

Senate Journal

Second Regular Session of the Fifty-first Legislature of the State of Oklahoma

Twenty-fourth Legislative Day, Thursday, March 13, 2008

The Senate was called to order by Senator Jolley.

Roll Call:

Present: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.—48.

Senator Jolley declared a quorum present.

The prayer was offered by Pastor Curtis Lynn Plant, First Christian Church, Waurika, the guest of Senator Barrington.

REPORT OF ENGROSSED AND ENROLLED MEASURES

SBs 412, 1364, 1366, 1407, 1421, 1428, 1435, 1499, 1521, 1528, 1555, 1595, 1618, 1628, 1825, 1842, 1921, 1923, 1960, 1964, 2003, 2004, 2007, 2021, 2028, 2074, 2104, 2117, 2122, 2131, 2145 and 2173 and SJRs 38 and 51 and SCRs 45 and 58 were each correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

UNANIMOUS CONSENT REQUEST DIRECT TO CALENDAR

Senator Burrage asked unanimous consent to suspend Rule 6-4 and refer **SCR 60** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SCR 60 by Burrage of the Senate and Hoskin of the House was called up for consideration.

All other members of the Senate asked to coauthor **SCR 60**, which was the order.

SCR 60 was adopted upon motion of Senator Burrage and referred for engrossment.

GENERAL ORDER

SB 1735 by Sparks of the Senate and Richardson of the House, previously considered on Page 890, was called up for further consideration.

Senator Schulz asked to coauthor **SB 1735**, which was the order.

Senator Sparks moved that **SB 1735** be advanced, which motion was declared adopted.

THIRD READING

SB 1735 was read for the third time at length.

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

Aye: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Paddack, Rabon, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--44.

Nay: Garrison, Gumm and Nichols.--3.

Excused: Reynolds.--1.

The bill passed.

SB 1735 was referred for engrossment.

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

Senator Coates asked unanimous consent to suspend Rule 6-4 and refer **SCR 61** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SCR 61 by Coates of the Senate and Morgan of the House was called up for consideration.

All other members of the Senate asked to coauthor **SCR 61**, which was the order.

SCR 61 was adopted upon motion of Senator Coates and referred for engrossment.

GENERAL ORDER

SB 2111 by Sparks of the Senate and Shannon of the House was called up for consideration.

Senator Schulz asked to coauthor **SB 2111**, which was the order.

Senator Sparks moved that **SB 2111** be advanced, which motion was declared adopted.

THIRD READING

SB 2111 was read for the third time at length.

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

Aye: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Ivester, Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Mazzei, Morgan, Myers, Nichols, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweden, Sykes, Wilcoxson, Williamson and Wyrick.--42.

Nay: Garrison, Gumm, Johnson (C), Lerblance, Paddack and Wilson.--6.

The bill passed.

SB 2111 was referred for engrossment.

REPORT OF ENGROSSED AND ENROLLED MEASURE

SCR 60 was correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

GENERAL ORDER

SB 1910 by Johnson (Constance) of the Senate and Hamilton of the House was called up for consideration.

Senator Johnson (Constance) moved that **SB 1910** be advanced, which motion was declared adopted.

THIRD READING

SB 1910 was read for the third time at length.

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

Aye: Adelson, Anderson, Ballenger, Bass, Branan, Burrage, Coates, Corn, Crutchfield, Easley, Eason McIntyre, Garrison, Ivester, Johnson (C), Justice, Laster, Leftwich, Lerblance, Morgan, Paddack, Rabon, Reynolds, Rice, Riley, Sparks, Sweeden, Wilson and Wyrick.--28.

Nay: Aldridge, Barrington, Bingman, Brogdon, Brown, Coffee, Crain, Ford, Gumm, Johnson (M), Jolley, Lamb, Laughlin, Mazzei, Myers, Nichols, Schulz, Sykes, Wilcoxson and Williamson.--20.

The bill passed.

SB 1910 was referred for engrossment.

GENERAL ORDER

SB 2093 by Coffee and Gumm of the Senate and Miller of the House was called up for consideration.

Senator Coffee asked to be removed and Senator Branan asked to be named principal Senate author on **SB 2093**, which was the order. Senator Coffee asked to be retained as first Senate coauthor, which was the order. Senator Gumm asked to be removed as Senate coauthor on **SB 2093**, which was the order.

Senators Jolley, Mazzei, Bingman, Barrington, Brown, Crain, Ford, Lamb, Aldridge, Myers, Reynolds and Laughlin asked to coauthor **SB 2093**, which was the order.

Senator Williamson moved to amend **SB 2093**, Page 5, Line 23, by deleting Section 2 and inserting new Sections 2 through 4 to read as follows:

“SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2357.206 of Title 68, unless there is created a duplication in numbering, reads as follows:

A. This act shall be known and may be cited as the “New Hope Scholarship Act”.

B. For tax years beginning after December 31, 2008, there shall be allowed against the tax imposed by Section 2355 of Title 68 of the Oklahoma Statutes a credit for any taxpayer who makes a contribution to an eligible scholarship-granting organization. The credit authorized by this section shall be equal to fifty percent (50%) of the total amount of contributions made during a taxable year, not to exceed an amount which is equal to fifty percent (50%) of the taxpayer’s total tax liability for the taxable year in which the credit provided in this section is claimed. The total of the credits authorized by this section shall not exceed Five Million Dollars (\$5,000,000.00) annually, to be allocated by the Oklahoma Tax Commission on a first-come, first-served basis.

C. As used in this section:

1. “Eligible student” means a student who:

- a. is lawfully present in the United States and who is a member of a household whose total annual income during the preceding tax year does not exceed an amount equal to two and one-half (2 1/2) times the income standard used to qualify for a free or reduced school lunch. Once a student meets the requirements of this subparagraph, such student remains eligible regardless of household income until such student graduates high school or reaches twenty-one (21) years of age, whichever occurs first,
- b. has not been enrolled in or attended an elementary or secondary private school in this state within eighteen (18) months preceding the award of an educational scholarship, and
- c. during the immediately preceding school year, attended or, by virtue of the location of such student's place of residence, was eligible to attend a public school in a county in this state with a population of more than four hundred fifty thousand (450,000) according to the latest Federal Decennial Census which had been identified for school improvement for three (3) or more years as determined by the State Board of Education pursuant to the requirements of the No Child Left Behind Act of 2001, P.L. No. 107-110;

2. “Educational scholarships” means grants to eligible students to cover all or part of the tuition, fees and transportation costs of a qualified private school, located within the geographic boundaries of the school district of the student’s residence, which is accredited by the State Board of Education or an approved accrediting association approved by the Board pursuant to Section 3-104 of Title 70 of the Oklahoma Statutes;

3. “Low-income eligible student” means an eligible student who qualifies for a free or reduced price lunch;

4. “Qualified school” means an elementary or secondary private school in a county in this state with a population of more than four hundred fifty thousand (450,000) according to the latest Federal Decennial Census which is:

- a. accredited by the State Board of Education or an approved accrediting association approved by the Board pursuant to Section 3-104 of Title 70 of the Oklahoma Statutes,
 - b. in compliance with all applicable health and safety laws and codes,
 - c. has a stated policy against discrimination in admissions on the basis of race, color, national origin or disability, and
 - d. ensures academic accountability to parents and guardians of students through regular progress reports; and
5. "Scholarship-granting organization" means an organization which:
- a. is a nonprofit entity exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C., Section 501(c)(3),
 - b. distributes periodic scholarship payments as checks made out to a student's parent or guardian and mailed to the qualified school where the student is enrolled,
 - c. expends at least ninety percent (90%) of its annual revenue on educational scholarships as defined in paragraph 2 of this subsection. For purposes of this paragraph, "annual revenue" means the total amount or value of contributions received by an organization from taxpayers awarded credits during the organization's fiscal year and all amounts earned from interest or investments,
 - d. makes annual expenditures for educational scholarships for low income eligible students, as defined in paragraph 3 of this subsection, in an amount equal to the percentage of low income eligible students in the county where the scholarship-granting organization provides the majority of its scholarships,
 - e. ensures that scholarships are portable during the school year and can be used at any qualified school that accepts the eligible student, and
 - f. has policies in place to:
 - (1) carry out criminal background checks on all employees and board members to ensure that no individual is involved with the organization who might reasonably pose a risk to the appropriate use of contributed funds,
 - (2) maintain full and accurate records with respect to the receipt of contributions and expenditures of those contributions and supply such records and any other documentation required by the Tax Commission to demonstrate financial accountability, and
 - (3) encourage the parents or guardians of students receiving scholarships to choose a qualified school in the area near the student's residence.

D. In no event shall the amount of the credit exceed the amount of any tax liability of the taxpayer.

E. Any credits allowed but not used in any tax year may be carried over, in order, to each of the three (3) years following the year of qualification.

F. The Tax Commission shall promulgate rules necessary to implement this act.

SECTION 3. Section 1 of this act shall become effective January 1, 2009.

SECTION 4. Section 2 of this act shall become effective November 1, 2008.”.

Senator Sparks moved to amend the Williamson amendment to **SB 2093**, throughout the amendment, wherever the word “scholarship” appears, delete the word “scholarship” and insert the word “voucher”, and wherever the word “scholarships” appears, delete the word “scholarships” and insert the word “vouchers”, which amendment failed of adoption upon roll call as follows:

Aye: Ballenger, Bass, Burrage, Corn, Crutchfield, Easley, Gumm, Ivester, Johnson (C), Laster, Leftwich, Lerblance, Morgan, Paddack, Rabon, Riley, Sparks, Sweeden, Wilson and Wyrick.--20.

Nay: Adelson, Aldridge, Anderson, Barrington, Bingman, Branan, Brogdon, Brown, Coates, Coffee, Crain, Eason McIntyre, Ford, Garrison, Johnson (M), Jolley, Justice, Lamb, Laughlin, Mazzei, Myers, Nichols, Reynolds, Rice, Schulz, Sykes, Wilcoxson and Williamson.--28.

Senator Williamson pressed adoption of his previous amendment, which amendment was declared adopted upon roll call as follows:

Aye: Adelson, Aldridge, Anderson, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Coates, Coffee, Crain, Eason McIntyre, Ford, Garrison, Johnson (M), Jolley, Justice, Lamb, Laughlin, Mazzei, Myers, Nichols, Reynolds, Rice, Riley, Schulz, Sykes, Wilcoxson and Williamson.--30.

Nay: Ballenger, Burrage, Corn, Crutchfield, Easley, Gumm, Ivester, Johnson (C), Laster, Leftwich, Lerblance, Morgan, Paddack, Rabon, Sparks, Sweeden, Wilson and Wyrick.--18.

Senator Branan moved that **SB 2093** be advanced, which motion was declared adopted.

THIRD READING

SB 2093 was read for the third time at length.

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

Aye: Adelson, Aldridge, Anderson, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Coates, Coffee, Crain, Easley, Eason McIntyre, Ford, Garrison, Johnson (M), Jolley, Justice, Lamb, Laughlin, Mazzei, Myers, Nichols, Paddack, Reynolds, Rice, Riley, Schulz, Sparks, Sykes, Wilcoxson and Williamson.--33.

Nay: Ballenger, Burrage, Corn, Crutchfield, Gumm, Ivester, Johnson (C), Laster, Leftwich, Lerblance, Morgan, Rabon, Sweeden, Wilson and Wyrick.--15.

The bill passed.

SB 2093 was referred for engrossment.

GENERAL ORDER

SB 1987 by Laughlin of the Senate and Blackwell of the House was called up for consideration.

Senator Brogdon asked to coauthor **SB 1987**, which was the order.

Senator Brogdon moved to amend **SB 1987**, by striking the title, the enacting clause and the entire body of the bill and substituting the floor substitute, which amendment was declared adopted upon roll call as follows: (Copies were provided for all Senators.)

Aye: Aldridge, Anderson, Barrington, Bingman, Branan, Brogdon, Brown, Coates, Coffee, Crain, Ford, Johnson (M), Jolley, Justice, Lamb, Laughlin, Mazzei, Myers, Nichols, Paddack, Reynolds, Riley, Schulz, Sykes, Wilcoxson and Williamson.--26.

Nay: Adelson, Ballenger, Bass, Burrage, Corn, Crutchfield, Easley, Eason McIntyre, Garrison, Gumm, Ivester, Johnson (C), Laster, Leftwich, Lerblance, Morgan, Rabon, Rice, Sparks, Sweeden, Wilson and Wyrick.--22.

Senator Laughlin moved that **SB 1987** be advanced, which motion was declared adopted.

THIRD READING

SB 1987 was read for the third time at length.

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

Aye: Adelson, Aldridge, Anderson, Barrington, Bingman, Branan, Brogdon, Brown, Coates, Coffee, Crain, Crutchfield, Easley, Ford, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laughlin, Leftwich, Mazzei, Myers, Nichols, Paddack, Reynolds, Riley, Schulz, Sykes, Wilcoxson and Williamson.--31.

Nay: Ballenger, Bass, Burrage, Corn, Eason McIntyre, Garrison, Gumm, Ivester, Laster, Lerblance, Morgan, Rabon, Rice, Sparks, Sweeden, Wilson and Wyrick.--17.

The bill passed.

Pursuant to Rule 13-22, Senator Laughlin served notice that the vote be reconsidered whereby **SB 1987** passed.

MESSAGE FROM THE HOUSE

Advising passage of and transmitting for consideration Engrossed **HBs 1441, 2196, 2209, 2216, 2492, 2593, 2608, 2673, 2713, 2728, 2774, 2815, 2817, 2948, 2955, 2963, 3001, 3003, 3047, 3102, 3103, 3121, 3135, 3143, 3226, 3325, 3334, 3337, 3338, 3357, 3358, 3390, 3396 and 3397** and **HJR 1077 and 1099**.

HB 1441 – By Banz, McMullen and Tibbs of the House and Aldridge of the Senate.
(schools - amending Section 14, Chapter 58, O.S.L. 2003 (3A O.S. Supp. 2007, Section 713), as last amended by Section 3 of Enrolled Senate Bill No. 1830 of the 2nd Session of the 51st Oklahoma Legislature - Oklahoma Education Lottery Trust Fund - Common Education Lottery Revolving Fund – codification - effective date - emergency)

HB 2196 – By Dank, Dorman, Jett, Kiesel, BigHorse, Brown, Cannaday, Glenn, Harrison, Hoskin, Inman, Lamons, McMullen, Pittman, Proctor, Pruett, Renegar and Sherrer of the House and Coffee of the Senate.
(Oklahoma Clean Campaigns Act of 2008 – amending 21 O.S., Section 187.1 – limits on contributions – criminal penalties – codification – noncodification – emergency)

HB 2209 – By Wright and Collins of the House and Aldridge of the Senate.
An Act relating to sunset; amending 11 O.S. 2001, Section 51-104, as amended by Section 1, Chapter 23, O.S.L. 2007 (11 O.S. Supp. 2007, Section 51-104), which relates to the Public Employees Relations Board; re-creating the Board; and modifying termination date.

HB 2216 – By Murphey of the House and Anderson of the Senate.
An Act relating to public buildings and public works; providing for certain contracts to be competitively bid; providing for conditions; providing for notice; providing for bid procedure; providing for awarding of bid; prohibiting certain actions; providing penalties; providing for codification; and providing an effective date.

HB 2492 – By Hilliard of the House and Justice of the Senate.
An Act relating to water; amending 82 O.S. 2001, Section 569, which relates to advertisement for certain contracts; raising amount of contract requiring advertisement; and providing an effective date.

HB 2593 – By Luttrell and Cox of the House and Bass of the Senate.
An Act relating to amusements and sports; providing limited malpractice protection for certain physicians; providing for codification; providing an effective date; and declaring an emergency.

HB 2608 – By Ellis of the House and Leftwich of the Senate.
An Act relating to public health and safety; amending 63 O.S. 2001, Section 1-852.1, as amended by Section 4, Chapter 436, O.S.L. 2004 (63 O.S. Supp. 2007, Section 1-852.1), which relates to long-term care facility certificate of need; modifying amount of application

fee; providing for refund of fee; amending 63 O.S. 2001, Section 2601, which relates to health care services for minors; modifying definition; and declaring an emergency.

HB 2673 – By Morgan and Collins of the House and Eason McIntyre of the Senate (prisons and reformatories - amending 57 O.S., Sections 510.7 and 510.8 - inmates in education and training programs - amending 57 O.S., Section 530.1 - Department of Corrections - effective date)

HB 2713 – By Billy, Brown, Hilliard, McDaniel (Jeannie), Pittman, Steele, Hoskin, Kiesel, Roan and Walker of the House and Crain of the Senate.

An Act relating to Medicaid coverage; amending 56 O.S. 2001, Section 1010.1, as last amended by Section 27 of Enrolled Senate Bill No. 1830 of the 2nd Session of the 51st Oklahoma Legislature, which relates to the Oklahoma Medicaid Program Reform Act of 2003; exempting certain persons from qualifying employer requirement; providing for eligibility for premium assistance program for certain persons if funding permits; and providing an effective date.

HB 2728 – By Armes of the House and Schulz of the Senate.

An Act relating to agriculture; amending 2 O.S. 2001, Section 3-81, as last amended by Section 4, Chapter 200, O.S.L. 2007 (2 O.S. Supp. 2007, Section 3-81), which relates to definitions concerning pesticides; adding definition; requiring certain license for certain treatments in the structural pest category; stating qualifications for certain certification; authorizing fees; requiring records to include certain application information; providing for promulgation of rules by the State Board of Agriculture; providing for codification; and providing an effective date.

HB 2774 – By DeWitt of the House and Lerblance of the Senate.

An Act relating to agriculture; amending 82 O.S. 2001, Section 1020.11a, as last amended by Section 105, Chapter 3, O.S.L. 2003 (82 O.S. Supp. 2007, Section 1020.11a), which relates to permits for swine feeding operations; requiring the Oklahoma Department of Agriculture, Food, and Forestry to determine compliance with certain setback requirements; providing for the promulgation of rules; and providing an effective date.

HB 2815 – By Sullivan and Reynolds of the House and Crain of the Senate.

An Act relating to homeland security; requiring persons to report certain terrorist activities to peace officers; providing reporting requirements; providing penalty; providing for civil and criminal immunity; providing presumption of good faith for certain persons; providing for codification; and providing an effective date.

HB 2817 – By Sullivan, Tibbs and Reynolds of the House and Williamson of the Senate.

An Act relating to attorneys; amending 5 O.S. 2001, Section 9, which relates to attorney fees; providing maximum award of fees under theory of quantum meruit if attorney fee agreement or contingent fee agreement exists; and providing an effective date.

HB 2948 – By Martin (Scott) of the House and Rabon of the Senate.
(revenue and taxation – amending 68 O.S., Section 2358.5A – taxation – exemption – effective date)

HB 2955 – By Tibbs of the House and Schulz of the Senate.
(professions and occupations - amending 19 sections in Title 59 – State Architectural and Interior Designers Act - Occupational Therapy Practice Act – codification - effective date)

HB 2963 – By Morgan of the House and Coates of the Senate.
An Act relating to costs; amending 11 O.S. 2001, Sections 27-122, as amended by Section 3, Chapter 173, O.S.L. 2004 and 28-124 (11 O.S. Supp. 2007, Section 27-122), which relate to court costs; increasing per diem rate for satisfaction of certain fines, fees, and costs; allowing for community service; amending 28 O.S. 2001, Section 101, which relates to court costs; increasing per diem rate for satisfaction of certain fines, fees, and costs; allowing for community service; and providing an effective date.

HB 3001 – By Johnson (Dennis), Dank, Enns, Reynolds and Tibbs of the House and Sykes of the Senate.

An Act relating to gangs; amending 21 O.S. 2001, Section 856, which relates to contributing to the delinquency of a minor; modifying penalties; making certain acts unlawful; providing penalty; amending 21 O.S. 2001, Section 1760; modifying penalties; requiring school employees to report certain activities to school superintendent; requiring certain report be made to local law enforcement; providing immunity for civil or criminal liability; providing for codification; and providing an effective date.

HB 3003 – By Johnson (Rob) and Worthen of the House and Bingman of the Senate.
An Act relating to oil and gas; creating the Sustaining Oklahoma's Energy Resources Act; providing short title; stating legislative findings; creating board; stating purpose; stating membership; providing for travel reimbursement; stating terms; providing for appointments by certain date; providing for vacancies; authorizing the Secretary of Energy to determine meeting schedule; authorizing board to promulgate rules; designating Secretary of Energy responsible for administration of certain funds; providing for codification; and declaring an emergency.

HB 3047 – By Peterson (Pam), Kern and McAffrey of the House and Williamson of the Senate.

An Act relating to children; amending 10 O.S. 2001, Section 7501-1.3, as amended by Section 8, Chapter 445, O.S.L. 2002 (10 O.S. Supp. 2007, Section 7501-1.3), which relates to definitions; modifying certain definitions; amending 10 O.S. 2001, Section 7502-1.4, as amended by Section 1, Chapter 176, O.S.L. 2004 (10 O.S. Supp. 2007, Section 7502-1.4), which relates to foreign adoptions; simplifying procedures to readopt; amending 10 O.S. 2001, Section 7503-2.1, which relates to consent; providing for preference of child to be considered in certain circumstance; amending 10 O.S. 2001, Section 7503-2.3, which relates to permanent relinquishments; expanding list of specific persons with whom permanent relinquishment may be made; amending 10 O.S. 2001, Section 7505-2.1, as

amended by Section 1, Chapter 253, O.S.L. 2006 (10 O.S. Supp. 2007, Section 7505-2.1), which relates to preadoption termination of parental rights; authorizing certain determination at certain hearing; amending 10 O.S. 2001, Section 7505-4.1, which relates to notice and hearing; authorizing certain hearings to be on the same day; providing for simultaneous notice; specifying no entitlement to notice under certain circumstance; amending 10 O.S. 2001, Section 7505-4.2, as amended by Section 2, Chapter 94, O.S.L. 2007 (10 O.S. Supp. 2007, Section 7505-4.2), which relates to exceptions to requirement of parental consent; specifying actions that do not require consent; modifying definition; adding provision not to be considered as support; modifying provisions for when consent is not required by father; specifying criteria for certain defense; modifying definition; amending 10 O.S. 2001, Section 7505-6.4, which relates to denial of petition for adoption; deleting certain unnecessary statutory reference; and providing an effective date.

HB 3102 – By Banz, Kern and Terrill of the House and Aldridge of the Senate.

An Act relating to higher education; amending 70 O.S. 2001, Section 2604, which relates to Oklahoma Higher Learning Access Program awards; limiting payment of awards for remedial non-credit-earning courses or units; specifying application; and providing an effective date.

HB 3103 – By Banz of the House and Lamb of the Senate.

(revenue and taxation - sales tax – effective date)

HB 3121 – By Jones, Sears and Pittman of the House and Paddock of the Senate.

(schools – State Board of Career and Technology Education to implement an alternative education pilot program – codification – emergency)

HB 3135 – By Piatt of the House and Schulz of the Senate.

An Act relating to waters and water rights; amending 82 O.S. 2001, Section 1020.16, which relates to commercial drilling or plugging license; modifying amount maintained in the Well Drillers and Pump Installers Remedial Action Indemnity Fund; modifying maximum amount expended for a well, borehole or pump; increasing administrative penalty; expanding application and grounds for an administrative penalty; providing an effective date; and declaring an emergency.

HB 3143 – By Cargill and Cooksey of the House and Adelson of the Senate.

An Act relating to poor persons; creating the Compassionate Care Task Force; providing for membership; providing for appointment of chair and vice-chair; providing for travel reimbursement; directing State Department of Health to provide staff; directing meetings be subject to the Oklahoma Open Meeting Act; stating duties of Task Force; requiring submission of written progress report to certain persons; providing for codification; providing an effective date; and declaring an emergency.

HB 3226 – By Key, Reynolds and Tibbs of the House and Brogdon of the Senate.

An Act relating to public safety; amending 47 O.S. 2001, Section 6-110.2, as last amended by Section 15, Chapter 311, O.S.L. 2006 and Section 1, Chapter 159, O.S.L. 2007 (47 O.S. Supp. 2007, Sections 6-110.2 and 6-110.3), which relate to computerized finger

imaging and biometric data; prohibiting access by state or federal agencies to certain images without court order; requiring the Department of Public Safety to retrieve and secure certain information; prohibiting certain departments and agencies from collecting, obtaining or retaining computerized facial images in connection with the issuance or renewal of driver licenses that exceed certain resolution; requiring agency to attempt to recollect and secure certain images; requiring state agencies to withdraw certain membership; prohibiting state agencies from reestablishing certain membership; prohibiting state agencies from establishing certain membership; directing the Department of Public Safety to retrieve and secure certain information; providing for creation of certain rules and reciprocity agreements within certain time; authorizing the Department to enter into agreements to share certain information with agencies of other states, subject to certain conditions; prohibiting the Department from disclosing certain information without a court order; authorizing certain agreements regarding the acceptance of nonresident driver licenses or identification documents; and providing for codification.

HB 3325 – By Miller of the House and Aldridge of the Senate.

An Act relating to state government; amending 74 O.S. 2001, Sections 85.2, 85.3, 85.5, as last amended by Section 126, Chapter 1, O.S.L. 2005, 85.7, as last amended by Section 2, Chapter 309, O.S.L. 2004, 85.13 and 85.22 (74 O.S. Supp. 2007, Sections 85.5 and 85.7), which relate to The Oklahoma Central Purchasing Act; modifying definitions; modifying employment of the purchasing division; modifying powers and duties of the state purchasing director; modifying competitive bidding procedures; modifying the accepting or giving of gratuities; providing for certified statement; repealing 74 O.S. 2001, Section 85.23, which relates to the notarized sworn statement attached to contract; and providing an effective date.

HB 3334 – By Miller, Jett, Billy and Denney of the House and Sweeden of the Senate.

An Act relating to state government; repealing 74 O.S. 2001, Sections 10.1, 10.2, 10.3, as last amended by Section 1, Chapter 428, O.S.L. 2005, and 10.4 (74 O.S. Supp. 2007, Section 10.3), which relate to the Executive Branch Reform Act of 1986; and providing an effective date.

HB 3337 – By Thompson of the House and Branam of the Senate.

(revenue and taxation - amending 68 O.S., Sections 1357 and 1364 - sales tax – exemption -

HB 3338 – By Thompson and Shelton of the House and Branam of the Senate.

An Act relating to property; amending 60 O.S. 2001, Section 832, which relates to the Residential Property Condition Disclosure Act; modifying definitions; and providing an effective date.

HB 3357 – By Terrill of the House and Mazzei of the Senate.

(revenue and taxation – amending 47 O.S., Sections 1121 and 1128 – motor vehicle licensing and registration – amending various sections in Title 68 – state tax administration – codification – effective date – emergency)

HB 3358 – By Terrill, Cooksey, Miller and Reynolds of the House and Mazzei of the Senate.

(revenue and taxation - amending 68 O.S., Section 1205 - franchise tax – exemption - amending 68 O.S., Sections 1357.10, 1370, 1377 and 2701 - sales tax - sales tax holiday - amending 68 O.S., Section 2355 - individual income taxation - effective dates)

HB 3390 – By Cargill and Jones of the House and Jolley of the Senate.

(schools – Higher Outcomes and Performance in Education (HOPE) Rewards Act of 2008 – codification – effective date)

HB 3396 – By Benge, Cargill, Collins, Martin (Scott), Nations, Hickman, Jones and Shumate of the House and Coffee, Nichols and Sparks of the Senate.

(schools – amending 70 O.S., Section 4019 – Oklahoma Capitol Improvement Authority – effective date – emergency)

HB 3397 – By Cargill and Shumate of the House and Coffee of the Senate.

An Act relating to higher education; amending 70 O.S. 2001, Section 3218.8, as last amended by Section 1, Chapter 368, O.S.L. 2007 (70 O.S. Supp. 2007, Section 3218.8), which relates to higher education tuition; deleting guaranteed rate from regional average limitation; deleting guaranteed tuition rate for students enrolled at a two-year institution; clarifying types of military service; and declaring an emergency.

HJR 1077 – By Johnson (Rob) of the House and Crain of the Senate.

A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection proposed amendments to Sections 1 and 8 of Article VII and Section 4 of Article VII-B of the Constitution of the State of Oklahoma; requiring Senate confirmation of certain appointments and reappointments to judicial positions; providing ballot title; and directing filing.

HJR 1099 – By Miller, Jett, Billy, Denney, Hoskin, Kiesel, Pittman and BigHorse of the House and Sweeden of the Senate.

(Joint Resolution - proposed amendment - Articles VI, XXV, XXVI, XXVIII and XXIX - Constitution - cabinet system - ballot title – filing)

The above-numbered measures were read the first time.

GENERAL ORDER

SB 1959 by Johnson (Constance) of the Senate and Kern of the House was called up for consideration.

Senator Johnson (Constance) moved that **SB 1959** be advanced, which motion was declared adopted.

THIRD READING

SB 1959 was read for the third time at length.

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

Aye: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Burrage, Coates, Corn, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Justice, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Wilcoxson, Williamson, Wilson and Wyrick.--42.

Nay: Brown, Coffee, Crain, Jolley, Lamb and Sykes.--6.

The bill and emergency passed.

SB 1959 was referred for engrossment.

GENERAL ORDER

SB 1529 by Coates and Leftwich of the Senate and Peterson (Ron) of the House was called up for consideration.

Senator Coates moved that **SB 1529** be advanced, which motion was declared adopted.

THIRD READING

SB 1529 was read for the third time at length.

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

Aye: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--48.

The bill passed.

SB 1529 was referred for engrossment.

GENERAL ORDER

SB 2182 by Johnson (Constance) of the Senate and Dorman of the House was called up for consideration.

Senator Johnson (Constance) moved that **SB 2182** be advanced, which motion was declared adopted.

THIRD READING

SB 2182 was read for the third time at length.

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

Aye: Adelson, Anderson, Ballenger, Eason McIntyre, Gumm, Johnson (C), Morgan, Rabon, Riley, Sweeden, Wilcoxson and Williamson.--12.

Nay: Aldridge, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Ford, Garrison, Ivester, Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Myers, Nichols, Paddack, Reynolds, Rice, Schulz, Sparks, Sykes, Wilson and Wyrick.--35.

Excused: Easley.--1.

The bill failed.

GENERAL ORDER

SB 1669 by Coffee of the Senate and Shumate of the House was called up for consideration.

Representative Wesselhoft asked to coauthor **SB 1669**, which was the order.

Senator Coffee moved that **SB 1669** be advanced, which motion was declared adopted.

THIRD READING

SB 1669 was read for the third time at length.

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

Aye: Aldridge, Anderson, Barrington, Bingman, Branan, Brogdon, Brown, Coates, Coffee, Crain, Ford, Johnson (M), Jolley, Justice, Lamb, Laughlin, Mazzei, Myers, Nichols, Reynolds, Schulz, Sykes, Wilcoxson and Williamson.--24.

Nay: Adelson, Ballenger, Bass, Burrage, Corn, Crutchfield, Easley, Eason McIntyre, Garrison, Gumm, Ivester, Johnson (C), Laster, Leftwich, Lerblance, Morgan, Paddack, Rabon, Rice, Riley, Sparks, Sweeden, Wilson and Wyrick.--24.

Pursuant to Oklahoma Constitution Article VI Section 15, Senator Coffee moved that the Lieutenant Governor be called to the Senate Chamber to cast a tie-breaking vote.

Senator Coffee asked to withdraw his motion requesting the Lieutenant Governor to be called to the Senate Chamber, which was the order.

The bill failed.

Pursuant to Rule 13-22, Senator Coffee served notice that the vote be reconsidered whereby **SB 1669** failed.

GENERAL ORDER

SB 1505 by Rabon of the Senate and Thompson of the House was called up for consideration.

Senator Rabon moved that **SB 1505** be advanced, which motion was declared adopted.

THIRD READING

SB 1505 was read for the third time at length.

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

Aye: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--48.

The bill and emergency passed.

SB 1505 was referred for engrossment.

GENERAL ORDER

SB 1858 by Paddack and Gumm of the Senate and Thomsen of the House was called up for consideration.

Senator Paddack moved that **SB 1858** be advanced, which motion was declared adopted.

THIRD READING

SB 1858 was read for the third time at length.

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

Aye: Adelson, Ballenger, Branan, Burrage, Coates, Crutchfield, Easley, Ford, Garrison, Gumm, Ivester, Johnson (C), Laster, Leftwich, Lerblance, Morgan, Myers, Nichols, Paddack, Rabon, Rice, Riley, Sparks, Sweeden and Sykes.--25.

Nay: Aldridge, Anderson, Barrington, Bass, Bingman, Brogdon, Brown, Corn, Crain, Eason McIntyre, Johnson (M), Jolley, Justice, Lamb, Laughlin, Mazzei, Reynolds, Schulz, Wilcoxson, Williamson, Wilson and Wyrick.--22.

*Not Voting: Coffee.—1.

The bill passed.

*Senator Coffee asked to be shown not voting on **SB 1858** for reason of personal interest, as provided in Article V, Section 24, Oklahoma Constitution.

Pursuant to Rule 13-22, Senator Paddack served notice that the vote be reconsidered whereby **SB 1858** passed.

GENERAL ORDER

SB 1150 by Ford of the Senate and Tibbs of the House was called up for consideration.

Senator Rabon moved to amend **SB 1150**, Page 1, Line 19; Page 3, Line 9; Page 5, Line 7; and Page 9, Line 17, by inserting after the word “government” and before the word “document” the words “or tribal”; and Page 6, Line 4, by inserting after the word “government” and before the word “I.D.” the words “or tribal”, which amendment was declared adopted.

Senator Adelson moved to amend **SB 1150**, Page 2, Line 7, by inserting after the word “stored” and before the second word “in” the words “and counted”; and Page 2, Line 9 ½, by inserting a new paragraph 4 to read as follows:

“4. Vote caging, which shall mean the challenging of a voter’s registration based upon mass mailing of private notices, shall be unlawful in the State of Oklahoma.”, which amendment was declared adopted.

Senator Ford moved that **SB 1150** be advanced, which motion was declared adopted.

THIRD READING

SB 1150 was read for the third time at length.

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

Aye: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Ford, Garrison, Gumm, Ivester, Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Mazzei, Myers, Nichols, Paddack, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson and Williamson.--39.

Nay: Crutchfield, Easley, Eason McIntyre, Johnson (C), Lerblance, Morgan, Rabon, Wilson and Wyrick.--9.

The bill passed.

SB 1150 was referred for engrossment.

GENERAL ORDER

SB 2100 by Ford and Jolley of the Senate and Jones of the House was called up for consideration.

Senator Ford moved to amend **SB 2100**, by striking the title, the enacting clause and the entire body of the bill and substituting the floor substitute, which amendment was declared adopted. (Copies were provided for all Senators.)

Senator Ford moved that **SB 2100** be advanced, which motion was declared adopted.

THIRD READING

SB 2100 was read for the third time at length.

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

Aye: Adelson, Aldridge, Anderson, Barrington, Bingman, Branan, Brogdon, Brown, Coates, Coffee, Crain, Eason McIntyre, Ford, Johnson (M), Jolley, Justice, Lamb, Laughlin, Mazzei, Myers, Nichols, Paddack, Reynolds, Schulz, Sykes, Wilcoxson and Williamson.--27.

Nay: Ballenger, Bass, Burrage, Corn, Crutchfield, Easley, Garrison, Gumm, Ivester, Johnson (C), Laster, Leftwich, Lerblance, Morgan, Rabon, Riley, Sparks, Wilson and Wyrick.--19.

Excused: Rice and Sweeden.--2.

The bill passed.

SB 2100 was referred for engrossment.

MOTION TO RECONSIDER VOTE

Senator Coffee moved to reconsider the vote whereby **SB 1669** failed, which motion was declared adopted upon roll call as follows:

Aye: Adelson, Aldridge, Anderson, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Ivester, Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Riley, Schulz, Sparks, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--41.

Nay: Ballenger, Corn, Gumm and Lerblance.--4.

Excused: Johnson (C), Rice and Sweeden.--3.

THIRD READING

SB 1669 was read for the third time at length.

Senator Coffee moved to reconsider the vote whereby **SB 1669** was advanced, which motion was declared adopted.

GENERAL ORDER

SB 1669 by Coffee of the Senate and Shumate of the House was called up for consideration.

Senator Coffee moved to amend **SB 1669**, Page 1, by striking the title, which amendment was declared adopted.

Senator Coffee moved that **SB 1669** be advanced, which motion was declared adopted.

THIRD READING

SB 1669 was read for the third time at length.

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

Aye: Aldridge, Anderson, Barrington, Bingman, Branan, Brogdon, Brown, Coates, Coffee, Crain, Eason McIntyre, Ford, Johnson (M), Jolley, Justice, Lamb, Laughlin, Mazzei, Morgan, Myers, Nichols, Reynolds, Schulz, Sykes, Wilcoxson and Williamson.--26.

Nay: Adelson, Ballenger, Bass, Burrage, Corn, Crutchfield, Easley, Garrison, Gumm, Ivester, Laster, Leftwich, Lerblance, Paddack, Rabon, Riley, Sparks, Wilson and Wyrick.--19.

Excused: Johnson (C), Rice and Sweeden.--3.

The bill passed.

SB 1669 was referred for engrossment.

MESSAGE FROM THE HOUSE

Advising passage of and returning the following Engrossed resolution:

SCR 57 - coauthored by McCullough of the House

The above-numbered measure was referred for enrollment.

EXECUTIVE NOMINATIONS

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

Barnes, Maria Veliz, Tulsa, as a member of the Air Quality Advisory Council - Energy and Environment

McGill, Jean, Tulsa, as a member of the Oklahoma Capital Investment Board - Finance

Wade, Mary Jane, Elk City, as a member of the Oklahoma Arts Council - Tourism and Wildlife

Senator Laster moved that when the clerk's desk is clear, the Senate stand adjourned to convene Monday, March 17, 2008, at 1:30 p.m., which motion prevailed.

FIRST READING

The following were introduced and read the first time:

SR 57 – By Coffee and Morgan.

A Resolution protesting public safety funding cuts to Oklahoma District Attorneys in the proposed federal budget; requesting restoration of full funding; and directing distribution.

SR 58 – By Coffee and Morgan.

A Resolution supporting Makenna Smith as Miss Oklahoma 2007; congratulating her for her selection; and directing distribution.

BILLS RELEASED

TIME EXPIRED TO RECONSIDER

SBs 1858, 1987 and 2119 were referred for engrossment.

Pursuant to the Laster motion, the Senate adjourned at 1:50 p.m. to meet Monday, March 17, 2008, at 1:30 p.m.