

Senate Journal

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

Twentieth Legislative Day, Thursday, March 6, 2008

The Senate was called to order by Senator Williamson.

Roll Call:

Present: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, 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.—46.

Excused: Bingman and Johnson (M).—2.

Senator Williamson 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 1010, 1139, 1171, 1404, 1416, 1423, 1535, 1549, 1551, 1600, 1604, 1693, 1850, 1856, 1863, 1881, 1922, 1931, 1956, 2047, 2071, 2105 and 2133 were each correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

SCR 56 was correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

GENERAL ORDER

SB 1386 by Barrington of the Senate and Dorman of the House was called up for consideration.

Senator Rabon asked to coauthor **SB 1386**, which was the order.

Senator Barrington moved that **SB 1386** be advanced, which motion was declared adopted.

THIRD READING

SB 1386 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, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, 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.--46.

Excused: Bingman and Johnson (M).--2.

The bill passed.

SB 1386 was referred for engrossment.

GENERAL ORDER

SB 1631 by Paddack of the Senate and Peterson (Ron) of the House was called up for consideration.

Senator Paddack moved that **SB 1631** be advanced, which motion was declared adopted.

THIRD READING

SB 1631 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, Bass, Burrage, Coates, Coffee, Corn, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Laster, Leftwich, Lerblance, Morgan, Myers, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Williamson, Wilson and Wyrick.--32.

Nay: Anderson, Barrington, Branan, Brogdon, Brown, Crain, Jolley, Justice, Lamb, Laughlin, Mazzei, Nichols, Sykes and Wilcoxson.--14.

Excused: Bingman and Johnson (M).--2.

The bill passed.

SB 1631 was referred for engrossment.

MESSAGE FROM THE HOUSE

Advising the signing of and returning Enrolled **SCR 56**.

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

GENERAL ORDER

SB 2114 by Wilson et al of the Senate and Morgan of the House was called up for consideration.

Senators Corn, Leftwich and Eason McIntyre asked to coauthor **SB 2114**, which was the order.

Senator Gumm moved to amend **SB 2114**, Page 3, Line 4 ½, by inserting new Sections 2 and 3 to read as follows:

“SECTION 2. Section 3 of this act shall be known and may be cited as “Nick’s Law.”

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6060.4a of Title 36, unless there is created a duplication in numbering, reads as follows:

A. Any individual or group health benefit plan, including the State and Education Employees Group Health Insurance Plan, that is offered, issued, or renewed in this state on or after January 1, 2009, shall provide coverage for the screening, diagnosis, testing and treatment of an autistic spectrum disorder. Coverage provided under this section is limited to generally recognized services and treatments that are prescribed by the insured individual’s treating physician in accordance with a treatment plan.

B. The coverage required under this section shall not be subject to dollar limits, visit limitations, deductibles or coinsurance provisions that are less favorable to an insured individual than the dollar limits, deductibles, or coinsurance provisions that apply to physical illness generally under the health benefit plan. Coverage of services may be subject to other general exclusions and limitations of the health benefit plan, including, but not limited to:

1. The coordination of benefits;

2. Participating provider requirements;
3. Services provided by family or household member restrictions;
4. Eligibility; and
5. Appeals processes.

C. The treatment plan required under subsection A shall include all elements necessary for the insurer to appropriately pay claims. These elements shall include, but not be limited to:

1. A diagnosis;
2. Proposed treatment or treatments by type, frequency and duration;
3. The anticipated outcomes stated as goals;
4. The frequency by which the treatment plan will be updated; and
5. The treating physician's signature.

The insurer shall have the right to request an updated treatment plan not more than once every six (6) months from the treating physician to review medical necessity, unless the insurer and the provider agree that a more frequent review is necessary due to emerging clinical circumstances.

D. A diagnosis of an autistic spectrum disorder by a licensed physician board certified therapist shall be required to be eligible for benefits and coverage under this section. The prescribing medical practitioner must be:

1. Licensed, certified or registered by an appropriate agency of the state of Oklahoma: or
2. One whose professional credential is recognized and accepted by an appropriate agency of the United States: or
3. One who is certified as a provider under the TRICARE military health system.

The benefits and coverage provided under this section shall be provided to any eligible person less than twenty-one (21) years of age.

E. The insurer shall provide coverage for all therapies, treatments, diagnoses and testing, medicines, special diets, and supplements prescribed by a licensed physician or board certified therapist, including but not limited to coverage for behavioral therapy.

F. Coverage for behavioral therapy shall be subject to a maximum benefit of Seventy-five-Thousand-Dollars (\$75,000.00) per year.

G. An insurer shall not deny or refuse to issue coverage on, refuse to contract with, refuse to renew, refuse to reissue, or otherwise terminate or restrict coverage on an individual under an insurance policy solely because the individual is diagnosed with an autistic spectrum disorder.

H. This act shall not apply to limited benefits policies, including, but not limited to:

1. Accident-only policies;
2. Specified disease policies;
3. Hospital indemnity policies;
4. Medicare supplement policies; or
5. Long-term care policies.

I. 1. For purposes of this section, "autistic spectrum disorder" means a neurological disorder that is marked by severe impairment in social interaction, communication, and imaginative play, with onset generally during the first three (3) years of life and is included in a group of disorders known as autism spectrum disorders;

2. "Autism spectrum disorder" means any of the pervasive developmental disorders as defined by the most recent edition of the Diagnostic and Statistical Manual of the Mental Disorders (DSM) including Autistic Disorder, Asperger's Disorder, and Pervasive Developmental Disorder not otherwise specified (NOS), Rett Disorder, and Childhood Degenerative Disorder; and

3. "Neurobiological disorder" means an illness of the nervous system caused by genetic, metabolic, or other biological factors.", and by renumbering subsequent section, which amendment was declared adopted.

Senator Wilson moved that **SB 2114** be advanced, which motion was declared adopted.

THIRD READING

SB 2114 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, Paddack, Rabon, Rice, Riley, Sparks, Sweeden, Wilson and Wyrick.--24.

Nay: Aldridge, Anderson, Branan, Brogdon, Brown, Coates, Coffee, Crain, Jolley, Justice, Lamb, Laughlin, Mazzei, Myers, Reynolds, Schulz, Sykes, Wilcoxson and Williamson.--19.

Excused: Barrington, Bingman, Ford, Johnson (M) and Nichols.--5.

The bill failed.

Pursuant to Rule 13-22, Senator Wilson served notice that the vote be reconsidered whereby **SB 2114** failed.

INTRODUCTION

Senator Anderson introduced his father, former Representative Bob Anderson, to the Senate.

GENERAL ORDER

SB 1962 by Sykes of the Senate and Murphey of the House was called up for consideration.

Senator Adelson asked to coauthor **SB 1962**, which was the order.

Senator Corn moved to amend **SB 1962**, Page 6, Line 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 41.5a-4 of Title 62, unless there is created a duplication in numbering, reads as follows:

- A. The Information Services Division of the Office of State Finance is authorized to:
1. Develop and publish a state policy and procedures for the destruction of all electronic storage media to ensure that all confidential information stored on such electronic media device is destroyed in a secure and safe manner;
 2. Define the requirements for the secure destruction of electronic storage media;
 3. Enter into a multiyear agreement with an organization that meets the defined requirements; and
 4. Assist the Department of Central Services in implementing the policy and procedures for the destruction of state electronic storage media.
- B. The Office of State Finance shall notify all agencies, boards, commissions and authorities of the policy and procedures for the secure and safe destruction of electronic storage media and the vendor selected to perform the destruction of the electronic storage media.
- C. The Department of Central Services shall remove all electronic storage media from all surplus information technology and telecommunication equipment before it sold, donated, stored or destroyed. A state agency may remove electronic storage media from their surplus information technology and telecommunication equipment prior to sending the surplus to the Department of Central Services, so long as the agency has the technical expertise for removal and that the electronic storage media is sent for destruction pursuant to this subsection. The electronic storage media shall be sent to the organization selected in paragraph 3 of subsection A of this section to perform the destruction of the electronic storage media.
- D. The Department of Central Services shall use existing and future funds from the sale of state surplus equipment and appropriations, as necessary, to pay for the destruction of electronic storage media.” and by renumbering subsequent section, which amendment was declared adopted.

Senator Sykes moved that **SB 1962** be advanced, which motion was declared adopted.

THIRD READING

SB 1962 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, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, 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: Bingman, Eason McIntyre, Ford and Johnson (M).--4.

The bill passed.

SB 1962 was referred for engrossment.

GENERAL ORDER

SB 1160 by Bass of the Senate and Hilliard of the House was called up for consideration.

Senator Bass moved that **SB 1160** be laid over for this legislative day, which was the order.

SB 1160 remains on General Order.

GENERAL ORDER

SB 1662 by Barrington of the Senate and Jett of the House was called up for consideration.

Senator Barrington moved that **SB 1662** be advanced, which motion was declared adopted.

THIRD READING

SB 1662 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, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Garrison, Gumm, Ivester, Johnson (C), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--43.

Excused: Bingman, Eason McIntyre, Ford, Johnson (M) and Morgan.--5.

The bill passed.

SB 1662 was referred for engrossment.

GENERAL ORDER

SB 2000 by Brogdon of the Senate and McDaniel (Randy) of the House, previously considered on Page 646, was called up for further consideration.

Senator Brogdon moved that **SB 2000** be advanced, which motion was declared adopted.

THIRD READING

SB 2000 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, Branan, Brogdon, Brown, Burrage, Coates, Corn, Crutchfield, Easley, Garrison, Gumm, Ivester, Johnson (C), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Reynolds, Rice, Riley, Schulz, Sparks, Williamson, Wilson and Wyrick.-38.

Nay: Coffee, Crain, Rabon, Sweeden, Sykes and Wilcoxson.--6.

Excused: Bingman, Eason McIntyre, Ford and Johnson (M).--4.

The bill passed.

SB 2000 was referred for engrossment.

GENERAL ORDER

SB 1955 by Paddack of the Senate and Hilliard of the House was called up for consideration.

Senator Paddack moved to amend **SB 1955**, 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 Paddack moved that **SB 1955** be advanced, which motion was declared adopted.

THIRD READING

SB 1955 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, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, 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: Bingman, Eason McIntyre, Ford and Johnson (M).--4.

The bill passed.

SB 1955 was referred for engrossment.

GENERAL ORDER

SB 1927 by Crain of the Senate and Winchester of the House was called up for consideration.

Senator Anderson moved to amend **SB 1927**, Page 1, Line 9 ½, by inserting a new Section 1 to read as follows:

“SECTION 1. AMENDATORY 59 O.S. 2001, Section 858-723, as amended by Section 11, Chapter 165, O.S.L. 2006 (59 O.S. Supp. 2007, Section 858-723), is amended to read as follows:

Section 858-723. A. The Real Estate Appraiser Board, after notice and opportunity for a hearing, pursuant to Article II of the Administrative Procedures Act, may issue an order imposing one or more of the following penalties whenever the Board finds, by clear and convincing evidence, that a certificate holder has violated any provision of the Oklahoma Certified Real Estate Appraisers Act, or rules promulgated pursuant thereto:

1. Revocation of the certificate with or without the right to reapply;
2. Suspension of the certificate for a period not to exceed five (5) years;
3. Probation, for a period of time and under such terms and conditions as deemed appropriate by the Board;
4. Stipulations, limitations, restrictions, and conditions relating to practice;
5. Censure, including specific redress, if appropriate;
6. Reprimand, either public or private;
7. Satisfactory completion of an educational program or programs;
8. Administrative fines as authorized by the Oklahoma Certified Real Estate Appraisers Act; and

9. Payment of costs expended by the Board for any legal fees and costs and probation and monitoring fees including, but not limited to, administrative costs, witness fees and attorney fees.

B. 1. Any administrative fine imposed as a result of a violation of the Oklahoma Certified Real Estate Appraisers Act or the rules of the Board promulgated pursuant thereto shall not:

- a. be less than Fifty Dollars (\$50.00) and shall not exceed Two Thousand Dollars (\$2,000.00) for each violation of this act or the rules of the Board, or
- b. exceed Five Thousand Dollars (\$5,000.00) for all violations resulting from a single incident or transaction.

2. All administrative fines shall be paid within thirty (30) days of notification of the certificate holder by the Board of the order of the Board imposing the administrative fine, unless the certificate holder has entered into an agreement with the Board extending the period for payment.

3. The certificate may be suspended until any fine imposed upon the licensee by the Board is paid.

4. Unless the certificate holder has entered into an agreement with the Board extending the period for payment, if fines are not paid in full by the licensee within thirty (30) days of the notification by the Board of the order, the fines shall double and the certificate holder shall have an additional thirty-day period. If the double fine is not paid within the additional thirty-day period, the certificate shall automatically be revoked.

5. All monies received by the Board as a result of the imposition of the administrative fine provided for in this section shall be deposited in the Oklahoma Certified Real Estate Appraisers Revolving Fund created pursuant to Section 858-730 of this title.

C. The rights of any holder under a certificate as a trainee, state licensed, state certified residential or state certified general real estate appraiser may be revoked or suspended, or the holder of the certificate may be otherwise disciplined pursuant to the provisions of the Oklahoma Certified Real Estate Appraisers Act, upon any of the grounds set forth in this section. The Board may investigate the actions of a trainee, state licensed, state certified residential or state certified general real estate appraiser, and may revoke or suspend the rights of a certificate holder or otherwise discipline a trainee, state licensed, state certified residential or state certified general real estate appraiser for any of the following acts or omissions:

1. Procuring or attempting to procure a certificate pursuant to the provisions of the Oklahoma Certified Real Estate Appraisers Act by knowingly making a false statement, knowingly submitting false information, refusing to provide complete information in response to a question in an application for certification or through any form of fraud or misrepresentation;

2. Failing to meet the minimum qualifications established pursuant to the provisions of the Oklahoma Certified Real Estate Appraisers Act;

3. Paying money other than provided for by the Oklahoma Certified Real Estate Appraisers Act to any member or employee of the Board to procure a certificate pursuant to the Oklahoma Certified Real Estate Appraisers Act;

4. A conviction, including a conviction based upon a plea of guilty or nolo contendere, of a felony which is substantially related to the qualifications, functions, and

duties of a person developing real estate appraisals and communicating real estate appraisals to others;

5. An act or omission involving dishonesty, fraud, or misrepresentation with the intent to substantially benefit the certificate holder or another person or with the intent to substantially injure another person;

6. Violation of any of the standards for the development or communication of real estate appraisals as provided in the Oklahoma Certified Real Estate Appraisers Act;

7. Failure or refusal without good cause to exercise reasonable diligence in developing an appraisal, preparing an appraisal report or communicating an appraisal;

8. Negligence or incompetence in developing an appraisal, in preparing an appraisal report, or in communicating an appraisal;

9. Willfully disregarding or violating any of the provisions of the Oklahoma Certified Real Estate Appraisers Act or the regulations of the Board for the administration and enforcement of the provisions of the Oklahoma Certified Real Estate Appraisers Act;

10. Accepting an appraisal assignment when the employment itself is contingent upon the appraiser reporting a predetermined estimate, analysis or opinion, or where the fee to be paid is contingent upon the opinion, conclusion, or valuation reached, or upon the consequences resulting from the appraisal assignment;

11. Violating the confidential nature of governmental records to which the appraiser gained access through employment or engagement as an appraiser by a governmental agency;

12. Entry of a final civil judgment against the person on grounds of deceit, fraud, or willful or knowing misrepresentation in the making of any appraisal of real property;

13. Violating any of the provisions in the code of ethics set forth in this act; or

14. Failing to at any time properly identify themselves according to the specific type of certification held.

D. In a disciplinary proceeding based upon a civil judgment, the trainee, state licensed, state certified residential or state certified general real estate appraiser shall be afforded an opportunity to present matters in mitigation and extenuation, but may not collaterally attack the civil judgment.

E. 1. A ~~complaint~~ grievance may be filed with the Board against a trainee or state licensed or state certified appraiser for any violations relating to a specific transaction of the Oklahoma Certified Real Estate Appraisers Act by any person who is the recipient of, relies upon or uses an appraisal prepared for a federally related transaction or real-estate-related financial transaction as described in Section 858-701 of this title.

2. Any person with knowledge of any circumstances surrounding an act or omission by a trainee or state licensed or state certified appraiser involving fraud, dishonesty or misrepresentation in any real property valuation-related activity, not limited to federally related transactions, may file a ~~complaint~~ grievance with the Board setting forth all facts surrounding the act or omission.

3. A ~~complaint~~ grievance may be filed against a trainee or state licensed or state certified appraiser directly by the Board, if reasonable cause exists for violations of the code of ethics set forth in this act.

4. Any ~~complaint~~ grievance filed pursuant to this subsection shall be in writing ~~and signed by the person filing same and shall be~~ on a form approved by the Board. The trainee or state licensed or state certified appraiser shall be entitled to any hearings or subject to

any disciplinary proceedings provided for in the Oklahoma Certified Real Estate Appraisers Act based upon any complaint filed pursuant to this subsection.”, and by renumbering subsequent sections, which amendment failed of adoption upon roll call as follows:

Aye: Adelson, Anderson, Bass, Johnson (C), Lamb, Laster, Laughlin, Mazzei, Rice, Sweeden, Wilson and Wyrick.--12.

Nay: Aldridge, Ballenger, Barrington, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Garrison, Gumm, Ivester, Jolley, Justice, Leftwich, Lerblance, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Riley, Schulz, Sparks, Sykes, Wilcoxson and Williamson.--32.

Excused: Bingman, Eason McIntyre, Ford and Johnson (M).--4.

Senator Crain moved that **SB 1927** be advanced, which motion was declared adopted.

THIRD READING

SB 1927 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, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, 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: Bingman, Eason McIntyre, Ford and Johnson (M).--4.

The bill passed.

SB 1927 was referred for engrossment.

Senator Jolley presiding.

GENERAL ORDER

SB 1819 by Morgan of the Senate and Benge of the House was called up for consideration.

Senator Morgan asked to be removed and Senator Coffee asked to be named as principal Senate author and Senator Morgan asked to be retained as first coauthor on **SB 1819**, which was the order.

Senator Coffee moved that **SB 1819** be advanced, which motion was declared adopted.

THIRD READING

SB 1819 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, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, 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, Wilson and Wyrick.--43.

Excused: Bingman, Eason McIntyre, Ford, Johnson (M) and Williamson.--5.

The bill and emergency passed.

SB 1819 was referred for engrossment.

GENERAL ORDER

SB 2057 by Corn of the Senate and DeWitt of the House was called up for consideration.

Senator Corn moved to amend **SB 2057**, Page 2, Line 20 through Page 3, Line 2, by deleting all new language and inserting in lieu thereof the following language "The Tax Commission may, at its discretion, approve the relocation of an existing agency within a three-mile radius of another existing agency only if a naturally intervening geographic barrier within that radius causes the locations to be separated by not less than three (3) miles of roadway by the most direct route.", which amendment was declared adopted.

Senator Corn moved that **SB 2057** be advanced, which motion was declared adopted.

THIRD READING

SB 2057 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, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, 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, Wilson and Wyrick.--43.

Excused: Bingman, Eason McIntyre, Ford, Johnson (M) and Williamson.--5.

The bill passed.

SB 2057 was referred for engrossment.

GENERAL ORDER

SB 2034 by Mazzei and Wilson of the Senate and Terrill of the House was called up for consideration.

Senator Mazzei moved that **SB 2034** be advanced, which motion was declared adopted.

THIRD READING

SB 2034 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, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, 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, Wilson and Wyrick.--42.

Excused: Bingman, Eason McIntyre, Ford, Johnson (M), Reynolds and Williamson.--6.

The bill passed.

SB 2034 was referred for engrossment.

GENERAL ORDER

SB 2086 by Laughlin of the Senate and Hickman of the House was called up for consideration.

Senator Brown moved to amend **SB 2086**, Page 1, Line 13 ½, by inserting new Sections 1 and 2 to read as follows:

“SECTION 1. AMENDATORY 63 O.S. 2001, Section 4210A, as renumbered by Section 9, Chapter 393, O.S.L. 2003 (63 O.S. Supp. 2007, Section 4210.8), is amended to read as follows:

Section 4210.8 A. It shall be unlawful for any person to operate or be in actual physical control of a vessel upon the waters of this state, except privately owned waters, who:

1. Has a blood or breath alcohol concentration of ten-hundredths (0.10) or more at the time of a test of the person's blood or breath;
2. Is under the influence of any other intoxicating substance to a degree which renders such person incapable of safely operating a vessel upon the waters of this state; or
3. Is under the influence of alcohol and any other intoxicating substance to a degree which renders such person incapable of safely operating a vessel upon the waters of this state.

As used in this section, the term "other intoxicating substance" shall mean any controlled dangerous substance as defined in the Uniform Controlled Dangerous Substances Act or any other substance, other than alcohol, which is capable of being ingested, inhaled, injected or absorbed into the human body and is capable of adversely affecting the central nervous system, vision, hearing or other sensory or motor functions.

B. 1. Any person operating a vessel upon the waters of this state, except privately owned waters, shall be deemed to have given consent to a test or tests of such person's blood, breath, saliva or urine for the purpose of determining the presence and concentration of alcohol or any other intoxicating substance. Such tests shall be performed within two (2) hours of an arrest and in the same manner as provided for in Section 752 of Title 47 of the Oklahoma Statutes.

2. Evidence that the person has refused to submit to a test or tests as required by this section shall be admissible upon the trial of any criminal action or proceeding arising out of acts alleged to have been committed in violation of the provisions of this section.

3. Any person refusing to submit to such test or tests shall be in violation of this section and subject to the fines provided for herein.

C. 1. Any person convicted of a violation of this section shall be guilty of a misdemeanor and fined in an amount not to exceed One Thousand Dollars (\$1,000.00). Any second or subsequent conviction shall be punishable by a fine in an amount of not less than One Thousand Dollars (\$1,000.00), nor more than Two Thousand Five Hundred Dollars (\$2,500.00).

2. A person arrested by a law enforcement officer for a violation of this section may be allowed to post a cash bail in an amount set by the arresting law enforcement officer not to exceed the maximum fine provided by this section, or deposit a valid license to operate a motor vehicle in exchange for an official receipt issued by the arresting officer as provided for in Section 1111 et seq. of Title 22 of the Oklahoma Statutes.

D. Any conviction for a violation of this section shall be recorded to the driving record of the convicted person, if such record exists, and such violation shall be utilized when assessing penalties for subsequent violations of Section 11-902 of Title 47 of the Oklahoma Statutes.

SECTION 2. AMENDATORY 47 O.S. 2001, Section 11-902, as last amended by Section 29, Chapter 16, O.S.L. 2006 (47 O.S. Supp. 2007, Section 11-902), is amended to read as follows:

Section 11-902. A. It is unlawful and punishable as provided in this section for any person to drive, operate, or be in actual physical control of a motor vehicle within this state, whether upon public roads, highways, streets, turnpikes, other public places or upon any private road, street, alley or lane which provides access to one or more single or multi-family dwellings, who:

1. Has a blood or breath alcohol concentration, as defined in Section 756 of this title, of eight-hundredths (0.08) or more at the time of a test of such person's blood or breath administered within two (2) hours after the arrest of such person;

2. Is under the influence of alcohol;

3. Is under the influence of any intoxicating substance other than alcohol which may render such person incapable of safely driving or operating a motor vehicle; or

4. Is under the combined influence of alcohol and any other intoxicating substance which may render such person incapable of safely driving or operating a motor vehicle.

B. The fact that any person charged with a violation of this section is or has been lawfully entitled to use alcohol or a controlled dangerous substance or any other intoxicating substance shall not constitute a defense against any charge of violating this section.

C. 1. Any person who is convicted of a violation of the provisions of this section shall be deemed guilty of a misdemeanor for the first offense and shall participate in an assessment and evaluation by an assessment agency or assessment personnel certified by the Department of Mental Health and Substance Abuse Services pursuant to Section 3-460 of Title 43A of the Oklahoma Statutes and shall follow all recommendations made in the assessment and evaluation and be punished by imprisonment in jail for not less than ten (10) days nor more than one (1) year. Any person convicted of a violation for a first offense shall be fined not more than One Thousand Dollars (\$1,000.00).

2. Any person who, within ten (10) years after a previous conviction of a violation of this section, a violation of subsection A of Section 4210.8 of Title 63 of the Oklahoma Statutes, or a violation pursuant to the provisions of any law of another state prohibiting the ~~offense~~ offenses provided in subsection A of this section or in subsection A of Section 4210.8 of Title 63 of the Oklahoma Statutes, is convicted of a second offense pursuant to the provisions of this section or has a prior conviction in a municipal criminal court of record for the violation of a municipal ordinance prohibiting the ~~offense~~ offenses provided for in subsection A of this section or in subsection A of Section 4210.8 of Title 63 of the Oklahoma Statutes, and within ten (10) years of such municipal conviction is convicted pursuant to the provision of this section shall be deemed guilty of a felony and shall participate in an assessment and evaluation by an assessment agency or assessment personnel certified by the Department of Mental Health and Substance Abuse Services pursuant to Section 3-460 of Title 43A of the Oklahoma Statutes and shall be sentenced to:

- a. follow all recommendations made in the assessment and evaluation for treatment at the defendant's expense, or
- b. placement in the custody of the Department of Corrections for not less than one (1) year and not to exceed five (5) years and a fine of not more than Two Thousand Five Hundred Dollars (\$2,500.00), or

- c. treatment, imprisonment and a fine within the limitations prescribed in subparagraphs a and b of this paragraph.

However, if the treatment in subparagraph a of this paragraph does not include residential or inpatient treatment for a period of not less than five (5) days, the person shall serve a term of imprisonment of at least five (5) days.

3. Any person who is convicted of a second felony offense pursuant to the provisions of this section shall participate in an assessment and evaluation by an assessment agency or assessment personnel certified by the Department of Mental Health and Substance Abuse Services pursuant to Section 3-460 of Title 43A of the Oklahoma Statutes and shall be sentenced to:

- a. follow all recommendations made in the assessment and evaluation for treatment at the defendant's expense, two hundred forty (240) hours of community service and use of an ignition interlock device, or
- b. placement in the custody of the Department of Corrections for not less than one (1) year and not to exceed seven (7) years and a fine of not more than Five Thousand Dollars (\$5,000.00), or
- c. treatment, imprisonment and a fine within the limitations prescribed in subparagraphs a and b of this paragraph.

However, if the treatment in subparagraph a of this paragraph does not include residential or inpatient treatment for a period of not less than ten (10) days, the person shall serve a term of imprisonment of at least ten (10) days.

4. Any person who is convicted of a third or subsequent felony offense pursuant to the provisions of this section shall participate in an assessment and evaluation by an assessment agency or assessment personnel certified by the Department of Mental Health and Substance Abuse Services pursuant to Section 3-460 of Title 43A of the Oklahoma Statutes and shall be sentenced to:

- a. follow all recommendations made in the assessment and evaluation for treatment at the defendant's expense, followed by not less than one (1) year of supervision and periodic testing at the defendant's expense, four hundred eighty (480) hours of community service, and use of an ignition interlock device for a minimum of thirty (30) days, or
- b. placement in the custody of the Department of Corrections for not less than one (1) year and not to exceed ten (10) years and a fine of not more than Five Thousand Dollars (\$5,000.00), or
- c. treatment, imprisonment and a fine within the limitations prescribed in subparagraphs a and b of this paragraph.

However, if the person does not undergo residential or inpatient treatment pursuant to subparagraph a of this paragraph the person shall serve a term of imprisonment of at least ten (10) days.

5. Any person who, within ten (10) years after a previous conviction of a violation of murder in the second degree or manslaughter in the first degree in which the death was caused as a result of driving a motor vehicle or operating a waterborne vessel under the influence of alcohol or other intoxicating substance, is convicted of a violation of this section shall be deemed guilty of a felony.

6. Provided, however, a conviction from another state shall not be used to enhance punishment pursuant to the provisions of this subsection if that conviction is based on a

blood or breath alcohol concentration of less than eight-hundredths (0.08), or, in the case of operating a waterborne vessel under the influence of alcohol, less than ten-hundredths (0.10).

7. In any case in which a defendant is charged with a second or subsequent driving under the influence of alcohol or other intoxicating substance offense within any municipality with a municipal court other than a court of record, the charge shall be presented to the county's district attorney and filed with the district court of the county within which the municipality is located.

8. In any case in which a defendant is charged with a violation of subsection A of Section 4210.8 of Title 63 of the Oklahoma Statutes subsequent to a driving under the influence of alcohol or other intoxicating substance offense within any municipality with a municipal court other than a court of record, the charge shall be presented to the county's district attorney and filed with the district court of the county within which the municipality is located.

D. Any person who is convicted of a violation of driving under the influence with a blood or breath alcohol concentration of fifteen-hundredths (0.15) or more pursuant to this section shall be deemed guilty of aggravated driving under the influence. A person convicted of aggravated driving under the influence shall participate in an assessment and evaluation by an assessment agency or assessment personnel certified by the Department of Mental Health and Substance Abuse Services pursuant to Section 3-460 of Title 43A of the Oklahoma Statutes and shall comply with all recommendations for treatment. Such person shall be sentenced to not less than one (1) year of supervision and periodic testing at the defendant's expense, four hundred eighty (480) hours of community service, and an ignition interlock device for a minimum of thirty (30) days. Nothing in this subsection shall preclude the defendant from being charged or punished as provided in paragraph 1, 2, 3, 4 or 5 of subsection C of this section.

E. When a person is sentenced to imprisonment in the custody of the Department of Corrections, the person shall be processed through the Lexington Assessment and Reception Center or at a place determined by the Director of the Department of Corrections. The Department of Corrections shall classify and assign the person to one or more of the following:

1. The Department of Mental Health and Substance Abuse Services pursuant to paragraph 1 of subsection A of Section 612 of Title 57 of the Oklahoma Statutes; or
2. A correctional facility operated by the Department of Corrections with assignment to substance abuse treatment.

F. The Department of Public Safety is hereby authorized to reinstate any suspended or revoked driving privilege when the person meets the statutory requirements which affect the existing driving privilege.

G. Any person who is found guilty of a violation of the provisions of this section shall be ordered to participate in, prior to sentencing, an alcohol and drug substance abuse evaluation and assessment program offered by a certified assessment agency or certified assessor for the purpose of evaluating and assessing the receptivity to treatment and prognosis of the person. The court shall order the person to reimburse the agency or assessor for the evaluation and assessment. The fee for an evaluation and assessment shall be the amount provided in subsection C of Section 3-460 of Title 43A of the Oklahoma Statutes. The evaluation and assessment shall be conducted at a certified assessment

agency, the office of a certified assessor or at another location as ordered by the court. The agency or assessor shall, within seventy-two (72) hours from the time the person is evaluated and assessed, submit a written report to the court for the purpose of assisting the court in its final sentencing determination. If such report indicates that the evaluation and assessment shows that the defendant would benefit from a ten-hour or twenty-four-hour alcohol and drug substance abuse course or a treatment program or both, the court shall, as a condition of any sentence imposed, including deferred and suspended sentences, require the person to follow all recommendations identified by the evaluation and assessment and ordered by the court. No person, agency or facility operating an evaluation and assessment program certified by the Department of Mental Health and Substance Abuse Services shall solicit or refer any person evaluated and assessed pursuant to this section for any treatment program or substance abuse service in which such person, agency or facility has a vested interest; however, this provision shall not be construed to prohibit the court from ordering participation in or any person from voluntarily utilizing a treatment program or substance abuse service offered by such person, agency or facility. If a person is sentenced to imprisonment in the custody of the Department of Corrections and the court has received a written evaluation report pursuant to the provisions of this subsection, the report shall be furnished to the Department of Corrections with the judgment and sentence. Any evaluation and assessment report submitted to the court pursuant to the provisions of this subsection shall be handled in a manner which will keep such report confidential from the general public's review. Nothing contained in this subsection shall be construed to prohibit the court from ordering judgment and sentence in the event the defendant fails or refuses to comply with an order of the court to obtain the evaluation and assessment required by this subsection. If the defendant fails or refuses to comply with an order of the court to obtain the evaluation and assessment, the Department of Public Safety shall not reinstate driving privileges until the defendant has complied in full with such order. Nothing contained in this subsection shall be construed to prohibit the court from ordering judgment and sentence and any other sanction authorized by law for failure or refusal to comply with an order of the court.

H. Any person who is found guilty of a violation of the provisions of this section may be required by the court to attend a victims impact panel program, if such a program is offered in the county where the judgment is rendered, and to pay a fee, not less than Fifteen Dollars (\$15.00) nor more than Twenty-five Dollars (\$25.00) as set by the governing authority of the program and approved by the court, to the program to offset the cost of participation by the defendant, if in the opinion of the court the defendant has the ability to pay such fee.

I. Any person who is found guilty of a felony violation of the provisions of this section may be required to submit to electronic monitoring as authorized and defined by Section 991a of Title 22 of the Oklahoma Statutes.

J. Any person who, within ten (10) years after a previous conviction of a violation of this section, a violation of subsection A of Section 4210.8 of Title 63 of the Oklahoma Statutes, or a violation pursuant to the provisions of law of another state prohibiting the ~~offense~~ offenses provided in subsection A of this section or in subsection A of Section 4210.8 of Title 63 of the Oklahoma Statutes, or a violation of a municipal ordinance prohibiting the ~~offense~~ offenses provided in subsection A of this section or in subsection A of Section 4210.8 of Title 63 of the Oklahoma Statutes, pleads guilty or nolo contendere or

is convicted of a violation of this section shall not be required to undergo the alcohol and drug substance evaluation program required by subsection G of this section. The court shall, as a condition of any sentence imposed, including deferred and suspended sentences, require the person to participate in and successfully complete all recommendations from the evaluation, such as an alcohol and drug substance abuse treatment program pursuant to Section 3-452 of Title 43A of the Oklahoma Statutes.

K. Any person who is found guilty of a violation of the provisions of this section who has been sentenced by the court to perform any type of community service shall not be permitted to pay a fine in lieu of performing the community service.

L. When a person is found guilty of a violation of the provisions of this section, the court shall order, in addition to any other penalty, the defendant to pay a one-hundred-dollar assessment to be deposited in the Drug Abuse Education and Treatment Revolving Fund created in Section 2-503.2 of Title 63 of the Oklahoma Statutes, upon collection.

M. In any case in which a person is convicted of violating the provisions of this section and who was transporting in the motor vehicle a child fifteen (15) years of age or younger, the fine shall be enhanced to double the amount of the whole sum otherwise prescribed.”, and by renumbering subsequent sections and amending the title to conform.

Senator Gumm moved that **SB 2086** be advanced, which motion was declared adopted.

THIRD READING

SB 2086 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, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Garrison, Gumm, Ivester, Johnson (C), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Wilson and Wyrick.--42.

Excused: Bingman, Eason McIntyre, Ford, Johnson (M), Rabon and Williamson.--6.

The bill passed.

SB 2086 was referred for engrossment.

MESSAGES FROM THE HOUSE

Advising the naming of same House conferees as follows:

SB 704 –Liebmann, DeWitt, Martin (Scott), Hickman, Billy, Rousselot, Wright, Braddock, Pruett

Advising passage of and transmitting for consideration Engrossed **HBs 1647, 2226, 2253, 2263, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2274, 2275, 2277, 2279, 2281, 2282, 2283, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2473, 2502, 2504, 2524, 2546, 2585, 2587, 2607, 2631, 2633, 2637, 2667, 2717, 2779, 2780, 2969, 3193, 3197, 3201, 3239, 3342 and 3373** and **HJR 1050, 1051 and 1052**.

HB 1647 – By Peterson (Pam) of the House and Williamson of the Senate.

An Act relating to professions and occupations; creating the Radiologist Assistant Licensure Act; allowing the use of radiologist assistants under certain circumstances; providing for the promulgation of rules by the State Board of Medical Licensure and Supervision; requiring certification and registration of radiologist assistants; prohibiting certain acts by radiologist assistants; creating the Radiologist Assistant Advisory Committee; providing for membership of committee; specifying qualifications; providing terms of office; providing for vacancies; authorizing removal under certain circumstances; specifying meeting procedures; providing for a quorum; specifying duties; providing for reimbursement; providing for the duties and powers of the State Board of Medical Licensure and Supervision; providing for licensure and renewal fees; requiring examination for applicant; providing for licensure by endorsement; authorizing use of title; establishing procedures for renewal of license; providing for reinstatement; providing for reinstatement fee; providing procedure for inactive radiologist assistants; providing for replacement and duplicate license fees; providing for continuing education; providing for the disposition of fees; specifying disbursement of funds; providing for circumstances authorizing revocation, suspension, or nonrenewal of a license, or a reprimand; exempting certain persons from scope of the Radiologist Assistant Licensure Act; providing for codification; and declaring an emergency.

HB 2226 – By Smithson of the House and Corn of the Senate.

An Act relating to game and fish; amending 29 O.S. 2001, Sections 5-209, 5-210 and 5-211, which relate to hunting with a crossbow; allowing legal residents over a certain age to hunt with a crossbow; clarifying statutory language; and declaring an emergency.

HB 2253 – By Miller and Jones of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.

(Department of Corrections – appropriation - effective date – emergency)

HB 2263 – By Miller and Jones of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.

(public finance - amending 62 O.S., Section 41.7c - budget work programs - effective date)

HB 2265 – By Miller and Jones of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.

An Act relating to public finance; amending 62 O.S. 2001, Section 41.29a, which relates to the Education Reform Revolving Fund; modifying certain methods of revenue accounting; and providing an effective date.

HB 2266 – By Miller and Jones of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.
(public health and safety - amending 63 O.S., Section 1-110.1 - Children First program - effective date – emergency)

HB 2267 – By Miller and Jones of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.
(revenue and taxation - amending 68 O.S., Section 50016 - master capital improvement plans - effective date)

HB 2268 – By Miller and Jones of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.
(revenue and taxation - amending 68 O.S., Section 106 - audit - Tax Commission - effective date)

HB 2269 – By Miller and Jones of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.
(transportation – amending 69 O.S., Section 1101 – highway contracts – effective date – emergency)

HB 2270 – By Miller and Jones of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.
(schools - amending 70 O.S., Section 1210.569 - student needs assessments - effective date – emergency)

HB 2271 – By Miller and Jones of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.
(schools - amending 70 O.S., Section 1210.710 - elementary school counselors - effective date - emergency)

HB 2272 – By Miller and Jones of the House and Crutchfield, Adelson, Johnson (Mike) and Myers of the Senate.
(Oklahoma Capitol Complex and Centennial Commission - amending 73 O.S., Section 98.7 - financial reporting - effective date – emergency)

HB 2274 – By Miller and Jones of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.
(state government – amending 74 O.S., Section 78d – Fleet Management Division – effective date)

HB 2275 – By Miller and Jones of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.
(state government - amending 74 O.S., Section 85.43 - Central Purchasing Act - effective date)

HB 2277 – By Miller and Jones of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.

(general appropriations - various agencies -executive, legislative and judicial departments - effective date)

HB 2279 – By Miller and Jones of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.

(appropriations – purpose – emergency)

HB 2281 – By Miller and Jones of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.

(appropriations – purpose – emergency)

HB 2282 – By Miller and Jones of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.

(appropriations – purpose – emergency)

HB 2283 – By Miller and Jones of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.

(state government personnel - amending 74 O.S., Section 3601.1 - full-time-equivalent state employees - effective date – emergency)

HB 2432 – By Miller and Jones of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.

(Department of Environmental Quality – appropriation - effective date – emergency)

HB 2433 – By Miller and Jones of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.

(Department of Environmental Quality – appropriation - effective date – emergency)

HB 2434 – By Miller and Jones of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.

(Scenic Rivers Commission – appropriation – effective date – emergency)

HB 2435 – By Miller and Jones of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.

(Scenic Rivers Commission - appropriation - effective date – emergency)

HB 2436 – By Miller and Jones of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.

(Oklahoma Tourism and Recreation Department – appropriation – effective date – emergency)

HB 2437 – By Miller and Jones of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.

(Oklahoma Tourism and Recreation Department - appropriation - effective date – emergency)

HB 2438 – By Miller and Jones of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.

(Oklahoma Water Resources Board – appropriation - effective date – emergency)

HB 2439 – By Miller and Jones of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.

(Oklahoma Water Resources Board – appropriation - effective date – emergency)

HB 2473 – By Rousselot of the House and Garrison of the Senate.

(public finance - Oklahoma Business Development Park Loan Act – codification - effective date – emergency)

HB 2502 – By Adkins of the House and Lamb of the Senate.

An Act relating to telecommunications; amending 17 O.S. 2001, Section 139.109, as amended by Section 1, Chapter 409, O.S.L. 2004 (17 O.S. Supp. 2007, Section 139.109), which relates to the Oklahoma E911 Emergency Service Fund, the Oklahoma Telecommunications Technology Training Fund, and Special Universal Services; deleting annual contribution requirements and Oklahoma E911 Emergency Service Fund maximum amount; stating purpose of the Fund; modifying uses of the Fund; changing funding preference date; clarifying qualifications; deleting certain application prohibition for certain local exchange telecommunications service providers; providing an effective date; and declaring an emergency.

HB 2504 – By Reynolds and Billy of the House and Sykes of the Senate.

An Act relating to motor vehicles; amending 47 O.S. 2001, Section 6-110, as last amended by Section 2, Chapter 394, O.S.L. 2005 (47 O.S. Supp. 2007, Section 6-110), which relates to examination of driver license applicants; authorizing certain persons to apply for certain certification; requiring Department of Public Safety to adopt curriculum of courses and training; requiring payment of initial certification fee; stating amount of fee; requiring payment of annual certification fee; stating amount of fee; stating purpose of fee; providing for deposit of fees; providing for promulgation of certain rules; and providing an effective date.

HB 2524 – By Glenn of the House and Ballenger of the Senate.

An Act relating to game and fish; amending 29 O.S. 2001, Section 4-112, as last amended by Section 1, Chapter 35, O.S.L. 2007 (29 O.S. Supp. 2007, Section 4-112), which relates to hunting licenses; establishing a nonresident college student deer and turkey hunting license; establishing fee; specifying eligibility qualifications; making license use subject to certain restrictions and regulations; and providing an effective date.

HB 2546 – By Richardson of the House and Williamson of the Senate.

An Act relating to game and fish; amending 29 O.S. 2001, Section 5-201, which relates to the means of taking wildlife; clarifying statutory language; prohibiting the hunting of wildlife by computer-assisted remote control hunting; prohibiting the selling or providing of facilities for the hunting of wildlife by computer-assisted remote control hunting; making certain exceptions; providing penalties; authorizing the revocation of certain licenses for violations; establishing fees for reinstatement of a revoked license; defining certain term; providing for codification; and declaring an emergency.

HB 2585 – By Hyman of the House and Justice of the Senate.

An Act relating to agriculture; amending 2 O.S. 2001, Section 18-52, as last amended by Section 1, Chapter 47, O.S.L. 2006 (2 O.S. Supp. 2007, Section 18-52), which relates to the Oklahoma Peanut Commission; modifying membership appointment process; and declaring an emergency.

HB 2587 – By Braddock and Sherrer of the House and Lerblance of the Senate.

An Act relating to conveyances; creating the Uniform Real Property Electronic Recording Act; providing short title; defining terms; authorizing and providing validity of electronic documents; defining term; requiring county clerk to comply with certain standards; granting the county clerk certain powers relating to the recording of documents; requiring the Archives and Records Commission to adopt standards for implementation of the Uniform Real Property Electronic Recording Act; providing for uniformity of application and construction; providing relation to Electronic Signatures in Global and National Commerce Act; amending 16 O.S. 2001, Section 28, which relates to requirements for instruments affecting the title to land; providing authorization for electronic filings pursuant to the Uniform Real Property Electronic Recording Act; providing for codification; and providing an effective date.

HB 2607 – By Peterson (Pam), Kern and Tibbs of the House and Nichols of the Senate.

An Act relating to sexual assault reporting requirements; amending 10 O.S. 2001, Section 7104, as amended by Section 1, Chapter 53, O.S.L. 2005 (10 O.S. Supp. 2007, Section 7104), which relates to the Oklahoma Child Abuse Reporting and Prevention Act; updating statutory reference; requiring certain crimes be reported according to certain standards; making report of listed crimes nonmandatory under certain circumstances; requiring health care professionals to make a report upon request; requiring notification to victims of the right to make a report; directing health care professionals to provide report to law enforcement; requiring health care professionals to document injuries observed and reported; requiring health care professionals to refer victims to certain programs; directing health care professionals, hospitals and related institutions to provide certain documents to law enforcement upon request; providing for codification; and providing an effective date.

HB 2631 – By Jordan and McCullough of the House and Crain of the Senate.

An Act relating to courts; creating a panel of judges to preside over complex litigation cases; providing conditions for recommendation and designation of case as a complex case; providing for assignment of certain judge; providing for membership on panel of judges for

complex cases; providing for no additional compensation for judges for complex cases; stating venue shall remain the same for complex cases; providing for temporary stay of proceedings; requiring appointment of different judge in certain cases on remand; providing exception; providing for codification; and providing an effective date.

HB 2633 – By Kern, Cannaday and McCarter of the House and Jolley of the Senate.

An Act relating to schools; amending 70 O.S. 2001, Section 1210.508, as last amended by Section 4, Chapter 289, O.S.L. 2006 (70 O.S. Supp. 2007, Section 1210.508), which relates to the Oklahoma School Testing Program Act; deleting certain statutory references; adding testing window dates for certain criterion-referenced tests; requiring certain results and reports to be distributed to teachers by certain time; providing an effective date; and declaring an emergency.

HB 2637 – By Peters, Cooksey and Kern of the House and Leftwich of the Senate.

An Act relating to marriage and family; amending 43 O.S. 2001, Sections 109, 110.1, 111.1 and Section 8, Chapter 400, O.S.L. 2002 (43 O.S. Supp. 2007, Section 112.3), which relate to custody of children and visitation guidelines; adding presumption in certain circumstances; defining terms; providing considerations for determining custody; adding condition; deleting certain burden of proof; providing for visitation with certain noncustodial parents under certain circumstances; terminating visitation upon certain occurrences; providing for confidentiality of the address of certain persons; authorizing action to maintain confidentiality of address; providing for waiver of notice of relocation under certain circumstances; entitling domestic abuse or stalking victims to have attorney fees and costs paid for under certain circumstances; providing for codification; and providing an effective date.

HB 2667 – By McDaniel (Randy) and Inman of the House and Ford of the Senate.

An Act relating to game and fish; providing for a five-year fishing, hunting, and combination hunting/fishing license; establishing the fee for the five-year licenses; making license holders subject to certain restrictions and regulations; establishing fee for issuance of duplicate license; requiring purchase of a five-year Oklahoma Wildlife Land Stamp; establishing five-year Oklahoma Wildlife Land Stamp fee; providing for distribution of the stamp fee; authorizing the Oklahoma Wildlife Conservation Commission to provide for issuance of the stamp; requiring termination of the stamp and stamp fee upon completion of certain conditions; providing for codification; and providing an effective date.

HB 2717 – By Auffet and Sullivan of the House and Wilson of the Senate.

An Act relating to revenue and taxation; amending Section 1, Chapter 510, O.S.L. 2004, as amended by Section 1, Chapter 442, O.S.L. 2005 (68 O.S. Supp. 2007, Section 2357.100), which relates to tax credits for purchase and transportation of poultry litter; extending duration of credit; increasing amount of credit; and providing an effective date.

HB 2779 – By DeWitt, McPeak and Brown of the House and Myers of the Senate.

An Act relating to junk dealers; amending 21 O.S. 2001, Sections 1041, as amended by Section 1, Chapter 99, O.S.L. 2007, 1043, 1045, as amended by Section 4, Chapter 99, O.S.L. 2007, 1046, as amended by Section 5, Chapter 99, O.S.L. 2007 and 1047, as

amended by Section 6, Chapter 99, O.S.L. 2007 (21 O.S. Supp. 2007, Sections 1041, 1045, 1046 and 1047), which relate to purchasing requirements and penalties for junk dealers; updating statutory references; defining term; deleting and modifying certain purchasing requirements; providing exemption for certain seller and material; deleting certain reporting requirement; increasing weight limitation for certain materials; providing exemptions to holding requirement; modifying certain reporting requirement; modifying scope of certain prohibited acts; amending 59 O.S. 2001, Sections 1401, 1402, 1406, 1406A, 1407, 1408, as amended by Section 7, Chapter 99, O.S.L. 2007, 1410, and Sections 8 and 9, Chapter 99, O.S.L. 2007 (59 O.S. Supp. 2007, Sections 1408, 1412 and 1413), which relate to junk dealers; adding definition; prohibiting denial of sales tax permit under certain circumstance; modifying recordkeeping requirements to include use of electronic systems; providing exemption to recordkeeping requirement for certain material; providing exemptions to certain holding requirement; updating statutory references; providing exemption to recordkeeping requirement for certain material; clarifying certain prohibited act; increasing dollar amount for certain payment requirement; prohibiting junk dealer from exchanging its own form of payment for cash; providing an exemption; and providing an effective date.

HB 2780 – By DeWitt, Kern, Sears and Tibbs of the House and Myers of the Senate.

An Act relating to schools; creating the Protection for School Employees Act; defining terms; allowing certain person to seek relief under act; prohibiting school employee from obtaining a protective order against certain persons; providing procedures to file for protective order; providing for emergency temporary order of protection under certain circumstance; requiring forms be provided by court clerk; requiring certain entity to develop form; prohibiting assessment of certain fees and costs; authorizing assessment of certain fees and costs under certain circumstance; providing waiver; authorizing assessment of fees and costs upon certain finding; providing procedure for issuance of emergency temporary order of protection; requiring certain entity to develop form; requiring inclusion of certain information in order; providing procedures for service of certain documents; providing for statewide validity and transfer; requiring submission of return of service; requiring hearing within certain period of time upon certain finding; providing for continuance; providing for automatic renewal; providing time limit for service of process upon the defendant; requiring court order for dismissal; authorizing court to impose certain terms and conditions; requiring certain entity to develop form; authorizing service of protective orders by certain persons; providing time limitation requirements; providing procedures for modifying, extending, or vacating a protective order; authorizing victim support at court proceedings; providing procedures for sending orders to certain agencies; requiring access to certain information; providing penalties for violating protective order; authorizing certain counseling; providing for statewide validity of orders; providing for seizure of weapons under certain circumstances; providing procedures for seizure and forfeiture of weapons; providing for arrest without warrant under certain circumstance; requiring inclusion of certain information on orders; authorizing issuance of emergency temporary order of protection and restraining order upon certain considerations; providing for expungement of protective orders; setting eligibility criteria for expungement; providing procedures for expungement; defining terms; requiring petition, notice, answer, and hearing within certain time periods; requiring no objection or certain court findings; construing effects of sealing certain records; directing sealing of certain records; allowing certain

persons access to sealed records; prohibiting denial of application by employers for failure to disclose sealed information; construing application of act; allowing destruction of certain records after certain time period; allowing certain evidence from sealed records for certain purpose; providing for codification; and providing an effective date.

HB 2969 – By Hoskin, Liebmann, Martin (Scott), Billy, Brown, Duncan, Jackson, Joyner, Lindley, Martin (Steve), McAffrey, McPeak, Proctor, Pruett, Thompson, Turner, Wright, Banz, Cannaday, Collins, Cooksey, Dorman, Faught, Inman, Kern, Kiesel, McDaniel (Randy), McMullen, Roan, Sears, Sherrer, Steele, Terrill and Walker of the House and Ballenger of the Senate.

An Act relating to definitions and general provisions; directing state agencies and political subdivisions to purchase certain flags manufactured in the United States; providing for codification; and providing an effective date.

HB 3193 – By Denney and Sherrer of the House and Justice of the Senate.

An Act relating to motor vehicles; amending 47 O.S. 2001, Section 11-405.1, as renumbered by Section 35, Chapter 397, O.S.L. 2002 (47 O.S. Supp. 2007, Section 11-314), which relates to approaching certain vehicles displaying flashing lights; requiring drivers to take certain actions when approaching wreckers and tow vehicles on highways; amending 47 O.S. 2001, Section 14-109, as last amended by Section 2, Chapter 324, O.S.L. 2007 (47 O.S. Supp. 2007, Section 14-109), which relates to vehicle load and weight limits; providing exception to permit requirement for certain vehicles; and providing an effective date.

HB 3197 – By Denney of the House and Jolley of the Senate.

An Act relating to schools; amending 70 O.S. 2001, Section 6-122.3, which relates to alternative placement teaching certificate; clarifying statutory language; requiring certain minimum grade point average; deleting authorization for reduction of certain education component; directing the State Board of Education to establish certain core minimum education component; increasing certain minimum professional education component; deleting certain definitions; updating statutory language; updating certain entity responsible for certain duties; modifying eligibility requirements for an alternative placement program; amending 70 O.S. 2001, Section 6-187, as amended by Section 2, Chapter 236, O.S.L. 2002 (70 O.S. Supp. 2007, Section 6-187), which relates to competency examinations; requiring completion of certain programs for certification in certain areas; and providing an effective date.

HB 3201 – By Denney, Pittman and McAffrey of the House and Aldridge of the Senate.

An Act relating to children; amending 10 O.S. 2001, Section 7004-1.1, which relates to duties and powers of the Oklahoma Department of Human Services; requiring the photographing and fingerprinting of children in custody of the Department; specifying time for retention of records; and providing an effective date.

HB 3239 – By McNiel, Banz, Jackson, Pittman, Shannon, Dorman, Shumate and Proctor of the House and Corn of the Senate.

(Aerospace – tax credits – codification - effective date)

HB 3342 – By Thompson, Liebmann, Terrill, Blackwell, Dank, Derby, Jett, Martin (Scott), Martin (Steve), Peterson (Pam), Reynolds, Sears, Tibbs and Wright of the House and Bingman of the Senate.

(roads, bridges and ferries - amending 69 O.S., Section 1521 - Rebuilding Oklahoma Access and Driver Safety Fund - amending 47 O.S., Section 1104 - apportionment - effective date – emergency)

HB 3373 – By Joyner of the House and Crain and Aldridge of the Senate.

An Act relating to consumer credit; amending 14A O.S. 2001, Section 6-503, which relates to appointment of commission members; modifying requirements; and providing an effective date.

HJR 1050 – By Miller and Jones of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.

(proposed amendment – Constitution - ballot title – filing)

HJR 1051 – By Miller and Jones of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.

(proposed amendment - Constitution - ballot title – filing)

HJR 1052 – By Miller and Jones of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.

(proposed amendment - Constitution - ballot title – filing)

The above-numbered measures were read the first time.

**BILL RELEASED
TIME EXPIRED TO RECONSIDER**

SB 1451 was referred for engrossment.

Senator Laster moved that when the clerk's desk is clear, the Senate stand adjourned to convene Monday, March 10, 2008, at 1:30 p.m., which motion prevailed.

FIRST READING

The following was introduced and read the first time:

SCR 57 – By Brogdon of the Senate and Derby of the House.

A Concurrent Resolution requesting the federal government to fully fund operations and maintenance of the McClellan-Kerr Arkansas River Navigation System and provide funding to deepen and widen the navigation channel; and providing distribution.

Pursuant to the Laster motion, the Senate adjourned at 11:30 a.m. to meet Monday, March 10, 2008, at 1:30 p.m.