The originating criminal case file shall remain open to public inspection. Nothing in this section shall prohibit the district attorney, defense attorney, or the victim-witness coordinator from advising any victim or other person regarding the assignment or disposition of a drug court or maternal drug court case.

SECTION 8. AMENDATORY 22 O.S. 2001, Section 471, is amended to read as follows:

Section 471. Sections ~~1 471~~ through ~~12 471.11~~ of this act title shall be known and may be cited as the "Oklahoma Drug Court Act".

SECTION 9. AMENDATORY 22 O.S. 2001, Section 471.1, is amended to read as follows:

Section 471.1 A. For purposes of ~~this act~~ the Oklahoma Drug Court Act, "drug court", "drug court program" or "program" means an immediate and highly structured judicial intervention process for substance abuse treatment of eligible offenders which expedites the criminal case, and requires successful completion of the plea agreement in

lieu of incarceration. A “maternal drug court program” means a drug court program for a pregnant woman.

B. Each district court of this state is authorized to establish a drug court program pursuant to the provisions of ~~this act~~ the Oklahoma Drug Court Act, subject to availability of funds. Juvenile drug courts may be established based upon the provisions of ~~this act~~ the Oklahoma Drug Court Act; provided, however, juveniles shall not be held, processed, or treated in any manner which violates any provision of Title 10 of the Oklahoma Statutes. Each district court that establishes a drug court program pursuant to the provisions of the Oklahoma Drug Court Act may establish a separate docket for a maternal drug court program, subject to the availability of funds. References in the Oklahoma Drug Court Act to drug court programs shall include maternal drug court programs, unless otherwise provided by law.

C. Drug court programs shall not apply to any violent criminal offense. Eligible offenses may further be restricted by the rules of the specific drug court program. Nothing in ~~this act~~ the Oklahoma Drug Court Act shall be construed to require a drug court to consider every offender with a treatable condition or addiction, regardless of the fact that the controlling offense is eligible for consideration in the program. Traditional prosecution shall be required where an offender is determined not appropriate for the drug court program.

D. Drug court programs shall require a separate judicial processing system differing in practice and design from the traditional adversarial criminal prosecution and trial systems. Whenever possible, a drug court team shall be designated consisting of a judge to administer the program, a district attorney, a defense attorney, and other persons designated by the drug court team who shall have appropriate understanding of the goals of the program and of the appropriate treatment methods for the various conditions. The assignment of any person to the drug court team shall not preclude the assigned person from performing other duties required in the course of their office or employment. The chief judge of the judicial district, or if the district has more than one chief judge than the presiding judge of the Administrative Judicial District, shall designate one or more judges to administer the drug court program. The assignment of any judge to a drug court program or the designation of a drug court docket shall not mandate the assignment of all substance abuse related cases to the drug court docket or the program; however, nothing in ~~this act~~ the Oklahoma Drug Court Act shall be construed to preclude the assignment of all criminal cases relating to substance abuse or drug possession as provided by the rules established for the specific drug court program.

E. When a drug court program is established, the arresting officer shall file the criminal case record for potentially eligible offenders with the district attorney within four (4) days of the arrest. The district attorney shall file an information in the case within twenty-four (24) hours of receipt of the criminal case record when the offender appears eligible for consideration for the program. The information may be amended as necessary when an offender is denied admittance into the drug court program or for other purposes as provided in Section 304 of ~~Title 22 of the Oklahoma Statutes~~ this title. Any person arrested upon a warrant for his or her arrest shall not be eligible for the drug court program without the approval of the district attorney. Any criminal case which has been filed and processed in the traditional manner shall be cross-referenced to a drug court case file by the court clerk, if the case is subsequently assigned to the drug court program. The originating criminal case file shall remain open to public inspection. The judge shall determine what

information or pleadings are to be retained in the drug court case file, which shall be closed to public inspection.

F. The court may request assistance from the Department of Mental Health and Substance Abuse Services which shall be the primary agency to assist in developing and implementing a drug court program, a maternal drug court program, or from any state or local agency in obtaining the necessary treatment services which will assure maximum opportunity for successful treatment, education, and rehabilitation for offenders admitted to the program. All participating state and local agencies are directed to coordinate with each other and cooperate in assisting the district court in establishing a drug court program and a maternal drug court program.

G. Each drug court program shall ensure, but not be limited to:

1. Strong linkage between participating agencies;
2. Access by all participating parties of a case to information on the offender's progress;
3. Vigilant supervision and monitoring procedures;
4. Random substance abuse testing;
5. Provisions for noncompliance, modification of the treatment plan, and revocation proceedings;
6. Availability of residential treatment facilities and outpatient services;
7. Payment of court costs, treatment costs, supervision fees, and program user fees by the offender;
8. Methods for measuring application of disciplinary sanctions, including provisions for:
  - a. increased supervision,
  - b. urinalysis testing,
  - c. intensive treatment,
  - d. short-term confinement not to exceed five (5) days,
  - e. recycling the offender into the program after a disciplinary action for a minimum violation of the treatment plan,
  - f. reinstating the offender into the program after a disciplinary action for a major violation of the treatment plan, and
  - g. revocation from the program; and
9. Methods for measuring performance-based effectiveness of each individual treatment provider's services.

H. All drug court programs shall be required to keep reliable data on recidivism, relapse, restarts, sanctions imposed, and incentives given.

SECTION 10. AMENDATORY 22 O.S. 2001, Section 471.2, is amended to read as follows:

Section 471.2 A. The initial opportunity for review of an offender for a drug court program shall occur within four (4) days after the arrest and detention or incarceration of the offender in the city or county jail, or if an immediate bond release program is available through the jail, the initial opportunity for review shall occur in conjunction with the bond release program. When a drug court is established, the following information shall be initially reviewed by the sheriff or designee, if the offender is held in a county jail, or by the chief of police or designee, if the offender is held in a city jail:

1. The offender's arrest or charge does not involve a crime of violence against any person, unless there is a specific treatment program in the jurisdiction designed to address domestic violence and the offense is related to domestic violence and substance abuse;

2. The offender has no prior felony conviction in this state or another state for a violent offense, except as may be allowed in a domestic violence treatment program authorized by the drug court program. It shall be sufficient for this paragraph that a criminal history records name search was conducted and indicated no apparent violent offense;

3. The offender's arrest or charge does not involve a violation of the Trafficking In Illegal Drugs Act, ~~Section 2-414 et seq. of Title 63 of the Oklahoma Statutes;~~

4. The offender, unless being considered for a maternal drug court program, has committed a felony offense; ~~and~~

5. The offender, if being considered for a maternal drug court program, has committed a misdemeanor or felony offense; and

6. The offender:

- a. admits to having a substance abuse addiction,
- b. appears to have a substance abuse addiction,
- c. is known to have a substance abuse addiction, or
- d. the arrest or charge is based upon an offense eligible for the drug court program.

B. If it appears to the reviewing officer that the offender may be potentially eligible for the drug court program based upon a review of the information in subsection A of this section, the offender shall be given an eligibility form which may be voluntarily completed by the offender, and the reviewing officer shall file the criminal case record within the time prescribed in subsection E of Section ~~2~~ 471.1 of this ~~act~~ title. The offender shall not automatically be considered for the program based upon this review. The offender must request consideration for the drug court program as provided in subsection C of this section and shall have approval from the district attorney before being considered for the drug court program. The eligibility form shall describe the drug court program for which the offender may be eligible, including, but not limited to:

1. A full description of the drug court process and investigation;

2. A general explanation of the roles and authority of the supervising staff, the district attorney, the defense attorney, the treatment provider, the offender, and the judge in the drug court program;

3. A clear statement that the drug court judge may decide after a hearing not to consider the offender for the drug court program and in that event the offender will be prosecuted in the traditional manner;

4. A clear statement that the offender is required, before consideration in the program, to enter a guilty plea as part of a written plea agreement;

5. A clear statement that the plea agreement will specify the offense to which the guilty plea will be entered and will state any penalty to be imposed for the offense, both in the event of a successful completion of the drug court program, and in the event of a failure to complete the program;

6. A clear statement that the offender must voluntarily agree to:

- a. waive the right to a speedy trial,
- b. waive the right to a preliminary hearing,
- c. the terms and conditions of a treatment plan, and
- d. sign a performance contract with the court;

7. A clear statement that the offender, if accepted into the drug court program, may not be incarcerated for the offense in a state correctional institution or jail upon successful completion of the program;

8. A clear statement that during participation in the drug court program should the offender:

- a. fail to comply with the terms of the agreements,
- b. be convicted of a misdemeanor offense which reflects a propensity for violence,
- c. be arrested for a violent felony offense, or
- d. be convicted of any felony offense,

the offender may be required, after a court hearing, to be revoked from the program and sentenced without trial pursuant to the punishment provisions of the negotiated plea agreement; and

9. An explanation of the criminal record retention and disposition resulting from participation in the drug court program following successful completion of the program.

C. 1. The offender may request consideration for the drug court program as follows:

- a. if the offender is incarcerated, the offender must sign and complete the eligibility form and return it to the sheriff, if the offender is held in the county jail; or to the chief of police, if the offender is held in a city jail. The sheriff or chief of police, upon receipt of the eligibility form, shall file the form with the district attorney at the time of filing the criminal case record or at any time during the period of incarceration when the offender completes the form after the criminal case record has been filed, or
- b. after release of the offender from incarceration, the offender must sign and complete the eligibility form and file it with the district attorney or the court, prior to or at the time of either initial appearance or arraignment.

2. Any offender desiring legal consultation prior to signing or completing the form for consideration in a drug court program shall be referred to the defense attorney of the drug court team, or a public defender, if the offender is indigent, or allowed to consult with private legal counsel.

3. Nothing contained in the provisions of this subsection shall prohibit the drug court from considering any offender deemed eligible for the program at any time prior to sentencing whose case has been prosecuted in the traditional manner, or upon a violation of parole or probation conditions relating to substance abuse, upon recommendation of the district attorney as provided in Section ~~9~~ 471.8 of this ~~act~~ title.

D. When an offender has filed a voluntary request to be considered for a drug court program on the appropriate form, the district attorney shall indicate his or her approval of the request by filing the form with the drug court judge. Upon the filing of the request form by the district attorney, an initial hearing shall be set before the drug court judge. The hearing shall be not less than three (3) work days nor more than five (5) work days after the date of the filing of the request form. Notice of the hearing shall be given to the drug court team, or in the event no drug court team is designated, to the offender, the district attorney, and to the public defender. The offender shall be required to notify any private legal counsel of the date and time of the hearing.”



Representative Roach moved to amend his amendment, Page 1, Section 7, Line 17 by changing the word "shall" to the word "may", which amendment was declared adopted.

Representative Roach moved adoption of his amendment, as amended, which amendment was declared adopted.

Representative Wright moved to amend **SB 1516** by deleting Section 6 which reads as follows and renumbering subsequent section, which amendment was declared adopted.

"SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 473 of Title 22, unless there is created a duplication in numbering, reads as follows:

Subject to funding available, the Department of Mental Health and Substance Abuse Services is authorized to set salaries and employ personnel to implement and administer any specialty court authorized by law that requires the services of the Department.

The term "specialty court" means drug courts, domestic violence courts, mental health courts, reentry courts, and any specially designed court process that relies on treatment and monitoring in lieu of institutional placement or incarceration or provides services as an aftercare component of such placement."

Representative Askins moved that **SB 1516** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Askins, **SB 1516** was considered engrossed and placed on Third Reading and Final Passage.

### **THIRD READING**

**SB 1516** was read at length for the third time. On passage of the measure and emergency, the roll call was as follows:

Aye: Adkins, Askins, Balkman, Begley, Bengel, Benson, Blackburn, Bonny, Braddock, Calvey, Cargill, Case, Claunch, Coleman, Corn, Covey, Cox, Dank, Davis, Deutschendorf, DeWitt, Dunegan, Easley, Eddins, Ericson, Ervin, Erwin, Ferguson, Fields, Friskup, Gilbert, Graves, Gray, Greenwood, Hastings, Hefner, Hiatt, Hilliard, Hutchison, Ingmire, Jones, Kirby, Langmacher, Leist, Lindley, Liotta, Maddux, Matlock, McCarter, Miller (Doug), Miller (Ray), Mitchell, Morgan, Nance, Newport, O'Neal, Paulk, Peters, Peterson, Pettigrew, Phillips, Piatt, Plunk, Pope (Clay), Pope (Tim), Rice, Roach, Roan, Roberts, Roggow, Ross, Smaligo, Smith (Dale), Staggs, Stanley, Steele, Stites (Chad), Stites (J.T.), Sullivan, Sweeden, Taylor, Tibbs, Toure, Turner, Tyler, Vaughn, Walker, Webb, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--96.

Excused: Glover, Mass, Nations, Perry, Smith (Hopper).--5.

The measure and emergency passed.

**SB 1516** was referred for engrossment.

**GENERAL ORDER**

**SB 1671** by Cain of the Senate and Gilbert of the House was read and considered.

Representative Gilbert moved to amend **SB 1671**, Page 2, Section 1, Line 20 by striking the word and figure "twelve (12)" and inserting in lieu thereof the word and figure "fourteen (14)", which amendment was declared adopted.

Representative Gilbert moved to amend **SB 1671** by adding a new Section 17 to read as follows and renumbering subsequent section:

"SECTION 17. AMENDATORY 63 O.S. 2001, Section 1-103, is amended to read as follows:

Section 1-103. A. 1. There is hereby created the State Board of Health, which shall consist of nine (9) members appointed by the Governor and confirmed by the Senate for regular terms of nine (9) years, except as hereinafter otherwise indicated.

2. Not less than four members shall ~~be licensed as physicians and surgeons~~ hold a current license to practice medicine in this state pursuant to the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act and the Oklahoma Osteopathic Medicine Act. At least one physician member shall be a person licensed to practice medicine in this state by the State Board of Osteopathic Examiners. Physician members licensed by the State Board of Medical Licensure and Supervision and shall be members of the Oklahoma State Medical Association, one. One physician member of which shall be a diplomat diplomate of the American Board of Psychiatry and Neurology or be similarly qualified.

B. 1. The term of office of one member shall expire on June 30, 1964, and each nine (9) years thereafter, and such member shall be a resident of one of the following counties and shall have been a resident of one or more of such counties for not less than five (5) years immediately preceding such member's appointment: Creek, Lincoln, Okfuskee, Seminole, Pottawatomie, Pontotoc, Hughes, Johnston, and Coal.

2. The term of office of one member shall expire on June 30, 1965, and each nine (9) years thereafter, and such member shall be a resident of one of the following counties and shall have been a resident of one or more of such counties for not less than five (5) years immediately preceding such member's appointment: Blaine, Kingfisher, Canadian, Caddo, Grady, Comanche, Stephens, Jefferson, and Cotton.

3. The term of office of one member shall expire on June 30, 1966, and each nine (9) years thereafter, and such member shall be a resident of one of the following counties and shall have been a resident of one or more of such counties for not less than five (5) years immediately preceding such member's appointment: Le Flore, Latimer, Pittsburg, Atoka, Pushmataha, McCurtain, Choctaw, Bryan, Marshall, Carter, and Love.

4. The term of office of one member shall expire on June 30, 1967, and each nine (9) years thereafter, and such member shall be a resident of one of the following counties and shall have been a resident of one or more of such counties for not less than five (5) years immediately preceding such member's appointment: Cimarron, Texas, Beaver, Harper, Woodward, Woods, Major, Alfalfa, Grant, Garfield, Kay, and Noble.

5. The term of office of one member shall expire on June 30, 1968, and each nine (9) years thereafter, and such member shall be a resident of one of the following counties and shall have been a resident of one or more of such counties for not less than five (5) years

immediately preceding such member's appointment: Adair, Sequoyah, Cherokee, Wagoner, Muskogee, Haskell, McIntosh, and Okmulgee.

6. The term of office of one member shall expire on June 30, 1969, and each nine (9) years thereafter, and such member shall be a resident of one of the following counties and shall have been a resident of one or more of such counties for not less than five (5) years immediately preceding such member's appointment: Ottawa, Delaware, Craig, Mayes, Nowata, Rogers, Washington, Tulsa, Pawnee, and Osage.

7. The term of office of one member shall expire on June 30, 1970, and each nine (9) years thereafter, and such member shall be a resident of one of the following counties and shall have been a resident of one or more of such counties for not less than five (5) years immediately preceding such member's appointment: Logan, Oklahoma, Cleveland, McClain, Garvin, Murray, and Payne.

8. The term of office of one member shall expire on June 30, 1971, and each nine (9) years thereafter, and such member shall be a resident of one of the following counties and shall have been a resident of one or more of such counties for not less than five (5) years immediately preceding such member's appointment: Ellis, Dewey, Roger Mills, Custer, Beckham, Washita, Kiowa, Greer, Jackson, Harmon, and Tillman.

9. The term of office of one member shall expire on June 30, 1972, and each nine (9) years thereafter, and such member shall be appointed from the State of Oklahoma at large, and shall have been a resident of the state for not less than five (5) years immediately preceding such member's appointment."

Representative Dank moved to amend the Gilbert amendment, Page 3 by adding a new Subsection C. to read as follows, which amendment was declared adopted:

"C. No member shall serve more than two terms."

Representative Gilbert pressed adoption of his amendment, as amended, which amendment was declared adopted.

Representative Dank asked unanimous consent to amend the Gilbert amendment, Page 1, Lines 19 and 26; Page 2, Lines 2, 9, 16, 23 and 30 and Page 3, Lines 4 and 11 by deleting the word and figure "nine (9)" and inserting in lieu thereof the word and figure "six (6)"; which was the order.

Representative Leist moved to amend **SB 1671**, Page 14, Section 6, Line 2 by adding after the word "person" and before the word "with" the words "or corporation", which amendment was declared adopted.

Representative Gray moved to amend **SB 1671**, Page 19, Section 8, Lines 8-9 by restoring the stricken language as follows: "These standards shall be promulgated and submitted to the Legislature no later than January 1, 1981."

Representative Gilbert moved to amend the Gray amendment by restoring the stricken language through the word "Legislature" and deleting the language "no later than January 1, 1981.", which amendment was declared adopted.

Representative Gray pressed adoption of his amendment, as amended, which amendment was declared adopted.

Representative Gilbert moved that **SB 1671** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Gilbert, **SB 1671** was considered engrossed and placed on Third Reading and Final Passage.

### **THIRD READING**

**SB 1671** was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Adkins, Askins, Balkman, Begley, Benge, Benson, Blackburn, Bonny, Braddock, Calvey, Cargill, Case, Claunch, Coleman, Corn, Covey, Cox, Dank, Davis, Deutschendorf, DeWitt, Dunegan, Easley, Eddins, Ericson, Ervin, Erwin, Ferguson, Fields, Friskup, Gilbert, Graves, Gray, Greenwood, Hastings, Hefner, Hiatt, Hilliard, Hutchison, Ingmire, Jones, Kirby, Langmacher, Leist, Lindley, Liotta, Maddux, Mass, Matlock, McCarter, Miller (Doug), Miller (Ray), Mitchell, Morgan, Nance, Newport, O'Neal, Paulk, Peters, Peterson, Pettigrew, Phillips, Piatt, Plunk, Pope (Clay), Pope (Tim), Rice, Roach, Roan, Roberts, Roggow, Ross, Smaligo, Smith (Dale), Smith (Hopper), Staggs, Stanley, Steele, Stites (Chad), Stites (J.T.), Sullivan, Sweeden, Taylor, Tibbs, Toure, Turner, Tyler, Vaughn, Walker, Webb, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--98.

Excused: Glover, Nations, Perry.--3.

The measure passed.

**SB 1671** was referred for engrossment.

### **GENERAL ORDER**

**SB 1542** by Monson of the Senate and Winchester of the House was read and considered.

Representative Winchester moved that **SB 1542** be advanced from General Order, which motion was declared adopted.

Upon request of Representative Winchester, **SB 1542** was placed on Third Reading and Final Passage.

### THIRD READING

**SB 1542** was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Adkins, Askins, Balkman, Begley, Benge, Benson, Blackburn, Bonny, Braddock, Calvey, Cargill, Case, Claunch, Coleman, Corn, Covey, Cox, Dank, Davis, Deutschendorf, DeWitt, Dunegan, Easley, Eddins, Ericson, Ervin, Erwin, Ferguson, Fields, Friskup, Gilbert, Graves, Gray, Greenwood, Hastings, Hefner, Hiett, Hilliard, Hutchison, Ingmire, Jones, Kirby, Langmacher, Leist, Lindley, Liotta, Maddux, Mass, Matlock, McCarter, Miller (Doug), Miller (Ray), Mitchell, Morgan, Nance, Newport, O'Neal, Paulk, Peters, Peterson, Pettigrew, Phillips, Piatt, Plunk, Pope (Clay), Pope (Tim), Rice, Roach, Roan, Roggow, Ross, Smaligo, Smith (Dale), Smith (Hopper), Staggs, Stanley, Steele, Stites (Chad), Stites (J.T.), Sullivan, Sweeden, Taylor, Tibbs, Toure, Turner, Tyler, Vaughn, Walker, Webb, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--97.

Excused: Glover, Nations, Perry, Roberts.--4.

The measure passed.

The Presiding Officer signed, in open session, Engrossed **SB 1542** and ordered same returned to the Honorable Senate.

### GENERAL ORDER

**SB 1593** by Wilkerson of the Senate and Askins of the House was read and considered.

Representative Askins moved that **SB 1593** be advanced from General Order, which motion was declared adopted.

Upon request of Representative Askins, **SB 1593** was placed on Third Reading and Final Passage.

### THIRD READING

**SB 1593** was read at length for the third time. On passage of the measure and emergency, the roll call was as follows:

Aye: Adkins, Askins, Balkman, Begley, Benge, Benson, Blackburn, Bonny, Braddock, Calvey, Cargill, Case, Claunch, Coleman, Corn, Covey, Cox, Dank, Davis, Deutschendorf, DeWitt, Dunegan, Easley, Eddins, Ericson, Ervin, Erwin, Ferguson, Fields, Friskup, Gilbert, Graves, Gray, Greenwood, Hastings, Hefner, Hiett, Hilliard, Hutchison, Ingmire, Jones, Kirby, Langmacher, Leist, Lindley, Liotta, Maddux, Mass, Matlock, McCarter, Miller (Doug), Miller (Ray), Mitchell, Morgan, Nance, Newport, O'Neal, Paulk, Peters, Peterson, Pettigrew, Phillips, Piatt, Plunk, Pope (Clay), Pope (Tim), Rice, Roach, Roan,

Roggow, Ross, Smaligo, Smith (Dale), Smith (Hopper), Staggs, Stanley, Steele, Stites (Chad), Stites (J.T.), Sullivan, Sweeden, Taylor, Tibbs, Toure, Turner, Tyler, Vaughn, Walker, Webb, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--97.

Excused: Glover, Nations, Perry, Roberts.--4.

The measure and emergency passed.

The Presiding Officer signed, in open session, Engrossed **SB 1593** and ordered same returned to the Honorable Senate.

### **GENERAL ORDER**

**SB 1273** by Monson of the Senate and Blackburn et al of the House was read and considered.

Representative Blackburn moved that **SB 1273** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Blackburn, **SB 1273** was considered engrossed and placed on Third Reading and Final Passage.

### **THIRD READING**

**SB 1273** was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Askins, Begley, Benson, Blackburn, Bonny, Braddock, Cargill, Corn, Covey, Dank, Deutschendorf, Dunegan, Easley, Ericson, Ervin, Erwin, Fields, Gilbert, Hiett, Hilliard, Hutchison, Ingmire, Kirby, Langmacher, Lindley, Mass, McCarter, Miller (Ray), Morgan, Nance, Peters, Peterson, Phillips, Plunk, Rice, Roan, Ross, Smith (Dale), Staggs, Steele, Stites (J.T.), Sweeden, Taylor, Toure, Tyler, Walker, Wells, Wilson, Wilt, Winchester, Mr. Speaker.--51.

Nay: Adkins, Balkman, Bengé, Calvey, Case, Claunch, Coleman, Cox, Davis, DeWitt, Eddins, Ferguson, Friskup, Graves, Gray, Greenwood, Hastings, Hefner, Jones, Leist, Liotta, Maddux, Matlock, Miller (Doug), Mitchell, Newport, O'Neal, Paulk, Pettigrew, Piatt, Pope (Clay), Pope (Tim), Roach, Roggow, Smaligo, Smith (Hopper), Stanley, Stites (Chad), Sullivan, Tibbs, Turner, Vaughn, Webb, Worthen, Wright, Young.--46.

Excused: Glover, Nations, Perry, Roberts.--4.

The measure passed.

**SB 1273** was referred for engrossment.

## GENERAL ORDER

**SB 1584** by Monson of the Senate and Blackburn of the House was read and considered.

Representative Blackburn moved that **SB 1584** be advanced from General Order, which motion was declared adopted.

Upon request of Representative Blackburn, **SB 1584** was placed on Third Reading and Final Passage.

## THIRD READING

**SB 1584** was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Adkins, Askins, Balkman, Begley, Benge, Benson, Blackburn, Bonny, Braddock, Calvey, Cargill, Case, Claunch, Coleman, Corn, Covey, Cox, Dank, Davis, Deutschendorf, DeWitt, Dunegan, Easley, Eddins, Ericson, Ervin, Erwin, Ferguson, Fields, Friskup, Gilbert, Graves, Gray, Greenwood, Hastings, Hefner, Hiatt, Hilliard, Hutchison, Ingmire, Jones, Kirby, Langmacher, Leist, Lindley, Liotta, Maddux, Mass, Matlock, McCarter, Miller (Doug), Miller (Ray), Mitchell, Morgan, Nance, Newport, O'Neal, Paulk, Peters, Peterson, Pettigrew, Phillips, Piatt, Plunk, Pope (Clay), Pope (Tim), Rice, Roach, Roan, Roggow, Ross, Smaligo, Smith (Dale), Smith (Hopper), Staggs, Stanley, Steele, Stites (Chad), Stites (J.T.), Sullivan, Sweeden, Taylor, Tibbs, Toure, Turner, Tyler, Vaughn, Walker, Webb, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--97.

Excused: Glover, Nations, Perry, Roberts.--4.

The measure passed.

The Presiding Officer signed, in open session, Engrossed **SB 1584** and ordered same returned to the Honorable Senate.

## GENERAL ORDER

**SB 1240** by Wilcoxson of the Senate and Covey of the House was read and considered.

Representative Covey moved to amend **SB 1240** by striking the enacting clause, which amendment was declared adopted.

Representative Covey moved that **SB 1240** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Covey, **SB 1240** was considered engrossed and placed on Third Reading and Final Passage.

### **THIRD READING**

**SB 1240** was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Adkins, Askins, Balkman, Begley, Bengé, Benson, Blackburn, Bonny, Braddock, Calvey, Cargill, Case, Claunch, Coleman, Corn, Covey, Cox, Dank, Davis, Deutschendorf, DeWitt, Dunegan, Easley, Eddins, Ericson, Ervin, Erwin, Ferguson, Fields, Friskup, Gilbert, Graves, Gray, Greenwood, Hastings, Hefner, Hiatt, Hilliard, Hutchison, Ingmire, Jones, Kirby, Langmacher, Leist, Lindley, Liotta, Maddux, Mass, Matlock, McCarter, Miller (Doug), Miller (Ray), Mitchell, Morgan, Nance, Newport, O'Neal, Paulk, Peters, Peterson, Pettigrew, Phillips, Piatt, Plunk, Pope (Clay), Pope (Tim), Rice, Roach, Roan, Roggow, Ross, Smaligo, Smith (Dale), Smith (Hopper), Staggs, Stanley, Steele, Stites (Chad), Stites (J.T.), Sullivan, Sweeden, Taylor, Tibbs, Toure, Turner, Tyler, Vaughn, Walker, Webb, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--97.

Excused: Glover, Nations, Perry, Roberts.--4.

The measure passed.

**SB 1240** was referred for engrossment.

### **GENERAL ORDER**

**SB 930** by Johnson of the Senate and Pope (Clay) of the House was read and considered.

Coauthored by Representative(s) Adkins, Bengé, Cargill, DeWitt, Ericson, Friskup, Hiatt, Jones, Liotta, Pettigrew, Smaligo, Steele, Stites (Chad), Tibbs

Representative Pope (Clay) moved to amend **SB 930** by striking the enacting clause, which amendment was declared adopted.

Representative Pope (Clay) moved that **SB 930** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Pope (Clay), **SB 930** was considered engrossed and placed on Third Reading and Final Passage.



### THIRD READING

**SB 930** was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Adkins, Askins, Balkman, Begley, Bengé, Benson, Blackburn, Bonny, Braddock, Calvey, Cargill, Case, Claunch, Coleman, Corn, Covey, Cox, Dank, Davis, Deutschendorf, DeWitt, Dunegan, Easley, Eddins, Ericson, Ervin, Erwin, Ferguson, Fields, Friskup, Gilbert, Graves, Gray, Greenwood, Hastings, Hefner, Hiatt, Hilliard, Hutchison, Ingmire, Jones, Kirby, Langmacher, Leist, Lindley, Liotta, Maddux, Mass, Matlock, McCarter, Miller (Doug), Miller (Ray), Mitchell, Morgan, Nance, Newport, O'Neal, Paulk, Peters, Peterson, Pettigrew, Phillips, Piatt, Plunk, Pope (Clay), Pope (Tim), Rice, Roach, Roan, Roggow, Ross, Smaligo, Smith (Dale), Smith (Hopper), Staggs, Stanley, Steele, Stites (Chad), Stites (J.T.), Sullivan, Sweeden, Taylor, Tibbs, Toure, Turner, Tyler, Vaughn, Walker, Webb, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--97.

Excused: Glover, Nations, Perry, Roberts.--4.

The measure passed.

**SB 930** was referred for engrossment.

### GENERAL ORDER

**SB 1632** by Pruitt of the Senate and Winchester of the House was read and considered.

Coauthored by Representative(s) Adkins, Calvey, Cargill, Coleman, Dank, DeWitt, Greenwood, Piatt, Smaligo, Steele, Stites (Chad), Tibbs

Representative Winchester moved that **SB 1632** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Winchester, **SB 1632** was considered engrossed and placed on Third Reading and Final Passage.

### THIRD READING

**SB 1632** was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Adkins, Askins, Balkman, Begley, Bengé, Benson, Bonny, Braddock, Calvey, Cargill, Case, Claunch, Coleman, Corn, Covey, Cox, Dank, Davis, Deutschendorf, DeWitt, Dunegan, Easley, Eddins, Ericson, Ervin, Erwin, Ferguson, Fields, Friskup, Gilbert, Graves, Gray, Greenwood, Hastings, Hefner, Hiatt, Hilliard, Hutchison, Ingmire, Jones, Kirby, Langmacher, Leist, Lindley, Liotta, Maddux, Mass, Matlock, McCarter, Miller

(Doug), Miller (Ray), Mitchell, Morgan, Nance, Newport, O'Neal, Paulk, Perry, Peters, Peterson, Pettigrew, Phillips, Piatt, Plunk, Pope (Clay), Pope (Tim), Rice, Roach, Roan, Roggow, Smaligo, Smith (Dale), Smith (Hopper), Staggs, Stanley, Steele, Stites (Chad), Stites (J.T.), Sullivan, Sweeden, Taylor, Tibbs, Toure, Turner, Tyler, Vaughn, Walker, Webb, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--96.

Nay: Blackburn, Ross.--2.

Excused: Glover, Nations, Roberts.--3.

The measure passed.

**SB 1632** was referred for engrossment.

### GENERAL ORDER

**SB 873** by Monson et al of the Senate and Pope (Clay) of the House was read and considered.

Representative Pope (Clay) moved to amend **SB 873** by striking the enacting clause, which amendment was declared adopted.

Representative Pope (Clay) moved that **SB 873** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Pope (Clay), **SB 873** was considered engrossed and placed on Third Reading and Final Passage.

### THIRD READING

**SB 873** was read at length for the third time. On passage of the measure and emergency, the roll call was as follows:

Aye: Adkins, Askins, Balkman, Benge, Benson, Blackburn, Bonny, Braddock, Calvey, Cargill, Case, Claunch, Coleman, Corn, Covey, Cox, Dank, Deutschendorf, DeWitt, Dunegan, Easley, Eddins, Ericson, Ervin, Erwin, Ferguson, Fields, Friskup, Gilbert, Gray, Hastings, Hefner, Hiatt, Hilliard, Hutchison, Ingmire, Jones, Kirby, Langmacher, Lindley, Liotta, Maddux, Mass, Matlock, McCarter, Miller (Doug), Miller (Ray), Mitchell, Morgan, Nance, Newport, O'Neal, Paulk, Perry, Peters, Peterson, Pettigrew, Phillips, Piatt, Plunk, Pope (Clay), Pope (Tim), Rice, Roach, Roan, Roggow, Ross, Smaligo, Smith (Dale), Smith (Hopper), Staggs, Stanley, Steele, Stites (J.T.), Sullivan, Sweeden, Taylor, Toure, Turner, Tyler, Vaughn, Walker, Webb, Wells, Wilson, Wilt, Winchester, Worthen, Young, Mr. Speaker.--90.

Nay: Davis, Graves, Greenwood, Leist, Stites (Chad), Tibbs, Wright.--7.

Excused: Begley, Glover, Nations, Roberts.--4.

The measure and emergency passed.

**SB 873** was referred for engrossment.

## GENERAL ORDER

**SB 1415** by Monson of the Senate and Pope (Clay) of the House was read and considered.

Representative Pope (Clay) moved to amend **SB 1415** by striking the enacting clause, which amendment was declared adopted.

Representative Pope (Clay) moved that **SB 1415** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Pope (Clay), **SB 1415** was considered engrossed and placed on Third Reading and Final Passage.

## THIRD READING

**SB 1415** was read at length for the third time. On passage of the measure and emergency, the roll call was as follows:

Aye: Adkins, Askins, Balkman, Begley, Bengel, Benson, Blackburn, Bonny, Braddock, Calvey, Cargill, Case, Claunch, Coleman, Corn, Covey, Cox, Deutschendorf, DeWitt, Dunegan, Easley, Eddins, Ericson, Ervin, Erwin, Ferguson, Fields, Friskup, Gilbert, Graves, Gray, Greenwood, Hastings, Hefner, Hiatt, Hilliard, Hutchison, Ingmire, Jones, Kirby, Langmacher, Leist, Lindley, Liotta, Maddux, Mass, Matlock, McCarter, Miller (Doug), Miller (Ray), Mitchell, Morgan, Nance, Newport, O'Neal, Paulk, Perry, Peters, Peterson, Pettigrew, Phillips, Piatt, Plunk, Pope (Clay), Pope (Tim), Rice, Roach, Roan, Roggow, Ross, Smaligo, Smith (Dale), Smith (Hopper), Staggs, Stanley, Steele, Stites (Chad), Stites (J.T.), Sullivan, Sweeden, Taylor, Tibbs, Toure, Turner, Tyler, Vaughn, Walker, Webb, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--96.

Nay: Dank, Davis.--2.

Excused: Glover, Nations, Roberts.--3.

The measure and emergency passed.

**SB 1415** was referred for engrossment.

**GENERAL ORDER**

**SB 1382** by Dickerson et al of the Senate and Corn of the House was read and considered.

Coauthored by Representative(s) Nance

Representative Corn moved to amend **SB 1382** by restoring the title, which amendment was declared adopted.

Representative Corn moved that **SB 1382** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Corn, **SB 1382** was considered engrossed and placed on Third Reading and Final Passage.

**THIRD READING**

**SB 1382** was read at length for the third time. On passage of the measure and emergency, the roll call was as follows:

Aye: Adkins, Askins, Balkman, Begley, Benge, Benson, Blackburn, Bonny, Braddock, Calvey, Cargill, Case, Claunch, Coleman, Corn, Covey, Cox, Dank, Davis, Deutschendorf, DeWitt, Dunegan, Easley, Eddins, Ericson, Ervin, Erwin, Ferguson, Fields, Friskup, Gilbert, Graves, Gray, Greenwood, Hastings, Hefner, Hiatt, Hilliard, Hutchison, Ingmire, Jones, Kirby, Langmacher, Leist, Lindley, Liotta, Maddux, Mass, Matlock, McCarter, Miller (Doug), Miller (Ray), Mitchell, Morgan, Nance, Newport, O'Neal, Paulk, Perry, Peters, Peterson, Pettigrew, Phillips, Piatt, Plunk, Pope (Clay), Pope (Tim), Rice, Roach, Roan, Roggow, Ross, Smaligo, Smith (Dale), Smith (Hopper), Staggs, Stanley, Steele, Stites (Chad), Stites (J.T.), Sullivan, Sweeden, Taylor, Tibbs, Toure, Turner, Tyler, Vaughn, Walker, Webb, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--98.

Excused: Glover, Nations, Roberts.--3.

The measure and emergency passed.

**SB 1382** was referred for engrossment.

**GENERAL ORDER**

**SB 815** by Rabon of the Senate and Roach et al of the House was read and considered.

Upon unanimous consent request of Representative Roach, all Members of the House were added as coauthors

Representative Roach moved that **SB 815** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Roach, **SB 815** was considered engrossed and placed on Third Reading and Final Passage.

### **THIRD READING**

**SB 815** was read at length for the third time. On passage of the measure and emergency, the roll call was as follows:

Aye: Adkins, Askins, Balkman, Begley, Benge, Benson, Blackburn, Bonny, Braddock, Calvey, Cargill, Case, Claunch, Coleman, Corn, Covey, Cox, Dank, Davis, Deutschendorf, DeWitt, Dunegan, Easley, Eddins, Ericson, Ervin, Erwin, Ferguson, Fields, Friskup, Gilbert, Graves, Gray, Greenwood, Hastings, Hefner, Hiatt, Hilliard, Hutchison, Ingmire, Jones, Kirby, Langmacher, Leist, Lindley, Liotta, Maddux, Mass, Matlock, McCarter, Miller (Doug), Miller (Ray), Mitchell, Morgan, Nance, Newport, O'Neal, Paulk, Perry, Peters, Peterson, Pettigrew, Phillips, Piatt, Plunk, Pope (Clay), Pope (Tim), Rice, Roach, Roan, Roggow, Ross, Smaligo, Smith (Dale), Smith (Hopper), Staggs, Stanley, Steele, Stites (Chad), Stites (J.T.), Sullivan, Sweeden, Taylor, Tibbs, Toure, Turner, Tyler, Vaughn, Walker, Webb, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--98.

Excused: Glover, Nations, Roberts.--3.

The measure and emergency passed.

**SB 815** was referred for engrossment.

### **GENERAL ORDER**

**SB 1247** by Taylor et al of the Senate and Rice of the House was read and considered.

Representative Rice moved to amend **SB 1247**, Section 1, Page 4, Line 7 through Page 5, Line 2, by deleting all of the new language as follows, which amendment was declared adopted:

"2. Any amount of monies appropriated by law to the Oklahoma Water Resources Board for the purpose of funding the Rural Economic Action Plan grant program and the Rural Economic Action Plan Water Projects Fund which exceeds the total amount so appropriated for the fiscal year ending June 30, 2001, shall be deposited as follows:

- a. fifty percent (50%) of such excess shall be deposited in the accounts for the entities described in subsection B of Section 2007 of this title, and
- b. fifty percent (50%) of such excess shall be distributed to the entities described in subsection A of Section 2007 of this title.

3. Monies shall be deposited pursuant to the provisions of paragraph 2 of this subsection until the same amount is annually allocated to each entity described in subsection B of this section. Thereafter, the Oklahoma Water Resources Board shall establish eleven separate accounts, one for each entity described in subsection B of this section, to which one-eleventh (1/11) of the amount annually appropriated by law to the Oklahoma Water Resources Board for the purpose of funding the Rural Economic Action Plan grant program and the Rural Economic Action Plan Water Projects Fund shall be allocated.

4. This section shall not apply to funds deposited into the Rural Economic Action Plan Water Projects Fund pursuant to the provisions of Section 1004 of Title 68 of the Oklahoma Statutes."

Representative Rice moved to amend **SB 1247**, Section 2, Page 6, Line 20 through Page 7, Line 10 by deleting all of the new language as follows, which amendment was declared adopted:

"B. Any amount of monies appropriated by law to the Rural Economic Action Plan Fund which exceeds the total amount so appropriated for the fiscal year ending June 30, 2001, shall be deposited as follows:

- a. fifty percent (50%) of such excess shall be deposited in the accounts for the entities described in subsection B of Section 2007 of this title, and
- b. fifty percent (50%) of such excess shall be distributed to the entities described in subsection A of Section 2007 of this title.

C. Monies shall be deposited pursuant to the provisions of subsection B of this subsection until the same amount is annually allocated to each entity described in subsection B of Section 2003 of this title. Thereafter, eleven separate accounts shall be established, one for each entity described in subsection B of Section 2003 of this title, to which one-eleventh (1/11) of the amount annually appropriated to the Rural Economic Action Plan Fund shall be allocated."

Representative Rice moved to amend **SB 1247**, Section 3, Page 8, Line 11 through Page 9, Line 1 by deleting all of the new language as follows, which amendment was declared adopted:

"E. Any amount of monies appropriated by law to the Rural Economic Action Plan Fund which exceeds the total amount so appropriated for the fiscal year ending June 30, 2001, shall be deposited as follows:

- a. fifty percent (50%) of such excess shall be deposited in the accounts for the entities described in subsection B of Section 2007 of this title, and

- b. fifty percent (50%) of such excess shall be distributed to the entities described in subsection A of Section 2007 of this title.

F. Monies shall be deposited pursuant to the provisions of subsection B of this subsection until the same amount is annually allocated to each entity described in subsection B of Section 2003 of this title. Thereafter, eleven separate accounts shall be established, one for each entity described in subsection B of Section 2003 of this title, to which one-eleventh (1/11) of the amount annually appropriated to the Rural Economic Action Plan Fund shall be allocated."

Representative Rice moved that **SB 1247** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Rice, **SB 1247** was considered engrossed and placed on Third Reading and Final Passage.

### **THIRD READING**

**SB 1247** was read at length for the third time. On passage of the measure and emergency, the roll call was as follows:

Aye: Adkins, Askins, Balkman, Begley, Bengé, Benson, Blackburn, Bonny, Braddock, Calvey, Cargill, Case, Claunch, Coleman, Corn, Covey, Cox, Dank, Davis, Deutschendorf, DeWitt, Dunegan, Easley, Eddins, Ericson, Ervin, Erwin, Ferguson, Fields, Friskup, Gilbert, Graves, Gray, Greenwood, Hastings, Hefner, Hiatt, Hilliard, Hutchison, Ingmire, Jones, Kirby, Langmacher, Leist, Lindley, Liotta, Maddux, Mass, Matlock, McCarter, Miller (Doug), Miller (Ray), Mitchell, Morgan, Nance, Newport, O'Neal, Paulk, Perry, Peters, Peterson, Pettigrew, Phillips, Piatt, Plunk, Pope (Clay), Pope (Tim), Rice, Roach, Roan, Roggow, Ross, Smaligo, Smith (Dale), Smith (Hopper), Staggs, Stanley, Steele, Stites (Chad), Stites (J.T.), Sullivan, Sweeden, Taylor, Tibbs, Toure, Turner, Tyler, Vaughn, Walker, Webb, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--98.

Excused: Glover, Nations, Roberts.--3.

The measure and emergency passed.

**SB 1247** was referred for engrossment.

### **MOTION**

Representative Hilliard moved that the House stand at ease until 1:30 p.m., which was the order.

**Speaker Pro Tempore Matlock Presiding****GENERAL ORDER**

**SB 1232** by Harrison of the Senate and Ferguson of the House was read and considered.

Representative Ferguson moved to amend **SB 1232** by restoring the title, which amendment was declared adopted.

Representative Ferguson moved that **SB 1232** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Ferguson, **SB 1232** was considered engrossed and placed on Third Reading and Final Passage.

**THIRD READING**

**SB 1232** was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Adkins, Askins, Balkman, Begley, Bengé, Benson, Blackburn, Bonny, Braddock, Calvey, Cargill, Case, Claunch, Coleman, Corn, Cox, Dank, Davis, Deutschendorf, DeWitt, Dunegan, Easley, Eddins, Ericson, Ervin, Erwin, Ferguson, Fields, Friskup, Gilbert, Graves, Gray, Greenwood, Hastings, Hefner, Hiatt, Hilliard, Hutchison, Ingmire, Jones, Kirby, Langmacher, Leist, Lindley, Liotta, Maddux, Mass, Matlock, McCarter, Miller (Doug), Miller (Ray), Mitchell, Morgan, Nance, Newport, O'Neal, Paulk, Perry, Peters, Peterson, Pettigrew, Phillips, Piatt, Plunk, Pope (Clay), Pope (Tim), Rice, Roach, Roan, Roberts, Roggow, Ross, Smaligo, Smith (Dale), Smith (Hopper), Staggs, Stanley, Steele, Stites (Chad), Stites (J.T.), Sullivan, Sweeden, Taylor, Tibbs, Toure, Turner, Tyler, Vaughn, Walker, Webb, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--98.

Excused: Covey, Glover, Nations.--3.

The measure passed.

**SB 1232** was referred for engrossment.



## GENERAL ORDER

**SB 1408** by Easley of the Senate and Ferguson of the House was read and considered.

Representative Ferguson moved to amend **SB 1408**, Page 6, Section 2, Line 21, by inserting after the word "services" and before the period "." the following language:

"or unless the person operating the entity contracts with another school district for the provision of educational services to be provided through remote Internet-based courses", which amendment was declared adopted.

Representative Ferguson moved to amend **SB 1408**, Page 18, Section 5, Line 7, by after the period "." inserting the following language:

"Students who have been enrolled on a full-time basis in grades nine through eleven shall not be allowed to enroll in less than six periods and take only remote or on-site Internet-based courses on a part-time basis in grade twelve unless the school district determines that such part-time enrollment is necessary for an individual student.", which amendment was declared adopted.

Representative Ferguson moved to amend **SB 1408**, Page 18, Section 5, by deleting the language on Lines 13-18 as follows:

"Courses utilizing integrated or embedded skills and knowledge for which no Priority Academic Student Skills have been adopted by the Board may be approved by the Board if such courses incorporate standards of nationally recognized professional science and/or math organizations. Independent school districts may form a consortium in collaboration with a technology center school district to deliver the core curriculum courses at the technology center school provided the courses are approved by the Board."

and inserting in lieu thereof the following language:

"Internet-based courses offered by a technology center school that are taught by a certified teacher and provide for the teaching and learning of the appropriate skills and knowledge in the PASS, may upon approval of the Board be counted for academic credit and toward meeting the graduation requirements of subsection B of this section.",

which amendment was declared adopted.

Representative Ferguson moved that **SB 1408** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Ferguson, **SB 1408** was considered engrossed and placed on Third Reading and Final Passage.

**THIRD READING**

**SB 1408** was read at length for the third time. On passage of the measure and emergency, the roll call was as follows:

Aye: Adkins, Askins, Balkman, Begley, Bengé, Benson, Blackburn, Bonny, Braddock, Calvey, Cargill, Case, Claunch, Coleman, Corn, Covey, Cox, Dank, Davis, Deutschendorf, DeWitt, Dunegan, Easley, Eddins, Ericson, Ervin, Erwin, Ferguson, Fields, Friskup, Gilbert, Graves, Gray, Greenwood, Hastings, Hefner, Hiatt, Hilliard, Hutchison, Ingmire, Jones, Kirby, Langmacher, Leist, Lindley, Liotta, Maddux, Mass, Matlock, McCarter, Miller (Doug), Miller (Ray), Mitchell, Morgan, Nance, Newport, O'Neal, Paulk, Perry, Peters, Peterson, Pettigrew, Phillips, Piatt, Plunk, Pope (Clay), Pope (Tim), Rice, Roan, Roberts, Roggow, Ross, Smaligo, Smith (Dale), Smith (Hopper), Staggs, Stanley, Steele, Stites (Chad), Stites (J.T.), Sullivan, Sweeden, Taylor, Tibbs, Toure, Turner, Tyler, Vaughn, Walker, Webb, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--98.

Excused: Glover, Nations, Roach.--3.

The measure and emergency passed.

**SB 1408** was referred for engrossment.

**RESOLUTION FOR CONSIDERATION**

**HCR 1056** was called up for consideration.

Upon unanimous consent request of Representative Vaughn, all Members of the House were added as coauthors.

Upon motion of Representative Vaughn, **HCR 1056** was considered and adopted.

**HCR 1056** was referred for engrossment.

**GENERAL ORDER**

**SB 1447** by Taylor of the Senate and Deutschendorf of the House was read and considered.

Coauthored by Representative(s) Kirby, McCarter

Representative Deutschendorf moved that **SB 1447** be advanced from General Order, which motion was declared adopted.

Upon request of Representative Deutschendorf, **SB 1447** was placed on Third Reading and Final Passage.

### THIRD READING

**SB 1447** was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Adkins, Askins, Begley, Benson, Blackburn, Bonny, Braddock, Calvey, Corn, Covey, Cox, Deutschendorf, Dunegan, Easley, Eddins, Ervin, Erwin, Ferguson, Fields, Friskup, Gilbert, Hastings, Hefner, Hiett, Hilliard, Hutchison, Ingmire, Kirby, Langmacher, Lindley, Maddux, Mass, Matlock, McCarter, Miller (Ray), Mitchell, Morgan, Nance, Perry, Peters, Pettigrew, Plunk, Pope (Clay), Rice, Roach, Roan, Roberts, Ross, Smith (Dale), Staggs, Stanley, Stites (J.T.), Sweeden, Taylor, Toure, Turner, Tyler, Vaughn, Walker, Webb, Wells, Wilson, Mr. Speaker.--63.

Nay: Balkman, Benge, Cargill, Case, Claunch, Coleman, Dank, Davis, DeWitt, Ericson, Graves, Gray, Greenwood, Jones, Leist, Liotta, Miller (Doug), Newport, O'Neal, Paulk, Peterson, Phillips, Piatt, Pope (Tim), Roggow, Smaligo, Smith (Hopper), Steele, Stites (Chad), Sullivan, Tibbs, Wilt, Winchester, Worthen, Wright, Young.--36.

Excused: Glover, Nations.--2.

The measure passed.

On passage of the emergency, the roll call was as follows:

Aye: Adkins, Askins, Balkman, Begley, Benson, Blackburn, Bonny, Braddock, Calvey, Corn, Covey, Cox, Deutschendorf, DeWitt, Dunegan, Easley, Eddins, Ervin, Erwin, Ferguson, Fields, Friskup, Gilbert, Gray, Hastings, Hefner, Hiett, Hilliard, Hutchison, Ingmire, Kirby, Langmacher, Lindley, Maddux, Mass, Matlock, McCarter, Miller (Ray), Mitchell, Nance, Perry, Peters, Peterson, Pettigrew, Phillips, Plunk, Pope (Clay), Pope (Tim), Rice, Roach, Roan, Roberts, Ross, Smaligo, Smith (Dale), Smith (Hopper), Staggs, Stanley, Steele, Stites (J.T.), Sweeden, Taylor, Toure, Turner, Tyler, Vaughn, Walker, Webb, Wells, Wilson, Wilt, Winchester, Young, Mr. Speaker.--74.

Nay: Benge, Cargill, Case, Claunch, Coleman, Dank, Davis, Ericson, Graves, Greenwood, Jones, Leist, Liotta, Miller (Doug), Morgan, Newport, O'Neal, Paulk, Piatt, Roggow, Stites (Chad), Sullivan, Tibbs, Worthen, Wright.--25.

Excused: Glover, Nations.--2.

The emergency passed.

The Presiding Officer signed Engrossed **SB 1447** and ordered same returned to the Honorable Senate.

**RESOLUTION FOR CONSIDERATION**

**SCR 68** was called up for consideration.

Upon unanimous consent request of Speaker Adair, all Members of the House were added as coauthors.

Upon motion of Speaker Adair, **SCR 68** was considered and adopted.

**SCR 68** was properly signed, in open session, by the Presiding Officer and ordered returned to the Honorable Senate.

**GENERAL ORDER**

**SB 1571** by Henry of the Senate and Toure of the House was read and considered.

Representative Toure moved to amend **SB 1571** by striking the enacting clause, which amendment was declared adopted.

Representative Graves moved to amend **SB 1571**, Section 1, Page 2, Line 21 through Page 3, Line 14 by restoring the stricken language as follows, which amendment was declared adopted:

"(4) Where no contractual relationship exists, any person, or any member of his immediate family or household, who has been approved by the local P.T.A. or other local sponsoring agency or organization, who has registered with the local municipal police chief or the county sheriff, and who has been granted appropriate authorization by either the police chief or the county sheriff to indicate by sign in the window of his home or in any other tangible or identifiable manner that he will extend aid and refuge to persons on the streets in apparent danger, or in need of aid, by inviting those persons into the person's home, or onto premises thereof, and in good faith provides such refuge or aid without objection of the endangered or needy person, whether child or adult, neither the person extending the aid and refuge nor the homeowner or head of household shall be liable for civil damages as a result of actions or omissions in rendering emergency physical care to the body of the aided person; nor shall they be liable for civil damages for any other injury in the home, or on premises thereof, to the person aided, nor for any failure to provide or arrange for his police protection or other protection or medical treatment, when the actions or omissions were those of an ordinarily reasonably prudent person under the circumstances without want of ordinary care or skill."

Representative Toure moved to amend **SB 1571**, Page 1, Section 1, Line 5, by deleting the word "hereinafter", which amendment was declared adopted.

Representative Toure moved that **SB 1571** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Toure, **SB 1571** was considered engrossed and placed on Third Reading and Final Passage.

### **THIRD READING**

**SB 1571** was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Adkins, Askins, Balkman, Begley, Benge, Benson, Blackburn, Bonny, Braddock, Calvey, Cargill, Case, Claunch, Corn, Covey, Cox, Deutschendorf, DeWitt, Dunegan, Easley, Eddins, Ericson, Ervin, Erwin, Ferguson, Fields, Friskup, Gilbert, Gray, Greenwood, Hastings, Hefner, Hiett, Hilliard, Hutchison, Ingmire, Jones, Kirby, Langmacher, Leist, Lindley, Liotta, Maddux, Mass, Matlock, McCarter, Miller (Doug), Miller (Ray), Mitchell, Morgan, Nance, Newport, O'Neal, Paulk, Perry, Peters, Peterson, Pettigrew, Phillips, Piatt, Plunk, Pope (Clay), Pope (Tim), Rice, Roach, Roan, Roberts, Roggow, Ross, Smaligo, Smith (Dale), Staggs, Stanley, Steele, Stites (Chad), Stites (J.T.), Sweeden, Taylor, Tibbs, Toure, Turner, Tyler, Vaughn, Walker, Webb, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--93.

Nay: Coleman, Dank, Davis, Graves, Smith (Hopper), Sullivan.--6.

Excused: Glover, Nations.--2.

The measure passed.

**SB 1571** was referred for engrossment.

### **GENERAL ORDER**

**SB 1594** by Henry of the Senate and Toure of the House was read and considered.

Representative Toure moved to amend **SB 1594**, Page 1, Section 1, Line 5 by adding after the word "state" and before the period "." the following language, which amendment was declared adopted:

"for businesses with fourteen (14) or fewer employees. Money damages in a civil action based upon this section shall not exceed Twenty-five Thousand Dollars (\$25,000.00)."

Representative Sullivan moved to amend **SB 1594** by striking the title, which amendment was declared adopted.

Representative Toure moved that **SB 1594** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Toure, **SB 1594** was considered engrossed and placed on Third Reading and Final Passage.

### **THIRD READING**

**SB 1594** was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Askins, Benson, Blackburn, Bonny, Braddock, Corn, Covey, Cox, Davis, Deutschendorf, Dunegan, Easley, Erwin, Gilbert, Gray, Hutchison, Ingmire, Kirby, Leist, Lindley, Maddux, Mass, Matlock, McCarter, Miller (Ray), Paulk, Rice, Roach, Roan, Roberts, Ross, Smith (Dale), Staggs, Stanley, Stites (J.T.), Sweeden, Toure, Turner, Walker, Wells, Wilson, Worthen, Mr. Speaker.--43.

Nay: Adkins, Balkman, Begley, Benge, Calvey, Cargill, Case, Claunch, Coleman, Dank, DeWitt, Eddins, Ericson, Ervin, Fields, Friskup, Graves, Greenwood, Hastings, Hefner, Hiett, Hilliard, Jones, Langmacher, Liotta, Miller (Doug), Mitchell, Morgan, Nance, Newport, O'Neal, Perry, Peters, Peterson, Pettigrew, Phillips, Piatt, Plunk, Pope (Clay), Pope (Tim), Roggow, Smaligo, Smith (Hopper), Steele, Stites (Chad), Sullivan, Taylor, Tibbs, Tyler, Vaughn, Webb, Wilt, Winchester, Wright, Young.--55.

Excused: Ferguson, Glover, Nations.--3.

The measure failed.

Representative Toure served notice to reconsider the vote whereby **SB 1594** failed.

### **PENDING CONSIDERATION OF SAs**

**SAs to HB 2763** were rejected upon motion of Representative Lindley. Conferees to be named later.

### **PENDING CONSIDERATION OF SAs**

**SAs to HB 2412** were rejected upon motion of Representative Coleman. Conferees to be named later.

### **PENDING CONSIDERATION OF SAs**

**SAs to HB 2837** were rejected upon motion of Representative Perry. Conferees to be named later.

**PENDING CONSIDERATION OF SAs**

**SAs to HBs 2124, 2309 and 2311** were rejected upon motion of Representative Stites (J.T.). Conferees to be named later.

**MEASURES REREFERRED**

Pursuant to House Rule 11, Section 6, the following were withdrawn from the Calendar and rereferred to committee:

- SB 904** – Insurance
- SB 908** – Agriculture and Rural Development
- SB 1265** – Tourism and Recreation
- SB 1424** – Judiciary
- SB 1461** – Criminal Justice

Representative Hilliard moved that when the clerk's desk is clear, the House stand adjourned to reconvene at 9:00 a.m., Tuesday, April 23, 2002, which was the order.

Pursuant to the motion of Representative Hilliard, the House was adjourned at 3:40 p.m., to reconvene Tuesday, April 23, 2002, at 9:00 a.m.