

MORE FROM THE SENATE FLOOR, TUESDAY, MAY 14

By Brandon Beard
Staff Writer

■(GIT) The Senate considered the following additional measures on Tuesday, May 14, 1996:

HB2988, by Sen. Paul Muegge, D-Tonkawa, authorizes the State Board of Agriculture to establish fees and provides for other surety allowable for livestock markets by the U.S. Packers and Stockyards Act. It also provides penalties upon the suspension, revocation or expiration of livestock auction market licenses.

After adopting the bill's conference com-

mittee report, members passed the measure with a vote of 29 to 13.

SB1031, by Sen. Herb Rozell, D-Tahlequah, broadens the authority of the Oklahoma Used Motor Vehicle and Parts Commission to levy specified administrative fines against used car dealers.

After adopting the bill's conference committee report, members passed the measure with a vote of 43 to 0.

SB1166, by Sen. Ed Long, D-Enid, requires disclosure of actual payments if co-payments are based on discounted or non-discounted charges. It requires explanation

of benefits and co-payments to clearly and accurately disclose actual amounts paid or due.

After adopting the bill's conference committee report, members passed the measure with a vote of 43 to 0.

Members also confirmed several of Governor Frank Keating's executive nominations that had been approved in committee.

The Senate is scheduled to reconvene at 9:30 a.m. on Wednesday, May 15, 1996.

MORE FROM THE HOUSE FLOOR, TUESDAY, MAY 14

By Shawn Ashley
Staff Writer

■(GIT) With some 13 working days remaining, representatives moved quickly through their Tuesday agenda, taking the following actions:

HB1185, by Rep. C. Michael Thornbrugh, R-Tulsa, which authorizes any sheriff's office or campus police agency to dispose of by public sale, destruction, donation, or transfer for use to a governmental subdivision, personal property which has come into its possession; and provides the procedure for the same; establishes special funds to hold proceeds of the sale of such property and authorizes expenditures from said fund, received a passing vote of 95-0 following the adoption of its conference committee report.

HB2182, by Rep. Mike Mass, D-Hartshorne, which states legislative intent to protect the rights of child witnesses; defines terms; states considerations that must be considered before deciding to accept the testimony of a child witness; establishes who can be present during the testimony of a child witness; and provides for accompaniment of a child witness during testimony, received a 98-0 passing vote after the adoption of its conference committee report.

House members gave **HB2408** a passing vote of 61-37 despite the urging of Rep. Frank Davis, R-Guthrie, to reject the bill's second conference committee report, as well as the bill.

The measure, by Rep. Randy Beutler, D-Elk City, allows the Oklahoma Water Resources Board to grant limited water rights without conducting public hearings, eliminates the anti-nepotism clause applying to

rural water management districts and removes the requirement that rural water management districts file a copy of their annual audit with their county clerk. Davis said removal of the two requirements would be detrimental to rural water districts and their customers.

House members voted 53-44 to accept the measures second conference committee report before giving the bill a passing vote. The bill's emergency clause also received a passing vote of 74-24.

Rep. Bill J. Mitchell, D-Lindsay, asked for and received unanimous consent to reject the conference committee report for his measure, **HB2414**, and to return the bill for further conference.

HB2890, by Rep. Bill Settle, D-Muskogee, which modifies authorized expenditures pursuant to the State Travel Reimbursement Act as it pertains to various state agencies, received a passing vote of 98-1 following the adoption of its conference committee report.

Also receiving a passing vote was **SB791**, by Rep. Jari Askins, D-Duncan, which removes the prohibition against transporting a concealed rifle or shotgun in a vehicle, following the acceptance of its conference committee report. Under the terms of the bill, which passed by a 98-0 vote, the rifle or shotgun must be unloaded.

Another weapons-related measure, **SB1050**, by Rep. Fred Stanley, also received a passing vote. The measure, which passed by a vote of 99-0 following the adoption of its second conference committee report, modifies certain language relating to firearms, particularly those provisions related

Ruling, continued from page 3

tation of such facts and information is included under our broad definition of 'lobbying.' Accordingly, we find that school boards have the implied power to lobby the Legislature."

The opinion notes that certain statutes also impact the position, particularly that law which requires certain individuals to register to be a lobbyist in Oklahoma and exempts public officials "acting in [their] official capacity" and public employees "acting on behalf of the governmental entity by which [they are] employed."

Referring back to Webb's original question — whether a private association representing school board members can lobby the legislature regarding school board or other education issues and in doing so expend funds partially derived from membership dues paid with state funds — the opinion states, "...a school board may lawfully pay membership dues to a private association that then uses such funds to engage in lobbying."

The same is not true, however, for efforts to support or oppose an initiative or referendum question if the dues were paid and received with this intent. Additionally, the attorney general notes in the opinion, a public officer and an individual who conspire for such a purpose may both be subject to criminal prosecution for conspiracy.

That's because, the attorney general explains in the opinion, school boards and other public officials are prohibited by statute from directing or authorizing the use of public funds to be used in support of or in opposition to "any measure which is being referred to a vote of the people by means of the initiative or referendum ..."

While the statute applies to individuals and not associations, an effort to divert funds for such a purpose would constitute conspiracy, according to the opinion, and would be punishable under the statute.

See *House*, page 4