

Senate Journal

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

Sixteenth Legislative Day, Thursday, February 28, 2008

The Senate was called to order by Senator Brogdon.

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 Brogdon declared a quorum present.

The prayer was offered by Dr. Dan Williams, First Baptist Church, Shawnee, the guest of Senator Laster.

REPORT OF ENGROSSED AND ENROLLED MEASURES

SCR 54 was correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

SBs 686, 1148, 1192, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1270, 1271, 1272, 1273, 1274, 1275, 1276, 1277, 1278, 1279, 1280, 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1288, 1289, 1290, 1291, 1292, 1293, 1294, 1295, 1296, 1297, 1298, 1299, 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1310, 1311, 1312, 1313, 1314, 1315, 1316, 1317, 1318, 1319, 1320, 1321, 1322, 1323, 1324, 1325, 1326, 1327, 1328, 1329, 1330, 1331, 1332, 1333, 1334, 1335, 1336, 1337, 1338, 1339, 1340, 1341, 1342, 1343, 1344, 1345, 1346, 1347, 1348, 1349, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1357,

1358, 1359, 1360, 1361, 1362, 1363, 1365, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1547, 1585, 1644, 1647, 1648, 1694, 1725, 1760, 1761, 1851 and 1880 were each correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

GENERAL ORDER

SB 1155 by Bass of the Senate and Armes et al of the House was called up for consideration.

Senator Bass moved that **SB 1155** be advanced, which motion was declared adopted.

THIRD READING

SB 1155 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, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.-47.

Excused: Morgan.--1.

The bill and emergency passed.

SB 1155 was referred for engrossment.

GENERAL ORDER

SB 1403 by Anderson of the Senate and Duncan of the House was called up for consideration.

Senator Anderson moved that **SB 1403** be advanced, which motion was declared adopted.

THIRD READING

SB 1403 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 1403 was referred for engrossment.

GENERAL ORDER

SB 2160 by Ballenger of the Senate and Shoemake of the House was called up for consideration.

Senator Ballenger moved that **SB 2160** be advanced, which motion was declared adopted.

THIRD READING

SB 2160 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 2160 was referred for engrossment.

GENERAL ORDER

SB 1554 by Bingman of the Senate and Adkins of the House was called up for consideration.

Senator Bingman moved that **SB 1554** be advanced, which motion was declared adopted.

THIRD READING

SB 1554 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, 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, Wilcoxson, Williamson and Wyrick.--45.

Nay: Corn, Sykes and Wilson.--3.

The bill and emergency passed.

SB 1554 was referred for engrossment.

GENERAL ORDER

SB 1146 by Gumm and Corn of the Senate and Proctor of the House was called up for consideration.

Senators Adelson, Ballenger, Bass, Burrage, Crutchfield, Eason McIntyre, Garrison, Ivester, Johnson (Constance), Laster, Leftwich, Lerblance, Rabon, Paddack, Rice, Riley, Easley, Sparks, Sweeden, Wilson and Wyrick asked to coauthor **SB 1146**, which was the order.

Senator Gumm moved that **SB 1146** be advanced, which motion was declared adopted.

THIRD READING

SB 1146 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 1146 was referred for engrossment.

GENERAL ORDER

SB 1515 by Leftwich of the Senate and Wesselhoft of the House was called up for consideration.

Senator Leftwich moved that **SB 1515** be advanced, which motion was declared adopted.

THIRD READING

SB 1515 was read for the third time at length.

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

Aye: Adelson, Ballenger, Barrington, Bass, Bingman, Branan, Burrage, Coates, Corn, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Justice, Laster, Leftwich, Lerblance, Morgan, Myers, Paddack, Rabon, Reynolds, Rice, Riley, Sparks, Sweeden, Wilcoxson, Williamson, Wilson and Wyrick.--35.

Nay: Aldridge, Anderson, Brogdon, Brown, Coffee, Crain, Jolley, Lamb, Laughlin, Mazzei, Nichols, Schulz and Sykes.--13.

The bill passed.

SB 1515 was referred for engrossment.

GENERAL ORDER

SB 1604 by Myers of the Senate and Johnson (Rob) of the House was called up for consideration.

Senator Rice moved to amend **SB 1604**, Page 1, Line 24 ½, by inserting a new Section 2 to read as follows:

“SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 78e of Title 74, unless there is created a duplication in numbering, reads as follows:

A. No later than July 1, 2009, all state-owned fueling stations shall provide compressed natural gas fuel, provided the cost of such fuel is not higher than ten percent (10%) over the cost of conventional fuel at the time such fuel is purchased.

B. A state agency owning or leasing a fleet of at least ten vehicles shall increase the fuel efficiency of such fleet by fifty percent (50%) by June 30, 2012 by purchasing vehicles which utilize compressed natural gas fuel if such vehicles are available or converting engines of existing vehicles to utilize compressed natural gas fuel if such conversion is more economical. Such percentage shall be measured against the estimated fuel economy of the fleet on July 1, 2008. Prior to June 30, 2012, such agency may not purchase or lease replacement or additional vehicles with fuel efficiencies less than the fleet average on July 1, 2008.”, and by renumbering subsequent section and amending the title to conform.

Senator Myers moved that **SB 1604** be laid over for this legislative day, which was the order.

SB 1604 remains on General Order pending consideration of the Rice amendment.

MESSAGES FROM THE HOUSE

Advising rejection of **CCR** to **SB 704**, requesting further conference and House conferees to be named later.

Advising the signing of and returning Enrolled **SCR 54**.

The above-numbered enrolled measure was transmitted to the Secretary of State.

Advising passage of and transmitting for consideration Engrossed **HBs 2202, 2203, 2204, 2221, 2229, 2446, 2539, 2634, 2641, 2958** and **3340**.

HB 2202 – By Wright of the House and Aldridge of the Senate.

An Act relating to sunset; amending 59 O.S. 2001, Section 2053, as amended by Section 1, Chapter 84, O.S.L. 2002 (59 O.S. Supp. 2007, Section 2053), which relates to the State Board of Examiners of Perfusionists; re-creating the Board; and modifying termination date.

HB 2203 – By Wright of the House and Aldridge of the Senate.

An Act relating to sunset; amending 63 O.S. 2001, Section 1-2516, as last amended by Section 4, Chapter 204, O.S.L. 2005 (63 O.S. Supp. 2007, Section 1-2516), which relates to the Oklahoma Emergency Response Systems Development Advisory Council; re-creating the Council; and modifying termination date.

HB 2204 – By Wright of the House and Aldridge of the Senate.

An Act relating to sunset; amending 59 O.S. 2001, Section 1004, as last amended by Section 52, Chapter 3, O.S.L. 2003 (59 O.S. Supp. 2007, Section 1004), which relates to the Oklahoma State Committee of Plumbing Examiners; re-creating the Committee; and modifying termination date.

HB 2221 – By Shoemake of the House and Ballenger of the Senate.

An Act relating to motor vehicles; amending Section 11, Chapter 504, O.S.L. 2004, as last amended by Section 31, Chapter 1, O.S.L. 2007 (47 O.S. Supp. 2007, Section 1135.2), which relates to special license plates; expanding eligibility of police license plate to include university police officers; and providing an effective date.

HB 2229 – By Cannaday, BigHorse and Pittman of the House and Garrison of the Senate.

An Act relating to schools; amending 70 O.S. 2001, Section 24-152, as amended by Section 1, Chapter 83, O.S.L. 2007 (70 O.S. Supp. 2007, Section 24-152), which relates to Veterans Day and Celebrate Freedom Week; requiring certain content to be grade-appropriate; requiring rules adopted by the State Board of Education to establish different grade-appropriate content and rigor for required subjects; providing an effective date; and declaring an emergency.

HB 2446 – By Braddock of the House and Paddock of the Senate.

(schools - amending 70 O.S., Sections 2603 and 2605 - Oklahoma Higher Learning Access Act - modifying eligibility requirements - emergency)

HB 2539 – By Joyner of the House and Barrington of the Senate.

An Act relating to public health and safety; amending Section 2, Chapter 347, O.S.L. 2007 (63 O.S. Supp. 2007, Section 1-890.8), which relates to the provision of home care, nursing, hospice, and private services; directing that plan of accommodation be in accordance with certain codes, rules and requirements; and providing an effective date.

HB 2634 – By Kern of the House and Reynolds of the Senate.

An Act relating to schools; amending 70 O.S. 2001, Section 6-190, as last amended by Section 4, Chapter 185, O.S.L. 2005 (70 O.S. Supp. 2007, Section 6-190), which relates to teacher licensure and certification; exempting certain teachers with out-of-state certification and certain experience from certain examination requirements; limiting certification to certain subject area; limiting teaching of person to certain subject areas; and declaring an emergency.

HB 2641 – By Peters of the House and Ford of the Senate.

An Act relating to public health and safety; amending Section 1, Chapter 255, O.S.L. 2007 (63 O.S. Supp. 2007, Section 1-1972), which relates to companion and sitter service licensure; providing for consultation with the Home Health Advisory Board to promulgate rules; modifying rule requirement; eliminating multiple and overlapping licensures; and declaring an emergency.

HB 2958 – By Tibbs, Shumate and Pittman of the House and Williamson of the Senate.

An Act relating to children; amending 10 O.S. 2001, Section 7003-8.1, as amended by Section 4, Chapter 196, O.S.L. 2007 (10 O.S. Supp. 2007, Section 7003-8.1), which relates to placement of children; prohibiting consideration of the age of an individual when placing a child under certain circumstances; and providing an effective date.

HB 3340 – By Thompson of the House and Branan of the Senate.

An Act relating to roads, bridges and ferries; amending 69 O.S. 2001, Section 1705, as last amended by Section 7, Chapter 150, O.S.L. 2006 (69 O.S. Supp. 2007, Section 1705), which relates to road projects; permitting certain projects to be bid in longer lengths; amending 69 O.S. 2001, Sections 1735 and 4017, which relate to employee safety; expanding permitted awards; increasing maximum bonus amount; and providing an effective date.

The above-numbered measures were read the first time.

BILL RELEASED TIME EXPIRED TO RECONSIDER

SB 1550 was referred for engrossment.

Senator Laster moved that when the clerk's desk is clear, the Senate stand adjourned to convene Monday, March 3, 2008, at 10:00 a.m., which motion prevailed.

FIRST READING

The following was introduced and read the first time:

SCR 55 – By Corn and Lerblance of the Senate and Brannon of the House.

A Concurrent Resolution praising the life and career of Deputy Sheriff Dustin Duncan; mourning his loss; and directing distribution.

MESSAGE FROM THE GOVERNOR

Advising his approval February 28, 2008, of Enrolled **SB 1830**.

Pursuant to the Laster motion, the Senate adjourned at 10:00 a.m. to meet Monday, March 3, 2008, at 10:00 a.m.

JOURNAL CORRECTION

Page 388, Line 25, as it pertains to **SB 958**, by inserting after the comma and before the word coauthored the following language:

“remove Coffee and substitute Jolley as principal Senate author and retain Coffee as first coauthor,”