

# Senate Journal

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

**Eighteenth Legislative Day, Tuesday, March 4, 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 Father Luke Bach, St. Paul's Cathedral, Oklahoma City, the guest of Senator Rice.

### REPORT OF ENGROSSED AND ENROLLED MEASURES

**SBs 1141, 1158, 1181, 1190, 1381, 1382, 1390, 1398, 1440, 1458, 1463, 1479, 1491, 1494, 1500, 1503, 1507, 1525, 1531, 1612, 1630, 1636, 1672, 1673, 1724, 1754, 1759, 1763, 1766, 1767, 1770, 1804, 1816, 1872, 1873, 1893, 1911, 1918, 1975, 1980, 1998, 2066, 2143 and 2186 and HB 1830** were each correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

**SR 56** was correctly enrolled, properly signed and ordered transmitted to the Secretary of State.

### GENERAL ORDER

**SB 1719** by Crain of the Senate and McCullough of the House was called up for consideration.

Senator Crain moved to amend **SB 1719**, 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.)

Pursuant to Senate Rule 13-5D, Senator Crain asked unanimous consent to restore the title on the floor substitute, to which request objection was heard.

Senator Crain moved to amend the floor substitute to **SB 1719**, Page 1, by striking the title, which amendment was declared adopted.

Senator Crain moved that **SB 1719** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 1719** was read for the third time at length.

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

Aye: Adelson, Aldridge, Barrington, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Crain, Easley, Ford, Gumm, Ivester, Johnson (M), Jolley, Justice, Lamb, Laughlin, Mazzei, Myers, Nichols, Paddack, Reynolds, Rice, Riley, Schulz, Sparks, Sykes and Williamson.--31.

Nay: Anderson, Ballenger, Bass, Corn, Crutchfield, Eason McIntyre, Garrison, Johnson (C), Laster, Leftwich, Lerblance, Morgan, Rabon, Sweeden, Wilcoxson, Wilson and Wyrick.--17.

The bill passed.

**SB 1719** was referred for engrossment.

### **GENERAL ORDER**

**SB 1156** by Bingman of the Senate and Adkins of the House was called up for consideration.

Senator Bingman moved that **SB 1156** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 1156** 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, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--47.

Excused: Riley.--1.

The bill and emergency passed.

**SB 1156** was referred for engrossment.

### **GENERAL ORDER**

**SB 1392** by Crutchfield of the Senate and Adkins of the House was called up for consideration.

Senator Crutchfield moved that **SB 1392** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 1392** 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, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--47.

Excused: Riley.--1.

The bill and emergency passed.

**SB 1392** was referred for engrossment.

**GENERAL ORDER**

**SB 1558** by Gumm of the Senate and Adkins of the House was called up for consideration.

Senator Branan asked to coauthor **SB 1558**, which was the order.

Senator Sparks moved to amend **SB 1558**, Page 31, Line 18 ½, by inserting new Sections 2, 3 and 4 as previously distributed. Senator Sparks asked that his amendment be withdrawn, which was the order.

Senator Gumm moved that **SB 1558** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 1558** 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 and Wyrick.--47.

Nay: Wilson.--1.

The bill and emergency passed.

**SB 1558** was referred for engrossment.

**GENERAL ORDER**

**SB 2041** by Nichols of the Senate and Terrill of the House was called up for consideration.

Senator Coffee asked to coauthor **SB 2041**, which was the order.

Senator Nichols moved that **SB 2041** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 2041** 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, Ford, Garrison, Gumm, Ivester, 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.--46.

Excused: Eason McIntyre and Johnson (C).--2.

The bill and emergency passed.

**SB 2041** was referred for engrossment.

**GENERAL ORDER**

**SB 1399** by Sweeden of the Senate and Joyner of the House was called up for consideration.

Senator Sweeden moved that **SB 1399** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 1399** was read for the third time at length.

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

Aye: Adelson, Aldridge, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Ford, Garrison, Gumm, Ivester, 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.--45.

Excused: Anderson, Eason McIntyre and Johnson (C).--3.

The bill passed.

**SB 1399** was referred for engrossment.

**GENERAL ORDER**

**SJR 36** by Ford of the Senate and Sears of the House was called up for consideration.

Senator Garrison asked to coauthor **SJR 36**, which was the order.

Senator Corn moved to amend **SJR 36**, Page 10, Line 11, by inserting before the word “appropriated” the words “expended as follows: a. such funds may be”; Page 10, Line 14, by deleting all language after the word “appropriation;” and before the word “be” and inserting in lieu thereof the language “b. such funds may”; and Page 10, Line 18, by inserting after the word “Senate” and before the period the language “; or c. such funds may be expended by the Governor, upon a unanimous vote of the Contingency Review Board or with the written consent of the President Pro Tempore of the Senate and the Speaker of the House of Representatives, for the express purpose of matching federal funds available for assistance to an area of this state which has been declared a disaster area by the federal government”, which amendment was declared adopted.

Senator Ford moved that **SJR 36** be advanced, which motion was declared adopted.

**THIRD READING**

**SJR 36** was read for the third time at length.

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

Aye: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, 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, Williamson, Wilson and Wyrick.--46.

Nay: Wilcoxson.--1.

Excused: Eason McIntyre.--1.

The resolution passed.

**SJR 36** was referred for engrossment.

**GENERAL ORDER**

**SJR 50** by Garrison of the Senate and Carey of the House was called up for consideration.

Senator Ford asked to coauthor **SJR 50**, which was the order.

Senator Garrison moved that **SJR 50** be advanced, which motion was declared adopted.

### **THIRD READING**

**SJR 50** was read for the third time at length.

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

Aye: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, 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, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Williamson, Wilson and Wyrick.--45.

Nay: Brogdon, Rabon and Wilcoxson.--3.

The resolution passed.

**SJR 50** was referred for engrossment.

### **GENERAL ORDER**

**SB 1658** by Coffee et al of the Senate and Miller of the House was called up for consideration.

Senator Jolley asked to coauthor **SB 1658**, which was the order.

Senator Coffee moved that **SB 1658** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 1658** 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 and Wyrick.--47.

Nay: Wilson.--1.

The bill and emergency passed.

**SB 1658** was referred for engrossment.

### **GENERAL ORDER**

**SB 1866** by Laughlin of the Senate and Hickman of the House was called up for consideration.

Senator Laughlin moved that **SB 1866** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 1866** 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 1866** was referred for engrossment.

### **GENERAL ORDER**

**SB 1410** by Paddack of the Senate and Hilliard of the House was called up for consideration.

Senator Johnson (Constance) asked to coauthor **SB 1410**, which was the order.

Senator Paddack moved that **SB 1410** be advanced, which motion was declared adopted.



**THIRD READING**

**SB 1410** 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 1410** was referred for engrossment.

**GENERAL ORDER**

**SB 1797** by Crain of the Senate and Terrill of the House was called up for consideration.

Senator Crain moved that **SB 1797** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 1797** 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 1797** was referred for engrossment.

**GENERAL ORDER**

**SB 1894** by Garrison and Rabon of the Senate and Shoemake of the House was called up for consideration.

Senator Rice asked to coauthor **SB 1894**, which was the order.

Senator Laster moved to amend **SB 1894**, Page 1, Line 25 ½, by inserting a new Section 3 to read as follows:

“SECTION3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1698.20 of Title 69, unless there is created a duplication in numbering, reads as follows:

The section of State Highway 9 from Skagg City Road east to the intersection of State Highway 9-A in Pottawatomie County shall be designated the “ U.S Army Staff Sergeant Ruben Rivers Highway”. SSG Ruben Rivers was killed in action during World War II on November 19, 1944. He was posthumously awarded the Medal of Honor for his heroic efforts as a member of the 761<sup>st</sup> Tank Battalion, the first African-American armored unit to serve in combat. In addition to the Medal of Honor, Staff Sergeant Rivers was awarded the Silver Star for previous action with his battalion. The Department of Transportation shall cause suitable markers to be placed upon that section of highway bearing that name.” and by renumbering subsequent section and amending the title to conform, which amendment was declared adopted.

Senator Garrison moved that **SB 1894** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 1894** 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 1894** was referred for engrossment.

## **GENERAL ORDER**

**SB 1699** by Bingman of the Senate and Adkins of the House was called up for consideration.

Senator Bingman moved that **SB 1699** be advanced, which motion was declared adopted.

## **THIRD READING**

**SB 1699** 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, 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, Nichols, Paddack, Reynolds, Rice, Riley, Sparks, Sweeden, Wilcoxson, Williamson and Wilson.--41.

Nay: Brogdon, Corn, Myers, Rabon, Schulz, Sykes and Wyrick.--7.

The bill and emergency passed.

**SB 1699** was referred for engrossment.

## **MESSAGES FROM THE HOUSE**

Advising rejection of **SAs** to **HB 2071**, requesting conference and House conferees to be named later.

Advising passage of and transmitting for consideration Engrossed **HBs 2242, 2243, 2244, 2247, 2472, 2474, 2530, 2699, 2710, 2735, 2822** and **3002**.

**HB 2242** – By Ingmire of the House and Crutchfield of the Senate.

An Act relating to state government; amending 74 O.S. 2001, Section 500.2, as last amended by Section 1, Chapter 256, O.S.L. 2007 (74 O.S. Supp. 2007, Section 500.2), which relates to the State Travel Reimbursement Act; authorizing the State Regents for Higher Education to enter into certain contracts and agreements; authorizing the State Regents to establish certain accounts; limiting certain costs; providing an effective date; and declaring an emergency.

**HB 2243** – By Ingmire of the House and Jolley of the Senate.

An Act relating to higher education; repealing 70 O.S. 2001, Section 627.1, which relates to the Osteopathy Education Assistance Fund; repealing 70 O.S. 2001, Section 628.5, which relates to the dentistry assistance program; and providing an effective date.

**HB 2244** – By Ingmire of the House and Jolley of the Senate.

An Act relating to higher education; amending Section 10, Chapter 2, O.S.L. 2005, as amended by Section 11, Chapter 218, O.S.L. 2005 (70 O.S. Supp. 2007, Section 3980.10), which relates to audited financial statement of certain bond proceeds requirement; deleting schedule for audited financial statements; providing an effective date; and declaring an emergency.

**HB 2247** – By Shoemake, Turner and Sherrer of the House and Ballenger of the Senate.

An Act relating to schools; changing the name of the Oklahoma State University Technical Branch at Okmulgee to the Oklahoma State University Institute of Technology - Okmulgee; providing for effect of name change; amending 62 O.S. 2001, Section 57.122, which relates to certain building bonds; amending 70 O.S. 2001, Section 3103, as last amended by Section 1, Chapter 400, O.S.L. 2004 (70 O.S. Supp. 2007, Section 3103), which relates to agencies of state higher education institutions; amending 70 O.S. 2001, Section 14-103, as last amended by Section 1, Chapter 319, O.S.L. 2006 (70 O.S. Supp. 2007, Section 14-103), which relates to the powers and duties of the State Board of Career and Technology Education; amending 70 O.S. 2001, Section 17-101, as last amended by Section 3, Chapter 46, 2nd Extraordinary Session, O.S.L. 2006 (70 O.S. Supp. 2007, Section 17-101), which relates to definitions for the Teachers' Retirement System of Oklahoma; amending Section 12, Chapter 2, O.S.L. 2005, as last amended by Section 7, Chapter 402, O.S.L. 2005 (70 O.S. Supp. 2007, Section 3980.12), which relates to authorized projects issued by the Oklahoma Capitol Improvement Authority; amending 72 O.S. 2001, Section 302, which relates to free tuition for children of certain veterans; amending 74 O.S. 2001, Section 130.12, which relates to technical training for alternative fuels; changing the name of Oklahoma State University Technical Branch located at Okmulgee; providing for codification; providing an effective date; and declaring an emergency.

**HB 2472** – By Rousselot and Pittman of the House and Garrison of the Senate.

An Act relating to civil procedure; amending Section 2, Chapter 76, O.S.L. 2007 (12 O.S. Supp. 2007, Section 2414), which relates to the Oklahoma Evidence Code; modifying statutory reference; and providing an effective date.

**HB 2474** – By Walker, Brannon, Glenn, Smithson, McDaniel (Jeannie) and Rousselot of the House and Ivester of the Senate.

An Act relating to motor vehicles; making certain acts within a construction or maintenance zone unlawful; providing penalties upon conviction; providing exceptions; providing for naming of certain highways after certain persons; providing for codification; and providing an effective date.

**HB 2530** – By Steele, BigHorse, Shumate, Pittman, Dorman and McAffrey of the House and Coates of the Senate.

An Act relating to children; amending 10 O.S. 2001, Section 601.6, as amended by Section 2, Chapter 205, O.S.L. 2006 (10 O.S. Supp. 2007, Section 601.6), which relates to the Office of Juvenile System Oversight; authorizing the copying of certain records; amending 10 O.S. 2001, Section 7003-2.4, as last amended by Section 1, Chapter 196, O.S.L. 2007 (10 O.S. Supp. 2007, Section 7003-2.4), which relates to an emergency custody hearing; providing for a specific form to be filed of record in lieu of a hearing by agreement of certain persons; amending Section 4, Chapter 351, O.S.L. 2007 (10 O.S. Supp. 2007, Section 7005-1.9), which relates to the disclosure of certain information in cases of death or near-death of a child; extending certain time limitations; amending Sections 10, 11, 12 and 13, Chapter 205, O.S.L. 2006 (10 O.S. Supp. 2007, Sections 7008-1.2, 7008-1.3, 7008-1.4 and 7008-1.5), which relate to the Oklahoma Children and Juvenile Law Reform Committee; extending duration of Committee; extending time for submission of certain draft; and declaring an emergency.

**HB 2699** – By McDaniel (Randy), McAffrey, Shumate and Pittman of the House and Jolley of the Senate.

An Act relating to arts and culture; amending Section 4, Chapter 187, O.S.L. 2007 (53 O.S. Supp. 2007, Section 174), which relates to visual arts programs in schools; expanding eligibility for incentive grants to certain organizations; modifying requirement for securing private matching funds; allowing certain entities to raise matching funds; allowing designated matching funds to be matched with certain money; providing an effective date; and declaring an emergency.

**HB 2710** – By Billy and McMullen of the House and Schulz of the Senate.

An Act relating to prisons and reformatories; amending 57 O.S. 2001, Section 510, as last amended by Section 3, Chapter 151, O.S.L. 2007 (57 O.S. Supp. 2007, Section 510), which relates to the Oklahoma Corrections Act of 1967; modifying age of service requirement; and providing an effective date.

**HB 2735** – By Renegar, Roan, Walker and Duncan of the House and Lerblance of the Senate.

An Act relating to game and fish; amending 29 O.S. 2001, Section 4-112A, as amended by Section 1, Chapter 79, O.S.L. 2007 (29 O.S. Supp. 2007, Section 4-112A), which relates to requirements for a hunter certificate of competency and safety; changing the age limit for an apprentice hunting license or permit; and declaring an emergency.

**HB 2822** – By Sullivan and Sherrer of the House and Jolley of the Senate.

An Act relating to public health and safety; amending Section 1, Chapter 309, O.S.L. 2003 (63 O.S. Supp. 2007, Section 2815.1), which relates to outgoing emergency telephone calls; deleting certain population restriction; making nine-one-one emergency telephone service information confidential; limiting liability of certain persons providing nine-one-one emergency telephone service information; amending 63 O.S. 2001, Section 2817, which relates to liability for providing nine-one-one emergency telephone service;

modifying application to public bodies; expanding liability restrictions; providing definitions of certain terms; and declaring an emergency.

**HB 3002** – By Johnson (Dennis) and Pittman of the House and Sykes of the Senate.

An Act relating to children; amending 10 O.S. 2001, Sections 7503-2.1, 7503-2.2, 7503-2.4 and 7510-1.3, as amended by Section 12, Chapter 445, O.S.L. 2002 (10 O.S. Supp. 2007, Section 7510-1.3), which relate to adoption; increasing age of consent by minor; providing certain limitation for children in substitute care; and providing an effective date.

The above-numbered measures were read the first time.

### **GENERAL ORDER**

**SB 1530** by Leftwich and Johnson (Constance) of the Senate and Worthen of the House was called up for consideration.

Senator Garrison asked to coauthor **SB 1530**, which was the order.

Senator Leftwich moved to amend **SB 1530**, Page 1, by striking the title, which amendment was declared adopted.

Senator Leftwich moved that **SB 1530** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 1530** 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 1530** was referred for engrossment.

## **GENERAL ORDER**

**SB 1634** by Wilcoxson of the Senate and Jones of the House was called up for consideration.

Senator Crain moved to amend **SB 1634**, Page 3, Line 16 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 11-112 of Title 70, unless there is created a duplication in numbering, reads as follows:

Classroom teachers shall provide a minimum of one week’s notice to parents of students prior to use of any video in the classroom. The notification shall include the title, description, length, and educational value of the video.”, and by renumbering subsequent sections.

Senator Gumm moved to table the Crain amendment, which tabling motion failed of adoption upon roll call as follows:

Aye: Adelson, Ballenger, Bass, Burrage, Corn, Crutchfield, Easley, Eason McIntyre, Garrison, Gumm, Ivester, Johnson (C), Laster, Leftwich, Lerblance, Morgan, Paddack, Rice, Riley, Sparks, Sweeden, Wilson and Wyrick.--23.

Nay: 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.

Excused: Rabon.--1.

The Chair advised that Senator Rabon, having been present in the Chamber during the vote on the tabling motion to the Crain amendment to **SB 1634** would be shown voting Nay in compliance with Rule 15-1B. The vote thereby resulted as follows: Aye: 23; Nay: 25.

Senator Crain pressed adoption of his amendment.

Senator Gumm moved that **SB 1634** be advanced, which motion was declared adopted.

## **THIRD READING**

**SB 1634** 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, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Crain, Ford, Gumm, Ivester, Johnson (M), Jolley, Justice,

Lamb, Laster, Laughlin, Mazzei, Myers, Nichols, Paddack, Reynolds, Rice, Schulz, Sparks, Sykes, Wilcoxson and Williamson.--33.

Nay: Bass, Corn, Crutchfield, Easley, Eason McIntyre, Garrison, Johnson (C), Leftwich, Lerblance, Morgan, Rabon, Riley, Sweeden, Wilson and Wyrick.--15.

The bill and emergency passed.

**SB 1634** was referred for engrossment.

### **GENERAL ORDER**

**SB 1422** by Paddack of the Senate and Shelton and Steele of the House was called up for consideration.

Senator Paddack moved that **SB 1422** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 1422** 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 1422** was referred for engrossment.

### **GENERAL ORDER**

**SB 2000** by Brogdon of the Senate and McDaniel (Randy) of the House was called up for consideration.

Senator Brogdon moved to amend **SB 2000**, Page 1, by striking the title, which amendment was declared adopted.



Senator Brogdon asked that **SB 2000** be laid over for this legislative day, which was the order.

**SB 2000** remains on General Order.

### **GENERAL ORDER**

**SB 1855** by Garrison of the Senate and McDaniel (Randy) of the House was called up for consideration.

Senator Garrison moved that **SB 1855** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 1855** 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 1855** was referred for engrossment.

### **GENERAL ORDER**

**SB 1577** by Leftwich of the Senate and Cox of the House was called up for consideration.

Senator Leftwich moved that **SB 1577** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 1577** 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 1577** was referred for engrossment.

## **GENERAL ORDER**

**SB 1951** by Wilcoxson of the Senate and Jones of the House was called up for consideration.

Senator Rice moved to amend **SB 1951**, Page 1, Line 11 ½, by inserting a new Section 1 to read as follows:

“SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5-131.3 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. The board of education of each public school district in this state shall establish a goal to reduce the school district’s annual electric consumption by five percent (5%) each fiscal year for six (6) years beginning January 1, 2009. Each district shall implement the measures they deem appropriate for their district in order to achieve the overall goal of reducing the district’s annual electric consumption. Provided, however, each district shall, at a minimum, implement the following policies:

1. Purchase equipment and appliances for district use that meet or exceed:
  - a. the federal energy conservation standards under Section 325 of the Energy Policy and Conservation Act (42 U.S.C. Section 6295), or a federal regulation adopted under that act, or
  - b. the federal Energy Star standards designated by the United States Environmental Protection Agency and the United States Department of Energy; and
2. Purchase for use in each type of light fixture in any district-owned facility the commercially available model of light bulb that:
  - a. uses the fewest watts for the necessary luminous flux or light output,
  - b. is compatible with the light fixture, and
  - c. is the most cost-effective, considering the factors described by subparagraphs a and b of this paragraph.

B. No later than January 30 of each year each school district shall file a report with the State Department of Education. The State Department of Education is authorized to design a form or request a specific format to facilitate the compilation of these various annual reports. The State Department of Education shall compile the reports and distribute a condensed report to the Governor, the President Pro Tempore of the Senate and the Speaker of the House of Representatives by March 1 of each year.

C. There shall be no penalties enforced by the Legislature against any school district unable to comply with the goal of reducing its annual electric consumption in accordance with the provisions of this section.”, and by renumbering subsequent sections, which amendment was declared adopted.

Senator Wilcoxson moved that **SB 1951** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 1951** 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, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Easley, Ford, Gumm, Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Mazzei, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sykes, Wilcoxson, Williamson and Wilson.--35.

Nay: Ballenger, Barrington, Bass, Crutchfield, Eason McIntyre, Garrison, Ivester, Johnson (C), Lerblance, Myers, Sweeden and Wyrick.--12.

Excused: Morgan.--1.

The bill and emergency passed.

**SB 1951** was referred for engrossment.

### **GENERAL ORDER**

**SB 1186** by Easley of the Senate and Coody of the House was called up for consideration.

Senator Johnson (Constance) asked to coauthor **SB 1186**, which was the order.

Senator Easley moved to amend **SB 1186**, 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 Easley moved that **SB 1186** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 1186** 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, Ballenger, Bingman, Branan, Brown, Burrage, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Johnson (C), Johnson (M), Jolley, Lamb, Laster, Leftwich, Lerblance, Morgan, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Wilson and Wyrick.--34.

Nay: Aldridge, Anderson, Barrington, Bass, Brogdon, Coates, Ivester, Justice, Laughlin, Mazzei, Myers, Sykes, Wilcoxson and Williamson.--14.

The bill and emergency passed.

**SB 1186** was referred for engrossment.

### **GENERAL ORDER**

**SB 1985** by Laughlin of the Senate and Watson of the House was called up for consideration.

Senator Rice asked to coauthor **SB 1985**, which was the order.

Senator Laughlin moved that **SB 1985** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 1985** 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, Coffee, Corn, Crain, Easley, Ford, Garrison, Gumm, Ivester, Johnson (C), 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.--44.

Excused: Coates, Crutchfield, Eason McIntyre and Johnson (M).--4.

The bill passed.

**SB 1985** was referred for engrossment.

### **FIRST READING**

The following was introduced and read the first time:

**SCR 56** – By Morgan, Coffee and Anderson of the Senate and Benge of the House. A Concurrent Resolution commending the life and accomplishments of Richard L. Huddleston and expressing condolences to his family; and directing distribution.

### **UNANIMOUS CONSENT REQUEST DIRECT TO CALENDAR**

Senator Morgan asked unanimous consent to suspend Rule 6-4 and refer **SCR 56** direct to the Calendar for consideration, which was the order.

### **GENERAL ORDER**

**SCR 56** by Morgan et al of the Senate and Benge of the House was called up for consideration.

All other members of the Senate asked to coauthor **SCR 56**, which was the order.

**SCR 56** was adopted upon motion of Senator Morgan and referred for engrossment.

### **GENERAL ORDER**

**SB 1625** by Paddock of the Senate and Roan of the House was called up for consideration.

Senator Paddock moved that **SB 1625** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 1625** 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, Coffee, Corn, Crain, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--44.

Excused: Coates, Crutchfield, Johnson (M) and Reynolds.--4.

The bill passed.

**SB 1625** was referred for engrossment.

### **GENERAL ORDER**

**SB 1714** by Mazzei of the Senate and Terrill of the House was called up for consideration.

Senator Mazzei moved that **SB 1714** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 1714** 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, Coffee, Corn, Crain, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), 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.--45.

Excused: Coates, Crutchfield and Johnson (M).--3.

The bill passed.

**SB 1714** was referred for engrossment.

Senator Laster moved that the Senate recess until 1:30 p.m., which motion was declared adopted.

\*

The Senate reconvened with Senator Jolley presiding.

Senator Jolley questioned the presence of a quorum and ordered the roll called, following which a quorum was declared present.

### **REPORT OF ENGROSSED AND ENROLLED MEASURE**

**SCR 56** was correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

### **MESSAGE FROM THE HOUSE**

Advising passage of and returning the following Engrossed resolution:

**SCR 53** - coauthored by all members of the House

The above-numbered measure was referred for enrollment.

### **GENERAL ORDER**

**SB 1686** by Easley and Gumm of the Senate and McDaniel (Jeannie) of the House was called up for consideration.

Senator Easley moved to amend **SB 1686**, 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 Easley moved that **SB 1686** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 1686** 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, Brown, Burrage, Coates, Coffee, Corn, Easley, Eason McIntyre, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Laster, Laughlin, Leftwich, Lerblance, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Williamson, Wilson and Wyrick.--39.

Nay: Brogdon, Crain, Ford, Justice, Lamb, Mazzei and Wilcoxson.--7.

Excused: Crutchfield and Morgan.--2.

The bill and emergency passed.

**SB 1686** was referred for engrossment.

### **GENERAL ORDER**

**SB 1189** by Aldridge of the Senate and Blackwell of the House was called up for consideration.

Senator Aldridge moved that **SB 1189** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 1189** 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, 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.--46.

Excused: Crutchfield and Morgan.--2.

The bill passed.

**SB 1189** was referred for engrossment.

### **GENERAL ORDER**

**SB 571** by Eason McIntyre of the Senate and Shumate of the House was called up for consideration.

Senator Eason McIntyre moved that **SB 571** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 571** 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, Brown, Burrage, Coates, Corn, Crain, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Justice, Laster, Leftwich, Lerblance, Myers, Nichols, Paddock, Rabon, Reynolds, Rice, Riley, Sparks, Sweeden, Sykes, Williamson, Wilson and Wyrick.--37.

Nay: Branan, Brogdon, Jolley, Lamb, Laughlin, Mazzei, Schulz and Wilcoxson.--8.

Excused: Coffee, Crutchfield and Morgan.--3.

The bill passed.

**SB 571** was referred for engrossment.

## **GENERAL ORDER**

**SB 1533** by Leftwich of the Senate and Watson of the House was called up for consideration.

Senator Leftwich moved that **SB 1533** be advanced, which motion was declared adopted.

## **THIRD READING**

**SB 1533** was read for the third time at length.

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

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

Nay: Aldridge, Anderson, Barrington, Bingman, Branan, Brogdon, Brown, Coates, Crain, Ford, Johnson (M), Jolley, Justice, Lamb, Laughlin, Mazzei, Myers, Nichols, Reynolds, Schulz, Sykes, Wilcoxson and Williamson.--23.

Excused: Coffee.--1.

The bill failed.

Pursuant to Rule 13-22, Senator Leftwich served notice that the vote be reconsidered whereby **SB 1533** failed.

**GENERAL ORDER**

**SB 1988** by Laughlin of the Senate and Blackwell of the House was called up for consideration.

Senators Garrison, Bass and Corn asked to coauthor **SB 1988**, which was the order.

Senator Corn moved to amend **SB 1988**, Page 5, Line 2 ½, by inserting new Sections 2 through 8 to read as follows:

“SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2606 of Title 70, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the “Second Century Promise Act”.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2607 of Title 70, unless there is created a duplication in numbering, reads as follows:

There is hereby created the Second Century Promise program, which shall be considered an integral part of the Oklahoma Higher Learning Access Act and Program. The purpose of the Second Century Promise program is to provide an award to students who meet the criteria set forth in the Second Century Promise Act, and who are pursuing studies in this state leading to an associate or baccalaureate degree or who are pursuing studies in a postsecondary vocational-technical program or course offered pursuant to a duly approved cooperative agreement between a technology center school and an institution of The Oklahoma State System of Higher Education, and who are in good academic standing in the institution of higher education or technology center school in which enrolled, to relieve them of the burden of paying resident tuition and fees at two-year institutions of The Oklahoma State System of Higher Education, to relieve them of the burden of paying tuition and fees for enrollment in postsecondary programs of the technology center districts, or to relieve them of some portion of the burden of paying resident tuition and fees at four-year institutions of The Oklahoma State System of Higher Education.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2608 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. To be eligible to participate in the Second Century Promise program and qualify for an award pursuant to Section 4 of this act, a student shall:

1. Be a resident of this state;
2.
  - a. have graduated from a high school accredited by the State Board of Education or the Oklahoma School of Science and Mathematics with a minimum 2.0 cumulative grade point average on a 4.0 scale for all work attempted in grades nine through twelve,
  - b. have graduated from a high school not accredited by the State Board of Education with a minimum 2.0 cumulative grade point average on a 4.0 scale for all work attempted in grades nine through twelve and have achieved a composite score of 19 or higher on the ACT test,

- c. have satisfactorily completed an educational program that was provided through a means other than a public or private school and have achieved a composite score of 19 or higher on the ACT test, or
- d. have been awarded a General Educational Development State Diploma by the State Department of Education and have achieved a composite score of 19 or higher on the ACT test;

3. Not have been adjudicated as a delinquent for an offense defined in Section 571 of Title 57 of the Oklahoma Statutes as an exception to a nonviolent offense or convicted as an adult of an offense defined in Section 571 of Title 57 of the Oklahoma Statutes as an exception to a nonviolent offense;

4. Agree to participate in community service activities during the time period of receipt of an award pursuant to this act. The community service requirement shall be determined by each individual postsecondary institution;

5. Begin the first semester of postsecondary enrollment no later than the Fall semester immediately following high school graduation, or no later than two (2) years after the student's cohort high school class graduates if the student has been awarded a General Educational Development State Diploma. Exceptions to this requirement may be granted for individuals entering the military or, in the case of an individual's sincerely held religious beliefs, to be determined on a case-by-case basis by the State Regents;

6. Have submitted an application for federal financial aid; and

7. Meet the income eligibility requirement, for which the student's parent(s) income from taxable sources shall not exceed Fifty Thousand Dollars (\$50,000.00) per year. The determination of eligibility as set forth in this paragraph shall be based on the income of the student, not the income of the parent(s), if a student:

- a. is determined to be independent of the student's parent(s) for federal financial aid purposes,
- b. was in the permanent custody of the Department of Human Services at the time the student reached eighteen (18) years of age, or
- c. was in the court-ordered custody of a federally recognized Indian tribe, as defined by the federal Indian Child Welfare Act, 21 U.S.C. Section 1901 et seq. (1978), at the time the student reached eighteen (18) years of age.

B. To retain eligibility while pursuing the program of higher learning in which enrolled, the student shall:

- a. be continuously enrolled on at least a half-time basis, and be making progress toward a degree or vocational-technical program certificate,
- b. maintain good academic standing and satisfactory academic progress according to standards of the State Regents or the State Board of Career and Technology Education, and
- c. refrain from substance abuse, commission of crimes or delinquent acts, and conduct that leads to expulsion or suspension of more than one semester.

SECTION 5 NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2609 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. Payment of awards as provided in this section shall begin for students who meet the eligibility requirements as set forth in Section 4 of this act and are enrolling in a higher learning program, who graduate from high school during the 2008-2009 school year, and shall continue for eligible students graduating from high school through the 2012-2013 school year.

B. Beginning with students graduating from high school during the 2013-2014 school year, students who complete all requirements for eligibility for the Oklahoma Higher Learning Access Program pursuant to Section 2603 of Title 70 of the Oklahoma Statutes, except did not attain the 2.5 grade point average, but did attain at least a 2.0 grade point average, shall be eligible for payment of awards as provided in this section.

C. Subject to the availability of funds, an amount equivalent to the:

1. Resident tuition and fees for which an eligible student is obligated at a two-year institution of The Oklahoma State System of Higher Education shall be awarded by allocation from the Oklahoma Higher Learning Access Trust Fund. Such awards shall be limited to a total of sixty-four (64) credit hours;

2. Average resident tuition and fees charged at all two-year institutions in The Oklahoma State System of Higher Education for which an eligible student is obligated at a four-year institution of The Oklahoma State System of Higher Education shall be awarded by allocation from the Oklahoma Higher Learning Access Trust Fund. Such awards shall be limited to a total of sixty-four (64) credit hours; or

3. Tuition and fees for any eligible student enrolled in a public postsecondary vocational-technical program or course for the purpose set forth in Section 3 of this act shall be awarded by allocation from the Oklahoma Higher Learning Access Trust Fund. Provided, such allocation shall not exceed the amount a student would have received for comparable enrollment at a two-year institution within The Oklahoma State System of Higher Education. Such awards shall be limited to the lesser of a two-year time period or completion of the vocational-technical program in which the student is enrolled.

D. At anytime after completion of thirty (30) credit hours at a two-year or four-year institution in The Oklahoma State System of Higher Education and attainment of a 2.5 cumulative grade point average, a student who received an award as set forth in Subsection A or B of this section shall qualify for full Oklahoma Higher Learning Access Program benefits as provided in Section 2604 of Title 70 of the Oklahoma Statutes, subject to the family income limitations specified in Section 2605 of Title 70 of the Oklahoma Statutes.

E. An award allowed by this section shall not be allowed for remedial courses, courses or other postsecondary units taken in excess of the requirements for completion of a baccalaureate program, or courses taken more than five (5) years after the student's first semester of postsecondary enrollment. The Oklahoma State Regents for Higher Education may award benefits for courses of postsecondary units taken more than five (5) years after the student's first semester of postsecondary enrollment only in hardship circumstances; provided, however, no participant may receive benefits beyond a cumulative time period of five (5) years. An award for eligible students enrolled in cooperative programs pursuant to agreements between technology center schools and institutions of The Oklahoma State System of Higher Education shall be satisfied for both vocational-technical and college work in which enrolled pursuant to such cooperative program.

F. Benefits shall be awarded to all eligible applicants without any limitation on the number of awards in any year other than the amount of funds available for the program and

the number of eligible applicants. Subject to the provisions of subsection G of this section, if funds are not sufficient to provide awards for all eligible applicants, the Oklahoma State Regents for Higher Education shall make awards on the basis of need. Provided, the Oklahoma State Regents for Higher Education shall take into consideration other grants and scholarships received by an eligible applicant when making awards.

G. The Oklahoma State Regents for Higher Education may, at the time an award is made on behalf of an eligible student, set aside in the Oklahoma Higher Learning Access Trust Fund funds for the full commitment made to such student. For all academic years, students who have previously received awards under the provisions of this act, and who have continued at all times to fulfill the requirements for eligibility to receive awards provided pursuant to this program, shall be given an absolute priority for continued financial support superior to any students who are applying for such benefits for the first time.

SECTION 6 AMENDATORY 70 O.S. 2001, Section 2603, as last amended by Section 6, Chapter 355, O.S.L. 2007 (70 O.S. Supp. 2007, Section 2603), is amended to read as follows:

Section 2603. A. To be eligible to participate in the Oklahoma Higher Learning Access Program and to qualify for an award which includes payment of an amount equivalent to resident tuition or other tuition pursuant to Section 2604 of this title for the first semester or other academic unit of postsecondary enrollment, a student shall:

1. Be a resident of this state;
2. Be a United States citizen or lawfully present in the United States. A student who is not a United States citizen or lawfully present in the United States shall not be eligible to participate in the Oklahoma Higher Learning Access Program and to qualify for an award notwithstanding the provisions of Section 3242 of this title. The provisions of this paragraph shall not apply to any student who was enrolled in the Oklahoma Higher Learning Access Program prior to the end of the 2006-2007 school year;
3. Have a record of satisfactory compliance with agreements executed pursuant to Section 2605 of this title;
4.
  - a. have graduated within the previous three (3) years from a high school accredited by the State Board of Education, or the Oklahoma School of Science and Mathematics with a minimum 2.5 cumulative grade point average on a 4.0 scale for all work attempted in grades nine through twelve,
  - b. have graduated within the previous three (3) years from a high school not accredited by the State Board of Education with a minimum 2.5 cumulative grade point average on a 4.0 scale for all work attempted in grades nine through twelve and have achieved a composite score of 22 or higher on the ACT test, or
  - c. have satisfactorily completed within the previous three (3) years an educational program that was provided through a means other than a public or private school and have achieved a composite score of 22 or higher on the ACT test;
5. Have completed the curricular requirements for admission to an institution within The Oklahoma State System of Higher Education and one additional unit or set of competencies in a course that meets college admission requirements. The curriculum

requirements shall include two units or sets of competencies in foreign or non-English language or technology courses that meet the college admission requirements and one unit or set of competencies of a fine arts course. Students shall also have attained a 2.5 grade point average in the core curriculum courses. Students who attended a high school which did not offer all the core curriculum courses or students who were educated by other means and were not offered all the core curriculum courses shall be allowed to satisfy this curriculum requirement by participating in a program approved by the State Regents for remediation of high school curricular deficiencies;

6. Have satisfied admission standards as determined by the Oklahoma State Regents for Higher Education for first-time-entering students for the appropriate type of institution, or, if attending a private institution, have satisfied admission standards as determined by the private institution; provided, no student participating in the Oklahoma Higher Learning Access Program shall be admitted into an institution of higher education by special admission standards;

7. Have secured admission to, and enrolled in, an institution which is a member of The Oklahoma State System of Higher Education, a postsecondary vocational-technical program offered pursuant to a duly approved cooperative agreement between a technology center school and an institution of The Oklahoma State System of Higher Education, or a private institution of higher learning located within this state and accredited pursuant to Section 4103 of this title; ~~and~~

8. Have established financial need according to the provisions of Section 2605 of this title and standards and provisions promulgated by the Oklahoma State Regents for Higher Education; and

9. Have submitted an application for federal financial aid.

B. To retain eligibility while pursuing the program of higher learning in which enrolled, the student shall:

1. Achieve a minimum grade point average of 2.0 on a 4.0 scale or its equivalent for courses taken during the student's sophomore year and achieve a minimum grade point average of 2.5 on a 4.0 scale or its equivalent for courses taken during the student's junior year and thereafter. The provisions of this paragraph shall not apply to any student who has received an Oklahoma Higher Learning Access Program benefit award prior to the 2009-2010 school year;

2. Maintain good academic standing and satisfactory academic progress according to standards of the Oklahoma State Regents for Higher Education;

3. Comply with the standards related to maintenance of eligibility as promulgated by the Oklahoma State Regents for Higher Education; ~~and~~

4. Refrain from conduct that leads to expulsion or suspension of more than one semester from an institution of higher education. A student who violates the provisions of this paragraph shall permanently lose eligibility for program benefits. The provisions of this paragraph shall become effective January 1, 2008; and

5. Have submitted an application for federal financial aid.

C. The Oklahoma State Regents for Higher Education and the State Board of Career and Technology Education shall promulgate rules relating to maintenance of eligibility under this act by a student.

D. It is the intent of the Legislature that students in the ninth grade for the 1992-93 school year who are determined to be eligible Oklahoma Higher Learning Access students

pursuant to this act shall be the first students eligible for benefits from the Oklahoma Higher Learning Access Trust Fund.

E. The Oklahoma State Regents for Higher Education are authorized to study, develop and propose criteria for determining students' award eligibility based upon the completion of seven (7) semesters of high school coursework.

SECTION 7. AMENDATORY 70 O.S. 2001, Section 2605, as last amended by Section 7, Chapter 355, O.S.L. 2007 (70 O.S. Supp. 2007, Section 2605), is amended to read as follows:

Section 2605. A. Each school year, every fifth- through ninth-grade student in the public and private schools of this state and students who are educated by other means and are in the equivalent of the fifth through ninth grade shall be apprised, together with the student's parent, custodial parent, or guardian, of the student's opportunity for access to higher learning under the Oklahoma Higher Learning Access Program. The Oklahoma State Regents for Higher Education and the State Board of Education shall develop, promote, and coordinate a public awareness program to be utilized in making students and parents aware of the Oklahoma Higher Learning Access Program.

B. 1. On a form provided by the Oklahoma State Regents for Higher Education, every public school district shall designate at least one Oklahoma Higher Learning Access Program contact person, who shall be a counselor or teacher, at each public school site in this state in which eighth-, ninth- or tenth-grade classes are taught. When requested by the State Regents, the State Board of Education shall assist the State Regents to ensure the designation of contact persons. Private schools shall also designate at least one school official as a contact person. For students who are educated by other means, a parent or guardian or other person approved by the State Regents shall be designated the contact person.

2. School districts and private schools shall ensure that all students enrolling in the ninth, tenth, and eleventh grades have made application or the student's parent or guardian has determined the student is ineligible for the Oklahoma Higher Learning Access Program at the time of enrollment.

C. Students who qualify on the basis of financial need according to subsection D of this section and the standards and provisions promulgated by the Oklahoma State Regents for Higher Education shall be given the opportunity throughout the eighth-, ninth-, and tenth-grade years, for students enrolled in a public or private school, or between the ages of thirteen (13) and fifteen (15), for students who are educated by other means, to enter into participation in the program by agreeing to, throughout the remainder of their school years or educational program:

1. Attend school or an educational program regularly and do homework regularly;
2. Refrain from substance abuse;
3. Refrain from commission of crimes or delinquent acts;
4. Have school work and school records reviewed by mentors designated pursuant to the program;
5. Provide information requested by the Oklahoma State Regents for Higher Education or the State Board of Education; and
6. Participate in program activities.

The contact person shall maintain the agreements, which shall be executed on forms provided by the Oklahoma State Regents for Higher Education and managed according to

regulations promulgated by the Oklahoma State Regents for Higher Education, and the contact person shall monitor the student's compliance with the terms of the agreement. The Oklahoma State Regents for Higher Education are authorized to process student agreements and verify compliance with the agreements. Students failing to comply with the terms of the agreement shall not be eligible for the awards provided in Section 2604 of this title.

D. A student shall not be found to be in financial need for purposes of the Oklahoma Higher Learning Access Program if:

1. At the time the student applies for participation in the Program during the eighth, ninth or tenth grade for students enrolled in a public or private school, or between the ages of thirteen (13) and fifteen (15), for students who are educated by other means, the income from taxable ~~and nontaxable~~ sources of the student's parent(s) exceeds Fifty Thousand Dollars (\$50,000.00) per year; and

2. At the time the student begins postsecondary education and prior to receiving any Oklahoma Higher Learning Access Program benefit award, the income from taxable ~~and nontaxable~~ sources of the student's parent(s) exceeds One Hundred Thousand Dollars (\$100,000.00) per year.

The determination of financial qualification as set forth in this paragraph shall be based on the income of the student, not the income of the parent(s), if a student:

- a. is determined to be independent of the student's parents for federal financial aid purposes,
- b. was in the permanent custody of the Department of Human Services at the time the student enrolled in the program, or
- c. was in the court-ordered custody of a federally recognized Indian tribe, as defined by the federal Indian Child Welfare Act, 21 U.S.C. Section 1901 et seq. (1978), at the time the student enrolled in the program.

The provisions of this paragraph shall not apply to any student who has received an Oklahoma Higher Learning Access Program benefit award prior to the 2009-2010 school year.

E. The financial qualification of a student as set forth in subsection D of this section shall be certified by the contact person or by the Oklahoma State Regents for Higher Education on the agreement form provided by the Oklahoma State Regents for Higher Education. The form shall be retained in the permanent record of the student and a copy forwarded to the Oklahoma State Regents for Higher Education.

F. Agreements shall be witnessed by the student's parent, custodial parent, or guardian, who shall further agree to:

1. Assist the student in achieving compliance with the agreements;
2. Confer, when requested to do so, with the school contact person, other school personnel, and program mentors;
3. Provide information requested by the Oklahoma State Regents for Higher Education or the State Board of Education; and
4. Assist the student in completing forms and reports required for program participation, making applications to institutions and schools of higher learning, and filing applications for student grants and scholarships.

G. The Oklahoma State Regents for Higher Education shall promulgate rules for the determination of student compliance with agreements made pursuant to this section.



H. The Oklahoma State Regents for Higher Education shall designate personnel to coordinate tracking of program records for the years when students participating in the program are still in the schools or are being educated by other means, provide staff development for contact persons in the schools, and provide liaison with the State Board of Education and local organizations and individuals participating in the program.

I. The school district where an Oklahoma Higher Learning Access Program student is enrolled when the student begins participation in the program and any subsequent school district where the student enrolls shall forward information regarding the student's participation in the program to a school to which the student transfers upon the school's request for the student's records.

J. Students participating in the Oklahoma Higher Learning Access Program shall provide their social security number or their student identification number used by their school to the Oklahoma State Regents for Higher Education. The Regents shall keep the numbers confidential and use them only for administrative purposes.

SECTION 8. AMENDATORY 70 O.S. 2001, Section 3951.1, as amended by Section 8, Chapter 355, O.S.L. 2007 (70 O.S. Supp. 2007, Section 3953.1), is amended to read as follows:

Section 3953.1 A. There is hereby created a trust fund to be known as the "Oklahoma Higher Learning Access Trust Fund". The Oklahoma State Regents for Higher Education shall be the trustees of ~~said Trust Fund~~ the fund.

B. The State Regents shall utilize ~~said~~ the Oklahoma Higher Learning Access Trust Fund to implement the provisions of Sections 2601 through 2604 of this title and Sections 2-5 of this act.

C. The Oklahoma Higher Learning Access Trust Fund principal shall consist of monies the Legislature appropriates or transfers to the Oklahoma State Regents for Higher Education for the ~~Trust Fund~~ fund and any monies or assets contributed to the ~~Trust Fund~~ fund from any other source, public or private. All monies accruing to the credit of ~~said~~ the fund are hereby appropriated and may be budgeted and expended by the State Regents. Expenditures from ~~said~~ the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

D. Notwithstanding other provisions of law, income and investment return on Oklahoma Higher Learning Access Trust Fund principal shall accrue to the ~~Trust Fund~~ fund for use as provided by authorization of the trustees for the purposes provided in Sections 2601 through 2604 of this title and Sections 2-5 of this act. The State Regents may also utilize the ~~Trust Fund~~ fund principal for the purposes provided in Sections 2601 through 2604 of this title and Sections 2-5 of this act. Except as otherwise provided by law, no such income or investment return or principal shall be used for administrative expenses; expenses incurred by the State Regents in the administration of the ~~Trust Fund~~ fund and of the Oklahoma Higher Learning Access Program established by the Oklahoma Higher Learning Access Act shall be paid from monies appropriated to the State Regents coordinating board for their general operating budget.

E. The Regents shall adopt rules for accomplishing transfer of funds from the Oklahoma Higher Learning Access Trust Fund to the appropriate institutional Educational and General Operations Revolving Funds, as provided in Section 3901 of this title, to private institutions, and to the appropriate technology center school district to cover general

enrollment fees or tuition for eligible students pursuant to the Oklahoma Higher Learning Access Act. Allocations from the Oklahoma Higher Learning Access Trust Fund may be made only for the purpose of covering the general enrollment fees or tuition of eligible students. No portion of the Oklahoma Higher Learning Access Trust Fund may be used or allocated for administrative or operating expenses of any higher education institution or technology center school.", and by renumbering subsequent sections, which amendment was declared adopted.

Senator Laughlin moved that **SB 1988** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 1988** 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, Corn, Crain, 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.--45.

Excused: Coffee, Crutchfield and Morgan.--3.

The bill and emergency passed.

**SB 1988** was referred for engrossment.

### **INTRODUCTION**

Senator Anderson introduced former Senator Ralph "Butch" Choate to the Senate.

### **GENERAL ORDER**

**SB 1696** by Bass of the Senate and DeWitt of the House was called up for consideration.

Senator Bass moved that **SB 1696** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 1696** 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, Corn, Crain, Easley, Eason McIntyre, Ford, Garrison, 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.--44.

Excused: Coffee, Crutchfield, Gumm and Morgan.--4.

The bill and emergency passed.

**SB 1696** was referred for engrossment.

**GENERAL ORDER**

**SB 1149** by Barrington of the Senate and Armes of the House was called up for consideration.

Senator Barrington moved to amend **SB 1149**, by striking the title, the enacting clause and the entire body of the bill and substituting the floor substitute. (Copies were provided for all Senators.)

Senator Barrington asked that **SB 1149** be laid over for this legislative day, which was the order.

**SB 1149** remains on General Order pending consideration of the floor substitute.

**GENERAL ORDER**

**SB 1389** by Aldridge of the Senate and Peterson (Ron) of the House was called up for consideration.

Senator Aldridge moved that **SB 1389** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 1389** 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, Easley, Eason McIntyre, Ford, Garrison, 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.--44.

Excused: Coffee, Crutchfield, Gumm and Morgan.--4.

The bill passed.

**SB 1389** was referred for engrossment.

### **GENERAL ORDER**

**SB 1687** by Paddack of the Senate and Cox and Braddock of the House was called up for consideration.

Senator Paddack moved that **SB 1687** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 1687** 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, Corn, Crain, 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.--45.

Excused: Coffee, Crutchfield and Morgan.--3.

The bill and emergency passed.

**SB 1687** was referred for engrossment.

## GENERAL ORDER

**SB 1943** by Mazzei of the Senate and Miller of the House was called up for consideration.

Senator Barrington asked to coauthor **SB 1943**, which was the order.

Senator Barrington moved to amend **SB 1943**, Page 16, Line 11 ½, by inserting new Sections 7 through 12 to read as follows:

“SECTION 7. AMENDATORY Section 3, Chapter 349, O.S.L. 2007 (74 O.S. Supp. 2007, Section 5062.31), is amended to read as follows:

Section 5062.31. The Legislature finds:

1. It is in the best interest of the State of Oklahoma to ensure the continued location and expansion of established military bases and facilities in this state;
2. Growth to political subdivisions as a result of the presence and expansion of military bases and facilities requires improved and expanded municipal and school infrastructure and facilities; and
3. Political subdivisions that serve military bases are in critical need of capital improvement projects, and the financing of such projects constitutes an important public purpose.

SECTION 8. AMENDATORY Section 4, Chapter 349, O.S.L. 2007 (74 O.S. Supp. 2007, Section 5062.32), is amended to read as follows:

Section 5062.32. As used in the Military Base Protection and Expansion Incentive Act:

1. “Authority” means the Oklahoma Development Finance Authority;
2. “Capital project” means the acquisition, construction, expansion, replacement, or renovation of a municipal, county or school district facility, including real property, buildings, and other fixed assets. Capital project shall not include furnishings or equipment that is not a fixed asset; and
3. “Qualified ~~political subdivision~~ issuer” means a municipality, county, school district, or public trust of which a municipality, county or school district is the beneficiary that:

- a. is located in or adjacent to a county that is home to a military installation receiving military or mission expansion from the 2005 Base Realignment and Closure Commission (BRAC) recommendations, and
- b. encompasses all or part of a school district that is entitled to receive federal impact aid dollars or federal payment in lieu of tax dollars for the most recently completed school year.

SECTION 9. AMENDATORY Section 5, Chapter 349, O.S.L. 2007 (74 O.S. Supp. 2007, Section 5062.33), is amended to read as follows:

Section 5062.33. There is hereby created a loan program, the purpose of which is to protect and retain established military bases and facilities and to support additional and expanded employment at such bases and facilities. The program shall provide funding to

qualified ~~political subdivisions~~ issuers to finance capital projects needed as a result of growth due to or in connection with an established military base.

SECTION 10. AMENDATORY Section 6, Chapter 349, O.S.L. 2007 (74 O.S. Supp. 2007, Section 5062.34), is amended to read as follows:

Section 5062.34. A. When a qualified ~~political subdivision~~ issuer that is or will be impacted by growth at a military installation, proposes to acquire or construct a capital project, the Oklahoma Development Finance Authority may serve as conduit issuer for the capital project in the form of loans, lease-purchase agreements, or other forms of indebtedness.

B. For the capital projects described in subsection A of this section, the Authority may issue bonds to provide funding:

1. To acquire real property, together with improvements thereon;
2. To construct buildings and other improvements to real property; and
3. To provide repairs, renovations, and improvements to real property and other fixed assets; and
4. To defease or refund bonds or other obligations of a qualified issuer which were issued to finance a capital project as defined herein; and further, to fund necessary bond reserves and to pay costs of issuance of any obligations issued under this Act.

C. The Authority shall not issue bonds for loans, lease-purchase agreements, or other forms of indebtedness for a qualified ~~political subdivision~~ issuer pursuant to the Military Base Protection and Expansion Incentive Act except upon the certification by the qualified ~~political subdivision~~ issuer that it has received or will receive an amount sufficient to repay the indebtedness as a result of a voter-approved incentive derived from a tax levy. Further, the qualified issuer shall certify that it will not use the proceeds of general obligation bonds to pay the interest on any lease-purchase obligations.

D. The Authority may hold title to the new real property and improvements and place liens on improved existing real property until such time as any obligations issued for the purpose of the capital project are retired or defeased and may lease the real property and improvements to the qualified ~~political subdivision~~ issuer. Upon final redemption or defeasance of the obligations created pursuant to this section, title to the real property and improvements thereon shall be transferred from the Authority to the qualified ~~political subdivision~~ issuer.

E. The Authority may defer principal payments on loans made pursuant to the Military Base Protection and Expansion Incentive Act for a period not to exceed five (5) years.

SECTION 11. AMENDATORY Section 7, Chapter 349, O.S.L. 2007 (74 O.S. Supp. 2007, Section 5062.35), is amended to read as follows:

Section 5062.35. A. It is the intent of the Legislature to appropriate monies to the Oklahoma Department of Commerce in a total amount not to exceed Five Million Dollars (\$5,000,000.00) per year for the purpose of funding interest payments of obligations issued by the Authority pursuant to this act during the initial five (5) years of the obligations. The appropriated funds shall be deposited in the Military Base Protection and Expansion Bond Fund.

B. Upon the completion of the periods, if any, during which principal payments are deferred and during which interest payments are made from the Military Base Protection and Expansion Bond Fund for a qualified ~~political subdivision~~ issuer, the qualified ~~political~~

~~subdivision~~ issuer shall pay all principal, interest, and other appropriate costs associated with the issuance of the obligations. Payments may be in the form of lease payments to the Authority as described in subsection D of Section 6 of this act.

C. Bonds issued by the Authority under this act must be delivered no later than June 30, 2010. No monies will be provided pursuant to this section after June 30, 2015, for interest payments on bonds issued under this act.

SECTION 12. AMENDATORY Section 8, Chapter 349, O.S.L. 2007 (74 O.S. Supp. 2007, Section 5062.36), is amended to read as follows:

Section 5062.36. A. There is hereby created within the State Treasury a special fund for the Department of Commerce to be designated as the "Military Base Protection and Expansion Bond Fund". All monies deposited into the fund shall be used and expended by the Department solely to pay interest on bonds issued pursuant to the terms of this act. The Department shall enter into agreements as necessary to carry out the purposes of this act.

B. The Department may establish separate accounts within the Military Base Protection and Expansion Bond Fund as may be required to separately record transactions involving each qualified ~~political subdivision~~ issuer that applies to participate in the loan program created by this act and to provide for the distribution of monies deposited in the fund.", and by renumbering subsequent section, which amendment was declared adopted.

Senator Mazzei moved that **SB 1943** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 1943** 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, Brown, Burrage, Coates, Coffee, Corn, Crain, 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, Wilcoxson, Williamson, Wilson and Wyrick.--43.

Nay: Brogdon, Easley and Sykes.--3.

Excused: Crutchfield and Morgan.--2.

The bill and emergency passed.

**SB 1943** was referred for engrossment.

**GENERAL ORDER**

**SB 2164** by Bass of the Senate and Dorman of the House was called up for consideration.

Senators Easley and Coates asked to coauthor **SB 2164**, which was the order.

Senator Corn moved to amend **SB 2164**, Page 2, Line 3 ½, by inserting new Sections 2 through 8 to read as follows:

“SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2606 of Title 70, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the “Second Century Promise Act”.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2607 of Title 70, unless there is created a duplication in numbering, reads as follows:

There is hereby created the Second Century Promise program, which shall be considered an integral part of the Oklahoma Higher Learning Access Act and Program. The purpose of the Second Century Promise program is to provide an award to students who meet the criteria set forth in the Second Century Promise Act, and who are pursuing studies in this state leading to an associate or baccalaureate degree or who are pursuing studies in a postsecondary vocational-technical program or course offered pursuant to a duly approved cooperative agreement between a technology center school and an institution of The Oklahoma State System of Higher Education, and who are in good academic standing in the institution of higher education or technology center school in which enrolled, to relieve them of the burden of paying resident tuition and fees at two-year institutions of The Oklahoma State System of Higher Education, to relieve them of the burden of paying tuition and fees for enrollment in postsecondary programs of the technology center districts, or to relieve them of some portion of the burden of paying resident tuition and fees at four-year institutions of The Oklahoma State System of Higher Education.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2608 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. To be eligible to participate in the Second Century Promise program and qualify for an award pursuant to Section 4 of this act, a student shall:

1. Be a resident of this state;
2.
  - a. have graduated from a high school accredited by the State Board of Education or the Oklahoma School of Science and Mathematics with a minimum 2.0 cumulative grade point average on a 4.0 scale for all work attempted in grades nine through twelve,
  - b. have graduated from a high school not accredited by the State Board of Education with a minimum 2.0 cumulative grade point average on a 4.0 scale for all work attempted in grades nine through twelve and have achieved a composite score of 19 or higher on the ACT test,



- c. have satisfactorily completed an educational program that was provided through a means other than a public or private school and have achieved a composite score of 19 or higher on the ACT test, or
- d. have been awarded a General Educational Development State Diploma by the State Department of Education and have achieved a composite score of 19 or higher on the ACT test;

3. Not have been adjudicated as a delinquent for an offense defined in Section 571 of Title 57 of the Oklahoma Statutes as an exception to a nonviolent offense or convicted as an adult of an offense defined in Section 571 of Title 57 of the Oklahoma Statutes as an exception to a nonviolent offense;

4. Agree to participate in community service activities during the time period of receipt of an award pursuant to this act. The community service requirement shall be determined by each individual postsecondary institution;

5. Begin the first semester of postsecondary enrollment no later than the Fall semester immediately following high school graduation, or no later than two (2) years after the student's cohort high school class graduates if the student has been awarded a General Educational Development State Diploma. Exceptions to this requirement may be granted for individuals entering the military or, in the case of an individual's sincerely held religious beliefs, to be determined on a case-by-case basis by the State Regents;

6. Have submitted an application for federal financial aid; and

7. Meet the income eligibility requirement, for which the student's parent(s) income from taxable sources shall not exceed Fifty Thousand Dollars (\$50,000.00) per year. The determination of eligibility as set forth in this paragraph shall be based on the income of the student, not the income of the parent(s), if a student:

- a. is determined to be independent of the student's parent(s) for federal financial aid purposes,
- b. was in the permanent custody of the Department of Human Services at the time the student reached eighteen (18) years of age, or
- c. was in the court-ordered custody of a federally recognized Indian tribe, as defined by the federal Indian Child Welfare Act, 21 U.S.C. Section 1901 et seq. (1978), at the time the student reached eighteen (18) years of age.

B. To retain eligibility while pursuing the program of higher learning in which enrolled, the student shall:

- a. be continuously enrolled on at least a half-time basis, and be making progress toward a degree or vocational-technical program certificate,
- b. maintain good academic standing and satisfactory academic progress according to standards of the State Regents or the State Board of Career and Technology Education, and
- c. refrain from substance abuse, commission of crimes or delinquent acts, and conduct that leads to expulsion or suspension of more than one semester.

SECTION 5 NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2609 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. Payment of awards as provided in this section shall begin for students who meet the eligibility requirements as set forth in Section 4 of this act and are enrolling in a higher learning program, who graduate from high school during the 2008-2009 school year, and shall continue for eligible students graduating from high school through the 2012-2013 school year.

B. Beginning with students graduating from high school during the 2013-2014 school year, students who complete all requirements for eligibility for the Oklahoma Higher Learning Access Program pursuant to Section 2603 of Title 70 of the Oklahoma Statutes, except did not attain the 2.5 grade point average, but did attain at least a 2.0 grade point average, shall be eligible for payment of awards as provided in this section.

C. Subject to the availability of funds, an amount equivalent to the:

1. Resident tuition and fees for which an eligible student is obligated at a two-year institution of The Oklahoma State System of Higher Education shall be awarded by allocation from the Oklahoma Higher Learning Access Trust Fund. Such awards shall be limited to a total of sixty-four (64) credit hours;

2. Average resident tuition and fees charged at all two-year institutions in The Oklahoma State System of Higher Education for which an eligible student is obligated at a four-year institution of The Oklahoma State System of Higher Education shall be awarded by allocation from the Oklahoma Higher Learning Access Trust Fund. Such awards shall be limited to a total of sixty-four (64) credit hours; or

3. Tuition and fees for any eligible student enrolled in a public postsecondary vocational-technical program or course for the purpose set forth in Section 3 of this act shall be awarded by allocation from the Oklahoma Higher Learning Access Trust Fund. Provided, such allocation shall not exceed the amount a student would have received for comparable enrollment at a two-year institution within The Oklahoma State System of Higher Education. Such awards shall be limited to the lesser of a two-year time period or completion of the vocational-technical program in which the student is enrolled.

D. At anytime after completion of thirty (30) credit hours at a two-year or four-year institution in The Oklahoma State System of Higher Education and attainment of a 2.5 cumulative grade point average, a student who received an award as set forth in Subsection A or B of this section shall qualify for full Oklahoma Higher Learning Access Program benefits as provided in Section 2604 of Title 70 of the Oklahoma Statutes, subject to the family income limitations specified in Section 2605 of Title 70 of the Oklahoma Statutes.

E. An award allowed by this section shall not be allowed for remedial courses, courses or other postsecondary units taken in excess of the requirements for completion of a baccalaureate program, or courses taken more than five (5) years after the student's first semester of postsecondary enrollment. The Oklahoma State Regents for Higher Education may award benefits for courses of postsecondary units taken more than five (5) years after the student's first semester of postsecondary enrollment only in hardship circumstances; provided, however, no participant may receive benefits beyond a cumulative time period of five (5) years. An award for eligible students enrolled in cooperative programs pursuant to agreements between technology center schools and institutions of The Oklahoma State System of Higher Education shall be satisfied for both vocational-technical and college work in which enrolled pursuant to such cooperative program.

F. Benefits shall be awarded to all eligible applicants without any limitation on the number of awards in any year other than the amount of funds available for the program and

the number of eligible applicants. Subject to the provisions of subsection G of this section, if funds are not sufficient to provide awards for all eligible applicants, the Oklahoma State Regents for Higher Education shall make awards on the basis of need. Provided, the Oklahoma State Regents for Higher Education shall take into consideration other grants and scholarships received by an eligible applicant when making awards.

G. The Oklahoma State Regents for Higher Education may, at the time an award is made on behalf of an eligible student, set aside in the Oklahoma Higher Learning Access Trust Fund funds for the full commitment made to such student. For all academic years, students who have previously received awards under the provisions of this act, and who have continued at all times to fulfill the requirements for eligibility to receive awards provided pursuant to this program, shall be given an absolute priority for continued financial support superior to any students who are applying for such benefits for the first time.

SECTION 6 AMENDATORY 70 O.S. 2001, Section 2603, as last amended by Section 6, Chapter 355, O.S.L. 2007 (70 O.S. Supp. 2007, Section 2603), is amended to read as follows:

Section 2603. A. To be eligible to participate in the Oklahoma Higher Learning Access Program and to qualify for an award which includes payment of an amount equivalent to resident tuition or other tuition pursuant to Section 2604 of this title for the first semester or other academic unit of postsecondary enrollment, a student shall:

1. Be a resident of this state;
2. Be a United States citizen or lawfully present in the United States. A student who is not a United States citizen or lawfully present in the United States shall not be eligible to participate in the Oklahoma Higher Learning Access Program and to qualify for an award notwithstanding the provisions of Section 3242 of this title. The provisions of this paragraph shall not apply to any student who was enrolled in the Oklahoma Higher Learning Access Program prior to the end of the 2006-2007 school year;
3. Have a record of satisfactory compliance with agreements executed pursuant to Section 2605 of this title;
4.
  - a. have graduated within the previous three (3) years from a high school accredited by the State Board of Education, or the Oklahoma School of Science and Mathematics with a minimum 2.5 cumulative grade point average on a 4.0 scale for all work attempted in grades nine through twelve,
  - b. have graduated within the previous three (3) years from a high school not accredited by the State Board of Education with a minimum 2.5 cumulative grade point average on a 4.0 scale for all work attempted in grades nine through twelve and have achieved a composite score of 22 or higher on the ACT test, or
  - c. have satisfactorily completed within the previous three (3) years an educational program that was provided through a means other than a public or private school and have achieved a composite score of 22 or higher on the ACT test;
5. Have completed the curricular requirements for admission to an institution within The Oklahoma State System of Higher Education and one additional unit or set of competencies in a course that meets college admission requirements. The curriculum

requirements shall include two units or sets of competencies in foreign or non-English language or technology courses that meet the college admission requirements and one unit or set of competencies of a fine arts course. Students shall also have attained a 2.5 grade point average in the core curriculum courses. Students who attended a high school which did not offer all the core curriculum courses or students who were educated by other means and were not offered all the core curriculum courses shall be allowed to satisfy this curriculum requirement by participating in a program approved by the State Regents for remediation of high school curricular deficiencies;

6. Have satisfied admission standards as determined by the Oklahoma State Regents for Higher Education for first-time-entering students for the appropriate type of institution, or, if attending a private institution, have satisfied admission standards as determined by the private institution; provided, no student participating in the Oklahoma Higher Learning Access Program shall be admitted into an institution of higher education by special admission standards;

7. Have secured admission to, and enrolled in, an institution which is a member of The Oklahoma State System of Higher Education, a postsecondary vocational-technical program offered pursuant to a duly approved cooperative agreement between a technology center school and an institution of The Oklahoma State System of Higher Education, or a private institution of higher learning located within this state and accredited pursuant to Section 4103 of this title; ~~and~~

8. Have established financial need according to the provisions of Section 2605 of this title and standards and provisions promulgated by the Oklahoma State Regents for Higher Education; and

9. Have submitted an application for federal financial aid.

B. To retain eligibility while pursuing the program of higher learning in which enrolled, the student shall:

1. Achieve a minimum grade point average of 2.0 on a 4.0 scale or its equivalent for courses taken during the student's sophomore year and achieve a minimum grade point average of 2.5 on a 4.0 scale or its equivalent for courses taken during the student's junior year and thereafter. The provisions of this paragraph shall not apply to any student who has received an Oklahoma Higher Learning Access Program benefit award prior to the 2009-2010 school year;

2. Maintain good academic standing and satisfactory academic progress according to standards of the Oklahoma State Regents for Higher Education;

3. Comply with the standards related to maintenance of eligibility as promulgated by the Oklahoma State Regents for Higher Education; ~~and~~

4. Refrain from conduct that leads to expulsion or suspension of more than one semester from an institution of higher education. A student who violates the provisions of this paragraph shall permanently lose eligibility for program benefits. The provisions of this paragraph shall become effective January 1, 2008; and

5. Have submitted an application for federal financial aid.

C. The Oklahoma State Regents for Higher Education and the State Board of Career and Technology Education shall promulgate rules relating to maintenance of eligibility under this act by a student.

D. It is the intent of the Legislature that students in the ninth grade for the 1992-93 school year who are determined to be eligible Oklahoma Higher Learning Access students

pursuant to this act shall be the first students eligible for benefits from the Oklahoma Higher Learning Access Trust Fund.

E. The Oklahoma State Regents for Higher Education are authorized to study, develop and propose criteria for determining students' award eligibility based upon the completion of seven (7) semesters of high school coursework.

SECTION 7. AMENDATORY 70 O.S. 2001, Section 2605, as last amended by Section 7, Chapter 355, O.S.L. 2007 (70 O.S. Supp. 2007, Section 2605), is amended to read as follows:

Section 2605. A. Each school year, every fifth- through ninth-grade student in the public and private schools of this state and students who are educated by other means and are in the equivalent of the fifth through ninth grade shall be apprised, together with the student's parent, custodial parent, or guardian, of the student's opportunity for access to higher learning under the Oklahoma Higher Learning Access Program. The Oklahoma State Regents for Higher Education and the State Board of Education shall develop, promote, and coordinate a public awareness program to be utilized in making students and parents aware of the Oklahoma Higher Learning Access Program.

B. 1. On a form provided by the Oklahoma State Regents for Higher Education, every public school district shall designate at least one Oklahoma Higher Learning Access Program contact person, who shall be a counselor or teacher, at each public school site in this state in which eighth-, ninth- or tenth-grade classes are taught. When requested by the State Regents, the State Board of Education shall assist the State Regents to ensure the designation of contact persons. Private schools shall also designate at least one school official as a contact person. For students who are educated by other means, a parent or guardian or other person approved by the State Regents shall be designated the contact person.

2. School districts and private schools shall ensure that all students enrolling in the ninth, tenth, and eleventh grades have made application or the student's parent or guardian has determined the student is ineligible for the Oklahoma Higher Learning Access Program at the time of enrollment.

C. Students who qualify on the basis of financial need according to subsection D of this section and the standards and provisions promulgated by the Oklahoma State Regents for Higher Education shall be given the opportunity throughout the eighth-, ninth-, and tenth-grade years, for students enrolled in a public or private school, or between the ages of thirteen (13) and fifteen (15), for students who are educated by other means, to enter into participation in the program by agreeing to, throughout the remainder of their school years or educational program:

1. Attend school or an educational program regularly and do homework regularly;
2. Refrain from substance abuse;
3. Refrain from commission of crimes or delinquent acts;
4. Have school work and school records reviewed by mentors designated pursuant to the program;
5. Provide information requested by the Oklahoma State Regents for Higher Education or the State Board of Education; and
6. Participate in program activities.

The contact person shall maintain the agreements, which shall be executed on forms provided by the Oklahoma State Regents for Higher Education and managed according to

regulations promulgated by the Oklahoma State Regents for Higher Education, and the contact person shall monitor the student's compliance with the terms of the agreement. The Oklahoma State Regents for Higher Education are authorized to process student agreements and verify compliance with the agreements. Students failing to comply with the terms of the agreement shall not be eligible for the awards provided in Section 2604 of this title.

D. A student shall not be found to be in financial need for purposes of the Oklahoma Higher Learning Access Program if:

1. At the time the student applies for participation in the Program during the eighth, ninth or tenth grade for students enrolled in a public or private school, or between the ages of thirteen (13) and fifteen (15), for students who are educated by other means, the income from taxable ~~and nontaxable~~ sources of the student's parent(s) exceeds Fifty Thousand Dollars (\$50,000.00) per year; and

2. At the time the student begins postsecondary education and prior to receiving any Oklahoma Higher Learning Access Program benefit award, the income from taxable ~~and nontaxable~~ sources of the student's parent(s) exceeds One Hundred Thousand Dollars (\$100,000.00) per year.

The determination of financial qualification as set forth in this paragraph shall be based on the income of the student, not the income of the parent(s), if a student:

- a. is determined to be independent of the student's parents for federal financial aid purposes,
- b. was in the permanent custody of the Department of Human Services at the time the student enrolled in the program, or
- c. was in the court-ordered custody of a federally recognized Indian tribe, as defined by the federal Indian Child Welfare Act, 21 U.S.C. Section 1901 et seq. (1978), at the time the student enrolled in the program.

The provisions of this paragraph shall not apply to any student who has received an Oklahoma Higher Learning Access Program benefit award prior to the 2009-2010 school year.

E. The financial qualification of a student as set forth in subsection D of this section shall be certified by the contact person or by the Oklahoma State Regents for Higher Education on the agreement form provided by the Oklahoma State Regents for Higher Education. The form shall be retained in the permanent record of the student and a copy forwarded to the Oklahoma State Regents for Higher Education.

F. Agreements shall be witnessed by the student's parent, custodial parent, or guardian, who shall further agree to:

1. Assist the student in achieving compliance with the agreements;
2. Confer, when requested to do so, with the school contact person, other school personnel, and program mentors;
3. Provide information requested by the Oklahoma State Regents for Higher Education or the State Board of Education; and
4. Assist the student in completing forms and reports required for program participation, making applications to institutions and schools of higher learning, and filing applications for student grants and scholarships.

G. The Oklahoma State Regents for Higher Education shall promulgate rules for the determination of student compliance with agreements made pursuant to this section.

H. The Oklahoma State Regents for Higher Education shall designate personnel to coordinate tracking of program records for the years when students participating in the program are still in the schools or are being educated by other means, provide staff development for contact persons in the schools, and provide liaison with the State Board of Education and local organizations and individuals participating in the program.

I. The school district where an Oklahoma Higher Learning Access Program student is enrolled when the student begins participation in the program and any subsequent school district where the student enrolls shall forward information regarding the student's participation in the program to a school to which the student transfers upon the school's request for the student's records.

J. Students participating in the Oklahoma Higher Learning Access Program shall provide their social security number or their student identification number used by their school to the Oklahoma State Regents for Higher Education. The Regents shall keep the numbers confidential and use them only for administrative purposes.

SECTION 8. AMENDATORY 70 O.S. 2001, Section 3951.1, as amended by Section 8, Chapter 355, O.S.L. 2007 (70 O.S. Supp. 2007, Section 3953.1), is amended to read as follows:

Section 3953.1 A. There is hereby created a trust fund to be known as the "Oklahoma Higher Learning Access Trust Fund". The Oklahoma State Regents for Higher Education shall be the trustees of ~~said Trust Fund~~ the fund.

B. The State Regents shall utilize ~~said~~ the Oklahoma Higher Learning Access Trust Fund to implement the provisions of Sections 2601 through 2604 of this title and Sections 2-5 of this act.

C. The Oklahoma Higher Learning Access Trust Fund principal shall consist of monies the Legislature appropriates or transfers to the Oklahoma State Regents for Higher Education for the ~~Trust Fund~~ fund and any monies or assets contributed to the ~~Trust Fund~~ fund from any other source, public or private. All monies accruing to the credit of ~~said~~ the fund are hereby appropriated and may be budgeted and expended by the State Regents. Expenditures from ~~said~~ the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

D. Notwithstanding other provisions of law, income and investment return on Oklahoma Higher Learning Access Trust Fund principal shall accrue to the ~~Trust Fund~~ fund for use as provided by authorization of the trustees for the purposes provided in Sections 2601 through 2604 of this title and Sections 2-5 of this act. The State Regents may also utilize the ~~Trust Fund~~ fund principal for the purposes provided in Sections 2601 through 2604 of this title and Sections 2-5 of this act. Except as otherwise provided by law, no such income or investment return or principal shall be used for administrative expenses; expenses incurred by the State Regents in the administration of the ~~Trust Fund~~ fund and of the Oklahoma Higher Learning Access Program established by the Oklahoma Higher Learning Access Act shall be paid from monies appropriated to the State Regents coordinating board for their general operating budget.

E. The Regents shall adopt rules for accomplishing transfer of funds from the Oklahoma Higher Learning Access Trust Fund to the appropriate institutional Educational and General Operations Revolving Funds, as provided in Section 3901 of this title, to private institutions, and to the appropriate technology center school district to cover general

enrollment fees or tuition for eligible students pursuant to the Oklahoma Higher Learning Access Act. Allocations from the Oklahoma Higher Learning Access Trust Fund may be made only for the purpose of covering the general enrollment fees or tuition of eligible students. No portion of the Oklahoma Higher Learning Access Trust Fund may be used or allocated for administrative or operating expenses of any higher education institution or technology center school.", and by renumbering subsequent sections, which amendment was declared adopted.

Senator Corn moved to amend **SB 2164**, Page 2, Line 3 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 2605.1 of Title 70, unless there is created a duplication in numbering, reads as follows:

School districts and private schools shall ensure that all students enrolling for the ninth, tenth, and eleventh grades have made application for or the student’s parent or guardian has determined that the student is ineligible for the Oklahoma Higher Learning Access Program at the time of enrollment.”, and by renumbering subsequent sections, which amendment was declared adopted.

Senator Burrage moved to amend **SB 2164**, Page 2, Line 3 ½, by inserting a new Section 2 to read as follows:

“SECTION 2. AMENDATORY 70 O.S. 2001, Section 2605, as last amended by Section 7, Chapter 355, O.S.L. 2007 (70 O.S. Supp. 2007, Section 2605), is amended to read as follows:

Section 2605. A. Each school year, every fifth- through ninth-grade student in the public and private schools of this state and students who are educated by other means and are in the equivalent of the fifth through ninth grade shall be apprised, together with the student's parent, custodial parent, or guardian, of the student's opportunity for access to higher learning under the Oklahoma Higher Learning Access Program. The Oklahoma State Regents for Higher Education and the State Board of Education shall develop, promote, and coordinate a public awareness program to be utilized in making students and parents aware of the Oklahoma Higher Learning Access Program.

B. On a form provided by the Oklahoma State Regents for Higher Education, every public school district shall designate at least one Oklahoma Higher Learning Access Program contact person, who shall be a counselor or teacher, at each public school site in this state in which eighth-, ninth- or tenth-grade classes are taught. When requested by the State Regents, the State Board of Education shall assist the State Regents to ensure the designation of contact persons. Private schools shall also designate at least one school official as a contact person. For students who are educated by other means, a parent or guardian or other person approved by the State Regents shall be designated the contact person.

C. Students who qualify on the basis of financial need according to subsection D of this section and the standards and provisions promulgated by the Oklahoma State Regents for Higher Education shall be given the opportunity throughout the eighth-, ninth-, and



tenth-grade years, for students enrolled in a public or private school, or between the ages of thirteen (13) and fifteen (15), for students who are educated by other means, to enter into participation in the program by agreeing to, throughout the remainder of their school years or educational program:

1. Attend school or an educational program regularly and do homework regularly;
2. Refrain from substance abuse;
3. Refrain from commission of crimes or delinquent acts;
4. Have school work and school records reviewed by mentors designated pursuant to the program;
5. Provide information requested by the Oklahoma State Regents for Higher Education or the State Board of Education; and
6. Participate in program activities.

The contact person shall maintain the agreements, which shall be executed on forms provided by the Oklahoma State Regents for Higher Education and managed according to regulations promulgated by the Oklahoma State Regents for Higher Education, and the contact person shall monitor the student's compliance with the terms of the agreement. The Oklahoma State Regents for Higher Education are authorized to process student agreements and verify compliance with the agreements. Students failing to comply with the terms of the agreement shall not be eligible for the awards provided in Section 2604 of this title.

D. A student shall not be found to be in financial need for purposes of the Oklahoma Higher Learning Access Program if:

1. At the time the student applies for participation in the Program during the eighth, ninth or tenth grade for students enrolled in a public or private school, or between the ages of thirteen (13) and fifteen (15), for students who are educated by other means, the income from taxable and nontaxable sources of the student's parent(s) exceeds ~~Fifty Thousand Dollars (\$50,000.00)~~ Seventy-five Thousand Dollars (\$75,000.00) per year; and
2. At the time the student begins postsecondary education and prior to receiving any Oklahoma Higher Learning Access Program benefit award, the income from taxable and nontaxable sources of the student's parent(s) exceeds One Hundred Thousand Dollars (\$100,000.00) per year.

The determination of financial qualification as set forth in this paragraph shall be based on the income of the student, not the income of the parent(s), if a student:

- a. is determined to be independent of the student's parents for federal financial aid purposes,
- b. was in the permanent custody of the Department of Human Services at the time the student enrolled in the program, or
- c. was in the court-ordered custody of a federally recognized Indian tribe, as defined by the federal Indian Child Welfare Act, 21 U.S.C., Section 1901 et seq. (1978), at the time the student enrolled in the program.

The provisions of this paragraph shall not apply to any student who has received an Oklahoma Higher Learning Access Program benefit award prior to the 2009-2010 school year.

E. The financial qualification of a student as set forth in subsection D of this section shall be certified by the contact person or by the Oklahoma State Regents for Higher Education on the agreement form provided by the Oklahoma State Regents for Higher

Education. The form shall be retained in the permanent record of the student and a copy forwarded to the Oklahoma State Regents for Higher Education.

F. Agreements shall be witnessed by the student's parent, custodial parent, or guardian, who shall further agree to:

1. Assist the student in achieving compliance with the agreements;
2. Confer, when requested to do so, with the school contact person, other school personnel, and program mentors;
3. Provide information requested by the Oklahoma State Regents for Higher Education or the State Board of Education; and
4. Assist the student in completing forms and reports required for program participation, making applications to institutions and schools of higher learning, and filing applications for student grants and scholarships.

G. The Oklahoma State Regents for Higher Education shall promulgate rules for the determination of student compliance with agreements made pursuant to this section.

H. The Oklahoma State Regents for Higher Education shall designate personnel to coordinate tracking of program records for the years when students participating in the program are still in the schools or are being educated by other means, provide staff development for contact persons in the schools, and provide liaison with the State Board of Education and local organizations and individuals participating in the program.

I. The school district where an Oklahoma Higher Learning Access Program student is enrolled when the student begins participation in the program and any subsequent school district where the student enrolls shall forward information regarding the student's participation in the program to a school to which the student transfers upon the school's request for the student's records.

J. Students participating in the Oklahoma Higher Learning Access Program shall provide their social security number or their student identification number used by their school to the Oklahoma State Regents for Higher Education. The Regents shall keep the numbers confidential and use them only for administrative purposes.”, and by renumbering subsequent sections, which amendment was declared adopted.

Senator Bass moved that **SB 2164** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 2164** 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, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Justice, Lamb, Laster, Leftwich, Lerblance, Mazzei, Myers, Nichols, Paddack, Rabon, Rice, Riley, Sparks, Sweeden, Wilson and Wyrick.--37.

Nay: Aldridge, Brogdon, Brown, Jolley, Laughlin, Reynolds, Schulz, Sykes, Wilcoxson and Williamson.--10.

Excused: Morgan.--1.

The bill and emergency passed.

**SB 2164** was referred for engrossment.

### **GENERAL ORDER**

**SB 1511** by Wilson of the Senate and Terrill of the House was called up for consideration.

Senator Wilson moved that **SB 1511** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 1511** 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, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Nichols, Paddack, Rabon, Rice, Riley, Sparks, Sweeden, Williamson, Wilson and Wyrick.--38.

Nay: Brogdon, Brown, Jolley, Mazzei, Myers, Reynolds, Schulz, Sykes and Wilcoxson.--9.

Excused: Morgan.--1.

The bill passed.

**SB 1511** was referred for engrossment.

### **GENERAL ORDER**

**SB 2001** by Laughlin of the Senate and Blackwell of the House was called up for consideration.

Senator Laughlin moved that **SB 2001** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 2001** 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, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.-47.

Excused: Morgan.--1.

The bill passed.

**SB 2001** was referred for engrossment.

**GENERAL ORDER**

**SB 1915** by Wilson and Gumm of the Senate and Brown of the House was called up for consideration.

Senators Garrison, Leftwich, Sparks and Easley asked to coauthor **SB 1915**, which was the order.

Senator Rabon moved to amend **SB 1915**, Page 19, Line 4, by deleting after the semicolon the word "and"; Page 19, Line 15, by inserting after the word "consumers" and before the period the language "; and"; and Page 19, Line 15½, by inserting a new paragraph, as follows:

"41. Sales of rolling stock when sold or leased by the manufacturer, regardless of whether the purchaser is a public service corporation engaged in business as a common carrier of property or passengers by railway, for use or consumption by a common carrier directly in the rendition of public service. For purposes of this paragraph, "rolling stock" means locomotives, autocars and railroad cars", which amendment was declared adopted.

Senator Wilson moved that **SB 1915** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 1915** 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, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.-47.

Excused: Morgan.--1.

The bill passed.

**SB 1915** was referred for engrossment.

#### **PENDING CONSIDERATION OF HAS**

**HAs** to **SB 41** were concurred in upon motion of Senator Corn.

**SB 41**, as amended by the Honorable House, was read at length.

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

Aye: Adelson, Aldridge, Anderson, Ballenger, Bass, Bingman, Branan, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Eason McIntyre, Ford, Gumm, Ivester, Johnson (M), Lamb, Laster, Leftwich, Lerblance, Mazzei, Nichols, Paddack, Rabon, Rice, Riley, Schulz, Sparks, Sweeden, Wilson and Wyrick.--33.

Nay: Barrington, Brogdon, Brown, Easley, Garrison, Johnson (C), Jolley, Justice, Laughlin, Myers, Reynolds, Sykes, Wilcoxson and Williamson.--14.

Excused: Morgan.--1.

The bill and emergency passed.

House amendments were properly signed and the above-numbered bill was referred for enrollment.

#### **GENERAL ORDER**

**SB 1601** by Aldridge and Leftwich of the Senate and Peters of the House was called up for consideration.

Senators Gumm, Jolley and Garrison asked to coauthor **SB 1601**, which was the order.

Senator Aldridge moved that **SB 1601** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 1601** 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 1601** was referred for engrossment.

### **GENERAL ORDER**

**SB 1953** by Mazzei and Wilson of the Senate and Terrill of the House was called up for consideration.

Senator Mazzei moved that **SB 1953** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 1953** 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 1953** was referred for engrossment.

### **GENERAL ORDER**

**SB 1769** by Paddack of the Senate and Coody of the House was called up for consideration.

Senator Paddack moved that **SB 1769** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 1769** 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 1769** was referred for engrossment.

### **GENERAL ORDER**

**SB 2068** by Laughlin of the Senate and Blackwell of the House was called up for consideration.

Senator Laughlin moved that **SB 2068** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 2068** 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 2068** was referred for engrossment.

### **GENERAL ORDER**

**SB 1839** by Corn of the Senate and Sullivan of the House was called up for consideration.

Senator Corn moved that **SB 1839** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 1839** 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 1839** was referred for engrossment.

### **GENERAL ORDER**

**SB 1828** by Eason McIntyre of the Senate and Shumate of the House was called up for consideration.



Senator Eason McIntyre moved that **SB 1828** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 1828** 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, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crutchfield, Easley, Eason McIntyre, Ford, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Williamson, Wilson and Wyrick.--43.

Nay: Bass, Crain, Garrison, Rabon and Wilcoxson.--5.

The bill and emergency passed.

**SB 1828** was referred for engrossment.

### **EXECUTIVE NOMINATIONS**

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

Ball, Cindy, Muskogee, as a member of the Oklahoma Lottery Commission - Finance

Barber, Bill, Poteau, as a member of the Board of Regents for Carl Albert State College - Education

Benson, Allen T., Ardmore, as a member of the Board of Regents of Murray State College - Education

Bonny, Jack, Elk City, as a member of the Oklahoma Space Industry Development Authority - Energy and Environment

Farabough, Gary W., Ardmore, as a member of the Board of Trustees for the Ardmore Higher Education Program - Education

Fite, Ed, Tahlequah, as a member of the Oklahoma Water Resources Board - Energy and Environment

Landrum, Nancy, Oklahoma City, as a member of the Board of Examiners for Speech-Language Pathology and Audiology - Health and Human Resources

Lopez, Dave, Oklahoma City, as a member of the Board of Regents for Oklahoma City Community College - Education

Reynolds, Debi, Ponca City, as a member of the J.M. Davis Memorial Commission - Tourism and Wildlife

Wetzel, Thomas S., Stillwater, as a member of the Oklahoma Student Loan Authority - Education

Williams, Burl, Stigler, as a member of the Board of Regents of Eastern Oklahoma State College - Education

Wilson, Pete, Norman, as a member of the Oklahoma Lottery Commission - Board of Trustees - Finance

Senator Laster moved that when the clerk's desk is clear, the Senate stand adjourned to convene Wednesday, March 5, 2008, at 9:30 a.m., which motion prevailed.

Pursuant to the Laster motion, the Senate adjourned at 3:05 p.m. to meet Wednesday, March 5, 2008, at 9:30 a.m.