

# HOUSE JOURNAL

**First Regular Session of the Forty-ninth Legislature**

**of the State of Oklahoma**

**Twenty-fifth Legislative Day, Thursday, March 13, 2003**

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

The roll was called with 98 Members present.

The following Members were excused: Armes, Phillips, Stanley—3.

The Speaker Pro Tempore declared a quorum present.

Prayer was offered by Pastor Ed Hollie, Heaven Bound Freewill Baptist Church, Whitefield.

The Journal for the last legislative day was approved.

## **REMARKS**

Upon unanimous consent request of Representative Miller (Ray), the remarks of Pastor Hollie were ordered printed in full as follows:

Thank you, Mr. Speaker. It's good to be here this morning and I appreciate the opportunity to be in this position today. By the grace of God we are what we are. But I want to thank each one of you for the opportunity of being here. I am not going to stand up here and tell you how smart I am and quote all of the scriptures that I know in the Bible and all of those things. But I do want to share with you some things that I believe are of interest to every individual today, and that is the salvation of the soul. Each one of us are free moral agents and it's up to us individually as to where we spend eternity. It's a well known fact that we will, one day, leave this world. And then the Bible says, that after this appointment with death, then we have an appointment with judgment. So that's what we want to think about today and consider.

The shape our Nation is in today, is a position we should all look to God for guidance. We can think back to some of the Old Testament and to times with problems and wars from

all sides and God's people had forgotten him. And He told King Solomon, who was a great King at that time, "If my people which are called by my name, will humble himself and seek my face and turn from their wicked ways, then we'll hear from God." And that's what we need to hear from today in relation to the problems we are faced with. To trust in God.

The Scripture also tells us to trust in Him with all our hearts. So many times, we as men, naturally are inclined to figure out things on our own, but if we could learn to trust in God and turn things over to him, then this Nation would be in a better position.

The Bible also says, that all Nations that forget God and turn from God, will be cast into Hell. So these are some things we need to think about today, to learn to trust God and to look to him for guidance. I don't know how most men here today feel about the scripture but I feel that it's an inspired word of God. We need to look to Him for our help in every situation today. I don't know if we individually were asked today one question: "What one thing would you ask for if you asked God today." Would you ask for prosperity, money, or success or popularity, or what?

King Solomon asked God for wisdom and knowledge to lead his people. And I think today that is what we need, to ask God for wisdom and knowledge for instructions that we might be able to trust and remain with him with all of our heart. There is a time that we are to be back to all of these problems, Supreme Court and stuff, cutting out the Pledge of Allegiance to the flag and prayer in school. That's not going to work as a Nation. We are going to be in trouble if we don't realize the things that we do and put our trust in God. We're going to be in great trouble.

We, as individuals, were born in this world as a free moral agent and the challenges we are faced with leaves us in a position that we, as an individual, expect or reject the proposals, and advances, and the problems that we're faced with. No one else can make these decisions for you.

My wife is sitting up there in the gallery. For 56 years we've been married - and she and I think differently - we make our choices individually. I might add that my testimony today is that when I was 37 years old, I was lost without hope in God. I was an alcoholic. I couldn't have breakfast in the morning without a good drink. But I am praising God today because I believed in him, turned it over to him, and since that time, things have been different in our life. I am not saying we are not continuing to have problems, but as a Christian who believes deeply from his heart in God, I'll be able to succeed in a lot more areas than I would without him.

There is no other way. The Bible says neither is there salvation in any other, no other name given under Heaven whereby a man can be saved. And there's a difference in religion and salvation. You can do anything religiously but you can only find Jesus Christ in salvation and the hope that God loves us. It cost him his Son. "God so loved the world that he gave his only begotten Son, that whosoever believeth in Him should not perish, but have everlasting life." I am looking forward to that home. It's described in the Book of Revelations. It says there's going to be a new Heaven, a new Earth, all these bad things are going to pass away and all things will be new. And that's the thing individuals today should look to. I believe the Scripture from Genesis to Revelations is the inspired Word of God.

I am not going to tell you I understand all of these things. But through faith, the Bible says, that a man must have faith. Without faith, it's impossible to please God, but through faith we have this hope in God that when this life is over we'll have a place of eternity and rest and peace and hope to go to be with our loved ones that have gone on before us.

When they told me that I would have about five minutes, and I suppose I have already used that, but I told them when they limited me to five minutes, it took me more than five minutes to ask my wife to marry me way back a long time ago. So I do appreciate today that I had this privilege.

Some years back, I worked for the State of Oklahoma and around the Capitol a lot and I know several of you fellows, but it's a challenge and my message today was to turn our eyes to God and put our trust and hope in Him for the future. And we will have a future if we do that.

Our Heavenly Father, we are so thankful today to have this privilege. We pray today that as this session has come together again that you would just touch each life, Lord, that's represented here today, and each home, and help us Lord to get our priorities in order and to seek your faith, and guidance, and your trust, and that each member as he goes home this weekend to his family, that they might together worship and honor you and draw close to you and put their faith and trust in you. I am so privileged and so thankful that you gave me this opportunity this week to be in these services and these times of fellowship and trust.

May you guide us throughout this day and travel with us throughout. But the main thing of the day is that they are going to their homes.

In Jesus name we pray. Amen.

## **ENGROSSED AND ENROLLED MEASURES**

**HBs 1015, 1072, 1101, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1261, 1380, 1385, 1394, 1433, 1451, 1455, 1577, 1585, 1658, 1667, 1683, 1705, 1720, 1752 and 1790 and HJR 1021** were reported correctly engrossed, properly signed, in open session, and ordered transmitted to the Honorable Senate.

**HRs 1005 and 1007** were reported correctly enrolled, properly signed, in open session, and ordered transmitted to the Secretary of State.

## **SECOND READING**

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

- SB 6** – Common Education
- SB 10** – Commerce, Industry and Labor
- SB 213** – County and Municipal Government
- SB 284** – Appropriations and Budget
- SB 296** – Transportation
- SB 308** – County and Municipal Government
- SB 317** – Transportation

**SB 322** – Energy and Utility Regulation  
**SB 334** – Commerce, Industry and Labor  
**SB 336** – Appropriations and Budget  
**SB 368** – Transportation  
**SB 373** – Judiciary  
**SB 376** – Veterans and Military Affairs  
**SB 393** – Agriculture and Rural Development  
**SB 407** – Tourism and Recreation  
**SB 408** – Energy and Utility Regulation  
**SB 411** – Retirement Laws  
**SB 484** – Commerce, Industry and Labor  
**SB 489** – Transportation  
**SB 522** – Insurance  
**SB 535** – Revenue and Taxation  
**SB 556** – Energy and Utility Regulation  
**SB 583** – Banking and Finance  
**SB 606** – Agriculture and Rural Development  
**SB 635** – Public Health  
**SB 638** – Retirement Laws  
**SB 670** – Government Operations and Agency Oversight and Administrative Rules  
**SB 673** – Appropriations and Budget  
**SB 699** – Judiciary  
**SB 702** – Public Safety and Homeland Security  
**SB 704** – Public Safety and Homeland Security  
**SB 713** – Common Education  
**SB 717** – Commerce, Industry and Labor  
**SB 750** – Mental Health  
**SB 751** – Commerce, Industry and Labor  
**SB 774** – Common Education  
**SB 791** – Criminal Justice  
**SB 816** – Criminal Justice  
**SB 830** – Government Operations and Agency Oversight and Administrative Rules  
**SB 835** – Criminal Justice

#### **MESSAGE FROM THE SENATE**

Announcing the passage of the following engrossed measures.

The measures were introduced and read for the first time.

**SB 212** – By Monson of the Senate and Sweeden of the House.

[ state employees – prohibited political activity – providing certain exception – setting maximum period for certain leave of absence without pay – effective date ]

**SB 225** – By Leftwich of the Senate and Harrison of the House.  
[ mines and mining - mine examinations – emergency ]

**SB 264** – By Leftwich, Snyder and Pruitt of the Senate and Askins of the House.  
[ state government – employees – unclassified services - pilot program - effective date ]

**SB 294** – By Easley of the Senate and Hefner of the House.  
[ tourism – Oklahoma Tourism and Recreation Commission – qualifications – emergency ]

**SB 304** – By Easley of the Senate and Leist of the House.  
An Act relating to environment and natural resources; amending 27A O.S. 2001, Section 1-1-201, which relates to the Environmental Quality Act; modifying certain definition; providing an effective date; and declaring an emergency.

**SB 305** – By Easley of the Senate and Wells of the House.  
[ oil and gas - Oklahoma Natural Gas Gathering and Transportation Act -emergency ]

**SB 306** – By Easley of the Senate and Leist of the House.  
An Act relating to environment and natural resources; amending 27A O.S. 2001, Section 2-5-111, which relates to the Oklahoma Air Quality Act; removing requirement for certain enforcement hearing before the Air Quality Council; providing for hearing before Administrative Law Judge; providing an effective date; and declaring an emergency.

**SB 346** – By Pruitt of the Senate and Morgan (Fred) of the House.  
[ schools - Oklahoma Educator Protection Act - effective date – emergency ]

**SB 349** – By Smith of the Senate and Braddock of the House.  
An Act relating to professions and occupations; amending 59 O.S. 2001, Section 1327, as amended by Section 19, Chapter 390, O.S.L. 2002 (59 O.S. Supp. 2002, Section 1327), which relates to bail bondsmen; clarifying language; limiting the types of pleas which exonerate from liability; and providing an effective date.

**SB 383** – By Easley of the Senate and Rice of the House.  
[ electric restructuring - creating the Electric Restructuring Regional Compact Commission Act – emergency ]

**SB 425** – By Helton of the Senate and Roan of the House.  
[ Highway Patrol Division - commissioned officers - renaming Public Safety Patrol Schools - report on vehicles - Department of Public Safety - Cowboy Hall of Fame Park - Commissioner of Public Safety - commercial driver license regulations - repealing – recodification – emergency ]

**SB 430** – By Smith of the Senate and Toure of the House.  
An Act relating to revenue and taxation; amending 68 O.S. 2001, Section 807, which relates to estate taxes; modifying determination of value of gross estate; clarifying language; and providing an effective date.

**SB 435** – By Smith of the Senate and Toure of the House.

An Act relating to labor; amending 40 O.S. 2001, Section 2-302, which relates to the Employment Security Act of 1980; clarifying language; clarifying representation in certain proceedings; and providing an effective date.

**SB 464** – By Leftwich of the Senate and Tyler of the House.

An Act relating to roads, bridges and ferries; amending 69 O.S. 2001, Section 1701, which relates to marketable uses and development of the Oklahoma Transportation Authority Electronic Toll Collection System; authorizing the Oklahoma Transportation Authority to develop and market certain uses of the Oklahoma Transportation Authority Electronic Toll Collection System; and declaring an emergency.

**SB 608** – By Corn of the Senate and Taylor of the House.

An Act relating to counties and county officers; stating public policy concerning full-time firefighters in any Rural Fire Protection District; providing for collective bargaining and arbitration law; construing provisions of act; stating conditions under which a person shall be deemed to be on strike; providing for certain determination; requiring certain request be filed in writing; requiring certain proceedings and stating procedures; allowing court to review certain decision; establishing method of arbitration; stating that specified arbitration method not be deemed recognition of alternative procedure of settling disputes; defining terms; authorizing participation of certain full-time firefighters; providing exceptions; declaring certain rights and prohibitions; providing for filing of petition under specified conditions; requiring investigation; requiring election; allowing certification as exclusive employee representative under specified circumstances; limiting labor organization placed on ballot; requiring conditions of certain factors to determine appropriate unit for collective bargaining; providing for certain elections, and procedures and rights related thereto; requiring certain meeting upon request for collective bargaining purposes; stating certain obligation of Rural Fire Protection District; providing for certain agreements and providing procedures; providing for certain arbitration, and procedures related thereto; providing for arbitration board hearings, and procedures related thereto; providing for certain considerations; providing for fees and expenses; authorizing certain agreements, and procedures related thereto; providing for arbitration in absence of agreement; permitting request for special election under certain circumstances, and providing procedures related thereto; specifying contents of ballots under certain circumstances; requiring certain notice; providing penalties; providing for codification; and providing an effective date.

**SB 625** – By Lawler of the Senate and Staggs of the House.

[ motor vehicles - dropping objects from bridges – Cindi Broaddus Law - effective date – emergency ]

**SB 662** – By Monson of the Senate and Toure of the House.

[ health insurance – extension of coverage – emergency ]

**SB 667** – By Williams of the Senate and Roberts of the House.

[ taxation - county excise boards and county budget boards - effective date ]

**SB 695** – By Smith of the Senate and Morgan (Fred) of the House.  
[ insurance - unfair competition and settlement practices - effective date ]

**SB 706** – By Pruitt of the Senate and Smith (Hopper) of the House.

An Act relating to public health, crime of rape, and prisons; amending 63 O.S. 2001, Section 1-524, as amended by Section 4, Chapter 348, O.S.L. 2002 (63 O.S. Supp 2002, Section 1-524), which relates to venereal disease testing following sexual assault crime; requiring district attorney to notify sexual assault victim of certain test results within certain time; requiring State Department of Health to conduct and pay for certain testing; authorizing court to order defendants in certain cases to reimburse State Department of Health for certain testing costs; requiring State Department of Health to deliver certain test results to district attorney within certain time; clarifying test, emergency treatment and offender test results are free to victims of certain crime; stating legislative findings; stating legislative intent that Department of Corrections and private prisons make faith-based programs available in correctional facilities; stating certain requirements; providing for codification; and declaring an emergency.

**SB 715** – By Corn of the Senate and Miller (Ray) of the House.  
[ schools - State Department of Education reports – contracts ]

**SB 727** – By Smith of the Senate and Paulk of the House.  
[ motor vehicles – modification - effective date ]

**SB 741** – By Price of the Senate and Hamilton of the House.

An Act relating to labor; amending 40 O.S. 2001, Sections 2-203, as amended by Section 8, Chapter 452, O.S.L. 2002, 2-405, 2-614, Section 17, Chapter 452, O.S.L. 2002, 3-106, as amended by Section 22, Chapter 452, O.S.L. 2002, 4-108 and 4-508, as amended by Section 26, Chapter 452, O.S.L. 2002 (40 O.S. Supp. 2002, Sections 2-203, 2-618, 3-106 and 4-508), which relate to the Employment Security Act of 1980; modifying procedure by which initial claims are filed; providing for status of terminated employment based on specified circumstances; adding to factors which constitute good cause for voluntarily leaving work; expanding provision for waiver of appeal time; broadening application of claim for exemption procedure; modifying definition of probationary period for determination of benefit wages; modifying exemption from benefit wages; modifying certain rights of reinstatement; providing for the release of certain confidential information for purposes and under conditions specified; making an appropriation to the Employment Security Administration Fund; providing for codification; providing for noncodification; and providing an effective date.

**SB 779** – By Cain of the Senate and Nations, Leist and Toure of the House.  
[ Uniform Controlled Dangerous Substances Act - misdemeanor penalty for possession of marihuana – treatment - removing mandatory minimum - tax stamp - effective date]

**SB 787** – By Monson of the Senate and Nations of the House.  
[ higher education – vaccinations – enrollment – exceptions- codification - effective date ]

**SB 801** – By Rozell of the Senate and Staggs of the House.

An Act relating to schools; amending 70 O.S. 2001, Section 1210.568, which relates to the statewide system of alternative education programs; establishing certain condition for continued funding of alternative education program; providing an effective date; and declaring an emergency.

**SJR 22** – By Hobson of the Senate and Kirby of the House.

[ Oklahoma Constitution - Oklahoma Education Lottery Trust Fund - appropriation procedure - ballot title – filing - special election ]

Announcing the passage of the following engrossed measure.

The measure was introduced and read.

**SCR 12** – By Riley of the Senate and McClain of the House.

A Concurrent Resolution commending Toby Meister for his selection as 2002 U.S. Army Reserve Drill Sergeant of the Year; and directing distribution.

## GENERAL ORDER

**HB 1767** by Adair of the House and Hobson of the Senate was read and considered.

Coauthored by Representative(s) Ferguson

Speaker Adair moved to amend **HB 1767** by striking the title, the enacting clause and the entire measure and inserting in lieu thereof a floor substitute, which amendment was declared adopted. (Copies for Members)

Representative Peters moved to amend the floor substitute, Page 4, Section 4, Lines 13-14 by striking the language “to study the issue of” and inserting in lieu thereof the language “determine how much money can be saved by”, which amendment was declared adopted.

Representative Dank moved to amend the floor substitute by inserting new Sections 5 and 6 to read as follows, and renumbering subsequent sections:

“SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5-117.7 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. Administrative duties of a school district which meets the criteria established in subsection B of this section shall be combined with a contiguous school district or districts pursuant to the provisions of this section.

B. 1. The administrative duties of an independent school district shall be combined if the school district has:

- a. an average daily membership of less than five hundred, and
- b. a transportation area of less than one hundred (100) square miles.

2. The administrative duties of an elementary school district shall be combined if the school district has:
  - a. an average daily membership of less than two hundred, and
  - b. a transportation area of less than seventy-five (75) square miles.

C. The State Board of Education shall take action necessary to assist school districts which meet the criteria established in subsection B of this section to reach an agreement on combining the administrative duties of the school district with one or more contiguous school districts. If the school districts cannot agree, the Board shall formulate an agreement between the districts outlining how the administrative duties will be shared and how the costs will be allocated.

D. The Board shall promulgate rules implementing the provisions of this section.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5-117.8 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. Each independent school district which meets the criteria established in subsection B of Section 1 of this act shall have not more than one full-time principal. If, after combining as provided for in Section 1 of this act, the average daily membership of the school district is more than five hundred or if there is more than one school site in the district, the school district may employ an assistant principal, in addition to the full-time principal, for each additional five hundred average daily membership.

B. Each elementary school district which meets the criteria established in subsection B of Section 1 of this act shall not have a full-time principal, but shall have a teaching principal. If, after combining as provided for in Section 1 of this act, the average daily membership of the school district is more than two hundred but less than five hundred the district shall have not more than one full-time principal. If, after combining as provided for in Section 1 of this act, the average daily membership of the school district is more than five hundred or if there is more than one school site in the district, the school district may employ an assistant principal, in addition to the full-time principal, for each additional five hundred average daily membership.”

Representative Roan moved to table the Dank amendment, which tabling motion prevailed upon a division of the question.

Representative Trebilcock moved to amend the floor substitute, Page 8, Section 5, Line 3 by deleting the new language “May 15” and restoring the stricken language “April 10” and Line 8 by deleting the new language “May 30” and inserting in lieu thereof the stricken language “April 25”.

Representative Miller (Ray) moved to table the Trebilcock amendment, which tabling motion prevailed.

Representative Ferguson moved that **HB 1767** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Ferguson, **HB 1767** was considered engrossed and placed on Third Reading and Final Passage.

**THIRD READING**

**HB 1767** 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, Blackburn, Blackwell, Bonny, Boren, Braddock, Brannon, Calvey, Carey, Cargill, Case, Claunch, Coleman, Covey, Dank, Davis, Deutschendorf, DeWitt, Dorman, Easley, Eddins, Ellis, Ericson, Ferguson, Gilbert, Greenwood, Hamilton, Harrison, Hastings, Hefner, Hiatt, Hilliard, Hutchison, Ingmire, Jones, Kirby, Lamons, Langmacher, Leist, Lerblance, Lindley, Liotta, Maddux, McCarter, McClain, McIntyre, Miller (Doug), Miller (Ray), Mitchell, Morgan (Danny), Nance, Nations, Newport, O'Neal, Paulk, Peters, Peterson, Pettigrew, Piatt, Plunk, Pope, Reynolds, Rice, Roan, Roberts, Roggow, Smaligo, Smith (Dale), Smith (Hopper), Staggs, Steele, Sullivan, Sweden, Taylor, Tibbs, Toure, Trebilcock, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--92.

Nay: Graves, Morgan (Fred).--2.

Excused: Armes, Cox, Erwin, Perry, Phillips, Smithson, Stanley.--7.

The measure and emergency passed.

**HB 1767** was referred for engrossment.

**GENERAL ORDER**

**HB 1457** by Adair of the House and Hobson of the Senate was read and considered.

Coauthored by Representative(s) Askins

Representative Askins moved that **HB 1457** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Askins, **HB 1457** was considered engrossed and placed on Third Reading and Final Passage.

**THIRD READING**

**HB 1457** 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, Blackburn, Blackwell, Boren, Braddock, Brannon, Calvey, Carey, Cargill, Claunch, Coleman, Covey, Dank, Davis, Deutschendorf, DeWitt, Dorman, Easley, Eddins, Ellis, Ericson, Ferguson, Gilbert, Graves, Greenwood, Hamilton, Harrison, Hastings, Hefner, Hiatt, Hilliard, Hutchison, Ingmire, Jones, Kirby, Lamons, Langmacher, Leist, Lerblance, Lindley, Liotta, Maddux, McCarter, McClain,

McIntyre, Miller (Doug), Miller (Ray), Mitchell, Morgan (Danny), Morgan (Fred), Nance, Nations, Newport, O'Neal, Paulk, Perry, Peters, Peterson, Pettigrew, Piatt, Plunk, Pope, Reynolds, Rice, Roan, Roberts, Roggow, Smaligo, Smith (Dale), Smith (Hopper), Staggs, Steele, Sullivan, Sweeden, Taylor, Tibbs, Toure, Trebilcock, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--93.

Excused: Armes, Bonny, Case, Cox, Erwin, Phillips, Smithson, Stanley.--8.

The measure and emergency passed.

**HB 1457** was referred for engrossment.

### **GENERAL ORDER**

**HJR 1011** by Vaughn of the House and Robinson of the Senate was read and considered.

Coauthored by Representative(s) Nance

Representative Vaughn moved to amend **HJR 1011** by striking the title, which amendment was declared adopted.

Representative Vaughn moved that **HJR 1011** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Vaughn, **HJR 1011** was considered engrossed and placed on Third Reading and Final Passage.

### **THIRD READING**

**HJR 1011** was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Askins, Balkman, Bengé, Blackburn, Bonny, Boren, Brannon, Calvey, Carey, Claunch, Coleman, Covey, Cox, Deutschendorf, Easley, Eddins, Ellis, Ericson, Gilbert, Hamilton, Harrison, Hiatt, Hilliard, Ingmire, Lamons, Langmacher, Lerblance, Lindley, Maddux, McCarter, McClain, McIntyre, Miller (Doug), Miller (Ray), Mitchell, Morgan (Danny), Nance, Nations, O'Neal, Paulk, Perry, Piatt, Rice, Roberts, Roggow, Smaligo, Staggs, Steele, Toure, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Winchester, Worthen, Young, Mr. Speaker.--59.

Nay: Adkins, Blackwell, Braddock, Cargill, Case, Dank, Davis, DeWitt, Dorman, Ferguson, Graves, Greenwood, Hastings, Hefner, Hutchison, Jones, Kirby, Leist, Liotta, Morgan (Fred), Newport, Peters, Peterson, Pettigrew, Plunk, Pope, Reynolds, Roan, Smith (Dale), Smith (Hopper), Sullivan, Sweeden, Taylor, Tibbs, Trebilcock, Wilt, Wright.--37.

Excused: Armes, Erwin, Phillips, Smithson, Stanley.--5.

The measure passed.

Pursuant to Article 24, Section 1, of the Oklahoma Constitution, the question was put "Shall **HJR 1011** be ordered referred by the Legislature for approval or rejection at a special election as provided in Section 4 of said measure?" The roll call was as follows:

Aye: Askins, Blackburn, Bonny, Boren, Brannon, Calvey, Carey, Case, Covey, Cox, Davis, Deutschendorf, Dorman, Eddins, Ellis, Gilbert, Graves, Hamilton, Harrison, Hilliard, Lamons, Langmacher, Lerblance, Lindley, Maddux, McIntyre, Mitchell, Morgan (Danny), Nance, Paulk, Perry, Pettigrew, Rice, Roberts, Staggs, Toure, Turner, Vaughn, Wells, Wilson, Worthen, Young, Mr. Speaker.--43.

Nay: Adkins, Balkman, Bengel, Blackwell, Braddock, Cargill, Claunch, Coleman, Dank, DeWitt, Easley, Ericson, Ferguson, Greenwood, Hastings, Hefner, Hiatt, Hutchison, Ingmire, Jones, Kirby, Leist, Liotta, McCarter, McClain, Miller (Doug), Miller (Ray), Morgan (Fred), Nations, Newport, O'Neal, Peters, Peterson, Piatt, Plunk, Pope, Reynolds, Roan, Roggow, Smaligo, Smith (Dale), Smith (Hopper), Steele, Sullivan, Sweeden, Taylor, Tibbs, Trebilcock, Tyler, Walker, Wilt, Winchester, Wright.--53.

Excused: Armes, Erwin, Phillips, Smithson, Stanley.--5.

The Presiding Officer declared that not having received a constitutional two-thirds majority of the Members elected to and constituting the House, the special election provision had failed.

**HJR 1011** was referred for engrossment.

## GENERAL ORDER

**HB 1122** by Hiatt of the House and Coffee of the Senate was read and considered.

Coauthored by Representative(s) Peters, Nance, Davis

Representative Davis moved to amend **HB 1122** by inserting a new Section 2 to read as follows, and renumbering subsequent section, which amendment was declared adopted:

“SECTION 2. AMENDATORY 68 O.S. 2001, Section 2357.7, is amended to read as follows:

Section 2357.7 A. For taxable years beginning after December 31, 1986, and before January 1, ~~2004~~ 2009, there shall be allowed a credit against the tax imposed by Section 2355 of this title or Section 624 of Title 36 of the Oklahoma Statutes for investments in qualified venture capital companies whose purpose is to establish or expand the development of business and industry within Oklahoma. Provided, tax credits against liabilities imposed pursuant to Section 624 of Title 36 of the Oklahoma Statutes shall be limited to the amount that would otherwise be collected and allocated to the General Revenue Fund of the State Treasury.

B. For purposes of this section:

1. "Qualified venture capital company" means a C corporation, as defined by the Internal Revenue Code of 1986, as amended, incorporated pursuant to the laws of Oklahoma or a registered business partnership with a certificate of partnership filed as required by law if such corporation or partnership is organized to provide the direct investment of debt and equity funds to companies within this state, with its principal place of business located within this state and which meets the following criteria:
  - a. capitalization of not less than Five Million Dollars (\$5,000,000.00),
  - b. having a purpose and objective of investing at least a portion, as specified herein, of its capitalization in Oklahoma business ventures. Such portion shall be at least fifty-five percent (55%) for capitalization occurring before January 1, 1999, and at least seventy-five percent (75%) for capitalization occurring on and after January 1, 1999. Investment capital received by such venture capital company shall be invested pursuant to said objective within five (5) years after receipt of such capital. Provided, of the portion of capitalization required to be invested in Oklahoma business ventures, as specified herein, ten percent (10%) of capitalization may be reserved for additional investment, within ten (10) years after receipt of capital, in portfolio companies which are Oklahoma business ventures. The temporary investment of funds by a qualified venture capital company in obligations of the United States, state and municipal bonds, bank certificates of deposit, or money market securities pending investment in Oklahoma business ventures is hereby authorized, and
  - c. investment of not more than ten percent (10%) of its funds in any one company;
2. "Oklahoma business venture" means a business, incorporated or unincorporated, which:
  - a. has or will have, immediately after a loan or investment is made by a qualified venture capital company, at least fifty percent (50%) of its employees or assets located in Oklahoma,
  - b. needs financial assistance in order to commence or expand such business which provides or intends to provide goods or services, and
  - c. is not engaged in oil and gas exploration, real estate development, real estate sales, retail sales of food or clothing, farming, ranching, banking, or lending or investing funds in other businesses. Provided, however, businesses which provide or intend to provide goods or services, including, but not limited to, goods or services involving new technology, equipment, or techniques to such businesses listed in this subparagraph, and investments in the development of tourism facilities in the form of amusement parks, entertainment parks, theme parks, golf courses, or museums shall not be subject to said prohibition;
3. "Direct investment" means the purchase of securities of a private company, or securities of a public company if the securities constitute a new issue of a public company and such public company had previous year sales of less than Ten Million Dollars (\$10,000,000.00); and

4. "Debt and equity funds" means investments in debt securities; including unsecured, undersecured, subordinated or convertible loans or debt securities; and/or equity securities, including common and preferred stock, royalty rights, limited partnership interest, and any other securities or rights that evidence ownership in businesses.

C. The credit provided for in subsection A of this section shall be twenty percent (20%) of the cash amount invested in qualified venture capital companies. The Oklahoma Capital Investment Board shall have the authority to certify an entity as a qualified venture capital company and to certify an investment to be a qualifying Oklahoma business venture for purposes of complying with subsection B of this section. Such certification shall be binding on the Oklahoma Tax Commission. Such certification shall not be mandatory but may be requested by any entity that desires to be certified. A reasonable certification fee may be charged by the Oklahoma Capital Investment Board for this service. If the tax credit allowed pursuant to subsection A of this section exceeds the amount of taxes due or if there are no state taxes due of the taxpayer, the amount of the claim not used as an offset against the taxes of a taxable year may be carried forward as a credit against subsequent tax liability for a period not to exceed three (3) years. No investor in a venture capital company organized after July 1, 1992, may claim tax credits under the provisions of this section.

D. No taxpayer may claim the credit provided for in subsection A of this section for investments in qualified venture capital companies made prior to January 1, 1987.

E. No investor whose capital is guaranteed by the Oklahoma Capital Investment Board may claim or transfer the credit provided for in subsection A of this section for investments in such guaranteed portfolio.

F. The credit provided for in subsection A of this section, to the extent not previously utilized, shall be freely transferable to and by subsequent transferees for a period of three (3) years from the date of investment."

Representative Hiett moved that **HB 1122** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Hiett, **HB 1122** was considered engrossed and placed on Third Reading and Final Passage.

### THIRD READING

**HB 1122** was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Adkins, Askins, Balkman, Benge, Blackburn, Blackwell, Bonny, Boren, Braddock, Brannon, Calvey, Carey, Cargill, Case, Claunch, Coleman, Covey, Cox, Dank, Davis, Deutschendorf, DeWitt, Dorman, Easley, Eddins, Ellis, Ericson, Ferguson, Gilbert, Graves, Greenwood, Hamilton, Harrison, Hastings, Hefner, Hiett, Hilliard, Hutchison, Ingmire, Jones, Kirby, Lamons, Langmacher, Leist, Lerblance, Liotta, Maddux, McCarter, McClain, McIntyre, Miller (Doug), Miller (Ray), Mitchell, Morgan (Danny), Morgan (Fred), Nance, Nations, Newport, O'Neal, Paulk, Perry, Peters, Peterson, Pettigrew, Piatt, Plunk, Pope, Reynolds, Rice, Roan, Roberts, Roggow, Smaligo, Smith (Dale), Smith (Hopper), Smithson, Staggs, Steele, Sullivan, Sweeden, Taylor, Tibbs, Toure, Trebilcock,

Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--96.

Excused: Armes, Erwin, Lindley, Phillips, Stanley.--5.

The measure passed.

**HB 1122** was referred for engrossment.

## GENERAL ORDER

**HB 1712** by Pope of the House and Monson of the Senate was read and considered.

Representative Pope moved to amend **HB 1712** by striking the title, which amendment was declared adopted.

Representative Pope moved that **HB 1712** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Pope, **HB 1712** was considered engrossed and placed on Third Reading and Final Passage.

## THIRD READING

**HB 1712** was read at length for the third time. On passage of the measure and emergency, the roll call was as follows:

Aye: Adkins, Askins, Bengé, Blackburn, Blackwell, Bonny, Boren, Braddock, Brannon, Calvey, Carey, Cargill, Case, Claunch, Coleman, Covey, Cox, Dank, Davis, Deutschendorf, DeWitt, Dorman, Easley, Eddins, Ellis, Ferguson, Gilbert, Graves, Greenwood, Hamilton, Harrison, Hastings, Hefner, Hiatt, Hilliard, Hutchison, Ingmire, Jones, Kirby, Lamons, Langmacher, Leist, Lerblance, Lindley, Maddux, McCarter, McClain, McIntyre, Miller (Doug), Miller (Ray), Mitchell, Morgan (Danny), Morgan (Fred), Nance, Nations, Newport, O'Neal, Paulk, Perry, Peters, Peterson, Pettigrew, Plunk, Pope, Rice, Roan, Roberts, Roggow, Smith (Dale), Smith (Hopper), Smithson, Staggs, Steele, Sullivan, Sweeden, Taylor, Tibbs, Toure, Trebilcock, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--91.

Nay: Balkman, Ericson, Liotta, Piatt, Reynolds, Smaligo.--6.

Excused: Armes, Erwin, Phillips, Stanley.--4.

The measure and emergency passed.

**HB 1712** was referred for engrossment.

**GENERAL ORDER**

**HB 1730** by Lamons of the House and Crutchfield of the Senate was read and considered.

Representative Lamons moved to amend **HB 1730** by striking the title, the enacting clause and the entire measure and inserting in lieu thereof a floor substitute, which amendment was declared adopted. (Copies for Members)

Representative Lamons moved that **HB 1730** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Lamons, **HB 1730** was considered engrossed and placed on Third Reading and Final Passage.

**THIRD READING**

**HB 1730** was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Adkins, Askins, Balkman, Bengé, Blackwell, Braddock, Calvey, Coleman, Cox, DeWitt, Easley, Eddins, Ericson, Gilbert, Hamilton, Hastings, Hiatt, Jones, Lamons, Liotta, McCarter, McClain, McIntyre, Morgan (Danny), Morgan (Fred), Nance, Newport, O'Neal, Paulk, Perry, Peters, Peterson, Pettigrew, Piatt, Reynolds, Rice, Roberts, Roggow, Smaligo, Smith (Hopper), Staggs, Steele, Sweeden, Taylor, Tibbs, Toure, Trebilcock, Tyler, Wells, Worthen, Mr. Speaker.--51.

Nay: Blackburn, Bonny, Boren, Brannon, Carey, Cargill, Case, Covey, Dank, Davis, Deutschendorf, Dorman, Ellis, Ferguson, Graves, Greenwood, Harrison, Hefner, Hilliard, Hutchison, Ingmire, Kirby, Langmacher, Leist, Lerblance, Lindley, Maddux, Miller (Doug), Miller (Ray), Mitchell, Nations, Plunk, Pope, Roan, Smith (Dale), Smithson, Sullivan, Turner, Vaughn, Walker, Wilson, Wilt, Winchester, Wright, Young.--45.

Excused: Armes, Claunch, Erwin, Phillips, Stanley.--5.

The measure passed.

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

Aye: Adkins, Askins, Balkman, Bengé, Blackwell, Braddock, Calvey, Deutschendorf, Easley, Eddins, Ericson, Gilbert, Hamilton, Hastings, Hiatt, Ingmire, Jones, Lamons, Liotta, McClain, McIntyre, Morgan (Danny), Nance, Newport, O'Neal, Paulk, Perry, Peters, Peterson, Pettigrew, Piatt, Reynolds, Rice, Roberts, Roggow, Smaligo, Smith (Hopper), Staggs, Steele, Sweeden, Tibbs, Trebilcock, Tyler, Winchester, Worthen, Mr. Speaker.--46.

Nay: Blackburn, Bonny, Boren, Brannon, Carey, Cargill, Case, Coleman, Covey, Cox, Dank, Davis, DeWitt, Dorman, Ellis, Ferguson, Graves, Greenwood, Harrison, Hefner, Hilliard, Hutchison, Kirby, Langmacher, Leist, Lerblance, Lindley, Maddux, McCarter, Miller (Doug), Miller (Ray), Mitchell, Morgan (Fred), Nations, Plunk, Pope, Roan, Smith (Dale), Smithson, Sullivan, Taylor, Toure, Turner, Vaughn, Walker, Wells, Wilson, Wilt, Wright, Young.--50.

Excused: Armes, Claunch, Erwin, Phillips, Stanley.--5.

The emergency failed.

**HB 1730** was referred for engrossment.

## MOTION

Representative Smithson asked that the Journal reflect that had he been present in the Chamber, he would have voted aye on **HBs 1457** and **1767** and **HJR 1011**, which was the order.

## GENERAL ORDER

**HB 1422** by Roan of the House and Gumm of the Senate was read and considered.

Coauthored by Representative(s) Nance

Representative Roan moved to amend **HB 1422** by striking the title, the enacting clause and the entire measure and inserting in lieu thereof a floor substitute, which amendment was declared adopted. (Copies for Members)

Representative Roan moved to amend the floor substitute by striking the title, which amendment was declared adopted.

Representative Roan moved that **HB 1422** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Roan, **HB 1422** was considered engrossed and placed on Third Reading and Final Passage.

## THIRD READING

**HB 1422** was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Adkins, Askins, Balkman, Benge, Blackburn, Blackwell, Bonny, Boren, Braddock, Brannon, Calvey, Carey, Cargill, Case, Coleman, Covey, Cox, Dank, Davis,

Deutschendorf, DeWitt, Dorman, Easley, Eddins, Ellis, Ericson, Ferguson, Gilbert, Graves, Greenwood, Hamilton, Harrison, Hastings, Hefner, Hiett, Hilliard, Hutchison, Ingmire, Jones, Kirby, Lamons, Langmacher, Leist, Lindley, Liotta, Maddux, McCarter, McClain, McIntyre, Miller (Doug), Miller (Ray), Mitchell, Morgan (Danny), Morgan (Fred), Nance, Nations, Newport, O'Neal, Paulk, Perry, Peters, Peterson, Pettigrew, Piatt, Plunk, Pope, Reynolds, Rice, Roan, Roberts, Roggow, Smaligo, Smith (Dale), Smith (Hopper), Smithson, Staggs, Steele, Sullivan, Sweeden, Taylor, Tibbs, Toure, Trebilcock, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--95.

Excused: Armes, Claunch, Erwin, Lerblance, Phillips, Stanley.--6.

The measure passed.

**HB 1422** was referred for engrossment.

### GENERAL ORDER

**HB 1770** by Rice et al of the House and Fisher of the Senate was read and considered.

Coauthored by Representative(s) Tyler

Representative Rice moved to amend **HB 1770** by striking the title, which amendment was declared adopted.

Representative Rice moved that **HB 1770** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Rice, **HB 1770** was considered engrossed and placed on Third Reading and Final Passage.

### THIRD READING

**HB 1770** 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, Blackburn, Blackwell, Bonny, Boren, Braddock, Brannon, Calvey, Carey, Cargill, Case, Coleman, Covey, Cox, Dank, Davis, Deutschendorf, DeWitt, Dorman, Easley, Eddins, Ellis, Ericson, Ferguson, Gilbert, Graves, Greenwood, Hamilton, Harrison, Hastings, Hefner, Hiett, Hilliard, Hutchison, Ingmire, Jones, Kirby, Lamons, Langmacher, Leist, Lerblance, Lindley, Liotta, Maddux, McCarter, McClain, McIntyre, Miller (Doug), Miller (Ray), Mitchell, Morgan (Danny), Morgan (Fred), Nance, Nations, Newport, O'Neal, Paulk, Perry, Peters, Peterson, Pettigrew, Piatt, Plunk, Pope, Reynolds, Rice, Roan, Roberts, Roggow, Smaligo, Smith (Dale), Smith (Hopper), Smithson, Staggs, Steele, Sullivan, Sweeden, Taylor, Tibbs, Toure, Trebilcock,

Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--96.

Excused: Armes, Claunch, Erwin, Phillips, Stanley.--5.

The measure and emergency passed.

**HB 1770** was referred for engrossment.

## MOTION

Representative Lerblance asked that the Journal reflect that had he been present in the Chamber, he would have voted aye on **HB 1422**, which was the order.

## GENERAL ORDER

**HB 1725** by Hamilton of the House and Monson of the Senate was read and considered.

Coauthored by Representatives Paulk, McIntyre, Toure, Cox

Representative Hamilton moved to amend **HB 1725** by striking the title, which amendment was declared adopted.

Representative Toure moved to amend **HB 1725**, Page 1, Section 1, Line 9 by striking the language "six hundred thousand (600,000)" and inserting in lieu thereof the language "four hundred thousand (400,000)", which amendment failed of adoption.

Representative Hamilton moved that **HB 1725** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Hamilton, **HB 1725** was considered engrossed and placed on Third Reading and Final Passage.

## THIRD READING

**HB 1725** was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Adkins, Askins, Balkman, Blackwell, Boren, Braddock, Calvey, Carey, Coleman, Cox, Davis, Dorman, Easley, Ellis, Gilbert, Graves, Greenwood, Hamilton, Harrison, Hastings, Hefner, Hutchison, Lamons, Langmacher, Leist, Lindley, McCarter, McClain, McIntyre, Miller (Doug), Miller (Ray), Mitchell, Morgan (Danny), Nations, Paulk, Perry, Peters, Pettigrew, Plunk, Roan, Roberts, Smithson, Sweeden, Taylor, Toure, Trebilcock, Tyler, Walker, Wells, Worthen, Young.--51.

Nay: Bengé, Blackburn, Bonny, Brannon, Cargill, Case, Covey, Dank, Deutschendorf, DeWitt, Eddins, Ericson, Ferguson, Hiett, Hilliard, Jones, Kirby, Lerblance, Liotta, Maddux, Morgan (Fred), Nance, Newport, O'Neal, Peterson, Piatt, Pope, Reynolds, Rice, Roggow, Smaligo, Smith (Dale), Smith (Hopper), Staggs, Steele, Sullivan, Tibbs, Turner, Vaughn, Wilson, Wilt, Winchester, Wright, Mr. Speaker.--44.

Excused: Armes, Claunch, Erwin, Ingmire, Phillips, Stanley.--6.

The measure passed.

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

Aye: Adkins, Askins, Balkman, Blackwell, Bonny, Boren, Braddock, Calvey, Carey, Coleman, Cox, Dank, Davis, Dorman, Easley, Ellis, Graves, Greenwood, Hamilton, Harrison, Hastings, Hefner, Hutchison, Lamons, Langmacher, Leist, Lindley, McClain, McIntyre, Miller (Doug), Miller (Ray), Mitchell, Morgan (Danny), Nations, Paulk, Peters, Plunk, Roan, Roberts, Smithson, Staggs, Taylor, Tibbs, Toure, Trebilcock, Tyler, Wells, Wilson, Worthen, Young.--50.

Nay: Bengé, Blackburn, Brannon, Cargill, Case, Covey, Deutschendorf, DeWitt, Eddins, Ericson, Ferguson, Gilbert, Hiett, Hilliard, Jones, Kirby, Lerblance, Liotta, Maddux, McCarter, Morgan (Fred), Nance, Newport, O'Neal, Perry, Peterson, Pettigrew, Piatt, Pope, Reynolds, Rice, Roggow, Smaligo, Smith (Dale), Smith (Hopper), Steele, Sullivan, Sweeden, Turner, Vaughn, Walker, Wilt, Winchester, Wright, Mr. Speaker.--45.

Excused: Armes, Claunch, Erwin, Ingmire, Phillips, Stanley.--6.

The emergency failed.

**HB 1725** was referred for engrossment.

### **Representative Askins Presiding**

#### **GENERAL ORDER**

**HB 1603** by Perry of the House and Smith of the Senate was read and considered.

Representative Peterson moved to amend **HB 1603**, Page 2, Section 1, Line 1 by substituting the word "receivable" with the word "admissible", which amendment was declared adopted.

Representative Perry moved that **HB 1603** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Perry, **HB 1603** was considered engrossed and placed on Third Reading and Final Passage.

### **THIRD READING**

**HB 1603** was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Adkins, Askins, Balkman, Benge, Blackburn, Blackwell, Bonny, Boren, Braddock, Brannon, Calvey, Carey, Cargill, Case, Coleman, Covey, Cox, Dank, Davis, Deutschendorf, DeWitt, Dorman, Easley, Eddins, Ellis, Ericson, Ferguson, Gilbert, Graves, Greenwood, Hamilton, Harrison, Hastings, Hefner, Hiatt, Hilliard, Hutchison, Ingmire, Jones, Kirby, Lamons, Langmacher, Leist, Lerblance, Lindley, Liotta, Maddux, McCarter, McClain, McIntyre, Miller (Doug), Miller (Ray), Mitchell, Morgan (Danny), Morgan (Fred), Nance, Nations, Newport, O'Neal, Paulk, Perry, Peters, Peterson, Pettigrew, Piatt, Plunk, Pope, Reynolds, Rice, Roan, Roberts, Roggow, Smaligo, Smith (Dale), Smith (Hopper), Smithson, Staggs, Steele, Sullivan, Sweeden, Taylor, Tibbs, Toure, Trebilcock, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--96.

Excused: Armes, Claunch, Erwin, Phillips, Stanley.--5.

The measure passed.

**HB 1603** was referred for engrossment.

### **GENERAL ORDER**

**HB 1299** by Turner of the House and Gumm of the Senate was read and considered.

Representative Turner moved to amend **HB 1299** by deleting Section 1 which reads as follows:

“SECTION 1. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

This act shall be known and may be cited as the “Economic Development Incentive Parity Act of 2003”.”

and by inserting a new Section 1 to read as follows, which amendment was declared adopted:

“SECTION 1. AMENDATORY 63 O.S. 2001, Section 1079, is amended to read as follows:

Section 1079. At least once a year an authority shall file with the clerk of the governing body of the jurisdiction within which the authority operates a complete financial and operating report of the preceding fiscal year which shall be and remain a public record.

~~At least once a year~~ When required by federal law, an authority shall file an audit of all financial and other transactions for the previous fiscal year and shall file such audit with the clerk as a public record and make recommendations with reference to such additional legislation or other action as it deems necessary in order to carry out the purposes of this act.”

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

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

### THIRD READING

**HB 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, Benge, Blackburn, Blackwell, Bonny, Boren, Braddock, Brannon, Calvey, Carey, Cargill, Case, Coleman, Covey, Cox, Dank, Davis, Deutschendorf, DeWitt, Dorman, Easley, Eddins, Ellis, Ericson, Ferguson, Gilbert, Graves, Greenwood, Hamilton, Harrison, Hastings, Hefner, Hiett, Hilliard, Hutchison, Ingmire, Jones, Kirby, Lamons, Langmacher, Leist, Lerblance, Lindley, Liotta, Maddux, McCarter, McClain, McIntyre, Miller (Ray), Mitchell, Morgan (Danny), Morgan (Fred), Nance, Nations, Newport, O'Neal, Paulk, Perry, Peters, Peterson, Pettigrew, Piatt, Plunk, Pope, Reynolds, Rice, Roan, Roberts, Roggow, Smaligo, Smith (Dale), Smithson, Staggs, Steele, Sullivan, Sweeden, Taylor, Tibbs, Toure, Trebilcock, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Winchester, Worthen, Young, Mr. Speaker.--93.

Nay: Miller (Doug), Smith (Hopper), Wright.--3.

Excused: Armes, Claunch, Erwin, Phillips, Stanley.--5.

The measure and emergency passed.

**HB 1299** was referred for engrossment.

### GENERAL ORDER

**HB 1269** by Trebilcock of the House and Pruitt of the Senate was read and considered.

Coauthored by Representative(s) Liotta

Representative Trebilcock moved to amend **HB 1269** by striking the title, which amendment was declared adopted.

Representative Trebilcock moved that **HB 1269** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Trebilcock, **HB 1269** was considered engrossed and placed on Third Reading and Final Passage.

### THIRD READING

**HB 1269** was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Adkins, Askins, Balkman, Benge, Blackburn, Blackwell, Bonny, Boren, Braddock, Brannon, Calvey, Carey, Cargill, Case, Coleman, Covey, Cox, Dank, Davis, Deutschendorf, DeWitt, Dorman, Easley, Eddins, Ellis, Ericson, Ferguson, Gilbert, Graves, Greenwood, Harrison, Hastings, Hefner, Hiett, Hilliard, Hutchison, Ingmire, Jones, Kirby, Lamons, Langmacher, Leist, Lerblance, Lindley, Liotta, Maddux, McCarter, McClain, McIntyre, Miller (Doug), Miller (Ray), Mitchell, Morgan (Danny), Morgan (Fred), Nance, Nations, Newport, O'Neal, Paulk, Perry, Peters, Peterson, Pettigrew, Piatt, Plunk, Pope, Reynolds, Rice, Roan, Roberts, Roggow, Smaligo, Smith (Dale), Smith (Hopper), Smithson, Staggs, Steele, Sullivan, Sweeden, Taylor, Tibbs, Toure, Trebilcock, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--95.

Excused: Armes, Claunch, Erwin, Hamilton, Phillips, Stanley.--6.

The measure passed.

**HB 1269** was referred for engrossment.

### GENERAL ORDER

**HB 1484** by Walker of the House and Wilkerson of the Senate was read and considered.

Representative Walker moved to amend **HB 1484** by striking the title, the enacting clause and the entire measure and inserting in lieu thereof a floor substitute, which amendment was declared adopted. (Copies for Members)

Representative Sweeden moved to amend the floor substitute by inserting a new Section 4 to read as follows, and renumbering subsequent sections:

“SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 505.1 of Title 57, unless there is created a duplication in numbering, reads as follows:

“The Department of Corrections, when implementing a plan for placing employees on involuntary leave without pay, shall comply with subsection I of Section 840-2.27C of Title

74 of the Oklahoma Statutes, comply with rules adopted by the Office of Personnel Management pertaining to involuntary leave without pay, and shall implement a plan which, for the safety of the public, does not furlough correctional officers.”

Representative Morgan(Fred) asked a ruling of the Presiding Officer whether the Sweeden amendment is germane to **HB 1484**.

The Presiding Officer ruled the point well taken and the amendment nongermane.

Representative Walker moved that **HB 1484** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Walker, **HB 1484** was considered engrossed and placed on Third Reading and Final Passage.

### **THIRD READING**

**HB 1484** was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Adkins, Askins, Balkman, Bengé, Blackburn, Blackwell, Bonny, Boren, Braddock, Brannon, Calvey, Carey, Cargill, Case, Coleman, Covey, Cox, Dank, Davis, Deutschendorf, DeWitt, Dorman, Easley, Eddins, Ellis, Ericson, Ferguson, Gilbert, Graves, Greenwood, Hamilton, Harrison, Hastings, Hefner, Hiatt, Hilliard, Hutchison, Ingmire, Jones, Kirby, Lamons, Langmacher, Leist, Lerblance, Lindley, Maddux, McCarter, McClain, McIntyre, Miller (Doug), Miller (Ray), Mitchell, Morgan (Danny), Morgan (Fred), Nance, Nations, Newport, O'Neal, Paulk, Perry, Peters, Peterson, Pettigrew, Piatt, Plunk, Pope, Reynolds, Rice, Roan, Roberts, Roggow, Smaligo, Smith (Dale), Smith (Hopper), Smithson, Staggs, Steele, Sullivan, Sweeden, Taylor, Tibbs, Toure, Trebilcock, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--95.

Nay: Liotta.--1.

Excused: Armes, Claunch, Erwin, Phillips, Stanley.--5.

The measure passed.

**HB 1484** was referred for engrossment.

### **MOTION**

Representative Hamilton asked that the Journal reflect that had she been present in the Chamber, she would have voted aye on **HB 1269**, which was the order.

## RECONSIDERATION

Representative Dank moved to reconsider the vote whereby **HB 1511** failed, which motion prevailed upon roll call as follows:

Aye: Adkins, Askins, Balkman, Benge, Blackwell, Braddock, Calvey, Cargill, Case, Coleman, Cox, Dank, Davis, DeWitt, Easley, Eddins, Ericson, Ferguson, Gilbert, Graves, Greenwood, Hamilton, Hastings, Hiatt, Hilliard, Ingmire, Jones, Kirby, Lamons, Leist, Liotta, Maddux, McCarter, Miller (Doug), Morgan (Fred), Nance, Newport, Paulk, Perry, Peterson, Pettigrew, Piatt, Reynolds, Roberts, Roggow, Smaligo, Smith (Hopper), Staggs, Steele, Sweeden, Tibbs, Toure, Trebilcock, Vaughn, Walker, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--62.

Nay: Blackburn, Bonny, Boren, Brannon, Carey, Covey, Deutschendorf, Dorman, Ellis, Harrison, Hefner, Hutchison, Langmacher, Lerblance, Lindley, McClain, McIntyre, Miller (Ray), Mitchell, Morgan (Danny), Nations, O'Neal, Peters, Plunk, Pope, Rice, Roan, Smith (Dale), Smithson, Sullivan, Taylor, Turner, Tyler, Wells.--34.

Excused: Armes, Claunch, Erwin, Phillips, Stanley.--5.

Upon unanimous consent request of Representative Dank, **HB 1511** was rereferred to the Common Education Committee.

## GENERAL ORDER

**HB 1621** by Graves of the House and Snyder of the Senate was read and considered.

Representative Graves moved to amend **HB 1621** by striking the title, which amendment was declared adopted.

Representative Graves moved to amend **HB 1621** by deleting Section 1 which reads as follows, and renumbering subsequent sections, which amendment was declared adopted:

“SECTION 1. AMENDATORY 10 O.S. 2001, Section 7106, is amended to read as follows:

Section 7106. A. 1. Any county office of the Department of Human Services receiving a child abuse or neglect report as provided in Section 7103 of this title shall promptly respond to the report by initiating an investigation of the report or an assessment of the family in accordance with priority guidelines established by the Department of Human Services. The Department may assign priorities to reports of alleged child abuse or neglect based on the severity and immediacy of the alleged harm to the child. The Department shall adopt the priority system pursuant to rules promulgated by the Commission for Human Services. The primary purpose of the investigation or assessment shall be the protection of the child.

2. The Department, when feasible, shall designate certain staff in each county office to only handle reports requiring an investigation and shall designate other staff to conduct assessments in response to reports which do not require an investigation. In county offices of the Department where an Integrated Family Services Program exists, the Department shall utilize such program staff to assist in linking families who have agreed to accept such services with prevention and intervention-related services, and to assist in the development of such services within the community.

~~3. If an investigation or assessment conducted by the Department of Human Services in response to any report of child abuse or neglect shows that the incident reported was the result of the reasonable exercise of parental discipline involving the use of ordinary force, including, but not limited to, spanking, switching or paddling, the investigation or assessment will proceed no further. If such incident was the result of the reasonable exercise of parental discipline involving the use of ordinary force, including, but not limited to, spanking, switching or paddling, all records regarding the incident shall be expunged.~~

B. As necessary to complete a thorough investigation or assessment, the county office or the Department shall determine:

1. The nature, extent and cause of the abuse or neglect, if applicable;
2. The identity of the person responsible for the abuse or neglect, if applicable;
3. The names and conditions of any other children in the home;
4. An evaluation of the parents or persons responsible for the health, safety or welfare of the child;
5. The adequacy of the home environment;
6. The relationship of the child to the parents or persons responsible for the health, safety or welfare of the child;
7. Any service needs of the child and the parents or persons responsible for the health, safety or welfare of the child and any other children in the home to reduce the potential for abuse and neglect; and
8. All other pertinent data.

C. 1. The investigation or assessment shall include a visit to the child's home, unless there is reason to believe that there is an extreme safety risk to the child or worker or it appears that the referral has been made in bad faith, and shall also include an interview with and examination of the subject child. The interview with and examination of the child may be conducted at any reasonable time and at any place, including, but not limited to, the child's school. It shall be the responsibility of the Department of Human Services to notify the parents of a child who has been interviewed at a school. The investigation or assessment may include an interview with the child's parents or any other person responsible for a child's health, safety or welfare and an interview with and examination of any child in the home.

2. The investigation or assessment may include a medical, psychological, or psychiatric examination of any child in that home. If admission to the home, school, or any place where the child may be located cannot be obtained, then the district court having jurisdiction, upon application by the district attorney and upon cause shown, shall order the parents or other persons responsible for the health, safety or welfare of the child, or the person in charge of any place where the child may be located, to allow entrance for the interview, the examination and the investigation or assessment. If the parents or other persons responsible for the child's health, safety or welfare do not consent to a medical, psychological or psychiatric examination of the child that is requested by the county office or the Department, the district court having jurisdiction, upon application by the district

attorney and upon cause shown, shall order the examination to be made at the times and places designated by the court. As necessary in the course of conducting an investigation, the Department may request and obtain, without a court order, copies of the prior medical records of a child including, but not limited to, hospital records and medical and dental records. The physician-patient privilege shall not constitute grounds for failure to produce such records.

3. The investigation or assessment may include an inquiry into the possibility that the child, a parent or a person responsible for the child's health, safety or welfare has a history of mental illness. If a parent or person responsible for the child's health, safety or welfare does not allow the county office or the Department to have access to mental health records or treatment plans, requested by the county office or the Department, which may relate to the abuse or neglect, the district court having jurisdiction, upon application by the district attorney and upon good cause shown, shall by order allow the county office or the Department to have access to the records pursuant to terms and conditions prescribed by the court.

4.
  - a. If the court determines that the parent or person responsible for the child's health, safety or welfare is indigent, the court shall appoint an attorney to represent the parent or person responsible for the child's health, safety or welfare at the hearing to obtain mental health records.
  - b. A parent or person responsible for the child's health, safety or welfare is entitled to notice and a hearing when the county office or the Department seeks a court order to allow a medical, psychological or psychiatric examination or access to mental health records.
  - c. Access to mental health records does not constitute a waiver of confidentiality.

5. The investigation of a report of sexual abuse or serious physical abuse or both sexual abuse and serious physical abuse shall be conducted, when appropriate and possible, using a multidisciplinary approach.

D. The Department shall conduct an assessment in response to reports initially referred for an investigation, if it is determined that a complete investigation is not required.

E. The Department shall immediately commence an investigation if it is determined, at any time during the assessment process, that an investigation is warranted as provided for in the priority guidelines established by the Department.

F. If, before the investigation is complete, the opinion of the child protective services worker is that immediate removal of the child is necessary to protect the child from further abuse or neglect, the child protective services worker shall recommend that the child be taken into custody pursuant to the Oklahoma Children's Code.

G. 1. The county office shall make a complete written report of the investigation. The investigation report, together with its recommendations, shall be submitted to the appropriate district attorney's office.

2. Reports of assessment recommendations shall not be required to be submitted to appropriate district attorneys unless such district attorneys request that copies of the assessment recommendations be submitted to them. Immediately after the effective date of this act, the Department shall send written notice to all district attorneys in this state informing them of their right to request and receive copies of the assessment recommendations.

H. The Department shall identify prevention and intervention-related services available in the community and arrange for such services to be provided to the family when

an investigation or assessment indicates the family would benefit from such services, or the Department may provide such services directly. The Department shall thoroughly document in the record its attempts to provide, or arrange for the provision of, voluntary services and the reasons these services are important to reduce the risk of future abuse or neglect to the child. If the family continues to refuse voluntary services, and it is determined by the child protective services worker that the child needs to be protected, the Department may initiate an investigation.

I. Except as otherwise provided by the Oklahoma Child Abuse Reporting and Prevention Act, the investigation of a child abuse or neglect report shall comply with the provisions of Section 7003-1.1 of this title.

J. If the Department has reason to believe that a parent of the child or other person may remove the child from the state before the investigation is completed, the Department may request the district attorney to file an application for a temporary restraining order in any district court in the State of Oklahoma without regard to continuing jurisdiction of the child. After a hearing on the application, the court may enter a temporary restraining order prohibiting the parent or other person from removing the child from the state pending completion of the investigation if the court finds that the county office or the Department has probable cause to conduct the investigation.”

Representatives Askins and Toure moved to amend **HB 1621**, Page 8, Section 2, Line 1 1/2 by inserting a new subsection C. to read as follows, and relettering subsequent subsection, which amendment was declared adopted:

“C. The time limitations provided for in subsection B of this section shall be suspended for any period of time that the individual who is the subject of the report is incarcerated.”

Representative Graves moved that **HB 1621** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Graves, **HB 1621** was considered engrossed and placed on Third Reading and Final Passage.

### THIRD READING

**HB 1621** was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Adkins, Askins, Balkman, Benge, Blackwell, Bonny, Boren, Braddock, Brannon, Calvey, Carey, Cargill, Case, Coleman, Covey, Cox, Dank, Davis, Deutschendorf, DeWitt, Dorman, Easley, Eddins, Ellis, Ericson, Ferguson, Graves, Greenwood, Hamilton, Harrison, Hastings, Hefner, Hiatt, Hilliard, Hutchison, Ingmire, Jones, Kirby, Lamons, Langmacher, Leist, Lerblance, Lindley, Liotta, Maddux, McCarter, McClain, Miller (Doug), Miller (Ray), Mitchell, Morgan (Danny), Morgan (Fred), Nance, Nations, Newport, O'Neal, Paulk, Perry, Peters, Peterson, Pettigrew, Piatt, Plunk, Pope, Reynolds, Rice, Roan, Roberts, Roggow, Smaligo, Smith (Dale), Smith (Hopper), Smithson, Staggs, Steele, Sullivan,

Sweeden, Taylor, Tibbs, Toure, Trebilcock, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--93.

Nay: Blackburn, Gilbert, McIntyre.--3.

Excused: Armes, Claunch, Erwin, Phillips, Stanley.--5.

The measure passed.

**HB 1621** was referred for engrossment.

## RESOLUTION

The following was introduced and read:

**HCR 1011** – By Nations.

A Concurrent Resolution creating the Joint Task Force on Mold and Mold Remediation; stating purposes; establishing membership; providing for reimbursement; providing for staff support; and requiring a report.

## MOTION EXPIRED

Time expired for consideration of the motion to reconsider the vote whereby the emergency failed on **HB 1353**.

**HB 1353** was referred for engrossment.

## MEASURES REREFERRED

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

**HB 1016** – Government Operations and Agency Oversight and Administrative Rules

**HB 1095** – County and Municipal Government

**HB 1698** – Transportation

**HB 1729** – Judiciary

**HB 1758** – Judiciary

**HB 1772** – Insurance

Representative Rice moved that when the clerk's desk is clear, the House stand adjourned to reconvene at 1:30 p.m., Monday, March 17, 2003, which was the order.

Pursuant to the motion of Representative Rice, the House was adjourned at 11:15 a.m., to reconvene Monday, March 17, 2003, at 1:30 p.m.