

Senate Journal

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

Twenty-second Legislative Day, Tuesday, March 11, 2008

The Senate was called to order by Senator Brogdon.

Roll Call:

Present: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, 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.—47.

Excused: Crutchfield.—1.

Senator Brogdon declared a quorum present.

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

REPORT OF ENGROSSED AND ENROLLED MEASURES

SBs 958, 1160, 1396, 1406, 1413, 1452, 1475, 1518, 1533, 1587, 1697, 1841, 1889, 1895, 1928, 1929, 1961, 1968, 1999, 2037, 2069, 2118, 2129 and 2157 and SJR 59 were each correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

GENERAL ORDER

SJR 41 by Crain and Johnson (Constance) of the Senate and Cox of the House was called up for consideration.

Senator Crain moved that **SJR 41** be advanced, which motion was declared adopted.

THIRD READING

SJR 41 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, Corn, Crain, Easley, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Myers, Nichols, Paddack, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Wilcoxson, Williamson, Wilson and Wyrick.--42.

Excused: Coffee, Crutchfield, Eason McIntyre, Morgan, Rabon and Sykes.--6.

The resolution passed.

SJR 41 was referred for engrossment.

PENDING CONSIDERATION OF HAS

HAs to **SB 430** were rejected upon motion of Senator Laster, conference requested, and Senate conferees to be named later.

**UNANIMOUS CONSENT REQUEST
MOTION TO RECONSIDER VOTES**

Senator Laster asked unanimous consent, which was granted, to invoke the provisions of Rule 13-22A and that all motions to reconsider votes on Third Reading of Senate Bills and Joint Resolutions served this week be disposed of the day the motion is lodged.

GENERAL ORDER

SB 2043 by Nichols of the Senate and Nations of the House was called up for consideration.

Senator Nichols moved that **SB 2043** be advanced, which motion was declared adopted.

THIRD READING

SB 2043 was read for the third time at length.

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

Aye: Adelson, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brown, Burrage, Coates, Corn, Crain, Easley, Ford, Garrison, Gumm, Ivester, Johnson (C), Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Nichols, Rice, Riley, Schulz, Sparks, Sweeden, Wilson and Wyrick.--32.

Nay: Aldridge, Brogdon, Johnson (M), Jolley, Mazzei, Myers, Paddack, Reynolds, Sykes, Wilcoxson and Williamson.--11.

Excused: Coffee, Crutchfield, Eason McIntyre, Morgan and Rabon.--5.

The bill passed.

SB 2043 was referred for engrossment.

GENERAL ORDER

SB 1731 by Lerblance of the Senate and Carey of the House was called up for consideration.

Senator Lerblance moved that **SB 1731** be advanced, which motion was declared adopted.

THIRD READING

SB 1731 was read for the third time at length.

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

Aye: Adelson, Ballenger, Barrington, Bass, Bingman, Branan, Burrage, Coates, Corn, Easley, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Justice, Laster, Laughlin, Leftwich, Lerblance, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Wilson and Wyrick.--32.

Nay: Aldridge, Anderson, Brogdon, Brown, Crain, Ford, Jolley, Lamb, Mazzei, Sykes, Wilcoxson and Williamson.--12.

Excused: Coffee, Crutchfield, Eason McIntyre and Morgan.--4.

The bill passed.

SB 1731 was referred for engrossment.

GENERAL ORDER

SB 1891 by Bass and Barrington of the Senate and Shannon and Dorman of the House was called up for consideration.

Senator Bass moved that **SB 1891** be advanced, which motion was declared adopted.

THIRD READING

SB 1891 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, Brown, Burrage, Coates, Corn, Crain, Easley, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Mazzei, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--42.

Nay: Brogdon and Laughlin.--2.

Excused: Coffee, Crutchfield, Eason McIntyre and Morgan.--4.

The bill passed.

SB 1891 was referred for engrossment.

GENERAL ORDER

SB 2150 by Corn of the Senate and Brannon of the House was called up for consideration.

Senator Corn moved that **SB 2150** be advanced, which motion was declared adopted.

THIRD READING

SB 2150 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, 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.--4.

Excused: Coffee, Crutchfield, Eason McIntyre and Morgan.--4.

The bill passed.

SB 2150 was referred for engrossment.

GENERAL ORDER

SB 1654 by Johnson (Mike) of the Senate and Thompson of the House was called up for consideration.

Senator Johnson (Mike) moved that **SB 1654** be advanced, which motion was declared adopted.

THIRD READING

SB 1654 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, 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.--44.

Excused: Coffee, Crutchfield, Eason McIntyre and Morgan.--4.

The bill passed.

SB 1654 was referred for engrossment.

GENERAL ORDER

SB 1608 by Gumm of the Senate and Sullivan of the House was called up for consideration.

Senator Gumm moved that **SB 1608** be advanced, which motion was declared adopted.

THIRD READING

SB 1608 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, 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.--44.

Excused: Coffee, Crutchfield, Eason McIntyre and Morgan.--4.

The bill passed.

SB 1608 was referred for engrossment.

GENERAL ORDER

SB 1640 by Ivester of the Senate and Blackwell of the House was called up for consideration.

Senator Ivester moved that **SB 1640** be advanced, which motion was declared adopted.

THIRD READING

SB 1640 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, 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.--46.

Excused: Crutchfield and Eason McIntyre.--2.

The bill passed.

SB 1640 was referred for engrossment.

GENERAL ORDER

SB 1846 by Jolley of the Senate and Cooksey of the House was called up for consideration.

Senator Johnson (Constance) asked to coauthor **SB 1846**, which was the order.

Senator Jolley moved that **SB 1846** be advanced, which motion was declared adopted.

THIRD READING

SB 1846 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, 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.--46.

Excused: Crutchfield and Eason McIntyre.--2.

The bill passed.

SB 1846 was referred for engrossment.

GENERAL ORDER

SB 1627 by Paddack of the Senate and Billy of the House was called up for consideration.

Senator Paddack moved that **SB 1627** be advanced, which motion was declared adopted.

THIRD READING

SB 1627 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, Easley, Ford, Garrison, Gumm,

Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--45.

Excused: Crutchfield, Eason McIntyre and Reynolds.--3.

The bill and emergency passed.

SB 1627 was referred for engrossment.

GENERAL ORDER

SB 1765 by Myers et al of the Senate and DeWitt of the House was called up for consideration.

Representative Dewitt asked to be removed and Representative Adkins asked to be named principal House author on **SB 1765**, which was the order.

Senator Myers moved that **SB 1765** be advanced, which motion was declared adopted.

THIRD READING

SB 1765 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, Brown, Burrage, Coates, Coffee, Corn, Crain, 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, Wilcoxson, Williamson, Wilson and Wyrick.--45.

Nay: Brogdon.--1.

Excused: Crutchfield and Eason McIntyre.--2.

The bill passed.

SB 1765 was referred for engrossment.

GENERAL ORDER

SB 1457 by Riley of the Senate and Benge of the House was called up for consideration.

Senator Riley moved that **SB 1457** be advanced, which motion was declared adopted.

THIRD READING

SB 1457 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, 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, Wilcoxson, Williamson, Wilson and Wyrick.--46.

Excused: Crutchfield and Eason McIntyre.--2.

The bill and emergency passed.

SB 1457 was referred for engrossment.

GENERAL ORDER

SB 1757 by Bingman of the Senate and Adkins of the House was called up for consideration.

Senator Bingman moved that **SB 1757** be advanced, which motion was declared adopted.

THIRD READING

SB 1757 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, 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, Wilcoxson, Williamson, Wilson and Wyrick.--46.

Excused: Crutchfield and Eason McIntyre.--2.

The bill and emergency passed.

SB 1757 was referred for engrossment.

GENERAL ORDER

SB 1799 by Gumm et al of the Senate and Terrill of the House was called up for consideration.

Senator Gumm moved that **SB 1799** be advanced, which motion was declared adopted.

THIRD READING

SB 1799 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, Brown, Burrage, Coates, Coffee, Corn, Crain, 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, Wilcoxson, Williamson, Wilson and Wyrick.--44.

Nay: Brogdon and Sykes.--2.

Excused: Crutchfield and Eason McIntyre.--2.

The bill passed.

SB 1799 was referred for engrossment.

GENERAL ORDER

SB 1789 by Easley of the Senate and Adkins of the House was called up for consideration.

Senator Easley moved that **SB 1789** be advanced, which motion was declared adopted.

THIRD READING

SB 1789 was read for the third time at length.

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

Aye: Adelson, Anderson, Ballenger, Barrington, Bass, Burrage, Coates, Corn, Crain, Easley, Ford, Garrison, Gumm, Ivester, Johnson (C), Laster, Leftwich, Lerblance, Morgan, Paddack, Rabon, Rice, Riley, Schulz, Sparks, Sweeden, Wilson and Wyrick.--28.

Nay: Aldridge, Bingman, Branan, Brogdon, Brown, Coffee, Johnson (M), Jolley, Justice, Lamb, Laughlin, Mazzei, Myers, Nichols, Reynolds, Sykes, Wilcoxson and Williamson.--18.

Excused: Crutchfield and Eason McIntyre.--2.

The bill passed.

SB 1789 was referred for engrossment.

GENERAL ORDER

SB 1970 by Bass of the Senate and Duncan of the House was called up for consideration.

Senators Rice, Adelson, Ballenger, Burrage, Corn, Crutchfield, Easley, Eason McIntyre, Garrison, Gumm, Ivester, Johnson (Constance), Laster, Leftwich, Lerblance, Morgan, Paddack, Riley, Rabon, Sparks, Sweeden, Wilson and Wyrick asked to coauthor **SB 1970**, which was the order.

Senator Bass moved to amend **SB 1970**, Page 13, Line 20, by deleting Section 6; and Page 13, Line 19 ½, by inserting new Sections 6 through 13 to read as follows:

“SECTION 6. 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 7. 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 8. 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 9. 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 10. 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 11. 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.

SECTION 12. Sections 1 through 5 of this act shall become effective November 1, 2008.

SECTION 13. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this

act shall take effect and be in full force from and after its passage and approval.”, which amendment was declared adopted.

Senator Bass moved that **SB 1970** be advanced, which motion was declared adopted.

THIRD READING

SB 1970 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, 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, Wilcoxson, Williamson, Wilson and Wyrick.--46.

Excused: Crutchfield and Eason McIntyre.--2.

The bill and emergency passed.

SB 1970 was referred for engrossment.

GENERAL ORDER

SB 1795 by Johnson (Mike) of the Senate and Jones of the House was called up for consideration.

Senator Johnson (Mike) moved that **SB 1795** be advanced, which motion was declared adopted.

THIRD READING

SB 1795 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, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--46.

Excused: Coffee and Crutchfield.--2.

The bill and emergency passed.

SB 1795 was referred for engrossment.

GENERAL ORDER

SJR 44 by Lerblance of the Senate and Harrison of the House was called up for consideration.

Senator Lerblance moved that **SJR 44** be advanced, which motion was declared adopted.

THIRD READING

SJR 44 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, Corn, Crain, 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.--46.

Excused: Coffee and Crutchfield.--2.

The resolution passed.

SJR 44 was referred for engrossment.

GENERAL ORDER

SB 1876 by Jolley of the Senate and Miller of the House was called up for consideration.

Senator Jolley moved that **SB 1876** be advanced, which motion was declared adopted.

THIRD READING

SB 1876 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, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Corn, Crain, Easley, Eason McIntyre, Ford, Gumm, Ivester, Johnson (M), Jolley, Justice, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--40.

Nay: Bass, Coffee, Garrison, Johnson (C), Lamb, Myers and Schulz.--7.

Excused: Crutchfield.--1.

The bill passed.

SB 1876 was referred for engrossment.

GENERAL ORDER

SB 1663 by Sykes of the Senate and Reynolds of the House was called up for consideration.

Representatives Liebmann and Thompson asked to coauthor **SB 1663**, which was the order.

Senator Sykes asked unanimous consent, which was granted, to suspend Senate Rule 13-5D as it pertains to **SB 1663**.

Senator Sykes moved to amend **SB 1663**, 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 Sykes asked that **SB 1663** be laid over temporarily, which was the order.

SB 1663 remains on General Order.

GENERAL ORDER

SB 1144 by Sparks of the Senate and Schwartz of the House was called up for consideration.

Senator Sparks moved to amend **SB 1144**, Page 2, Line 14 ½, by inserting a new Section 2 to read as follows:

“SECTION 2. AMENDATORY 63 O.S. 2001, Section 1058, is amended to read as follows:

Section 1058. A. When a housing authority is authorized to transact business and exercise powers hereunder, five (5) persons shall be appointed as commissioners of the authority as follows:

1. In the case of a city, by the mayor with the advice and consent of the governing body; or

2. In the case of a county, by the board of county commissioners, and at least one of the persons so appointed shall be a tenant in a housing project under the jurisdiction of such authority.

The term of office of each commissioner shall be for three (3) years, except that of the commissioners first appointed one shall serve for a term of one (1) year and two shall serve for terms of two (2) years. All vacancies shall be filled for the unexpired term. Each commissioner shall qualify by taking the official oath of office prescribed by statute or ordinance for elected officials of the county or city, as the case may be.

B. A commissioner shall receive no compensation for his services, but may be entitled to the necessary expenses, including traveling expenses, incurred in the discharge of his duties or, except as otherwise provided in this subsection, receive a per diem payment of not to exceed Thirty-five Dollars (\$35.00) plus mileage as provided by the State Travel Reimbursement Act, Section 500.1 et seq. of Title 74, for expenses incurred in attending meetings of the housing authority. An Indian housing authority or the tribal government the authority serves may elect to set a different monetary amount for per diem and mileage payments than specified in this subsection for the commissioners of that Indian housing authority. Each commissioner shall hold office until his successor has been appointed and qualified. A certificate of appointment or reappointment of any commissioner shall be filed with the authority and this certificate shall be conclusive evidence of the due and proper appointment of the commissioner.

C. The powers of each authority shall be vested in the commissioners thereof in office from time to time. A majority of the commissioners of an authority shall constitute a quorum for the purpose of conducting its business and exercising its powers and for all other purposes, notwithstanding the existence of any vacancies. Action may be taken by the authority upon a vote of a majority of the commissioners present, unless in any case the bylaws of the authority shall require a larger number. Meetings of the commissioners of an authority may be held anywhere within the area of operation of the authority or within any additional area in which the authority is authorized to undertake a project. Such meetings shall be held pursuant to the provisions of the Open Meeting Act, Section 301 et seq. of Title 25 of the Oklahoma Statutes.

D. The commissioners of an authority shall elect a chairman and vice chairman from among the commissioners. An authority may employ an executive director, legal and technical experts and such other officers, agents and employees, permanent and temporary, as it may require, and shall determine their qualifications, duties and compensation. An authority may delegate to one or more of its agents or employees such powers or duties as it may deem proper.”, and by renumbering subsequent section and by amending the title to conform, which amendment was declared adopted.

Senator Sparks moved that **SB 1144** be advanced, which motion was declared adopted.

THIRD READING

SB 1144 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, Burrage, Coates, Corn, Easley, Eason McIntyre, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Wilson and Wyrick.--36.

Nay: Branan, Brogdon, Brown, Coffee, Crain, Ford, Jolley, Mazzei, Sykes, Wilcoxson and Williamson.--11.

Excused: Crutchfield.--1.

The bill passed.

SB 1144 was referred for engrossment.

GENERAL ORDER

SB 2153 by Mazzei of the Senate and Peterson (Ron) of the House was called up for consideration.

Senator Mazzei moved that **SB 2153** be advanced, which motion was declared adopted.

THIRD READING

SB 2153 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, Brown, Burrage, Coates, Coffee, Corn, Crain, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Rice, Riley, Schulz, Sparks, Sweeden, Wilcoxson, Williamson, Wilson and Wyrick.--43.

Nay: Brogdon, Laughlin, Reynolds and Sykes.--4.

Excused: Crutchfield.--1.

The bill passed.

SB 2153 was referred for engrossment.

GENERAL ORDER

SB 2070 by Sparks et al of the Senate and Collins et al of the House was called up for consideration.

Senator Gumm asked to coauthor **SB 2070**, which was the order.

Senator Sparks moved that **SB 2070** be advanced, which motion was declared adopted.

THIRD READING

SB 2070 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, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--47.

Excused: Crutchfield.--1.

The bill passed.

SB 2070 was referred for engrossment.

GENERAL ORDER

SB 2112 by Wilson of the Senate and DeWitt and McNiel of the House was called up for consideration.

Senator Garrison asked to coauthor **SB 2112**, which was the order.

Senator Sparks moved to amend **SB 2112**, Page 4, Line 21 ½, by inserting new Sections 2 through 4 to read as follows:

“ SECTION 2. AMENDATORY 68 O.S. 2001, Section 1004, as last amended by Section 55, Chapter 1, O.S.L. 2007 (68 O.S. Supp. 2007, Section 1004), is amended to read as follows: Section 1004.

A. Beginning July 1, 2002, the gross production tax provided for in Section 1001 of this title is hereby levied and shall be collected and apportioned as follows:

1. For all monies collected from the tax levied on asphalt or ores bearing uranium, lead, zinc, jack, gold, silver or copper:
 - a. eighty-five and seventy-two one-hundredths percent (85.72%) shall be paid to the State Treasurer of the state to be placed in the General Revenue Fund of the state and used for the general expense of state government, to be paid out pursuant to direct appropriation by the Legislature,
 - b. seven and fourteen one-hundredths percent (7.14%) of the sum collected from natural gas and/or casinghead gas or asphalt or ores bearing uranium, lead, zinc, jack, gold, silver or copper shall be paid to the various county treasurers to be credited to the County Highway Fund as follows: Each county shall receive a proportionate share of the funds available based upon the proportion of the total value of production from such county in the corresponding month of the preceding year, and
 - c. seven and fourteen one-hundredths percent (7.14%) shall be allocated to each county as provided for in subparagraph b of this paragraph and shall be apportioned, on an average daily attendance per capita distribution basis, as certified by the State Superintendent of Public Instruction to the school districts of the county where such pupils attend school regardless of residence of such pupil, provided the school district makes an ad valorem tax levy of fifteen (15) mills for the current year and maintains twelve (12) years of instruction;
2. For all monies collected from the tax levied on natural gas and/or casinghead gas at a tax rate of seven percent (7%) pursuant to the provisions of subsection B of Section 1001 of this title:
 - a. eighty-five and seventy-two one-hundredths percent (85.72%) shall be paid to the State Treasurer of the state to be placed in the General Revenue Fund of the state and used for the general expense of state government, to be paid out pursuant to direct appropriation by the Legislature,
 - b. seven and fourteen one-hundredths percent (7.14%) of the sum collected from natural gas and/or casinghead gas shall be paid to the various county treasurers to be credited to the County Highway Fund as follows: Each county shall receive a proportionate share of the funds available based upon the proportion of the total value of production from such county in the corresponding month of the preceding year, and
 - c. seven and fourteen one-hundredths percent (7.14%) shall be allocated to each county as provided for in subparagraph b of this paragraph and shall be apportioned, on an average daily attendance per capita distribution basis, as certified by the State Superintendent of Public Instruction to the school districts of the county where such pupils attend school regardless of residence of such pupil, provided the

school district makes an ad valorem tax levy of fifteen (15) mills for the current year and maintains twelve (12) years of instruction;

3. For all monies collected from the tax levied on natural gas and/or casinghead gas at a tax rate of four percent (4%) pursuant to the provisions of subsection B of Section 1001 of this title:

- a. seventy-five percent (75%) shall be paid to the State Treasurer of the state to be placed in the General Revenue Fund of the state and used for the general expense of state government, to be paid out pursuant to direct appropriation by the Legislature,
- b. twelve and one-half percent (12.5%) of the sum collected from natural gas and/or casinghead gas shall be paid to the various county treasurers to be credited to the County Highway Fund as follows: Each county shall receive a proportionate share of the funds available based upon the proportion of the total value of production from such county in the corresponding month of the preceding year, and
- c. twelve and one-half percent (12.5%) shall be allocated to each county as provided for in subparagraph b of this paragraph and shall be apportioned, on an average daily attendance per capita distribution basis, as certified by the State Superintendent of Public Instruction to the school districts of the county where such pupils attend school regardless of residence of such pupil, provided the school district makes an ad valorem tax levy of fifteen (15) mills for the current year and maintains twelve (12) years of instruction;

4. For all monies collected from the tax levied on natural gas and/or casinghead gas at a tax rate of one percent (1%) pursuant to the provisions of subsection B of Section 1001 of this title:

- a. fifty percent (50%) of the sum collected from natural gas and/or casinghead gas shall be paid to the various county treasurers to be credited to the County Highway Fund as follows: Each county shall receive a proportionate share of the funds available based upon the proportion of the total value of production from such county in the corresponding month of the preceding year, and
- b. fifty percent (50%) shall be allocated to each county as provided for in subparagraph a of this paragraph and shall be apportioned, on an average daily attendance per capita distribution basis, as certified by the State Superintendent of Public Instruction to the school districts of the county where such pupils attend school regardless of residence of such pupil, provided the school district makes an ad valorem tax levy of fifteen (15) mills for the current year and maintains twelve (12) years of instruction;

5. For all monies collected from the tax levied on oil at a tax rate of seven percent (7%) pursuant to the provisions of subsection B of Section 1001 of this title:

- a. twenty-five and seventy-two one-hundredths percent (25.72%) shall be paid to the State Treasurer to be placed in the Common Education Technology Revolving Fund created in Section 41.29c of Title 62 of the Oklahoma Statutes,

- b. twenty-five and seventy-two one-hundredths percent (25.72%) shall be paid to the State Treasurer to be placed in the Higher Education Capital Revolving Fund created in Section 41.29d of Title 62 of the Oklahoma Statutes,
- c. twenty-five and seventy-two one-hundredths percent (25.72%) shall be paid to the State Treasurer to be placed in the Oklahoma Tuition Scholarship Revolving Fund created in Section 41.29e of Title 62 of the Oklahoma Statutes,
- d. four and twenty-eight one-hundredths percent (4.28%) shall be paid to the State Treasurer to be apportioned to the County Bridge and Road Improvement Fund of the State Treasury,
- e. four and twenty-eight one-hundredths percent (4.28%) shall be paid to the State Treasurer to be apportioned to:
 - (1) the following sources and in the following amounts for the fiscal year ending June 30, 2007, through the fiscal year ending June 30, 2011:
 - (a) thirty-three and one-third percent (33 1/3%) to the Oklahoma Tourism and Recreation Department Capital Expenditure Revolving Fund created pursuant to Section 2 of this act,
 - (b) thirty-three and one-third percent (33 1/3%) to the Oklahoma Conservation Commission Infrastructure Revolving Fund created pursuant to Section 3 of this act, and
 - (c) thirty-three and one-third percent (33 1/3%) to the Community Water Infrastructure Development Revolving Fund created pursuant to Section 4 of this act, and
 - (2) the Oklahoma Water Resources Board Rural Economic Action Plan Water Projects Fund for the fiscal year ending June 30, 2012, and for each fiscal year thereafter,
- f. seven and fourteen one-hundredths percent (7.14%) of the sum collected from oil shall be paid to the various county treasurers, to be credited to the County Highway Fund as follows: Each county shall receive a proportionate share of the funds available based upon the proportion of the total value of production from such county in the corresponding month of the preceding year, and
- g. seven and fourteen one-hundredths percent (7.14%) shall be allocated to each county as provided in subparagraph f of this paragraph and shall be apportioned, on an average daily attendance per capita distribution basis, as certified by the State Superintendent of Public Instruction, to the school districts of the county where such pupils attend school regardless of residence of such pupil, provided the school district makes an ad valorem tax levy of fifteen (15) mills for the current year and maintains twelve (12) years of instruction;

6. For all monies collected from the tax levied on oil at a tax rate of four percent (4%) pursuant to the provisions of subsection B of Section 1001 of this title:
- a. twenty-two and one-half percent (22.5%) shall be paid to the State Treasurer to be placed in the Common Education Technology Revolving Fund created in Section 41.29c of Title 62 of the Oklahoma Statutes,
 - b. twenty-two and one-half percent (22.5%) shall be paid to the State Treasurer to be placed in the Higher Education Capital Revolving Fund created in Section 41.29d of Title 62 of the Oklahoma Statutes,
 - c. twenty-two and one-half percent (22.5%) shall be paid to the State Treasurer to be placed in the Oklahoma Tuition Scholarship Revolving Fund created in Section 41.29e of Title 62 of the Oklahoma Statutes,
 - d. three and seventy-five one-hundredths percent (3.75%) shall be paid to the State Treasurer to be apportioned to the County Bridge and Road Improvement Fund of the State Treasury,
 - e. three and seventy-five one-hundredths percent (3.75%) shall be paid to the State Treasurer to be apportioned to:
 - (1) the following sources and in the following amounts for the fiscal year ending June 30, 2007, through the fiscal year ending June 30, 2011:
 - (a) thirty-three and one-third percent (33 1/3%) to the Oklahoma Tourism and Recreation Department Capital Expenditure Revolving Fund created pursuant to Section 2 of this act,
 - (b) thirty-three and one-third percent (33 1/3%) to the Oklahoma Conservation Commission Infrastructure Revolving Fund created pursuant to Section 3 of this act, and
 - (c) thirty-three and one-third percent (33 1/3%) to the Community Water Infrastructure Development Revolving Fund created pursuant to Section 4 of this act, and
 - (2) the Oklahoma Water Resources Board Rural Economic Action Plan Water Projects Fund for the fiscal year ending June 30, 2012, and for each fiscal year thereafter,
 - f. twelve and one-half percent (12.5%) of the sum collected from oil shall be paid to the various county treasurers, to be credited to the County Highway Fund as follows: Each county shall receive a proportionate share of the funds available based upon the proportion of the total value of production from such county in the corresponding month of the preceding year, and
 - g. twelve and one-half percent (12.5%) shall be allocated to each county as provided in subparagraph f of this paragraph and shall be apportioned on an average daily attendance per capita distribution basis, as certified by the State Superintendent of Public Instruction, to the school districts of the county where such pupils attend school

regardless of residence of such pupil, provided the school district makes an ad valorem tax levy of fifteen (15) mills for the current year and maintains twelve (12) years of instruction; and

7. For all monies collected from the tax levied on oil at a tax rate of one percent (1%) pursuant to the provisions of subsection B of Section 1001 of this title:

- a. fifty percent (50%) of the sum collected shall be paid to the various county treasurers, to be credited to the County Highway Fund as follows: Each county shall receive a proportionate share of the funds available based upon the proportion of the total value of production from such county in the corresponding month of the preceding year, and
- b. fifty percent (50%) shall be allocated to each county as provided for in subparagraph a of this paragraph and shall be apportioned on an average daily attendance per capita distribution basis, as certified by the State Superintendent of Public Instruction, to the school districts of the county where such pupils attend school regardless of residence of such pupil, provided the school district makes an ad valorem tax levy of fifteen (15) mills for the current year and maintains twelve (12) years of instruction.

B. Provided, notwithstanding any other provision of this section, the total amounts deposited to the Common Education Technology Revolving Fund, the Higher Education Capital Revolving Fund, the Oklahoma Tuition Scholarship Revolving Fund, the Rural Economic Action Plan Water Projects Fund, the Oklahoma Tourism and Recreation Department Capital Expenditure Revolving Fund, the Oklahoma Conservation Commission Infrastructure Revolving Fund and the Community Water Infrastructure Development Revolving Fund pursuant to paragraphs 5 and 6 of this section shall not exceed One Hundred Fifty Million Dollars (\$150,000,000.00) in any fiscal year. All sums in excess of One Hundred Fifty Million Dollars (\$150,000,000.00) in any fiscal year which would otherwise be deposited in such funds shall be placed by the State Treasurer in the General Revenue Fund of the state.

C. 1. Beginning July 1, 2009, prior to the apportionment of any tax as provided for in subsection A of this section, an amount specified in paragraph 2 of this subsection of the gross production tax levied and collected pursuant to Section 1001 of this title shall be paid to the State Treasurer to be placed in the Bootstrap Endowment Fund as created in Section 3 of this act.

2. As provided in paragraph 1 of this subsection, a portion of the gross production tax shall be placed in the Bootstrap Endowment Fund as follows:

- a. One percent (1%) for the fiscal year beginning on July 1, 2009;
- b. Two percent (2%) for the fiscal year beginning on July 1, 2010;
- c. Three percent (3%) for the fiscal year beginning on July 1, 2011;
- d. Four percent (4%) for the fiscal year beginning on July 1, 2012; and
- e. Five percent (5%) for the fiscal year beginning on July 1, 2013 and all fiscal years thereafter.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 53 of Title 62, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created an endowment fund to be known as the “Bootstrap Endowment Fund”. The endowment fund principal shall consist of funds apportioned pursuant to subsection C of Section 1004 of Title 68 of the Oklahoma Statutes for the purpose of creating an endowment for the operations of state government. Notwithstanding any other provisions of law, income and investment return on endowment fund principal shall accrue to the endowment fund.

B. The Bootstrap Endowment Fund shall be invested by the State Treasurer as authorized in Section 89.2 of Title 62 of the Oklahoma Statutes; provided, investments in obligations of state and local governments, pursuant to paragraph 6 of subsection A of Section 89.2, shall not exceed five percent (5%) of the cash available for investment.

C. There is hereby created in the State Treasury a revolving fund to be designated the "Bootstrap Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all such transfers made pursuant to subsection D of this section. All monies accruing to the credit of such fund are hereby appropriated and may be budgeted and expended beginning with the fiscal year beginning July 1, 2025, and each fiscal year thereafter, for operations of state government in the same manner as the General Revenue Fund is budgeted and expended. No more than five percent (5%) of monies from the Bootstrap Revolving Fund shall be budgeted or expended for debt service payments of principal and interest due on outstanding bonds or other financing instruments issued by the State of Oklahoma, any Oklahoma counties, municipalities, state agencies, authorities, commissions, political subdivisions or any other governmental entities. Monies from the Bootstrap Revolving Fund shall not be dedicated or earmarked for a specific use outside the appropriations process. Expenditures from such 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. On July 1, 2025, and on July 1 each year thereafter, four percent (4%) of the total balance of the Bootstrap Endowment Fund shall be transferred to the Bootstrap Revolving Fund and shall be certified by the State Board of Equalization as part of the total amount of revenue which will accrue during the last applicable fiscal year.

SECTION 4. Sections 2 and 3 of this act shall become effective November 1, 2008.”; and Page 4, Line 22, by deleting, after the number “2.” and before the word “act” the word “This” and by inserting the words, “Section 1 of this”, and by renumbering subsequent section, which amendment was declared adopted.

Senator Wilson moved that **SB 2112** be advanced, which motion was declared adopted.

THIRD READING

SB 2112 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, Branam, Burrage, Coates, Coffee, Corn, Crain, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich,

Lerblance, Morgan, Myers, Nichols, Paddack, Rabon, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--43.

Nay: Brogdon, Brown, Mazzei and Reynolds.--4.

Excused: Crutchfield.--1.

The bill passed.

SB 2112 was referred for engrossment.

INTRODUCTION

Senator Rice introduced former Senator Jack Short to the Senate.

GENERAL ORDER

SB 1599 by Leftwich of the Senate and Morrissette of the House was called up for consideration.

Senator Leftwich moved that **SB 1599** be advanced, which motion was declared adopted.

THIRD READING

SB 1599 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, 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.--47.

Excused: Crutchfield.--1.

The bill and emergency passed.

SB 1599 was referred for engrossment.

GENERAL ORDER

SB 1868 by Johnson (Mike) and Corn of the Senate and Miller of the House was called up for consideration.

Senator Sparks moved to amend **SB 1868**, Page 2, Line ½, by inserting a new Section 2 to read as follows:

SECTION 2. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

The Oklahoma Department of Commerce shall distribute all funds it received after January 1, 2007, from Verizon, Inc. from the settlement of Verizon’s obligations to the State of Oklahoma which arose from State of Oklahoma vs. WorldCom, Inc., Case No. 2003-4689 (District Court of Oklahoma County), to the following entities:

| ENTITY | AMOUNT |
|---|------------------|
| Oklahoma Public Employees Retirement System | \$ 4,303,950.20 |
| Teachers’ Retirement System of Oklahoma | 2,827,153.54 |
| Oklahoma Firefighters Pension and Retirement System | 1,777,432.57 |
| Oklahoma Police Pension and Retirement System | 1,074,644.70 |
| Commissioners of the Land Office | 856,673.96 |
| CompSource Oklahoma | 287,952.03 |
| Oklahoma Law Enforcement Retirement System | 221,860.20 |
| Oklahoma State Regents for Higher Education | 217,852.75 |
| Uniform Retirement System for Justices and Judges | 161,195.56 |
| State and Education Employees Group Insurance Board | <u>37,627.49</u> |
| TOTAL | \$11,766,343.00” |

and by renumbering subsequent sections and amending the title to conform, which amendment was declared adopted upon roll call as follows:

Aye: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, 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 and Wyrick.--44.

Nay: Crain, Johnson (M) and Wilson.--3.

Excused: Crutchfield.--1.

Senator Johnson (Mike) moved that **SB 1868** be advanced, which motion was declared adopted.

THIRD READING

SB 1868 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, Easley, 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, Wilcoxson, Williamson, Wilson and Wyrick.--45.

Nay: Eason McIntyre and Rabon.--2.

Excused: Crutchfield.--1.

The bill and emergency passed.

SB 1868 was referred for engrossment.

GENERAL ORDER

SB 2084 by Rabon of the Senate and Harrison of the House was called up for consideration.

Senator Rabon moved that **SB 2084** be advanced, which motion was declared adopted.

THIRD READING

SB 2084 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, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--47.

Excused: Crutchfield.--1.

The bill passed.

SB 2084 was referred for engrossment.

GENERAL ORDER

SB 1807 by Coffee of the Senate and Benge of the House was called up for consideration.

Senator Coffee asked to be removed and Senator Jolley asked to be named principal Senate author on **SB 1807**, which was the order.

Senator Coffee asked to coauthor **SB 1807**, which was the order.

Senator Barrington moved to amend **SB 1807**, Page 3, Line 11 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 41.5y of Title 62, unless there is created a duplication in numbering, reads as follows:

There is hereby created in the State Treasury a fund for the Office of State Finance to be designated the "State Agency Risk Assessment Fund". All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Office of State Finance for any expenses incurred by the standard risk assessment for state agency information technology systems. Expenditures from 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.”, and by renumbering subsequent sections, which amendment was declared adopted.

Senator Jolley moved that **SB 1807** be advanced, which motion was declared adopted.

THIRD READING

SB 1807 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, 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.--47.

Excused: Crutchfield.--1.

The bill and emergency passed.

SB 1807 was referred for engrossment.

GENERAL ORDER

SB 2016 by Wilson and Mazzei of the Senate and Terrill of the House was called up for consideration.

Senator Wilson moved that **SB 2016** be advanced, which motion was declared adopted.

THIRD READING

SB 2016 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, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--47.

Excused: Crutchfield.--1.

The bill passed.

SB 2016 was referred for engrossment.

GENERAL ORDER

SB 2078 by Sparks of the Senate and Martin (Scott) of the House was called up for consideration.

Senator Schulz moved to amend **SB 2078**, Page 1, Line 9 ½, by inserting a new Section 1 to read as follows:

“SECTION 1. AMENDATORY Section 11, Chapter 504, O.S.L. 2004, as last amended by Section 31, Chapter 1, O.S.L. 2007 (47 O.S. Supp. 2007, Section 1135.2), is amended to read as follows:

Section 1135.2 A. The Oklahoma Tax Commission is hereby authorized to design and issue appropriate official special license plates to persons in recognition of their service or awards as provided by this section.

Special license plates shall not be transferred to any other person but shall be removed from the vehicle upon transfer of ownership and retained. The special license plate may then be used on another vehicle but only after such other vehicle has been registered for the current year.

Special license plates shall be renewed each year by the Tax Commission or a motor license agent. The Tax Commission shall annually notify by mail all persons issued special license plates. The notice shall contain all necessary information and shall contain instructions for the renewal procedure upon presentation to a motor license agent or the Tax Commission. The license plates shall be issued on a staggered system except for legislative plates and amateur radio operator license plates.

The Tax Commission is hereby directed to develop and implement a system whereby motor license agents are permitted to accept applications for special license plates authorized under this section. The motor license agent shall confirm the applicant's eligibility, if applicable, collect and deposit any amount specifically authorized by law, accept and process the necessary information directly into such system and generate a receipt accordingly. For performance of these duties, motor license agents shall retain the fee provided in Section 1141.1 of this title for registration of a motor vehicle. The motor license agent fees for acceptance of applications and renewals shall be paid out of the Oklahoma Tax Commission Reimbursement Fund.

B. The special license plates provided by this section are as follows:

1. Prisoner of War License Plates - such plates shall be designed for honorably discharged or present members of the United States Armed Forces and civilians who were former prisoners of war held by a foreign country and who can provide proper certification of that status. Such persons may apply for a prisoner of war license plate for no more than two vehicles with each vehicle having a rated carrying capacity of one (1) ton or less. The surviving spouse of any deceased former prisoner of war, if the spouse has not since remarried, or if remarried, the remarriage is terminated by death, divorce, or annulment, may apply for a prisoner of war license plate for one vehicle with a rated carrying capacity of one (1) ton or less. The fee provided by this section for the special license plate authorized by this paragraph shall be in addition to all other registration fees provided by law, except the registration fees levied by Section 1132 of this title;

2. National Guard License Plates - such plates shall be designed for active or retired members of the Oklahoma National Guard. Retirees who are eligible for such plates shall provide proof of eligibility upon initial application, but shall not be required to provide proof of eligibility annually;

3. Air National Guard License Plates - such plates shall be designed for active or retired members of the Oklahoma Air National Guard. Retirees who are eligible for such plates shall provide proof of eligibility upon initial application, but shall not be required to provide proof of eligibility annually;

4. United States Armed Forces - such plates shall be designed for active, retired, former or reserve members of the United States Armed Forces, and shall identify which branch of service, and carry the emblem and name of either the Army, Navy, Air Force, Marines or Coast Guard, according to the branch of service to which the member belongs or did belong. Former members who have been dishonorably discharged shall not be eligible for such plates. Persons applying for such license plate must show proof of present or past military service by presenting a valid Uniformed Services Identity Card or the United States Department of Defense Form (DD)214. Retired or former members who are eligible for such plates shall provide proof of eligibility upon initial application, but shall not be required to provide proof of eligibility annually;

5. Congressional Medal of Honor Recipient License Plates - such plates shall be designed for any resident of this state who has been awarded the Congressional Medal of Honor. Such persons may apply for a Congressional Medal of Honor recipient license plate for each vehicle with a rated carrying capacity of one (1) ton or less. There shall be no registration fee for the issuance of this plate;

6. Missing In Action License Plates - such plates shall be designed to honor members of the United States Armed Forces who are missing in action. The spouse of such missing person, if the spouse has not since remarried, or if remarried, the remarriage is terminated by death, divorce, or annulment, and each parent of the missing person may apply for a missing in action license plate upon presenting proper certification that the person is missing in action and that the person making the application is the qualifying spouse or the parent of the missing person. The qualifying spouse and each parent of the missing person may each apply for the missing in action license plate for each vehicle with a rated carrying capacity of one (1) ton or less;

7. Purple Heart Recipient License Plates - such plates shall be designed for any resident of this state presenting proper certification from the United States Department of Veterans Affairs or the Armed Forces of the United States certifying that such resident has been awarded the Purple Heart military decoration. Such persons may apply for a Purple Heart recipient license plate for vehicles having a rated carrying capacity of one (1) ton or less. The surviving spouse of any deceased veteran who has been awarded the Purple Heart military decoration, if such spouse has not since remarried, or if remarried, the remarriage has been terminated by death, divorce or annulment, may apply for such plate for one vehicle with a rated carrying capacity of one (1) ton or less;

8. Pearl Harbor Survivor License Plates - such plates shall be designed for any resident of this state who can be verified by the United States Department of Veterans Affairs or the Armed Forces of the United States as being:

- a. a member of the United States Armed Forces on December 7, 1941,
- b. stationed on December 7, 1941, during the hours of 7:55 a.m. to 9:45 a.m. Hawaii time at Pearl Harbor, the island of Oahu, or offshore at a distance not to exceed three (3) miles, and
- c. a recipient of an honorable discharge from the United States Armed Forces.

Such person may apply for a Pearl Harbor Survivor license plate for each vehicle with a rated carrying capacity of one (1) ton or less;

9. Iwo Jima License Plates - such plates shall be designed for any resident of this state who can be verified by the United States Department of Veterans Affairs or the Armed Forces of the United States as being:

- a. a member of the United States Armed Forces in February of 1945,
- b. stationed in February of 1945 on or in the immediate vicinity of the island of Iwo Jima, and
- c. a recipient of an honorable discharge from the United States Armed Forces.

Such person may apply for an Iwo Jima license plate for each vehicle with a rated carrying capacity of one (1) ton or less.

Such license plate shall have the legend "Oklahoma OK" and shall contain three letters and three numbers. Between the letters and numbers shall be a logo of the flag-

raising at Iwo Jima. Below the letters, logo and numbers, the plate shall contain the words "FEB." at the left, "Iwo Jima" in the center and "1945" at the right. Such plates shall not be subject to the design requirements of any other license plates prescribed by law other than the space for the placement of the yearly decals for each succeeding year of registration after the initial issue;

10. D-Day Survivor License Plates - such plates shall be designed for any resident of this state who can be verified by the United States Department of Veterans Affairs or the Armed Forces of the United States as being:

- a. a member of the United States Armed Forces on June 6, 1944,
- b. a participant in the Allied invasion of the coast of Normandy on June 6, 1944; provided, if such participation cannot be verified by the United States Department of Veterans Affairs or the Armed Forces of the United States, the Tax Commission may, in its discretion, accept evidence of such participation from the person applying for the license plate, and
- c. a recipient of an honorable discharge from the United States Armed Forces.

Such person may apply for a D-Day Survivor license plate for each vehicle with a rated carrying capacity of one (1) ton or less;

11. Killed in Action License Plates - such plates shall be designed to honor members of the United States Armed Forces who were killed in action. The spouse of the deceased person, if the spouse has not remarried, or if remarried, the remarriage is terminated by death, divorce, or annulment, may apply for a killed in action license plate upon presenting proper certification that the person was killed in action and that the person making the application is the qualifying spouse of the deceased person. The qualifying spouse may apply for a killed in action license plate for no more than two vehicles with each vehicle with a rated carrying capacity of one (1) ton or less. The fee provided by this section for the special license plate authorized by this paragraph shall be in addition to all other registration fees provided by law, except the registration fees levied by Section 1132 of this title;

12. Gold Star Parents License Plates - such plates shall be designed to honor members of the United States Armed Forces who were killed during a war. The parents of the deceased person may apply for a gold star license plate upon presenting proper certification that the person was killed during a war and that the person making the application is the parent of the deceased person. The parent may apply for a gold star parent license plate for no more than two vehicles with each vehicle having a rated carrying capacity of one (1) ton or less. The fee provided by this section for the special license plate authorized by this paragraph shall be in addition to all other registration fees provided by law, except the registration fees levied by Section 1132 of this title;

13. Military Decoration License Plates - such plates shall be designed for any resident of this state who has been awarded the Distinguished Service Medal, the Distinguished Service Cross, the Distinguished Flying Cross, the Bronze Star military decoration or the Silver Star military decoration. Such persons may apply for a military decoration license plate for each vehicle with a rated carrying capacity of one (1) ton or less;

14. Vietnam Veteran License Plates - such plates shall be designed for honorably discharged or present members of the United States Armed Forces who served in the Vietnam Conflict. Such persons may apply for a Vietnam veteran license plate for each vehicle with a rated carrying capacity of one (1) ton or less;

15. Police Officer License Plates - such plates shall be designed for any currently employed or retired municipal police officer. Police officers may apply for police officer license plates for vehicles with a rated capacity of one (1) ton or less or for a motorcycle upon proof of employment by or retirement from a municipal police department by either an identification card or letter from the chief of the police department or the Oklahoma Police Pension and Retirement Board. Retirees who are eligible for such plates shall provide proof of eligibility upon initial application, but shall not be required to provide proof of eligibility annually. The license plates shall be designed in consultation with municipal police departments of this state; provided, the license plate for motorcycles may be of similar design to the license plate for motor vehicles or may be a new design in order to meet space requirements for a motorcycle license plate;

16. World War II Veteran License Plates - such plates shall be designed to honor honorably discharged former members of the United States Armed Forces who are residents of this state and who can be verified by the Oklahoma Military Department, the Department of Veterans Affairs or the Armed Forces of the United States as having served on federal active duty anytime during the period from September 16, 1940, to December 7, 1945. The former members may apply for a World War II Veteran license plate for vehicles with a rated carrying capacity of one (1) ton or less.

The license plate shall have the legend "Oklahoma" and shall contain, in the center of the plate, either the Thunderbird Insignia of the 45th Infantry Division in the prescribed red and gold coloring or the emblem of the Army, Navy, Air Force, Marines or Coast Guard according to the branch of service to which the member belonged. For the purpose of license plate identification, the plate shall contain four digits, two digits at the left and two digits at the right of the insignia or emblem. Centered on the bottom of the license plate shall be the words "WORLD WAR II";

17. Korean War Veteran License Plates - such plates shall be designed to honor honorably discharged former members of the United States Armed Forces who are residents of this state and who can be verified by the Oklahoma Military Department, the Department of Veterans Affairs or the Armed Forces of the United States as having served on federal active duty anytime during the period from June 27, 1950, to January 31, 1955, both dates inclusive. The former members may apply for a Korean War Veteran license plate for vehicles with a rated carrying capacity of one (1) ton or less.

The license plate shall have the legend "OKLAHOMA" and shall contain, in the center of the plate, either the Thunderbird Insignia of the 45th Infantry Division in the prescribed red and gold coloring or the emblem of the Army, Navy, Air Force, Marines or Coast Guard according to the branch of service to which the member belonged. For the purpose of license plate identification, the plate shall contain four digits, two digits at the left and two digits at the right of the insignia or emblem. Centered on the bottom of the license plate shall be the word "KOREA";

18. Municipal Official License Plates - such plates shall be designed for persons elected to a municipal office in this state and shall designate the name of the municipality

and the district or ward in which the municipal official serves. The plates shall only be produced upon application;

19. Red Cross Volunteer License Plates - such plates shall be designed to honor American Red Cross volunteers and staff who are residents of this state. Such persons must present an identification card issued by the American Red Cross and bearing a photograph of the person. The license plate shall be designed with the assistance of the American Red Cross and shall have the legend "Oklahoma OK!" in the color Pantone 186C Red. Below the legend the symbol of the American Red Cross and no more than three letters and three numbers shall be in the color Pantone 186C Red. Below the symbol and letters and numbers shall be the words "American Red Cross" in black. The plates shall not be subject to the design requirements of any other license plates prescribed by law other than the space for the placement of the yearly decals for each succeeding year of registration after the initial issue;

20. Veterans of Foreign Wars License Plates - such plates shall be designed to honor the veterans of foreign wars and issued to any resident of this state who is a member of a Veterans of Foreign Wars organization in this state. Such persons may apply for Veterans of Foreign Wars license plates upon proof of membership in a Veterans of Foreign Wars organization. The license plate shall be designed in consultation with the Veterans of Foreign Wars organization;

21. Desert Storm License Plates - such plates shall be designed and issued to any honorably discharged or present member of the United States Armed Forces who served in the Persian Gulf Crisis and the Desert Storm operation. Such persons may apply for a Desert Storm license plate for each vehicle with a rated carrying capacity of one (1) ton or less;

22. Military Reserve Unit License Plates - such plates shall be designed and issued to any honorably discharged or present member of a reserve unit of the United States Armed Forces. Such persons may apply for a Military Reserve Unit license plate for each vehicle with a rated carrying capacity of one (1) ton or less;

23. Oklahoma City Bombing Victims and Survivors License Plates - such plates shall be designed and issued to any victim or survivor of the bombing attack on the Alfred P. Murrah Federal Building in downtown Oklahoma City on April 19, 1995;

24. Civil Air Patrol License Plates - such plates shall be designed and issued to any person who is a member of the Civil Air Patrol. Such persons may apply for a Civil Air Patrol license plate for each vehicle with a rated carrying capacity of one (1) ton or less upon proof of membership in the Civil Air Patrol. The license plate shall be designed in consultation with the Civil Air Patrol;

25. Ninety-Nines License Plates - such plates shall be designed and issued to members of the Ninety-Nines. Persons applying for such license plate must show proof of membership in the Ninety-Nines. The license plates shall be designed in consultation with the Ninety-Nines;

26. Combat Infantryman Badge License Plates – such plates shall be designed to honor recipients of the Combat Infantryman Badge. The plate shall have the legend "Oklahoma OK". Below the legend shall be the Combat Infantryman Badge and three numbers. Below the badge and the numbers shall be the words "Combat Infantryman Badge". Such persons may apply for a Combat Infantryman Badge license plate for each vehicle with a rated carrying capacity of one (1) ton or less;

27. Somalia Combat Veterans License Plates – such plates shall be designed and issued to any honorably discharged or present member of the United States Armed Forces who saw combat in the United Nations relief effort. Such persons may apply for a Somalia Combat Veteran license plate for each vehicle with a rated carrying capacity of one (1) ton or less;

28. Police Chaplain License Plates – such plates shall be designed and issued to members of the International Conference of Police Chaplains (ICPC) who have completed the ICPC requirements for basic certification as a police chaplain. The license plates shall be designed in consultation with the ICPC;

29. Joint Service Commendation Medal License Plates – such plates shall be designed and issued to any resident of this state who has been awarded the Joint Service Commendation Medal by the United States Secretary of Defense;

30. Merchant Marine License Plates - such plates shall be designed, subject to criteria to be presented to the Tax Commission by the Oklahoma Department of Veterans Affairs, and issued to any person who during combat was a member of the Merchant Marines as certified by the Oklahoma Department of Veterans Affairs. Such license plate may be issued for each vehicle with a rated carrying capacity of one (1) ton or less;

31. Legislative License Plates - such plates shall be designed for persons elected to the Oklahoma Legislature and shall designate the house of the Legislature in which the legislator serves and the district number;

32. Disabled Veterans License Plates - such plates shall be designed for persons presenting proper certification from the United States Department of Veterans Affairs or the Armed Forces of the United States certifying such veteran has a service-connected disability rating of fifty percent (50%) or more, regardless which agency pays the disability benefits, or that such veteran has been awarded a vehicle by the United States government or receives a grant from the United States Department of Veterans Affairs for the purchase of an automobile due to a service-connected disability rating or due to the loss of use of a limb or an eye. Such persons may apply to the Tax Commission for a disabled veterans license plate or to a motor license agent for a regular license plate for no more than two vehicles with each vehicle having a rated carrying capacity of one (1) ton or less. The surviving spouse of any deceased disabled veteran, if the spouse has not since remarried, or if remarried, the remarriage is terminated by death, divorce, or annulment, may apply for a disabled veterans license plate for one vehicle with a rated carrying capacity of one (1) ton or less. The fee provided by this section for the special license plate authorized by this paragraph shall be in addition to all other registration fees provided by law, except the registration fees levied by Section 1132 of this title. The total expense of this license plate shall not exceed Five Dollars (\$5.00).

If the person qualifies for a disabled veterans license plate and is also eligible for an insignia as a physically disabled person under the provisions of Section 15-112 of this title, the person shall be eligible to receive a disabled veterans license plate that also displays the international accessibility symbol, which is a stylized human figure in a wheelchair. Upon the death of the disabled veteran with a disabled veterans license plate with the international accessibility symbol, the plate shall be returned to the Tax Commission;

33. United States Air Force Association License Plates - such plates shall be designed for members of the United States Air Force Association. Persons applying for

such license plate must show proof of membership in the Association. The license plates shall be designed in consultation with the Association;

34. Oklahoma Military Academy Alumni License Plates - such plates shall be designed and issued to any resident of this state who is an alumnus of the Oklahoma Military Academy. Such persons may apply for an Oklahoma Military Academy Alumnus license plate for each vehicle with a rated carrying capacity of one (1) ton or less. The license plates shall be designed in consultation with the Oklahoma Military Academy and shall contain the shield of the Academy;

35. Amateur Radio Operator License Plates – such plates shall be designed and issued to any person, holding a valid operator's license, technician class or better, issued by the Federal Communications Commission, and who is also the owner of a motor vehicle currently registered in Oklahoma, in which has been installed amateur mobile transmitting and receiving equipment. Eligible persons shall be entitled to two special vehicle identification plates as herein provided. Application for such identification plates shall be on a form prescribed by the Oklahoma Tax Commission and the plates issued to such applicant shall have stamped thereon the word "Oklahoma" and bear the official call letters of the radio station assigned by the Federal Communications Commission to the individual amateur operator thereof. All applications for such plates must be made to the Oklahoma Tax Commission on or before the first day of October of any year for such plates for the following calendar year and must be accompanied by the fee required in this section together with a certificate, or such other evidence as the Tax Commission may require, of proof that applicant has a valid technician class or better amateur operator's license and proof of his ownership of a vehicle in which radio receiving and transmitting equipment is installed. Applicants shall only be entitled to one set of special identification plates in any one (1) year, and such calendar year shall be stamped thereon. The right to such special identification plates herein provided for shall continue until the amateur radio operator's license of the person to whom such plates are issued expires or is revoked;

36. American Legion License Plates - such plates shall be designed for members of the American Legion. Persons applying for such license plate must show proof of membership. The license plates shall be designed in consultation with the American Legion of Oklahoma;

37. Deputy Sheriff License Plates - such plates shall be designed for any currently employed or retired county sheriff or deputy sheriff. County sheriffs or deputy sheriffs may apply for such plates for vehicles with a rated capacity of one (1) ton or less upon proof of employment by or retirement from a county sheriff's office by either an identification card or letter from the county sheriff or a government-sponsored retirement board from which the county sheriff or deputy sheriff may be receiving a pension. Retirees who are eligible for such plates shall provide proof of eligibility upon initial application, but shall not be required to provide proof of eligibility annually. The license plates shall be designed in consultation with the county sheriff offices of this state;

38. Surviving Spouse License Plates – such plates shall be designed for any resident of this state who is the surviving spouse of an honorably discharged veteran who died due to or as a consequence of a service-connected disability. Such surviving spouse may, if not since remarried, or if remarried, the remarriage is terminated by death, divorce or annulment, apply for a Surviving Spouse license plate for one vehicle with a rated carrying capacity of one (1) ton or less;

39. Gold Star Survivor License Plates – such plates shall be designed to honor the surviving spouses of qualified veterans. As used in this paragraph, “qualified veteran” shall mean:

- a. any person honorably discharged from any branch of the United States Armed Forces or as a member of the Oklahoma National Guard, who died as a direct result of the performance of duties for any branch of the United States Armed Forces or Oklahoma National Guard while on active military duty, or
- b. any person honorably discharged from any branch of the United States Armed Forces or as a member of the Oklahoma National Guard, who died as a result of injury, illness or disease caused by the performance of such duties while on active duty, whether the death occurred while on active duty or after the honorable discharge of such person;

40. Korea Defense Service Medal License Plates – such plates shall be designed and issued to any resident of this state who has been awarded the Korea Defense Service Medal by the United States Secretary of Defense. Such persons may apply for a Korea Defense Service Medal license plate for each vehicle with a rated carrying capacity of one (1) ton or less; ~~and~~

41. 180th Infantry License Plates – such plates shall be designed for members and prior members of the 180th Infantry. Persons applying for such license plate must obtain and provide proof of their membership from the 180th Infantry Association. The license plates shall be designed in consultation with the 180th Infantry; ~~and~~

42. Operation Enduring Freedom Veteran License Plates - such plates shall be designed and issued to any honorably discharged or present member of the United States Armed Forces who served in Operation Enduring Freedom. Such persons may apply for an Operation Enduring Freedom Veteran license plate for each vehicle with a rated carrying capacity of one (1) ton or less.

C. Unless otherwise provided by this section, the fee for such plates shall be Eight Dollars (\$8.00) and shall be in addition to all other registration fees provided by the Oklahoma Vehicle License and Registration Act. Such fees shall be deposited in the Oklahoma Tax Commission Reimbursement Fund to be used for the administration of the Oklahoma Vehicle License and Registration Act.” and by renumbering subsequent sections, which amendment was declared adopted.

Senator Sparks moved that **SB 2078** be advanced, which motion was declared adopted.

THIRD READING

SB 2078 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, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--47.

Excused: Crutchfield.--1.

The bill passed.

SB 2078 was referred for engrossment.

GENERAL ORDER

SB 2106 by Jolley et al of the Senate and Terrill of the House was called up for consideration.

Senator Jolley moved that **SB 2106** be advanced, which motion was declared adopted.

THIRD READING

SB 2106 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, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--47.

Excused: Crutchfield.--1.

The bill passed.

SB 2106 was referred for engrossment.

GENERAL ORDER

SB 2061 by Bass of the Senate and Peters of the House was called up for consideration.

Senator Bass moved that **SB 2061** be advanced, which motion was declared adopted.

THIRD READING

SB 2061 was read for the third time at length.

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

Aye: Adelson, Aldridge, Anderson, Barrington, Bass, Bingman, Branan, Burrage, Coates, Coffee, Corn, Crain, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Paddack, Rabon, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--40.

Nay: Ballenger, Brogdon, Brown, Justice, Myers, Nichols and Reynolds.--7.

Excused: Crutchfield.--1.

The bill passed.

SB 2061 was referred for engrossment.

GENERAL ORDER

SB 1870 by Johnson (Mike) and Corn of the Senate and Thompson of the House was called up for consideration.

Senator Johnson (Mike) moved that **SB 1870** be advanced, which motion was declared adopted.

THIRD READING

SB 1870 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, 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.--47.

Excused: Crutchfield.--1.

The bill and emergency passed.

SB 1870 was referred for engrossment.

GENERAL ORDER

SB 1656 by Johnson (Constance) of the Senate and Cox of the House was called up for consideration.

Senator Johnson (Constance) moved that **SB 1656** be advanced, which motion was declared adopted.

THIRD READING

SB 1656 was read for the third time at length.

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

Aye: Adelson, Anderson, Ballenger, Barrington, Bass, Bingman, Brogdon, Brown, Burrage, Coates, Corn, Easley, Eason McIntyre, Garrison, Gumm, Ivester, Johnson (C), Justice, Lamb, Laster, Leftwich, Lerblance, Morgan, Nichols, Paddock, Rabon, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Wilson and Wyrick.--35.

Nay: Aldridge, Branan, Coffee, Crain, Ford, Johnson (M), Jolley, Laughlin, Mazzei, Myers, Reynolds and Williamson.--12.

Excused: Crutchfield.--1.

The bill passed.

SB 1656 was referred for engrossment.

MESSAGE FROM THE HOUSE

Advising that pursuant to Article 5, Section 30 of the Oklahoma Constitution, the House requests that the Honorable Senate consent to the adjournment of the House of Representatives for more than three days beginning on Thursday, March 20, 2008 and ending on Monday, March 24, 2008.

GENERAL ORDER

SB 1738 by Schulz of the Senate and Covey of the House, previously amended on Page 758, was called up for further consideration.

Senator Schulz moved that **SB 1738** be advanced, which motion was declared adopted.

THIRD READING

SB 1738 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, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--47.

Excused: Crutchfield.--1.

The bill passed.

SB 1738 was referred for engrossment.

GENERAL ORDER

SB 1822 by Eason McIntyre of the Senate and Blackwell of the House was called up for consideration.

Senator Eason McIntyre moved that **SB 1822** be advanced, which motion was declared adopted.

THIRD READING

SB 1822 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, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--47.

Excused: Crutchfield.--1.

The bill passed.

SB 1822 was referred for engrossment.

REQUEST TO RECESS

Pursuant to Article 5, Section 20 of the Oklahoma Constitution, the Senate requests the Honorable House to consent to the adjournment of the Senate for more than three days beginning on Thursday, March 20, 2008 and ending on Monday, March 24, 2008, and grants requests of the Honorable House to do the same.

GENERAL ORDER

SB 2102 by Sparks of the Senate and Martin (Scott) of the House was called up for consideration.

Senator Sparks moved that **SB 2102** be advanced, which motion was declared adopted.

THIRD READING

SB 2102 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, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--47.

Excused: Crutchfield.--1.

The bill passed.

SB 2102 was referred for engrossment.

GENERAL ORDER

SB 2163 by Leftwich and Adelson of the Senate and Peters and Hamilton of the House was called up for consideration.

Senators Eason McIntyre, Williamson and Wilson and Representatives Denney, Sullivan, Joyner and Tibbs asked to coauthor **SB 2163**, which was the order.

Senator Leftwich moved to amend **SB 2163**, 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 Lerblance moved to amend the floor substitute to **SB 2163**, Page 9, Lines 17 through 19, by deleting all new language after the period on Line 17 through the period on Line 19, which amendment was declared adopted.

Senator Leftwich moved that **SB 2163** be advanced, which motion was declared adopted.

THIRD READING

SB 2163 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, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--47.

Excused: Crutchfield.--1.

The bill passed.

SB 2163 was referred for engrossment.

GENERAL ORDER

SB 1663 by Sykes of the Senate and Reynolds of the House was called up for further consideration.

Senator Sykes moved that **SB 1663** be advanced, which motion was declared adopted.

THIRD READING

SB 1663 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 1663 was referred for engrossment.

MOTION TO RECONSIDER VOTE

Senator Coffee moved to reconsider the vote whereby **SB 1698** failed, which motion was declared adopted upon roll call 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, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--47.

Excused: Crutchfield.--1.

THIRD READING

SB 1698 was read for the third time at length.

Senator Coffee asked that **SB 1698** be laid over for this legislative day, which was the order.

SB 1698 remains on Third Reading.

GENERAL ORDER

SB 2082 by Rabon of the Senate and Roan of the House was called up for consideration.

Senator Schulz asked to coauthor **SB 2082**, which was the order.

Senator Rabon moved that **SB 2082** be advanced, which motion was declared adopted.

THIRD READING

SB 2082 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, 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.--47.

Excused: Crutchfield.--1.

The bill and emergency passed.

SB 2082 was referred for engrossment.

GENERAL ORDER

SB 1887 by Johnson (Constance) of the Senate and Liebmann of the House was called up for consideration.

Senator Johnson (Constance) moved to amend **SB 1887**, Page 1, by striking the title, which amendment was declared adopted.

Senator Johnson (Constance) moved that **SB 1887** be advanced, which motion was declared adopted.

THIRD READING

SB 1887 was read for the third time at length.

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

Aye: Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Crain, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Williamson, Wilson and Wyrick.--42.

Nay: Adelson, Corn, Laster, Rabon and Wilcoxson.--5.

Excused: Crutchfield.--1.

The bill passed.

SB 1887 was referred for engrossment.

GENERAL ORDER

SB 1926 by Crain of the Senate and Winchester of the House was called up for consideration.

Senator Crain moved that **SB 1926** be advanced, which motion was declared adopted.

THIRD READING

SB 1926 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, Morgan, Myers, Nichols, Paddack, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--46.

Excused: Crutchfield and Rabon.--2.

The bill passed.

SB 1926 was referred for engrossment.

Senator Laster moved that the Senate recess until 1:15 p.m., which motion was declared adopted.

*

The Senate reconvened with Senator Williamson presiding.

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

MESSAGE FROM THE HOUSE

Advising passage of and transmitting for consideration Engrossed **HBs 1678, 2231, 2238, 2273, 2485, 2501, 2535, 2561, 2568, 2640, 2693, 2702, 2729, 2764, 2819, 2823, 2889, 2956, 2957, 2989, 3118, 3123, 3196, 3275, 3341 and 3384** and **HJR 1065 and 1074**.

HB 1678 – By Hickman, Denney, Ellis, Luttrell, McMullen, Martin (Steve) and Billy of the House and Myers of the Senate.

(revenue and taxation - exemption for certain individuals establishing residence within state - effective date)

HB 2231 – By Murphey of the House and Branan of the Senate.

An Act relating to roads, bridges and ferries; amending 69 O.S. 2001, Sections 1229 and 1232, which relate to right-of-way corners; removing requirement for placement of certain markers by the Department of Transportation; modifying application of certain provisions; repealing 69 O.S. 2001, Section 1231, which relates to right-of-way corners; and providing an effective date.

HB 2238 – By Schwartz of the House and Johnson (Mike) of the Senate.

An Act relating to waters and water rights; amending 82 O.S. 2001, Section 105.10, which relates to stream water use; prohibiting changes to identity of an applicant without approval; providing an exception; modifying date for pending applications; modifying review process of pending applications; and declaring an emergency.

HB 2273 – By Miller and Jones of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.

(state government - amending 74 O.S., Sections 174 and 175 - eleemosynary institutions - effective date)

HB 2485 – By Proctor, BigHorse and Pittman of the House and Corn of the Senate.

(higher education - Oklahoma State Regents for Higher Education - certain policy on residency for dependents of certain federal government employees – noncodification – emergency)

HB 2501 – By Adkins of the House and Lamb of the Senate.

An Act relating to aircraft and airports; amending 3 O.S. 2001, Section 254.1, as amended by Section 1, Chapter 67, O.S.L. 2003, Section 1, Chapter 286, O.S.L. 2004, as last amended by Section 1, Chapter 198, O.S.L. 2007, Section 2, Chapter 286, O.S.L. 2004, as amended by Section 2, Chapter 107, O.S.L. 2005, Section 3, Chapter 286, O.S.L. 2004, as amended by Section 3, Chapter 107, O.S.L. 2005, Section 4, Chapter 286, O.S.L. 2004, as last amended by Section 2, Chapter 198, O.S.L. 2007 and Section 3, Chapter 198, O.S.L. 2007 (3 O.S. Supp. 2007, Sections 254.1, 254.2, 254.3, 254.4, 254.5 and 254.6), which relate to the registration of aircraft; requiring dealer license to sell certain aircraft; adding web sites as evidence of proof of bona fide dealer status; specifying requirements and penalties for failing to make an application for renewal of license; modifying definitions; expanding list of certain prohibited contractual activities; modifying list of occurrence of

certain activities; modifying items that a manufacturer shall purchase under certain conditions; prohibiting denial of a right of action to a dealer if certain contractual conditions occur; providing for continuation as a dealer if the entity was considered a dealer as of a certain date; specifying parties to certain agreements or contracts; updating statutory references; and providing an effective date.

HB 2535 – By McCullough and Shumate of the House and Bingman of the Senate.
(revenue and taxation - tax credit - charitable organizations – codification - effective date)

HB 2561 – By Martin (Steve) of the House and Justice of the Senate.
An Act relating to revenue and taxation; amending 68 O.S. 2001, Sections 1627 and 1628, which relate to fireworks; prohibiting certain acts with fireworks on public roads and rights-of-way; providing for county option; providing for distribution of fine; and providing an effective date.

HB 2568 – By Peterson (Pam), BigHorse, Pittman and Shumate of the House and Anderson of the Senate.
An Act relating to children; amending 10 O.S. 2001, Section 1150.2, as last amended by Section 1, Chapter 42, O.S.L. 2006 (10 O.S. Supp. 2007, Section 1150.2), which relates to the Child Death Review Board; expanding powers and duties; amending 22 O.S. 2001, Section 1601, as amended by Section 1, Chapter 20, O.S.L. 2007 (22 O.S. Supp. 2007, Section 1601), which relates to the Domestic Violence Fatality Review Board; providing for joint review of certain cases with the Child Death Review Board; providing for access to certain records of the Child Death Review Board; providing an effective date; and declaring an emergency.

HB 2640 – By Peters of the House and Crain of the Senate.
An Act relating to criminal procedure; amending 22 O.S. 2001, Section 7, which relates to the code of criminal procedure; allowing use of electronic signatures; defining term; and providing an effective date.

HB 2693 – By Roan, Hickman, Turner, Brown, Hilliard, Hoskin, Kiesel and Faught of the House and Paddock of the Senate.
An Act relating to public health and safety; providing for payment of death benefit to certain beneficiaries of emergency medical technicians; prescribing procedures for payment; creating Emergency Medical Technician Death Benefit Revolving Fund; providing for apportionment of certain monies to fund; providing for expenditures from fund and prescribing procedures related thereto; providing for imposition of license application and renewal fee for emergency medical technician licenses; providing for termination of fee; providing for apportionment of fee to Emergency Medical Technician Death Benefit Revolving Fund; amending 68 O.S. 2001, Section 2358, as last amended by Section 37 of Enrolled Senate Bill No. 1830 of the 2nd Session of the 51st Oklahoma Legislature, which relates to adjustments to Oklahoma taxable income; providing exemption for certain death benefits; providing for codification; providing an effective date; and declaring an emergency.

HB 2702 – By Steele of the House and Laster of the Senate.

(water and water resources - Oklahoma Water Conservation Grant Program Act – codification - effective date – emergency)

HB 2729 – By Armes, McMullen, Jett and Hickman of the House and Wyrick of the Senate.

An Act relating to agriculture; authorizing the Oklahoma Department of Agriculture, Food, and Forestry to take possession of certain farm-related property; providing for forfeiture proceedings; providing for return of property if action is not filed; specifying notice procedures; providing for hearing if answer is filed; providing for rights of certain claimants; providing for release upon certain determination; providing for attorney fees; providing for disposal; providing for proceeds of seized possessions; providing for retention of property; creating the Agriculture Evidence and Law Enforcement Fund; providing for revenues; providing for use; providing for expenditures; providing maximum amount for balance on deposit; amending 4 O.S. 2001, Section 270.2, which relates to enforcement of laws pertaining to livestock; authorizing agriculture law enforcement agents to enforce laws; amending 47 O.S. 2001, Section 4-103, which relates to receiving or disposing of a vehicle; adding violations relating to implement of husbandry as felony; providing for codification; and providing an effective date.

HB 2764 – By Cox of the House and Crain and Adelson of the Senate.

An Act relating to professions and occupations; amending 59 O.S. 2001, Sections 353.7, as last amended by Section 17, Chapter 523, O.S.L. 2004, 353.11, as last amended by Section 19, Chapter 523, O.S.L. 2004, 353.13, as amended by Section 2, Chapter 18, O.S.L. 2005, 353.24, as last amended by Section 1, Chapter 40, O.S.L. 2005 and 353.26, as last amended by Section 22, Chapter 523, O.S.L. 2004 (59 O.S. Supp. 2007, Sections 353.7, 353.11, 353.13, 353.24 and 353.26), which relate to the Oklahoma Pharmacy Act; modifying powers and duties of the Board of Pharmacy; providing for disciplinary actions; providing for payment of certain costs; modifying renewal of registration; modifying management of pharmacy; modifying unlawful acts; modifying basis for revocation, suspension, reprimand or probation; providing that confidential information is not subject to subpoena or discovery; providing exception; and providing an effective date.

HB 2819 – By Sullivan of the House and Williamson of the Senate.

An Act relating to electronic signatures; amending 11 O.S. 2001, Section 28-113.1, which relates to municipal prosecutions by verified complaint; defining and providing statutory reference for certain term; amending 22 O.S. 2001, Section 7, which relates to the definition of signature; adding digital and electronic signature to definition; amending 22 O.S. 2001, Section 303, as amended by Section 9, Chapter 275, O.S.L. 2004 (22 O.S. Supp. 2007, Section 303), which relates to subscription, endorsement and verification of complaint and information; defining and providing statutory reference for certain term; and providing an effective date.

HB 2823 – By Sears and Sullivan of the House and Crain of the Senate.

An Act relating to courts; amending 20 O.S. 2001, Section 1310.1, as amended by Section 1, Chapter 5, O.S.L. 2003 (20 O.S. Supp. 2007, Section 1310.1), which relates to

the Supreme Court Revolving Fund; modifying purpose of Fund; providing for appropriated funding for the operation of the alternative dispute resolution system; authorizing certain expenditures by the Supreme Court to obtain grants or federal aid; providing for codification; providing an effective date; and declaring an emergency.

HB 2889 – By Piatt, Hilliard and Hyman of the House and Crutchfield of the Senate.
(higher education - Ardmore Higher Education Program - Murray State College - repealing 70 O.S., Section 3213 - effective date – emergency)

HB 2956 – By Tibbs, Coody, Cooksey, Derby, Duncan, Liebmann, Peterson (Pam), Reynolds, Terrill and Wright of the House and Reynolds of the Senate.

An Act relating to elections; amending 26 O.S. 2001, Sections 7-114 and 14-115.4, as last amended by Section 8, Chapter 307, O.S.L. 2004 (26 O.S. Supp. 2007, Section 14-115.4), which relate to voting; requiring presentment of proof of identity when voting; providing for proof of identity; allowing persons without proof of identity to vote and providing procedure therefore; providing penalty for false statements; and providing an effective date.

HB 2957 – By Tibbs, Kiesel, McCarter, Roan and Braddock of the House and Lerblance of the Senate.

An Act relating to parole; amending 57 O.S. 2001, Section 332.16, which relates to time limitations for acting on paroles; clarifying time limitations; deeming parole recommendation granted if action not taken within certain time period; providing an exception; requiring review and parole recommendation for certain crimes; and providing an effective date.

HB 2989 – By McDaniel (Jeannie), BigHorse, Pittman and Shumate of the House and Crain of the Senate.

An Act relating to state government; authorizing state agencies to establish a wellness program for employees; providing for certain limitations; providing for codification; and providing an effective date.

HB 3118 – By Jones, Kern and Terrill of the House and Williamson of the Senate.
(schools – Academic Achievement Award (AAA) program – effective date – emergency)

HB 3123 – By Jones of the House and Garrison of the Senate.

An Act relating to public buildings and public works; amending 61 O.S. 2001, Section 202.1, as last amended by Section 28, Chapter 271, O.S.L. 2006 and Section 1, Chapter 414, O.S.L. 2002, as amended by Section 33, Chapter 271, O.S.L. 2006 (61 O.S. Supp. 2007, Sections 202.1 and 220), which relate to design-build and at-risk construction management project delivery methods; limiting certain prohibitions for the design-build and at-risk construction management project delivery methods to certain projects; exempting projects by school districts, technology center school districts, or higher education institutions from certain prohibitions; limiting construction manager criteria to certain projects; defining certain term; recognizing certain qualifications for construction managers

selected by school districts; limiting certain provisions to certain projects; allowing a construction manager at-risk to provide all bonds and proof of insurance; and declaring an emergency.

HB 3196 – By Denney, Dorman, Morrisette, Shumate, Terrill, Coody and Martin (Steve) of the House and Barrington of the Senate.

(revenue and taxation - amending 68 O.S., Section 2358 - computation of taxable income - effective date)

HB 3275 – By Joyner and Duncan of the House and Nichols of the Senate.

An Act relating to counties and county officers; amending 19 O.S. 2001, Sections 215.4 and 215.28, which relate to district attorneys; modifying persons who may assist the district attorney; removing District Attorneys Council from the Office of the Attorney General; and providing an effective date.

HB 3341 – By Thompson, Dorman, Shumate and Tibbs of the House and Barrington of the Senate.

An Act relating to state government; enacting the Fire Safety Standard and Firefighter Protection Act; defining terms; prohibiting sale or offers for sale of certain cigarettes without certain prior testing; prescribing procedures for testing; prescribing requirements for cigarettes with lowered permeability bands; prescribing procedures for the Office of the State Fire Marshal with respect to certain cigarettes; requiring copies of reports by manufacturers; authorizing civil penalties; authorizing State Fire Marshal to adopt certain standards; requiring reports by State Fire Marshal; prescribing procedures for disposition of existing inventory; authorizing sale of cigarettes for certain consumer testing; providing for implementation of act in accordance with certain laws; requiring written certifications and prescribing content thereof; requiring description of cigarettes; providing certifications to be made available to Attorney General and to Oklahoma Tax Commission; requiring State Fire Marshal to develop certain directory; providing for effect of directory listing; requiring recertification within certain period; imposing fee; establishing Fire Safety Standard and Firefighter Protection Act Enforcement Fund; providing for deposit of monies; requiring retesting process under certain conditions; requiring marking procedures; prescribing requirements for markings; requiring copies of certification to be provided by manufacturers; imposing civil penalties for certain actions with respect to cigarettes; imposing limits on penalty amounts; imposing penalty for false certifications; imposing penalty for other violations of act; providing certain cigarettes subject to forfeiture; authorizing civil actions; providing for remedies; authorizing seizure of certain cigarettes; prescribing procedures for disposition of seized cigarettes; authorizing State Fire Marshal to promulgate rules; authorizing certain inspections by Oklahoma Tax Commission; authorizing certain entities and law enforcement personnel to make examinations; requiring persons to provide means for facilitation of examinations; establishing the Cigarette Fire Safety Standard and Firefighter Protection Act Fund; providing for deposit of monies; providing for expenditures; providing for construction of act; providing for cessation of effect for statutory provisions under certain circumstances; prescribing limitations upon local government entities; providing for codification; and providing effective dates.

HB 3384 – By Cooksey of the House and Corn of the Senate.

An Act relating to prisons and reformatories; amending 57 O.S. 2001, Sections 513, 513.1, as amended by Section 6, Chapter 294, O.S.L. 2006, 537 and 549, as last amended by Section 8, Chapter 294, O.S.L. 2006 (57 O.S. Supp. 2007, Sections 513.1 and 549), which relate to the Oklahoma Corrections Act of 1967; updating language; clarifying procedure for disbursement of funds to discharged prisoners; deleting petty cash fund amounts for specified facilities; creating certain fund; authorizing certain persons to limit the amount for the petty cash fund; prescribing rules and procedures for use of certain fund; requiring development of written policies for petty cash disbursements; clarifying duties of certain Board; providing for the establishment of canteen operations at correctional facilities; modifying procedures for canteen operations; requiring disbursements be made by vouchers and payable through certain entity; providing procedure for disposal of records; modifying accounting procedures; making certain purchases exempt from The Oklahoma Central Purchasing Act; directing profits be used for certain purpose; creating the Department of Corrections Inmate and Employee Welfare and Canteen System Support Revolving Fund; stating purpose of fund; stating expenditure requirements; providing for transfer of certain cash balances; providing for deposit of profits into certain fund; clarifying canteen procedures for disbursements; modifying duties of the State Board of Corrections; authorizing investment of certain funds; providing procedures for inmate interest-bearing savings accounts; requiring approval for transferring certain funds; requiring implementation of rules and procedures for certain accounts and transfer of funds; providing for codification; and providing an effective date.

HJR 1065 – By Winchester, Dorman and Shumate of the House and Sparks of the Senate.

A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection a proposed amendment to the Constitution of the State of Oklahoma by adding a new Section 55A to Article V; authorizing Contingency Review Board to act upon requests related to monies contained in the Oklahoma Opportunity Fund; authorizing Contingency Review Board to act notwithstanding certain provisions of the Oklahoma Constitution; providing ballot title; and directing filing.

HJR 1074 – By Martin (Scott) and Jett of the House and Corn of the Senate.

An Act directing the Secretary of State to refer to the people for their approval or rejection proposed amendments to the Constitution of the State of Oklahoma by adding a new section to Article VI and by amending Sections 10 and 31a of Article VI, Section 2 of Article XIII-A, Section 3 of Article XXV, Section 1 of Article XXVI and Section 1 of Article XXVIII; providing the Governor certain appointment and removal powers; making certain agencies, boards, and commissions subject to specified appointment and removal power of the Governor; providing ballot title; and directing filing.

The above-numbered measures were read the first time.

GENERAL ORDER

SB 1575 by Jolley of the Senate and Worthen of the House was called up for consideration.

Senator Jolley asked unanimous consent, which was granted, to suspend Senate Rules 13-4 and 13-5D as they pertain to **SB 1575**.

Senator Jolley moved to amend **SB 1575**, Page 4, Line 8, by inserting before the period the following language: “, provided that nothing in this section shall in any way be construed as to limit the liability of the holder of a certificate of authority to provide an abstract of title compiled and certified to in accordance with the Oklahoma Abstractors Act”, which amendment was declared adopted.

Senator Jolley moved to amend **SB 1575**, Page 1, by restoring the title, which amendment was declared adopted.

Senator Jolley moved that **SB 1575** be advanced, which motion was declared adopted.

THIRD READING

SB 1575 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, 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, Wilcoxson, Williamson, Wilson and Wyrick.--44.

Excused: Coffee, Crain, Crutchfield and Rabon.--4.

The bill passed.

SB 1575 was referred for engrossment.

GENERAL ORDER

SB 1578 by Leftwich of the Senate and Jordan of the House was called up for consideration.

Senator Leftwich moved that **SB 1578** be advanced, which motion was declared adopted.

THIRD READING

SB 1578 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, 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, Wilcoxson, Wilson and Wyrick.--44.

Nay: Williamson.--1.

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

The bill passed.

SB 1578 was referred for engrossment.

GENERAL ORDER

SB 1992 by Nichols of the Senate and Terrill of the House was called up for consideration.

Senator Nichols moved to amend **SB 1992**, Page 1, by striking the title, which amendment was declared adopted.

Senator Nichols moved that **SB 1992** be advanced, which motion was declared adopted.

THIRD READING

SB 1992 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, 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, Wilcoxson, Williamson, Wilson and Wyrick.--45.

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

The bill passed.

SB 1992 was referred for engrossment.

GENERAL ORDER

SB 1383 by Johnson (Mike) of the Senate and Johnson (Rob) of the House was called up for consideration.

Senator Branan asked to coauthor **SB 1383**, which was the order.

Senator Ballenger moved to amend **SB 1383**, Page 7, Line 14 ½, by inserting a new Section 4 amending 68 O.S. Supp. 2007, Section 2358 and a new Section 5 adding an effective date for the new Section 4 of November 1, 2008, and by renumbering subsequent sections, which amendment was declared adopted upon roll call 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, Morgan, Myers, Nichols, Paddack, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--46.

Excused: Crutchfield and Rabon.--2.

Senator Johnson (Mike) moved that **SB 1383** be advanced, which motion was declared adopted.

THIRD READING

SB 1383 was read for the third time at length.

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

Aye: Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Crain, Ford, Garrison, Johnson (M), Jolley, Justice, Lamb, Laughlin, Mazzei, Myers, Nichols, Reynolds, Rice, Riley, Schulz, Sparks, Sykes, Wilcoxson and Williamson.--31.

Nay: Adelson, Corn, Easley, Eason McIntyre, Gumm, Ivester, Johnson (C), Laster, Leftwich, Lerblance, Morgan, Paddack, Rabon, Sweeden, Wilson and Wyrick.--16.

Excused: Crutchfield.--1.

The bill passed.

Senators Rabon and Paddack desired to vote Aye on the emergency.

On the question of passage of the emergency, the vote resulted as follows: Aye: 33; Nay: 14; Excused: 1.

The emergency passed.

Pursuant to Rule 13-22, Senator Johnson (Mike) served notice that the vote be reconsidered whereby **SB 1383** passed.

GENERAL ORDER

SB 1567 by Branan of the Senate and Joyner of the House was called up for consideration.

Senator Branan moved that **SB 1567** be advanced, which motion was declared adopted.

THIRD READING

SB 1567 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, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--47.

Excused: Crutchfield.--1.

The bill passed.

SB 1567 was referred for engrossment.

GENERAL ORDER

SB 1829 by Eason McIntyre and Johnson (Constance) of the Senate and Pittman of the House was called up for consideration.

Senator Eason McIntyre moved that **SB 1829** be advanced, which motion was declared adopted.

THIRD READING

SB 1829 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, 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.--47.

Excused: Crutchfield.--1.

The bill and emergency passed.

SB 1829 was referred for engrossment.

GENERAL ORDER

SB 2101 by Jolley of the Senate and Denney of the House was called up for consideration.

Senator Jolley moved that **SB 2101** be advanced, which motion was declared adopted.

THIRD READING

SB 2101 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, Barrington, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Crain, Eason McIntyre, Ford, Johnson (M), Jolley, Justice, Lamb, Laughlin, Mazzei, Morgan, Myers, Nichols, Paddack, Reynolds, Rice, Schulz, Sparks, Sykes, Wilcoxson and Williamson.--31.

Nay: Ballenger, Bass, Corn, Easley, Garrison, Gumm, Ivester, Johnson (C), Laster, Leftwich, Lerblance, Rabon, Riley, Sweeden, Wilson and Wyrick.--16.

Excused: Crutchfield.--1.

The bill passed and the emergency failed.

SB 2101 was referred for engrossment.

GENERAL ORDER

SB 1420 by Sparks of the Senate and Cox of the House was called up for consideration.

Senator Johnson (Constance) moved to amend **SB 1420**, Page 4, Line 16 ½, by inserting a new Section 8 to read as follows:

“SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-270 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created within the State Department of Health a statewide coordinated system of care for stroke, which shall include special focus and attention on timely access to care, diagnosis, and the most advanced treatment for persons most disproportionately affected by stroke. Such system, within existing funding limits, shall include, but shall not be limited to:

1. Partnerships with relevant associations;
2. Measures to raise awareness about the effects of uncontrolled high blood pressure and diabetes; and
3. Promotion of adherence to primary and secondary stroke recognition and prevention guidelines by health care professionals, including emergency medical services providers such as emergency medical responders and transport providers, and hospital emergency room and health clinic personnel.

B. The State Board of Health shall promulgate rules as necessary to implement the provisions of this section.” and by renumbering subsequent section, which amendment was declared adopted.

Senator Sparks moved that **SB 1420** be advanced, which motion was declared adopted.

THIRD READING

SB 1420 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, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--47.

Excused: Crutchfield.--1.

The bill passed.

SB 1420 was referred for engrossment.

GENERAL ORDER

SB 1709 by Coffee of the Senate and Blackwell of the House was called up for consideration.

Senator Corn moved to amend **SB 1709**, 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 Coffee moved that **SB 1709** be advanced, which motion was declared adopted.

THIRD READING

SB 1709 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, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--47.

Excused: Crutchfield.--1.

The bill passed.

SB 1709 was referred for engrossment.

GENERAL ORDER

SB 1553 by Gumm of the Senate and Jackson of the House was called up for consideration.

Senator Gumm moved to amend **SB 1553**, 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 Lerblance moved to amend the floor substitute to **SB 1553**, Page 8, Line 14 ½, by inserting a new Section 2 to read as follows:

“SECTION 2. AMENDATORY 74 O.S. 2001, Section 902, as last amended by Section 134, Chapter 1, O.S.L. 2005 (74 O.S. Supp. 2007, Section 902), is amended to read as follows:

Section 902. As used in Section 901 et seq. of this title:

- (1) “System” means the Oklahoma Public Employees Retirement System as established by this act and as it may hereafter be amended;
- (2) “Accumulated contributions” means the sum of all contributions by a member to the System which shall be credited to the member’s account;
- (3) “Act” means Sections 901 to 932, inclusive, of this title;
- (4) “Actuarial equivalent” means a deferred income benefit of equal value to the accumulated deposits or benefits when computed upon the basis of the actuarial tables in use by the System;
- (5) “Actuarial tables” means the actuarial tables approved and in use by the Board at any given time;
- (6) “Actuary” means the actuary or firm of actuaries employed by the Board at any given time;
- (7) “Beneficiary” means any person named by a member to receive any benefits as provided for by Section 901 et seq. of this title. If there is no beneficiary living at time of member employee’s death, the member’s estate shall be the beneficiary;
- (8) “Board” means the Oklahoma Public Employees Retirement System Board of Trustees;
- (9) “Compensation” means all salary and wages, as defined by the Board of Trustees, including amounts deferred under deferred compensation agreements entered into between a member and a participating employer, but exclusive of payment for overtime, payable to a member of the System for personal services performed for a participating employer but shall not include compensation or reimbursement for traveling, or moving expenses, or any compensation in excess of the maximum compensation level, provided:
 - (a) For compensation for service prior to January 1, 1988, the maximum compensation level shall be Twenty-five Thousand Dollars (\$25,000.00) per annum.
For compensation for service on or after January 1, 1988, through June 30, 1994, the maximum compensation level shall be Forty Thousand Dollars (\$40,000.00) per annum.
For compensation for service on or after July 1, 1994, through June 30, 1995, the maximum compensation level shall be Fifty Thousand Dollars (\$50,000.00) per annum; for compensation for service on or after July 1, 1995, through June 30, 1996, the maximum compensation level shall be Sixty Thousand Dollars (\$60,000.00) per annum; for compensation for service on or after July 1, 1996, through June 30,

1997, the maximum compensation level shall be Seventy Thousand Dollars (\$70,000.00) per annum; and for compensation for service on or after July 1, 1997, through June 30, 1998, the maximum compensation level shall be Eighty Thousand Dollars (\$80,000.00) per annum. For compensation for services on or after July 1, 1998, there shall be no maximum compensation level for retirement purposes.

- (b) Compensation for retirement purposes shall include any amount of elective salary reduction under Section 457 of the Internal Revenue Code of 1986 and any amount of ~~non-elective~~ nonelective salary reduction under Section 414(h) of the Internal Revenue Code of 1986.
- (c) Notwithstanding any provision to the contrary, the compensation taken into account for any employee in determining the contribution or benefit accruals for any plan year is limited to the annual compensation limit under Section 401(a)(17) of the federal Internal Revenue Code.
- (d) Current appointed members of the Oklahoma Tax Commission whose salary is constitutionally limited and is less than the highest salary allowed by law for his or her position shall be allowed, within ninety (90) days from the effective date of this act, to make an election to use the highest salary allowed by law for the position to which the member was appointed for the purposes of making contributions and determination of retirement benefits. Such election shall be irrevocable and be in writing. ~~Re-appointment~~ Reappointment to the same office shall not permit a new election. Members appointed to the Oklahoma Tax Commission after the effective date of this act shall make such election, pursuant to this subparagraph, within ninety (90) days of taking office;

(10) "Credited service" means the sum of participating service, prior service and elected service;

(11) "Dependent" means a parent, child, or spouse of a member who is dependent upon the member for at least one-half (1/2) of the member's support;

(12) "Effective date" means the date upon which the System becomes effective by operation of law;

(13) "Eligible employer" means the state and any county, county hospital, city or town, conservation districts, circuit engineering districts and any public or private trust in which a county, city or town participates and is the primary beneficiary is to be an eligible employer for the purpose of this act only, whose employees are covered by Social Security and are not covered by or eligible for another retirement plan authorized under the laws of this state which is in operation on the initial entry date. Emergency medical service districts may join the System upon proper application to the Board. Provided affiliation by a county hospital shall be in the form of a resolution adopted by the board of control.

- (a) If a class or several classes of employees of any above-defined employers are covered by Social Security and are not covered by or eligible for and will not become eligible for another retirement plan authorized under the laws of this state, which is in operation on the effective date, such employer shall be deemed an eligible employer,

but only with respect to that class or those classes of employees as defined in this section.

- (b) A class or several classes of employees who are covered by Social Security and are not covered by or eligible for and will not become eligible for another retirement plan authorized under the laws of this state, which is in operation on the effective date, and when the qualifications for employment in such class or classes are set by state law; and when such class or classes of employees are employed by a county or municipal government pursuant to such qualifications; and when the services provided by such employees are of such nature that they qualify for matching by or contributions from state or federal funds administered by an agency of state government which qualifies as a participating employer, then the agency of state government administering the state or federal funds shall be deemed an eligible employer, but only with respect to that class or those classes of employees as defined in this subsection; provided, that the required contributions to the retirement plan may be withheld from the contributions of state or federal funds administered by the state agency and transmitted to the System on the same basis as the employee and employer contributions are transmitted for the direct employees of the state agency. The retirement or eligibility for retirement under the provisions of law providing pensions for service as a volunteer fire fighter shall not render any person ineligible for participation in the benefits provided for in Section 901 et seq. of this title. An employee of any public or private trust in which a county, city or town participates and is the primary beneficiary shall be deemed to be an eligible employee for the purpose of this act only.
- (c) All employees of the George Nigh Rehabilitation Institute who elected to retain membership in the System, pursuant to Section 913.7 of this title, shall continue to be eligible employees for the purposes of this act. The George Nigh Rehabilitation Institute shall be considered a participating employer only for such employees.
- (d) A participating employer of the Teachers' Retirement System of Oklahoma, who has one or more employees who have made an election pursuant to enabling legislation to retain membership in the System as a result of change in administration, shall be considered a participating employer of the Oklahoma Public Employees Retirement System only for such employees;

(14) "Employee" means any officer or employee of a participating employer, whose employment is not seasonal or temporary and whose employment requires at least one thousand (1,000) hours of work per year and whose salary or wage is equal to the hourly rate of the monthly minimum wage for state employees. For those eligible employers outlined in Section 910 of this title, the rate shall be equal to the hourly rate of the monthly minimum wage for that employer. Each employer, whose minimum wage is less than the state's minimum wage, shall inform the System of the minimum wage for that employer. This notification shall be by resolution of the governing body.

- (a) Any employee of the county extension agents who is not currently participating in the Teachers' Retirement System of Oklahoma shall be a member of this System.
- (b) Eligibility shall not include any employee who is a contributing member of the United States Civil Service Retirement System.
- (c) It shall be mandatory for an officer, appointee or employee of the office of district attorney to become a member of this System if he or she is not currently participating in a county retirement system. Provided further, that if an officer, appointee or employee of the office of district attorney is currently participating in such county retirement system, he or she is ineligible for this System as long as he or she is eligible for such county retirement system. Any eligible officer, appointee or employee of the office of district attorney shall be given credit for prior service as defined in this section. The provisions outlined in Section 917 of this title shall apply to those employees who have previously withdrawn their contributions.
- (d) Eligibility shall also not include any officer or employee of the Oklahoma Employment Security Commission, except for those officers and employees of the Commission electing to transfer to this System pursuant to the provisions of Section 910.1 of this title or any other class of officers or employees specifically exempted by the laws of this state, unless there be a consolidation as provided by Section 912 of this title. Employees of the Oklahoma Employment Security Commission who are ineligible for enrollment in the Employment Security Commission Retirement Plan, that was in effect on January 1, 1964, shall become members of this System.
- (e) Any employee employed by the Legislative Service Bureau, State Senate or House of Representatives for the full duration of a regular legislative session shall be eligible for membership in the System regardless of classification as a temporary employee and may participate in the System during the regular legislative session at the option of the employee. For purposes of this subparagraph, the determination of whether an employee is employed for the full duration of a regular legislative session shall be made by the Legislative Service Bureau if such employee is employed by the Legislative Service Bureau, the State Senate if such employee is employed by the State Senate, or by the House of Representatives if such employee is employed by the House of Representatives. Each regular legislative session during which the legislative employee or an employee of the Legislative Service Bureau participates full time shall be counted as six (6) months of full-time participating service.
 - (i) Except as otherwise provided by this subparagraph, once a temporary session employee makes a choice to participate or not, the choice shall be binding for all future legislative sessions during which the employee is employed.

- (ii) Notwithstanding the provisions of division (i) of this subparagraph, any employee, who is eligible for membership in the System because of the provisions of this subparagraph and who was employed by the State Senate or House of Representatives after January 1, 1989, may file an election, in a manner specified by the Board, to participate as a member of the System prior to September 1, 1989.
- (iii) Notwithstanding the provisions of division (i) of this subparagraph, a temporary legislative session employee who elected to become a member of the System may withdraw from the System effective the day said employee elected to participate in the System upon written request to the Board. Any such request must be received by the Board prior to October 1, 1990. All employee contributions made by the temporary legislative session employee shall be returned to the employee without interest within four (4) months of receipt of the written request.
- (iv) A member of the System who did not initially elect to participate as a member of the System pursuant to subparagraph (e) of this paragraph shall be able to acquire service performed as a temporary legislative session employee for periods of service performed prior to the date upon which the person became a member of the System if:
 - a. the member files an election with the System not later than December 31, 2000, to purchase the prior service; and
 - b. the member makes payment to the System of the actuarial cost of the service credit pursuant to subsection A of Section 913.5 of this title. The provisions of Section 913.5 of this title shall be applicable to the purchase of the service credit, including the provisions for determining service credit in the event of incomplete payment due to cessation of payments, death, termination of employment or retirement, but the payment may extend for a period not to exceed ninety-six (96) months;

(15) "Entry date" means the date on which an eligible employer joins the System. The first entry date pursuant to Section 901 et seq. of this title shall be January 1, 1964;

(16) "Executive Director" means the managing officer of the System employed by the Board under Section 901 et seq. of this title;

(17) "Federal Internal Revenue Code" means the federal Internal Revenue Code of 1954 or 1986, as amended and as applicable to a governmental plan as in effect on July 1, 1999;

(18) "Final average compensation" means the average annual compensation, including amounts deferred under deferred compensation agreements entered into between a member and a participating employer, up to, but not exceeding the maximum

compensation levels as provided in paragraph (9) of this section received during the highest three (3) of the last ten (10) years of participating service immediately preceding retirement or termination of employment. Provided, no member shall retire with a final average compensation unless the member has made the required contributions on such compensation, as defined by the Board of Trustees;

(19) "Fiscal year" means the period commencing July 1 of any year and ending June 30 of the next year. The fiscal year is the plan year for purposes of the federal Internal Revenue Code; however, the calendar year is the limitation year for purposes of Section 415 of the federal Internal Revenue Code;

(20) "Fund" means the Oklahoma Public Employees Retirement Fund as created by Section 901 et seq. of this title;

(21) "Leave of absence" means a period of absence from employment without pay, authorized and approved by the employer and acknowledged to the Board, and which after the effective date does not exceed two (2) years;

(22) "Member" means an eligible employee or elected official who is in the System and is making the required employee or elected official contributions, or any former employee or elected official who shall have made the required contributions to the System and shall have not received a refund or withdrawal;

(23) "Military service" means service in the Armed Forces of the United States by an honorably discharged person during the following time periods, as reflected on such person's Defense Department Form 214, not to exceed five (5) years for combined participating and/or prior service, as follows:

- (a) during the following periods, including the beginning and ending dates, and only for the periods served, from:
 - (i) April 6, 1917, to November 11, 1918, commonly referred to as World War I,
 - (ii) September 16, 1940, to December 7, 1941, as a member of the 45th Division,
 - (iii) December 7, 1941, to December 31, 1946, commonly referred to as World War II,
 - (iv) June 27, 1950, to January 31, 1955, commonly referred to as the Korean Conflict or the Korean War,
 - (v) February 28, 1961, to May 7, 1975, commonly referred to as the Vietnam era, except that:
 - a. for the period from February 28, 1961, to August 4, 1964, military service shall only include service in the Republic of Vietnam during that period, and
 - b. for purposes of determining eligibility for education and training benefits, such period shall end on December 31, 1976, or
 - (vi) August 1, 1990, to December 31, 1991, commonly referred to as the Gulf War, the Persian Gulf War, or Operation Desert Storm, but excluding any person who served on active duty for training only, unless discharged from such active duty for a service-connected disability;

- (b) during a period of war or combat military operation other than a conflict, war or era listed in subparagraph (a) of this paragraph, beginning on the date of Congressional authorization, Congressional resolution, or Executive Order of the President of the United States, for the use of the Armed Forces of the United States in a war or combat military operation, if such war or combat military operation lasted for a period of ninety (90) days or more, for a person who served, and only for the period served, in the area of responsibility of the war or combat military operation, but excluding a person who served on active duty for training only, unless discharged from such active duty for a service-connected disability, and provided that the burden of proof of military service during this period shall be with the member, who must present appropriate documentation establishing such service.

An eligible member under this paragraph shall include only those persons who shall have served during the times or in the areas prescribed in this paragraph, and only if such person provides appropriate documentation in such time and manner as required by the System to establish such military service prescribed in this paragraph, or for service pursuant to subdivision a of division (v) of subparagraph (a) of this paragraph those persons who were awarded service medals, as authorized by the United States Department of Defense as reflected in the veteran's Defense Department Form 214, related to the Vietnam Conflict for service prior to August 5, 1964;

(24) "Normal retirement date" means the date on which a member may retire with full retirement benefits as provided in Section 901 et seq. of this title, ~~such date being whichever occurs first as follows:~~

- (a) whichever occurs first:
- (i) the first day of the month coinciding with or following a member's sixty-second birthday, or
- (b) ~~for any person who initially became a member prior to July 1, 1992,~~
 (ii) the first day of the month coinciding with or following the date at which the sum of a member's age and number of years of credited service total eighty (80); ~~such a normal retirement date will also apply to any person who became a member of the sending system as defined in Section 901 et seq. of this title, prior to July 1, 1992, regardless of whether there were breaks in service after July 1, 1992,~~
- (c) ~~for any person who became a member after June 30, 1992, the first day of the month coinciding with or following the date at which the sum of a member's age and number of years of credited service total ninety (90),~~
- (d) ~~in addition to subparagraphs (a), (b) and (c) of this paragraph,~~
- (b) the first day of the month coinciding with or following a member's completion of at least twenty (20) years of full-time-equivalent employment as:
- (i) a correctional or probation and parole officer with the Department of Corrections and at the time of retirement, the

- member was a correctional or probation and parole officer with the Department of Corrections, ~~or~~
- (ii) a correctional officer, probation and parole officer or fugitive apprehension agent with the Department of Corrections who is in such position on June 30, 2004, or who is hired after June 30, 2004, and who receives a promotion or change in job classification after June 30, 2004, to another position in the Department of Corrections, so long as such officer or agent has at least five (5) years of service as a correctional officer, probation and parole officer or fugitive apprehension agent with the Department, has twenty (20) years of full-time-equivalent employment with the Department and was employed by the Department at the time of retirement, or
- (iii) a firefighter with the Oklahoma Military Department either employed for the first time on or after July 1, 2002, or who was employed prior to July 1, 2002, in such position and who makes the election authorized by division (2) of subparagraph b of paragraph (8) of subsection A of Section 915 of this title and at the time of retirement, the member was a firefighter with the Oklahoma Military Department, and such member has at least twenty (20) years of credited service upon which the two and one-half percent (2 1/2%) multiplier will be used in calculating the retirement benefit, or
- ~~(e)~~
- (c) for those fugitive apprehension agents who retire on or after July 1, 2002, the first day of the month coinciding with or following a member's completion of at least twenty (20) years of full-time-equivalent employment as a fugitive apprehension agent with the Department of Corrections and at the time of retirement, the member was a fugitive apprehension agent with the Department of Corrections, ~~or~~
- ~~(f)~~ ~~for any member who was continuously employed by an entity or institution within The Oklahoma State System of Higher Education and whose initial employment with such entity or institution was prior to July 1, 1992, and who without a break in service of more than thirty (30) days became employed by an employer participating in the Oklahoma Public Employees Retirement System, the first day of the month coinciding with or following the date at which the sum of the member's age and number of years of credited service total eighty (80);~~

(25) "Participating employer" means an eligible employer who has agreed to make contributions to the System on behalf of its employees;

(26) "Participating service" means the period of employment after the entry date for which credit is granted a member;

(27) "Prior service" means the period of employment of a member by an eligible employer prior to the member's entry date for which credit is granted a member under Section 901 et seq. of this title;

(28) “Retirant” means a member who has retired under the System;

(29) “Retirement benefit” means a monthly income with benefits accruing from the first day of the month coinciding with or following retirement and ending on the last day of the month in which death occurs or the actuarial equivalent thereof paid in such manner as specified by the member pursuant to Section 901 et seq. of this title or as otherwise allowed to be paid at the discretion of the Board;

(30) “Retirement coordinator” means the individual designated by each participating employer through whom System transactions and communication shall be directed;

(31) “Social Security” means the old-age survivors and disability section of the Federal Social Security Act;

(32) “Total disability” means a physical or mental disability accepted for disability benefits by the Federal Social Security System;

(33) “Service-connected disability benefits” means military service benefits which are for a service-connected disability rated at twenty percent (20%) or more by the Veterans Administration or the Armed Forces of the United States;

(34) “Elected official” means a person elected to a state office in the legislative or executive branch of state government or a person elected to a county office for a definite number of years and shall include an individual who is appointed to fill the unexpired term of an elected state official;

(35) “Elected service” means the period of service as an elected official; and

(36) “Limitation year” means the year used in applying the limitations of Section 415 of the Internal Revenue Code of 1986, which year shall be the calendar year.”, and by renumbering subsequent sections and amending the title to conform.

Senator Gumm asked that **SB 1553** be laid over temporarily, which was the order.

SB 1553 remains on General Order pending consideration of the Lerblance amendment.

GENERAL ORDER

SB 1803 by Sweeden of the Senate and Luttrell of the House was called up for consideration.

Senator Sweeden moved that **SB 1803** be advanced, which motion was declared adopted.

THIRD READING

SB 1803 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, 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, Williamson, Wilson and Wyrick.--46.

Excused: Crutchfield and Wilcoxson.--2.

The bill and emergency passed.

SB 1803 was referred for engrossment.

GENERAL ORDER

SB 1641 by Mazzei of the Senate and Sullivan of the House was called up for consideration.

Senator Mazzei moved that **SB 1641** be advanced, which motion was declared adopted.

THIRD READING

SB 1641 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, Coates, Coffee, Crain, Eason McIntyre, Ford, Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Mazzei, Morgan, Myers, Nichols, Reynolds, Rice, Riley, Schulz, Sparks, Sykes, Wilcoxson and Williamson.--34.

Nay: Burrage, Corn, Easley, Garrison, Gumm, Ivester, Johnson (C), Lerblance, Paddack, Rabon, Sweeden, Wilson and Wyrick.--13.

Excused: Crutchfield.--1.

The bill and emergency passed.

SB 1641 was referred for engrossment.

GENERAL ORDER

SB 1865 by Coffee and Mazzei of the Senate and Benge of the House was called up for consideration.

Senator Brogdon asked to coauthor **SB 1865**, which was the order.

Senator Coffee moved that **SB 1865** be advanced, which motion was declared adopted.

THIRD READING

SB 1865 was read for the third time at length.

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

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

Nay: Ballenger, Ivester, Johnson (C), Lerblance, Sweeden and Wilson.--6.

Excused: Crutchfield.--1.

The bill passed.

Senators Ivester and Johnson (Constance) desired to vote Aye on the emergency.

On the question of passage of the emergency, the vote resulted as follows: Aye: 43; Nay: 4; Excused: 1.

The emergency passed.

SB 1865 was referred for engrossment.

GENERAL ORDER

SB 1941 by Lamb of the Senate and Blackwell of the House was called up for consideration.

Senators Garrison, Ballenger, Nichols and Leftwich asked to coauthor **SB 1941**, which was the order.

Senator Lamb moved to amend **SB 1941**, 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 Lamb moved to amend the floor substitute to **SB 1941**, Page 1, by restoring the title, which amendment was declared adopted.

Senator Lamb moved that **SB 1941** be advanced, which motion was declared adopted.

THIRD READING

SB 1941 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, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--47.

Excused: Crutchfield.--1.

The bill passed.

SB 1941 was referred for engrossment.

GENERAL ORDER

SB 1945 by Sweeden of the Senate and Blackwell of the House was called up for consideration.

Senator Sweeden moved that **SB 1945** be advanced, which motion was declared adopted.

THIRD READING

SB 1945 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, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--47.

Excused: Crutchfield.--1.

The bill passed.

SB 1945 was referred for engrossment.

GENERAL ORDER

SB 1878 by Lamb of the Senate and Peterson (Pam) of the House was called up for consideration.

Senator Lamb moved to amend **SB 1878**, Page 3, Line 9, by inserting after the word “contraceptives” and before the semicolon the language “The provisions of this act shall not apply if the woman suffers from a physical disorder, physical injury, or physical illness that, as certified by a physician, would place the woman in danger of immediate death unless an abortion is performed, including a life-endangering physical condition caused by or arising from the pregnancy itself and there are no other competent personnel available to attend to the woman”.

Senator Lamb moved to amend his amendment to **SB 1878**, by substituting the following: Page 3, Line 8, by inserting after the word “Statutes.” and before the word “As” the following language “The provisions of this section shall not apply if the pregnant woman suffers from a physical disorder, physical injury, or physical illness which, as certified by a physician, causes the woman to be in imminent danger of death unless an abortion is immediately performed or induced and there are no other competent personnel available to attend to the woman.”, which amendment was declared adopted.

Senator Lamb pressed adoption of his amendment as amended, which amendment was declared adopted.

Senator Lamb moved that **SB 1878** be advanced, which motion was declared adopted.

THIRD READING

SB 1878 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, 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.

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

Excused: Crutchfield.--1.

The bill passed.

SB 1878 was referred for engrossment.

GENERAL ORDER

SB 1553 by Gumm of the Senate and Jackson of the House was called up for further consideration.

Senator Lerblance asked to withdraw his prior amendment, which was the order.

Senator Gumm moved that **SB 1553** be advanced, which motion was declared adopted.

THIRD READING

SB 1553 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, 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, Morgan, Myers, Nichols, Paddack, Rabon, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--45.

Excused: Brogdon, Crutchfield and Reynolds.--3.

The bill passed.

SB 1553 was referred for engrossment.

Senator Jolley presiding.

GENERAL ORDER

SB 1745 by Bass et al of the Senate and Cox of the House was called up for consideration.

Senator Bass moved to amend **SB 1745**, 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 Mazzei moved to amend the floor substitute to **SB 1745**, Page 3, Line 18, by inserting after the period and before the word "This" the following language "This paragraph shall not prohibit business entities of this state from accessing and maintaining electronically readable or digitally transferable information from a driver license or identification card that has been voluntarily submitted by a licensee or cardholder doing business with the business entity, provided such information maintained by the business entity is in a secured and encrypted form, and is used by the business entity solely for identification purposes."; which amendment was declared adopted.

Senator Bass moved to amend the Mazzei amendment, by inserting after the word "not" and before the word "prohibit" on the first line of the new language the language "apply to federally insured depository institutions and their affiliates, and shall not", which amendment was declared adopted.

Senator Bass moved that **SB 1745** be advanced, which motion was declared adopted.

THIRD READING

SB 1745 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, 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, Morgan, Myers, Nichols, Paddack, Rabon, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--45.

Excused: Brogdon, Crutchfield and Reynolds.--3.

The bill passed.

SB 1745 was referred for engrossment.

GENERAL ORDER

SB 1580 by Branam of the Senate and Liebmann of the House was called up for consideration.

Senator Branam moved that **SB 1580** be advanced, which motion was declared adopted.

THIRD READING

SB 1580 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, Branam, Brown, Burrage, Coates, Coffee, Corn, Crain, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Morgan, Myers, Nichols, Paddock, Rabon, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--44.

Excused: Brogdon, Crutchfield, Mazzei and Reynolds.--4.

The bill and emergency passed.

SB 1580 was referred for engrossment.

GENERAL ORDER

SB 1727 by Myers of the Senate and Adkins of the House was called up for consideration.

Senator Myers moved to amend **SB 1727**, Page 1, by striking the title, which amendment was declared adopted.

Senator Myers moved that **SB 1727** be advanced, which motion was declared adopted.

THIRD READING

SB 1727 was read for the third time at length.

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

Aye: Adelson, Ballenger, Barrington, Branan, Brown, Coates, Corn, Easley, Eason McIntyre, Gumm, Johnson (C), Jolley, Lamb, Laster, Leftwich, Lerblance, Morgan, Myers, Paddack, Rabon, Riley, Sweeden, Wilcoxson, Williamson, Wilson and Wyrick.--26.

Nay: Aldridge, Anderson, Bass, Bingman, Brogdon, Burrage, Coffee, Crain, Ford, Garrison, Ivester, Johnson (M), Justice, Laughlin, Nichols, Rice, Schulz, Sparks and Sykes.--19.

Excused: Crutchfield, Mazzei and Reynolds.--3.

The bill passed.

SB 1727 was referred for engrossment.

GENERAL ORDER

SB 1869 by Johnson (Mike) of the Senate and Miller of the House was called up for consideration.

Senator Johnson (Mike) moved that **SB 1869** be advanced, which motion was declared adopted.

THIRD READING

SB 1869 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, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Crain, Easley, Ford, Ivester, Johnson (M), Jolley, Justice, Lamb, Laughlin, Morgan, Myers, Nichols, Paddack, Rice, Schulz, Sparks and Sykes.--29.

Nay: Bass, Corn, Eason McIntyre, Garrison, Gumm, Johnson (C), Laster, Leftwich, Lerblance, Rabon, Riley, Sweeden, Williamson, Wilson and Wyrick.--15.

Excused: Crutchfield, Mazzei, Reynolds and Wilcoxson.--4.

The bill passed.

Senators Johnson (Constance), Rabon and Williamson desired to vote Aye on the emergency.

On the question of passage of the emergency, the vote resulted as follows: Aye: 32; Nay: 12; Excused: 4.

The emergency passed.

SB 1869 was referred for engrossment.

GENERAL ORDER

SB 1734 by Sparks of the Senate and Armes of the House was called up for consideration.

Senator Schulz asked to coauthor **SB 1734**, which was the order.

Senator Sparks moved to amend **SB 1734**, Page 5, Line 8 ½, by inserting a new Section 3 to read as follows:

“SECTION 3. AMENDATORY 29 O.S. 2001, Section 7-602, as amended by Section 20, Chapter 138, O.S.L. 2006 (29 O.S. Supp. 2007, Section 7-602), is amended to read as follows:

Section 7-602. A. Except as otherwise provided by law, no person may ship into or out of, transport into or out of, have in possession with the intent to so transport, or cause to be removed from this state:

1. Any wildlife or parts thereof, nests of wildlife, their eggs or their young; or
2. Any endangered or threatened species.

B. Exceptions to paragraph 1 of subsection A of this section are:

1. Dead fish or wildlife legally taken by licensed hunters or fishermen for noncommercial purposes may be possessed, shipped, or transported into or within the borders of this state if it is accompanied by or has attached the appropriate certificate, license or tag as may be required by the Oklahoma Wildlife Conservation Code, rules, or the laws of another state;

2. Rough fish products that have been completely processed into food or other products that legally taken fish may yield may be exported from the state;

3. Any rough fish taken by licensed commercial fishermen who have been issued a special permit as required by Section 4-105 of this title by the Director may be shipped, transported or exported pursuant to the permit;

4. Any fish or wildlife lawfully bred or propagated may be shipped or transported within the confines of this state or exported out of this state;

5. Any wildlife for which the Director has given an individual specific written authority for its transportation into or out of the state; or

6. Any farmed cervidae licensed pursuant to the Oklahoma Farmed Cervidae Act.

C. An owner or operator of a commercially licensed hunting facility shall be permitted to transport cervidae from one in-state hunt facility to another in-state hunt facility without a permit issued by the Department of Wildlife Conservation.

D. Any person convicted of violating the provisions of this section shall be punished by a fine of not less than Fifty Dollars (\$50.00) nor more than Two Hundred Dollars (\$200.00), or by imprisonment in the county jail for a period not less than ten (10) days nor

more than sixty (60) days, or by both.”, and by renumbering subsequent sections and amending the title to conform, which amendment was declared adopted.

Senator Sparks moved that **SB 1734** be advanced, which motion was declared adopted.

THIRD READING

SB 1734 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, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Morgan, Myers, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Williamson, Wilson and Wyrick.--44.

Excused: Crutchfield, Mazzei, Nichols and Wilcoxson.--4.

The bill and emergency passed.

SB 1734 was referred for engrossment.

GENERAL ORDER

SB 1708 by Coffee of the Senate and Duncan of the House was called up for consideration.

Senator Gumm asked to coauthor **SB 1708**, which was the order.

Senator Gumm moved to amend **SB 1708**, Page 40, Line 14, by striking Section 29 and inserting new Sections 29 through 32 to read as follows:

“SECTION 29. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

A. On or before July 1, 2008, the Commissioner of Health shall request information from one or more umbilical cord blood banks concerning the establishment of a public cord blood collection operation within this state to collect, transport, process and store cord blood units from Oklahoma residents for therapeutic and research purposes. Any such request for information shall contain provisions inquiring about the ability of the umbilical cord blood bank to:

1. Establish and operate one or more collection sites within the state to collect a targeted number of cord blood units;

2. Implement collection procedures designed to collect cord blood units that reflect the state's racial and ethnic diversity;

3. Set up public cord blood collection operations not later than six months after execution of a contract with the state, provided the umbilical cord blood bank is able to negotiate any necessary contracts related to the collection sites within that time frame;

4. Participate in the National Cord Blood Coordinating Center or similar national cord blood inventory center by listing cord blood units in a manner that assures maximum opportunity for use;

5. Have a program that provides cord blood units for research and agree to provide cord blood units that are unsuitable for therapeutic use to researchers located within the state at no charge; and

6. Maintain national accreditation by an accrediting organization recognized by the federal Health Resources and Services Administration.

B. On or before January 1, 2009, the Commissioner of Health shall submit, as and in the manner provided for by law, a summary of the responses to the request for information, along with any recommendations, to the Governor, the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and the chairs of those committees of the Legislature with legislative responsibility over matters relating to public health."

SECTION 30. Sections 1 through 28 shall become effective November 1, 2008.

SECTION 31. Section 29 shall become effective July 1, 2008.

SECTION 32. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval." which amendment was declared adopted.

Senator Coffee moved that **SB 1708** be advanced, which motion was declared adopted.

THIRD READING

SB 1708 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, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweden, Sykes, Williamson, Wilson and Wyrick.--45.

Excused: Crutchfield, Mazzei and Wilcoxson.--3.

The bill and emergency passed.

SB 1708 was referred for engrossment.

GENERAL ORDER

SB 2194 by Williamson of the Senate and Duncan of the House was called up for consideration.

Senator Williamson moved that **SB 2194** be advanced, which motion was declared adopted.

THIRD READING

SB 2194 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, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweden, Sykes, Williamson, Wilson and Wyrick.--45.

Excused: Crutchfield, Mazzei and Wilcoxson.--3.

The bill passed.

SB 2194 was referred for engrossment.

GENERAL ORDER

SB 1994 by Nichols of the Senate and Terrill of the House was called up for consideration.

Senator Nichols moved that **SB 1994** be advanced, which motion was declared adopted.

THIRD READING

SB 1994 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, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster,

Laughlin, Leftwich, Lerblance, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Williamson, Wilson and Wyrick.--45.

Excused: Crutchfield, Mazzei and Wilcoxson.--3.

The bill and emergency passed.

SB 1994 was referred for engrossment.

GENERAL ORDER

SB 2158 by Barrington of the Senate and Joyner of the House was called up for consideration.

Senator Barrington moved that **SB 2158** be advanced, which motion was declared adopted.

THIRD READING

SB 2158 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, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Williamson, Wilson and Wyrick.--45.

Excused: Crutchfield, Mazzei and Wilcoxson.--3.

The bill and emergency passed.

SB 2158 was referred for engrossment.

GENERAL ORDER

SB 2180 by Sparks and Ivester of the Senate and Peterson (Ron) of the House was called up for consideration.

Senator Leftwich asked to coauthor **SB 2180**, which was the order.

Senator Sparks moved that **SB 2180** be advanced, which motion was declared adopted.

THIRD READING

SB 2180 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, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Williamson, Wilson and Wyrick.--45.

Excused: Crutchfield, Mazzei and Wilcoxson.--3.

The bill and emergency passed.

SB 2180 was referred for engrossment.

GENERAL ORDER

SB 1900 by Branan of the Senate and Thompson of the House was called up for consideration.

Senator Branan moved that **SB 1900** be advanced, which motion was declared adopted.

THIRD READING

SB 1900 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, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Williamson, Wilson and Wyrick.--45.

Excused: Crutchfield, Mazzei and Wilcoxson.--3.

The bill and emergency passed.

SB 1900 was referred for engrossment.

GENERAL ORDER

SB 2116 by Rabon of the Senate and Adkins of the House was called up for consideration.

Senator Rabon moved that **SB 2116** be advanced, which motion was declared adopted.

THIRD READING

SB 2116 was read for the third time at length.

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

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

Nay: Brown.--1.

Excused: Crutchfield, Mazzei and Wilcoxson.--3.

The bill and emergency passed.

SB 2116 was referred for engrossment.

GENERAL ORDER

SB 2076 by Sparks of the Senate and Schwartz of the House was called up for consideration.

Senator Sparks moved that **SB 2076** be advanced, which motion was declared adopted.

THIRD READING

SB 2076 was read for the third time at length.

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

Aye: Adelson, Anderson, Ballenger, Barrington, Bass, Bingman, Brown, Burrage, Coates, Corn, Crain, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Morgan, Myers,

Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Williamson, Wilson and Wyrick.--40.

Nay: Aldridge, Branan, Brogdon, Coffee and Sykes.--5.

Excused: Crutchfield, Mazzei and Wilcoxson.--3.

The bill passed.

SB 2076 was referred for engrossment.

GENERAL ORDER

SB 1950 by Crain of the Senate and Winchester of the House was called up for consideration.

Senator Crain moved that **SB 1950** be advanced, which motion was declared adopted.

THIRD READING

SB 1950 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, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Williamson, Wilson and Wyrick.--45.

Excused: Crutchfield, Mazzei and Wilcoxson.--3.

The bill passed.

SB 1950 was referred for engrossment.

GENERAL ORDER

SB 2046 by Nichols of the Senate and Terrill of the House was called up for consideration.

Senator Nichols moved that **SB 2046** be advanced, which motion was declared adopted.

THIRD READING

SB 2046 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, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Williamson, Wilson and Wyrick.--45.

Excused: Crutchfield, Mazzei and Wilcoxson.--3.

The bill passed.

SB 2046 was referred for engrossment.

GENERAL ORDER

SB 1946 by Coffee of the Senate and Miller of the House was called up for consideration.

Senator Lerblance moved to amend **SB 1946**, Page 1, Line 21 through Page 2, Line 3, by deleting all language beginning with the word "For" on Page 1, Line 21 through the period on Page 2, Line 3.

Senator Coffee moved to table the Lerblance amendment, which tabling motion failed of adoption upon division of the question.

Senator Coffee questioned the ruling of the chair and asked for a recount on the division.

Senator Gumm raised a point of order that the declaration of a vote is non appealable.

The Chair ruled the declaration of vote is non appealable and in order.

Senator Lerblance pressed the adoption of his amendment, which amendment was declared adopted upon division of the question.

Senator Johnson (Constance) moved to amend **SB 1946**, Page 9, Line 17 ½, by inserting new Sections 2 and 3 to read as follows:

SECTION 2. AMENDATORY Section 14, Chapter 58, O.S.L. 2003 (3A O.S. Supp. 2007, Section 713), as last amended by Section 3 of Enrolled Senate Bill No. 1830 of the 2nd Session of the 51st Oklahoma Legislature, is amended to read as follows:

Section 713. A. All gross proceeds shall be the property of the Oklahoma Lottery Commission. From its gross proceeds, the Commission shall pay the operating expenses of the Commission. At least forty-five percent (45%) of gross proceeds shall be made available as prize money. However, the provisions of this subsection shall be deemed not to create any lien, entitlement, cause of action, or other private right, and any rights of holders of tickets or shares shall be determined by the Commission in setting the terms of its lottery or lotteries. For each fiscal year, net proceeds shall equal at least thirty-five percent (35%) of the gross proceeds. However, for the purpose of repaying indebtedness issued pursuant to Section 732 of this title, for the first two (2) full fiscal years and any partial first fiscal year of the Commission, net proceeds need only equal at least thirty percent (30%) of the gross proceeds. All of the net proceeds shall be transferred to the Oklahoma Education Lottery Trust Fund as provided in subsection B of this section.

B. There is hereby created in the State Treasury a fund to be designated the "Oklahoma Education Lottery Trust Fund". On or before the fifteenth day of each calendar quarter, the Commission shall transfer to the State Treasurer, for credit to the Oklahoma Education Lottery Trust Fund, the amount of all net proceeds accruing during the preceding calendar quarter. Expenditures from 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.

Upon their deposit into the State Treasury, any monies representing a deposit of net proceeds shall then become the unencumbered property of this state, and neither the Commission nor the board of trustees shall have the power to agree or undertake otherwise. The monies shall be invested by the State Treasurer in accordance with state investment practices. All earnings attributable to such investments shall likewise be the unencumbered property of the state and shall accrue to the credit of the fund.

C. Monies in the Oklahoma Education Lottery Trust Fund shall only be appropriated as follows:

1. Forty-five percent (45%) for the following:
 - a. kindergarten through twelfth grade public education, including but not limited to compensation and benefits for public school teachers and support employees. School districts shall dedicate such funds as are necessary to provide a living wage for school district support employees and employees of contractors, and
 - b. early childhood development programs, which shall include but not be limited to costs associated with prekindergarten and full-day kindergarten programs;
2. Forty-five percent (45%) for the following:
 - a. tuition grants, loans and scholarships to citizens of this state to enable such citizens to attend colleges and universities located within this state, regardless of whether such colleges and universities are owned or operated by the Oklahoma State Regents for Higher Education, or to attend institutions operated under the authority of the Oklahoma Department of Career and Technology Education; provided such

- tuition grants, loans and scholarships shall not be made to a citizen of this state to attend a college or university which is not accredited by the Oklahoma State Regents for Higher Education,
- b. construction of educational facilities for elementary school districts, independent school districts, the Oklahoma State System of Higher Education, and career and technology education,
 - c. capital outlay projects for elementary school districts, independent school districts, the Oklahoma State System of Higher Education, and career and technology education,
 - d. technology for public elementary school district, independent school district, state higher education, and career and technology education facilities, which shall include but not be limited to costs of providing to teachers at accredited public institutions who teach levels kindergarten through twelfth grade, personnel at technology centers under the authority of the Oklahoma State Department of Career and Technology Education, and professors and instructors within the Oklahoma State System of Higher Education, the necessary training in the use and application of computers and advanced electronic instructional technology to implement interactive learning environments in the classroom and to access the state-wide distance learning network and costs associated with repairing and maintaining advanced electronic instructional technology,
 - e. endowed chairs for professors at institutions of higher education operated by the Oklahoma State System of Higher Education, and
 - f. programs and personnel of the Oklahoma School for the Deaf and the Oklahoma School for the Blind;

3. Five percent (5%) to the School Consolidation and Assistance Fund. When the total amount in the School Consolidation and Assistance Fund from all sources equals Five Million Dollars (\$5,000,000.00), all monies appropriated pursuant to this paragraph which would otherwise be deposited in the School Consolidation and Assistance Fund in excess of Five Million Dollars (\$5,000,000.00) shall be allocated by the State Department of Education to public schools based on the audited end-of-year average daily membership in grades 8 through 12 during the preceding school year for the purpose of purchasing technology equipment in order to conduct on-line testing as required by the Achieving Classroom Excellence Act of 2005. If at any time the total amount in the School Consolidation and Assistance Fund drops below Five Million Dollars (\$5,000,000.00), the monies appropriated pursuant to this paragraph shall be deposited in the School Consolidation and Assistance Fund until the Fund again reaches Five Million Dollars (\$5,000,000; and

4. Five percent (5%) to the Teachers' Retirement System Dedicated Revenue Revolving Fund.

D. The Legislature shall appropriate funds from the Oklahoma Education Lottery Trust Fund only for the purposes specified in subsection C of this section. Even when funds from the trust fund are used for these purposes, the Legislature shall not use funds from the trust fund to supplant or replace other state funds supporting common education, higher education, or career and technology education.

E. In order to ensure that the funds from the trust fund are used to enhance and not supplant funding for education, the State Board of Equalization shall examine and investigate appropriations from the trust fund each year. At the meeting of the State Board of Equalization held within five (5) days after the monthly apportionment in February of each year, the State Board of Equalization shall issue a finding and report which shall state whether appropriations from the trust fund were used to enhance or supplant education funding. If the State Board of Equalization finds that education funding was supplanted by funds from the trust fund, the Board shall specify the amount by which education funding was supplanted. In this event, the Legislature shall not make any appropriations for the ensuing fiscal year until an appropriation in that amount is made to replenish the trust fund.

F. Except as otherwise provided by this subsection, no deficiency in the Oklahoma Education Lottery Trust Fund shall be replenished by reducing any nonlottery funds, including specifically but without limitation, the General Revenue Fund, the Constitutional Reserve Fund or the Education Reform Revolving Fund of the State Department of Education. No program or project started specifically from lottery proceeds shall be continued from the General Revenue Fund, the Constitutional Reserve Fund or the Education Reform Revolving Fund of the State Department of Education. Such programs must be adjusted or discontinued according to available lottery proceeds unless the Legislature by general law establishes eligibility requirements and appropriates specific funds therefor. No surplus in the Oklahoma Education Lottery Trust Fund shall be reduced or transferred to correct any nonlottery deficiencies in sums available for general appropriations. The provisions of this subsection shall not apply to bonds or other obligations issued pursuant to or to the repayment of bonds or other obligations issued pursuant to the Oklahoma Higher Education Promise of Excellence Act of 2005.

G. There is hereby created in the State Treasury a revolving fund to be designated the "Oklahoma Education Lottery Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Commission. The Commission shall make payments of net proceeds from the fund to the Oklahoma Education Lottery Trust Fund on or before the fifteenth day of each calendar quarter as provided in subsection B of this section. All monies accruing to the credit of the Oklahoma Education Lottery Revolving Fund are hereby appropriated and may be budgeted and expended for the payment of net proceeds, prizes, commissions to retailers, administrative expenses and all other expenses arising out of the operation of the education lottery, subject to the limitations provided in the Oklahoma Education Lottery Act. Expenditures from 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.

The monies in the fund shall be invested by the State Treasurer in accordance with state investment practices. All earnings attributable to such investments shall likewise accrue to the credit of the fund.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 196 of Title 40, unless there is created a duplication in numbering, reads as follows:

A living wage for school district employees, excluding teachers, and employees of contractors shall be paid to those employees as provided herein. "Living wage for school district employees and employees of contractors" shall mean a wage payment at an initial

hourly rate of no less than Eleven Dollars and sixty-seven cents (\$11.67) per hour. This rate shall be adjusted annually beginning on July 1, 2008, by an amount corresponding to the change in the Consumer Price Index for Urban Wage Earners and Clerical Workers from the previous year as compiled by the Bureau of Labor Statistics. This wage shall be a minimum wage for any such worker employed by the school district, excluding teachers, and for any employee of a contractor or subcontractor working for the school district on a service contract who is performing work on that contract.” and by renumbering subsequent section, which amendment was declared adopted upon division of the question.

Senator Coffee asked that **SB 1946** be laid over for this legislative day, which was the order.

SB 1946 remains on General Order.

Senator Laster moved that the Senate recess to the call of the Chair, 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.

EXECUTIVE NOMINATIONS

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

McKamey, Bill, Tulsa, as a member of the Board of Regents of the Tulsa Community College - Education

Stunkard, George W., Coweta, as a member of the Oklahoma Conservation Commission - Energy and Environment

Sublette, Kerry, Ph.D., Tulsa, as a member of the Environmental Quality Board - Energy and Environment

Thompson, Kym Koch, Oklahoma City, as a member of the Oklahoma Arts Council - Tourism and Wildlife

Senator Laster moved that when the clerk's desk is clear, the Senate stand adjourned to convene Wednesday, March 12, 2008, at 9:30 a.m., which motion prevailed.

FIRST READING

The following was introduced and read the first time:

SCR 59 – By Burrage of the Senate and Hoskin of the House.

A Concurrent Resolution commending the life of the late State Senator Gideon W. “Gid” Graham; urging the Rogers County Commission to erect an appropriate marker; and directing distribution.

BILLS RELEASED

TIME EXPIRED TO RECONSIDER

SBs 1149 and **1383** were referred for engrossment.

MOTION EXPIRED

Time expired for consideration of the motion to reconsider whereby **SB 2159** failed.

Pursuant to the Laster motion, the Senate adjourned at 4:20 p.m. to meet Wednesday, March 12, 2008, at 9:30 a.m.