

Senate Journal

First Regular Session of the Fifty-second Legislature of the State of Oklahoma

Thirteenth Legislative Day, Thursday, February 19, 2009

The Senate was called to order by Senator Aldridge.

Roll Call:

Present: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.—47.

Excused: Mazzei.—1.

Senator Aldridge declared a quorum present.

The prayer was offered by Pastor Tony Lambert, First Southern Baptist Church, Oklahoma City, the guest of Senator Russell.

REPORT OF ENGROSSED AND ENROLLED MEASURES

SRs 8 and 12 were each correctly enrolled, properly signed and ordered transmitted to the Secretary of State.

SBs 48, 450, 478 and 506 were each correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

GENERAL ORDER

SB 270 by Anderson of the Senate and Duncan of the House was called up for consideration.

Senator Anderson moved that **SB 270** be advanced, which motion was declared adopted.

THIRD READING

SB 270 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, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--46.

Excused: Coffee and Mazzei.--2.

The bill passed.

SB 270 was referred for engrossment.

GENERAL ORDER

SB 285 by Anderson of the Senate and Jackson of the House was called up for consideration.

Senator Anderson moved that **SB 285** be advanced, which motion was declared adopted.

THIRD READING

SB 285 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, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--47.

Excused: Mazzei.--1.

The bill passed.

SB 285 was referred for engrossment.

GENERAL ORDER

SB 339 by Anderson of the Senate and Peters of the House was called up for consideration.

Senator Easley asked to coauthor **SB 339**, which was the order.

Senator Anderson moved to amend **SB 339**, Page 7, Line 4, by inserting after the period and before the word “The” the following language “The Department may notify any adult relative for the purpose of assessing whether the relative may be a suitable placement for the child or to maintain the child’s connection to kin or culture.”; Page 7, Line 4, by inserting after the word “notice” and before the word “shall” the language “, ordered by the court,”; Page 7, Line 14, by inserting after the word “if” and before the word “such” the language “if the court determines that”; and Page 51, Lines 7 through 9, by deleting all language after the word “education” on Line 7 and inserting in lieu thereof the language “in any legally authorized education program”, which amendment was declared adopted.

Senator Anderson moved that **SB 339** be advanced, which motion was declared adopted.

THIRD READING

SB 339 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, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--47.

Excused: Mazzei.--1.

The bill and emergency passed.

SB 339 was referred for engrossment.

GENERAL ORDER

SB 306 by Leftwich of the Senate and Jordan of the House was called up for consideration.

Senator Leftwich moved to amend **SB 306**, Page 1, by striking the title, which amendment was declared adopted.

Senator Leftwich moved that **SB 306** be advanced, which motion was declared adopted.

THIRD READING

SB 306 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, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddock, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--47.

Excused: Mazzei.--1.

The bill passed.

SB 306 was referred for engrossment.

GENERAL ORDER

SB 330 by Burrage of the Senate and Sherrer of the House was called up for consideration.

Senators Johnson (Constance) and Easley asked to coauthor **SB 330**, which was the order.

Senator Burrage moved that **SB 330** be advanced, which motion was declared adopted.

THIRD READING

SB 330 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, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--47.

Excused: Mazzei.--1.

The bill passed.

SB 330 was referred for engrossment.

GENERAL ORDER

SB 388 by Burrage of the Senate and Sherrer of the House was called up for consideration.

Senator Burrage moved that **SB 388** be advanced, which motion was declared adopted.

THIRD READING

SB 388 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, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--45.

Nay: Barrington and Reynolds.--2.

Excused: Mazzei.--1.

The bill passed.

SB 388 was referred for engrossment.

Senator Brogdon presiding.

POINT OF ORDER

Senator Bingman announced that pursuant to Senate Rule 7-7C, the Energy and Environment Committee would be meeting in the Senate Lounge immediately after Session.

Senator Crutchfield raised a Point of Order, that the use of Senate Rule 7-7C was in violation of the Open Meetings Law.

The Chair ruled that President Pro Tempore Coffee approved the waiving of the 24 hour agenda Rule for the Energy and Environment Committee, so the Bingman announcement for the meeting was in order.

Senator Aldridge presiding.

MESSAGE FROM THE HOUSE

Advising passage of and transmitting for consideration Engrossed **HBs 1025, 1052, 1077, 1084, 1366, 1484, 1527, 1602, 1678, 1736, 1738, 1884 and 2151** and **HJR 1003**.

HB 1025 – By Duncan, Sullivan, Terrill, Reynolds, Schwartz, Ritze, Faught, Moore, Christian, McMullen, Wesselhoft, Wright (John), Proctor, Dorman, Derby, Peterson and Jones of the House and Anderson of the Senate.

An Act relating to crimes and punishments; prohibiting private employers, public employers and public officials from making certain inquiry; providing penalties; defining terms; providing for codification; and declaring an emergency.

HB 1052 – By Sears, Terrill and Faught of the House and Barrington of the Senate.

An Act relating to motor vehicles; amending 47 O.S. 2001, Sections 6-101, as last amended by Section 23, Chapter 44, 2nd Extraordinary Session, O.S.L. 2006, 6-115, as last amended by Section 3, Chapter 294, O.S.L. 2006 and 6-121, as amended by Section 10, Chapter 418, O.S.L. 2004 (47 O.S. Supp. 2008, Sections 6-101, 6-115 and 6-121), which relate to the issuance and renewal of driver licenses; deleting certain time limitations for restricted, original and renewal driver licenses; providing statutory references; expanding time limitations for renewal of driver licenses; modifying certain driver license extension provision for military personnel; and providing an effective date.

HB 1077 – By Lamons and Proctor of the House and Eason McIntyre of the Senate.

An Act relating to state government; transferring The 1921 Tulsa Race Riot Memorial of Reconciliation to the City of Tulsa; providing for operation and maintenance of the Memorial; providing for codification; and providing an effective date.

HB 1084 – By Thomsen, McCullough and Roan of the House and Paddock of the Senate.

An Act relating to the Council on Law Enforcement Education and Training; requiring execution of certain agreement between the Council on Law Enforcement Education and Training and peace officers attending the basic law enforcement academy; providing for civil action remedy upon violation of contract; providing for attorney fees and costs; providing exception; providing for codification; and providing an effective date.

HB 1366 – By Buck and Roan of the House and Gumm of the Senate.
(Oklahoma historical societies - deceased Oklahoma Governors - codification - effective date)

HB 1484 – By DeWitt of the House and Myers of the Senate.

An Act relating to waters and water rights; repealing 82 O.S. 2001, Sections 1324.41, 1324.42, 1324.43, 1324.44, 1324.45, 1324.46, 1324.47, 1324.48, 1324.49 and 1324.50, which relate to procedures for the acquisition of rural water district assets.

HB 1527 – By Liebmann and Tibbs of the House and Branam of the Senate.

An Act relating to motor vehicles; amending 47 O.S. 2001, Section 11-1401, as amended by Section 5, Chapter 319, O.S.L. 2008 (47 O.S. Supp. 2008, Section 11-1401), which relates to unlawful acts on turnpikes; making certain act unlawful; and providing an effective date.

HB 1602 – By Sullivan, Tibbs, Derby and Liebmann of the House and Coffee of the Senate.

An Act relating to attorneys and the state bar; ordering a legislative referendum pursuant to the Oklahoma Constitution; limiting amount that an attorney shall charge, demand, receive, or collect for services; repealing 5 O.S. 2001, Section 7, which relates to contingency fees; providing for codification; providing an effective date; providing ballot title; and directing filing.

HB 1678 – By Ownbey, Tibbs, Faught and McDaniel (Randy) of the House and Paddock of the Senate.

An Act relating to torts; amending Section 34, Chapter 368, O.S.L. 2004 (76 O.S. Supp. 2008, Section 32), which relates to the Volunteer Medical Professional Services Immunity Act; modifying definition; expanding scope of certain circumstances in which certain persons are immune from liability; specifying application; defining term; providing for certain immunity from liability for certain entities; specifying application; providing certain limitations; providing for codification; and providing an effective date.

HB 1736 – By Peters and Tibbs of the House and Ford of the Senate.

An Act relating to public health and safety; amending 63 O.S. 2001, Sections 1-1961, as amended by Section 1, Chapter 249, O.S.L. 2004 and 1-1962, as amended by Section 2, Chapter 249, O.S.L. 2004 (63 O.S. Supp. 2008, Sections 1-1961 and 1-1962), which relate to the Home Care Act; modifying definitions; providing requirements for the employment of or contracting with a personal home care assistant; requiring certain plan; providing for

certain supervisory visits; providing for certain background checks; prohibiting the employment of certain persons; and providing an effective date.

HB 1738 – By Peters, Sherrer, Tibbs, Brown, Luttrell and Kouplen of the House and Stanislawski of the Senate.

An Act relating to children; amending 10 O.S. 2001, Section 7103, which relates to the reporting of abuse or neglect; expanding scope of persons required to report abuse and release records to law enforcement; and providing an effective date.

HB 1884 – By Richardson and Wright (John) of the House and Justice of the Senate.

An Act relating to waters and water rights; directing the Oklahoma Water Resources Board and the Oklahoma Conservation Commission to form a study group for certain purposes; specifying purposes; requiring the study group to submit a written report by a certain date; requiring the Board and Commission to map breach inundation areas of dams; making mapping requirement contingent upon funding; providing for codification; and declaring an emergency.

HB 2151 – By Armes, McMullen, Renegar, Smithson and Cannaday of the House and Schulz of the Senate.

An Act relating to agriculture; authorizing the Legislature to preempt all local law regarding the care and handling of livestock; declaring local legislation void and unenforceable; providing certain exemption; providing for codification; and providing an effective date.

HJR 1003 – By Key, Reynolds, Peterson, Faught, Tibbs, Sanders, Moore and Kern of the House and Brogdon of the Senate.

A Joint Resolution claiming sovereignty under the Tenth Amendment to the Constitution of the United States over certain powers; serving notice to the federal government to cease and desist certain mandates; providing that certain federal legislation be prohibited or repealed; and directing distribution.

The above-numbered measures were read the first time.

Senator Lamb moved that when the clerk's desk is clear, the Senate stand adjourned to convene Monday, February 23, 2009, at 1:30 p.m., which motion prevailed.

COMMITTEE REPORTS

The following were reported by the committees named, ordered printed and placed on the Calendar:

DO PASS:

SB 432 – Agriculture and Rural Development, coauthored by Armes (principal House author)

Ayes: Anderson, Barrington, Crutchfield, Ellis, Garrison, Ivester, Justice, Marlatt, Schulz, Sykes, Wyrick

SB 718 – Rules, coauthored by Holland (principal House author)

Ayes: Bingman, Branam, Eason McIntyre, Ford, Garrison, Johnson (Mike), Jolley, Nichols, Reynolds, Schulz, Sparks, Sweeden, Sykes, Wyrick

SJR 12 – Rules, coauthored by Murphey (principal House author)

Ayes: Bingman, Branam, Ford, Johnson (Mike), Jolley, Lamb, Nichols, Reynolds, Schulz, Sykes

Nays: Eason McIntyre, Garrison, Sparks, Sweeden, Wyrick

DO PASS, As Amended:

CS for SB 4 – Rules, coauthored by Sykes, and coauthored by Tibbs (principal House author)

Ayes: Bingman, Branam, Ford, Johnson (Mike), Jolley, Lamb, Nichols, Reynolds, Schulz, Sykes

Nays: Eason McIntyre, Garrison, Sparks, Sweeden, Wyrick

SB 697 – Rules, coauthored by Dorman (principal House author)

Ayes: Bingman, Branam, Eason McIntyre, Ford, Garrison, Johnson (Mike), Jolley, Nichols, Reynolds, Schulz, Sparks, Sweeden, Sykes, Wyrick

SB 783 – Rules, coauthored by Johnson (principal House author)

Ayes: Bingman, Branam, Eason McIntyre, Ford, Garrison, Johnson (Mike), Jolley, Lamb, Nichols, Reynolds, Sparks, Sweeden, Sykes

SB 798 – Rules, coauthored by McCullough (principal House author)

Ayes: Bingman, Branam, Eason McIntyre, Ford, Garrison, Johnson (Mike), Jolley, Lamb, Nichols, Reynolds, Sparks, Sweeden, Sykes

SECOND READING

The following was read for the second time and referred as indicated:

SJR 6 – Direct To Calendar

Pursuant to the Lamb motion, the Senate adjourned at 10:50 a.m. to meet Monday, February 23, 2009, at 1:30 p.m.