

Senate Journal

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

Forty-sixth Legislative Day, Wednesday, April 23, 2008

The Senate was called to order by Senator Paddack.

Roll Call:

Present: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.—47.

Excused: Crain.—1.

Senator Paddack declared a quorum present.

The prayer was offered by Reverend Micah Kersh, Henderson Hills Baptist Church, Edmond, the guest of Senator Jolley.

REPORT OF ENGROSSED AND ENROLLED MEASURES

SCRs 42, 78 and 79 were each correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

HBs 1460, 1519, 2214, 2250, 2490, 2501, 2530, 2564, 2566, 2607, 2633, 2833, 2882, 2935, 2963, 3001, 3135, 3148 and 3340 were each correctly engrossed and, together with engrossed **SAs**, properly signed and ordered returned to the Honorable House.

SBs 1575, 1793 and 2004 were each correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

GENERAL ORDER

HB 2229 by Cannaday et al of the House and Garrison of the Senate was called up for consideration.

Senator Garrison moved that **HB 2229** be advanced, which motion was declared adopted.

THIRD READING

HB 2229 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, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Williamson, Wilson and Wyrick.--45.

Excused: Coffee, Crain and Wilcoxson.--3.

The bill and emergency passed.

HB 2229 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 2715 by Auffet and Sullivan of the House and Wilson of the Senate was called up for consideration.

Senator Wilson moved that **HB 2715** be advanced, which motion was declared adopted.

THIRD READING

HB 2715 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, Crutchfield, Easley, Eason McIntyre, Ford,

Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--46.

Excused: Coffee and Crain.--2.

The bill passed.

HB 2715 was referred for engrossment.

GENERAL ORDER

HB 2551 by Liebmann et al of the House and Corn et al of the Senate was called up for consideration.

Senators Leftwich and Garrison asked to coauthor **HB 2551**, which was the order.

Senator Corn moved that **HB 2551** be advanced, which motion was declared adopted.

THIRD READING

HB 2551 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, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--46.

Excused: Coffee and Crain.--2.

The bill and emergency passed.

HB 2551 was referred for engrossment.

GENERAL ORDER

HB 1453 by Johnson (Rob) of the House and Garrison of the Senate was called up for consideration.

Senator Garrison moved to amend **HB 1453**, 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 Garrison moved to amend the floor substitute to **HB 1453**, Page 1, by restoring the title, which amendment was declared adopted.

Senator Garrison moved that **HB 1453** be advanced, which motion was declared adopted.

THIRD READING

HB 1453 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, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--46.

Excused: Coffee and Crain.--2.

The bill and emergency passed.

HB 1453 was referred for engrossment.

GENERAL ORDER

HB 2231 by Murphey of the House and Branan of the Senate was called up for consideration.

Senator Brogdon moved to amend **HB 2231**, Page 2, Line 7 ½, by inserting a new Section 3 to read as follows:

“SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1700 of Title 69, unless there is created a duplication in numbering, reads as follows:

A. Upon the effective date of this act, the State of Oklahoma or any agency, department, entity or political subdivision thereof shall be prohibited from participating in, or paying dues or fees thereto, the North America’s Super Corridor Coalition, Inc.

(NASCO), or any successor affiliate or subsidiary thereof or any organization associated with or supporting the creation of an international highway system in whole or in part.

B. The State of Oklahoma shall be prohibited from participating with any NASCO Trade Corridor Management System (TCMS), and no facilities, such as NASCO “SaviTrak”, “Savi Networks” facility or “Savi site” or any other Radio Frequency Identification (RFID)-based facilities, shall be established in this state.

C. The State of Oklahoma shall prohibit the connection of any portion of the Trans Texas Corridor (TTC-35) or any successor-named highway to any road or highway transportation system currently existing or to be constructed in this state.

D. Any state highway or federal highway under the jurisdiction of this state shall remain under the direct control and jurisdiction of this state and any agency, department, entity or political subdivision thereof on behalf of the citizens of this state. All law enforcement duties associated with any state or federal highway system under the jurisdiction of this state shall be provided by public law enforcement agencies as provided by law, and no private or foreign agencies shall be authorized to perform law enforcement duties on any state or federal highway in this state.

E. The development, management and maintenance of all highway transportation systems in this state, including but not limited to any current or future toll road systems, shall be done by the State of Oklahoma on behalf of the citizens of this state and all highway users in compliance with state law.”, and by renumbering subsequent sections. (amendment was not voted upon)

Senator Sweeden moved that **HB 2231** be advanced, which motion was declared adopted upon roll call as follows:

Aye: Adelson, Ballenger, Bass, Burrage, Coates, Corn, Crutchfield, Easley, Eason McIntyre, Garrison, Gumm, Ivester, Johnson (C), Laster, Leftwich, Lerblance, Morgan, Paddack, Rabon, Rice, Riley, Sparks, Sweeden, Wilson and Wyrick.--25.

Nay: Aldridge, Anderson, Barrington, Bingman, Branan, Brogdon, Brown, Coffee, Ford, Johnson (M), Jolley, Justice, Lamb, Laughlin, Mazzei, Myers, Nichols, Reynolds, Schulz, Sykes, Wilcoxson and Williamson.--22.

Excused: Crain.--1.

THIRD READING

HB 2231 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, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster,

Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--46.

Excused: Crain and Reynolds.--2.

The bill passed.

HB 2231 was referred for engrossment.

GENERAL ORDER

HB 2241 by Ingmire et al of the House and Lamb of the Senate was called up for consideration.

Senator Lamb moved that **HB 2241** be advanced, which motion was declared adopted.

THIRD READING

HB 2241 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, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--47.

Excused: Crain.--1.

The bill passed.

HB 2241 was referred for engrossment.

INTRODUCTION

Senator Garrison introduced his wife, Faye, to the Senate.

MESSAGES FROM THE HOUSE

Advising fourth reading of and transmitting for signature Enrolled **HBs 2240, 2492, 3076** and **3325**.

The above-numbered enrolled measures were, after fourth reading, properly signed and ordered returned to the Honorable House.

Advising the signing of and transmitting for signature Enrolled **HCR 1047**.

The above-numbered enrolled measure was properly signed and ordered returned to the Honorable House.

Advising passage of and transmitting for consideration Engrossed **HJR 1107**.

HJR 1107 – By Tibbs of the House and Johnson (Mike) of the Senate.

A Joint Resolution disapproving, in part, permanent rules of the Oklahoma Used Motor Vehicle and Parts Commission; and directing distribution.

The above-numbered measure was read the first time.

Senator Laughlin moved that the Senate recess to the call of the Chair, which motion was declared adopted.

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The Senate reconvened with Senator Paddack presiding.

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

UNANIMOUS CONSENT REQUEST

Senator Justice asked unanimous consent, which was granted, to suspend Senate Rule 13-22 as it pertains to **HJR 1105**.

Senator Justice served notice that the vote be reconsidered whereby **HJR 1105** passed.

MOTION TO RECONSIDER VOTE

Senator Justice moved to reconsider the vote whereby **HJR 1105** passed, which motion was declared adopted upon roll call as follows:

Aye: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coffee, Corn, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--45.

Excused: Coates, Crain and Morgan.--3.

THIRD READING

Senator Justice moved to reconsider the vote whereby **HJR 1105** was advanced, which motion was declared adopted.

GENERAL ORDER

HJR 1105 by Piatt and Johnson (Dennis) of the House and Justice of the Senate was called up for further consideration.

Senator Justice asked unanimous consent, which was granted, to suspend Senate Rule 13-4 as it pertains to **HJR 1105**.

Senator Justice moved to amend **HJR 1105**, 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 Justice moved that **HJR 1105** be advanced, which motion was declared adopted.

THIRD READING

HJR 1105 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, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster,

Laughlin, Leftwich, Lerblance, Mazzei, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--46.

Excused: Crain and Morgan.--2.

The bill and emergency passed.

HJR 1105 was referred for engrossment.

MESSAGE FROM THE HOUSE

Advising fourth reading of and returning Enrolled **SBs 1575, 1793 and 2004**.

The above-numbered enrolled measures were referred to the Governor.

GENERAL ORDER

HB 2783 by Smithson et al of the House and Corn of the Senate was called up for consideration.

Senator Corn moved that **HB 2783** be advanced, which motion was declared adopted.

THIRD READING

HB 2783 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, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--45.

Excused: Coffee, Crain and Nichols.--3.

The bill and emergency passed.

HB 2783 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 2695 by Roan of the House and Garrison of the Senate was called up for consideration.

Senator Bass asked to coauthor **HB 2695**, which was the order.

Senator Garrison moved that **HB 2695** be advanced, which motion was declared adopted.

THIRD READING

HB 2695 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, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--46.

Excused: Crain and Nichols.--2.

The bill and emergency passed.

HB 2695 was referred for engrossment.

GENERAL ORDER

HB 2215 by Murphey of the House and Johnson (Constance) of the Senate was called up for consideration.

Senator Corn moved to amend **HB 2215**, Page 1, Line 27 ½, by inserting a new Section 1 to read as follows:

“SECTION 1. AMENDATORY 47 O.S. 2001, Section 2-117, as last amended by Section 1, Chapter 348, O.S.L. 2007 (47 O.S. Supp. 2007, Section 2-117), is amended to read as follows:

Section 2-117. A. The Commissioner of Public Safety and each officer of the Department of Public Safety, as designated and commissioned by the Commissioner, are hereby declared to be peace officers of the State of Oklahoma and shall be so deemed and taken in all courts having jurisdiction of offenses against the laws of the state. Such officers shall have the powers and authority now and hereafter vested by law in other peace

officers, including the right and power of search and seizure, except the serving or execution of civil process, and the right and power to investigate and prevent crime and to enforce the criminal laws of this state.

B. The officers of the Department shall have the following authority, responsibilities, powers and duties:

1. To enforce the provisions of this title and any other law regulating the operation of vehicles or the use of the highways, including, but not limited to, the Motor Carriers Act of this state, or any other laws of this state by the direction of the Governor;

2. To arrest without writ, rule, order or process any person detected by them in the act of violating any law of the state;

3. When the officer is in pursuit of a violator or suspected violator and is unable to arrest such violator or suspected violator within the limits of the jurisdiction of the Oklahoma Highway Patrol Division, to continue in pursuit of such violator or suspected violator into whatever part of the state may be reasonably necessary to effect the apprehension and arrest of the same, and to arrest such violator or suspected violator wherever the violator may be overtaken;

4. To assist in the location of stolen property, including livestock and poultry or the carcasses thereof, and to make any inspection necessary of any truck, trailer or contents thereof in connection therewith;

5. At all times to direct all traffic in conformance with law and, in the event of a fire, or other emergency, or to expedite traffic, or to insure safety, to direct traffic as conditions may require, notwithstanding the provisions of law;

6. To require satisfactory proof of ownership of the contents of any motor vehicle, including livestock, poultry or the carcasses thereof. In the event that the proof of ownership is not satisfactory, it shall be the duty of the officer to take the motor vehicle, driver, and the contents of the motor vehicle into custody and deliver the same to the sheriff of the county wherein the cargo, motor vehicle and driver are taken into custody;

7. When on duty, upon reasonable belief that any vehicle is being operated in violation of any provisions of this title, or any other law regulating the operation of vehicles, to require the driver thereof to stop and exhibit his or her driver license and the certificate of registration issued for the vehicle, if required to be carried in the vehicle pursuant to paragraph 3 of subsection A of Section 1113 of this title, and submit to an inspection of such vehicle, the license plates and certificate of registration thereon, if applicable, or to any inspection and test of the equipment of such vehicle;

8. To inspect any vehicle of a type required to be registered hereunder in any public garage or repair shop or in any place where such vehicles are held for sale or wrecking, for the purpose of locating stolen vehicles and investigating the title and registration thereof;

9. To serve all warrants relating to the enforcement of the laws regulating the operation of vehicles or the use of the highways and bench warrants issued for nonpayment of fines and costs for moving traffic violations;

10. To investigate and report traffic collisions on all interstate and defense highways and on all highways outside of incorporated municipalities, and may investigate traffic collisions within any incorporated municipality upon request of the local law enforcement agency, and to secure testimony of witnesses or of persons involved;

11. To investigate reported thefts of motor vehicles, trailers and semitrailers;

12. To stop and inspect any motor vehicle or trailer for such mechanical tests as may be prescribed by the Commissioner to determine the roadworthiness of the vehicle. Any vehicle which may be found to be unsafe for use on the highways may be ordered removed from said highway until such alterations or repairs have been made that will render said vehicle serviceable for use on the highway;

13. To stop and inspect the contents of all motor vehicles to ascertain whether or not the provisions of all general laws are being observed;

14. To enforce the laws of the state relating to the registration and licensing of motor vehicles;

15. To enforce the laws relating to the operation and use of vehicles on the highway;

16. To enforce and prevent, on the roads of the state highway system, the violation of the laws relating to the size, weight, and speed of commercial motor vehicles and all laws designed for the protection of the highway pavements and structures on such highways;

17. To investigate and report to the Corporation Commission and the Oklahoma Tax Commission violation of their rules and the laws governing the transportation of persons and property by motor transportation companies and all other motor carriers for hire;

18. To investigate and report violations of all laws relating to the collection of excise taxes on motor vehicle fuels;

19. To regulate the movement of traffic on the roads of the state highway system;

20. Whenever possible, to determine persons causing or responsible for the breaking, damaging, or destruction of any improved surfaced roadway, structure, sign, marker, guardrail, or any other appurtenance constructed or maintained by the Department of Transportation, and to arrest persons responsible therefor and to bring them before the proper officials for prosecution;

21. To investigate incidents involving an employee of the Department, when such incidents are related to the performance of the duties of the employee; and

22. To initiate or assist in manhunts and fugitive apprehensions.

C. Whenever any person is arrested by a patrol officer for a traffic violation the provisions of Sections 16-101 through 16-114 of this title shall apply.

D. 1. Except as provided in this subsection, the powers and duties conferred on the Commissioner and officers of the Department of Public Safety shall not limit the powers and duties of sheriffs or other peace officers of the state or any political subdivision of the state.

2. The Oklahoma Highway Patrol Division shall have primary law enforcement authority respecting traffic-related offenses upon the National System of Interstate and Defense Highways, and may have special law enforcement authority on ~~those portions of~~ the federal-aid primary highways and the state highway system, including those portions of the federal aid primary highways and the state highway system which are located within the boundaries and on the outskirts of a municipality, and designated by the Commissioner of Public Safety for such special law enforcement authority. As used in this subsection "outskirts of a municipality" means and shall be determined by presence of the following factors:

- a. low land use density,
- b. absence of any school or residential subdivision requiring direct ingress or egress from the highway, and
- c. a scarcity of retail or commercial business abutting the highway.

3. The Commissioner may designate any portion of the National System of Interstate and Defense Highways, ~~and those portions of the federal-aid primary highways,~~ and the state highway system ~~which are located within the boundaries of and on the outskirts of a municipality~~ for special traffic-related enforcement by the Oklahoma Highway Patrol Division and issue a written notice to any other law enforcement agency affected thereby. Upon receipt of such notice, the affected law enforcement agency shall not regulate traffic nor enforce traffic-related statutes or ordinances upon such designated portion of the National System of Interstate and Defense Highways or such designated portions of the federal-aid primary highways and the state highway system without prior coordination and written approval of the Commissioner.

E. 1. Any of the following persons may request the Commissioner to investigate the traffic-related enforcement practices of a municipal law enforcement agency whose jurisdiction includes portions of the federal-aid primary highways, the state highway system, or both located within the boundaries of and on the outskirts of the municipality:

- a. the district attorney in whose jurisdiction the municipality is located,
- b. a majority of the county commissioners, by resolution, of the county in which the municipality is located,
- c. the State Auditor and Inspector,
- d. the State Attorney General, or
- e. a state legislator in whose district the municipality is located.

2. The request shall state that the requesting party believes the enforcement practices are being conducted:

- a. within the boundaries of and on the outskirts of the municipality, and
- b. for the purpose of generating more than fifty percent (50%) of the revenue needed for the operation of the municipality.

3. Upon receipt of a request pursuant to this subsection, the Commissioner may investigate the traffic-related enforcement practices of the municipal law enforcement agency and the receipts and expenditures of the municipality. The law enforcement agency, the municipality, and the requesting party shall cooperate fully with the Commissioner in such an investigation. Upon the completion of the investigation, the Commissioner shall submit a report of the results of the investigation to the Attorney General, who shall make a determination within sixty (60) days of receipt of the report as to whether the enforcement practices of the municipal law enforcement agency are being conducted as provided in subparagraphs a and b of paragraph 2 of this subsection. Upon a determination that the enforcement practices are not being conducted in such a manner, the Attorney General shall notify the Commissioner in writing, and the Commissioner shall take no action to make a designation as provided in paragraph 3 of subsection D of this section. Upon a determination that the enforcement practices are being conducted as provided in subparagraphs a and b of paragraph 2 of this subsection, the Attorney General shall notify the Commissioner in writing, and the Commissioner shall make the designation of special traffic-related enforcement as provided in paragraph 3 of subsection D of this section, which shall stay in force for such time as determined by the Commissioner. The Department of Public Safety shall adopt rules to uniformly implement the procedures for initiating, investigating and reporting to the Attorney General the results of a request under the provisions of this subsection and the criteria for determining the length of time the designation of special traffic-related enforcement shall be in force.

F. Nothing in this section shall limit a member of the Oklahoma Highway Patrol Division from requesting assistance from any other law enforcement agency nor limit officers of such agency from rendering the requested assistance. The officer and the law enforcement agency responding to the request of the member of the Oklahoma Highway Patrol Division or sheriff's department shall have the same rights and immunities as are possessed by the Oklahoma Highway Patrol Division.

G. No state official shall have any power, right, or authority to command, order, or direct any commissioned law enforcement officer of the Department of Public Safety to perform any duty or service contrary to the provisions of this title or any other laws of this state.”, and by renumbering subsequent sections and amending the title to conform, which amendment failed of adoption upon roll call as follows:

Aye: Adelson, Brogdon, Burrage, Coffee, Corn, Crutchfield, Easley, Eason McIntyre, Garrison, Johnson (C), Laster, Leftwich, Morgan, Paddock, Rabon, Rice, Schulz, Sparks, Sweeden, Sykes, Wilson and Wyrick.--22.

Nay: Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brown, Coates, Ford, Gumm, Ivester, Johnson (M), Jolley, Justice, Lamb, Laughlin, Lerblance, Mazzei, Myers, Nichols, Reynolds, Riley, Wilcoxson and Williamson.--25.

Excused: Crain.--1.

Senator Corn moved to amend **HB 2215**, Page 1, Line 27 ½, by inserting a new Section 1 to read as follows:

“SECTION 1. AMENDATORY 47 O.S. 2001, Section 6-101, as last amended by Section 23, Chapter 44, 2nd Extraordinary Session, O.S.L. 2006 (47 O.S. Supp. 2007, Section 6-101), is amended to read as follows:

Section 6-101. A. No person, except those hereinafter expressly exempted in Section 6-102 of this title, shall operate any motor vehicle upon a highway in this state unless the person has a valid Oklahoma driver license for the class of vehicle being operated under the provisions of this title. No person shall be permitted to possess more than one valid license at any time.

B. 1. No person shall operate a Class A commercial motor vehicle unless the person is eighteen (18) years of age or older and holds a valid Class A commercial license, except as provided in paragraph 5 of this subsection. Any person holding a valid Class A commercial license shall be permitted to operate motor vehicles in Classes A, B, C and D, except as provided for in paragraph 4 of this subsection.

2. No person shall operate a Class B commercial motor vehicle unless the person is eighteen (18) years of age or older and holds a valid Class B commercial license. Any person holding a valid Class B commercial license shall be permitted to operate motor vehicles in Classes B, C and D, except as provided for in paragraph 4 of this subsection.

3. No person shall operate a Class C commercial motor vehicle unless the person is eighteen (18) years of age or older and holds a valid Class C commercial license. Any person holding a valid Class C commercial license shall be permitted to operate motor vehicles in Classes C and D, except as provided for in paragraph 4 of this subsection.

4. No person under twenty-one (21) years of age shall be licensed to operate any motor vehicle which is required to be placarded for hazardous materials pursuant to 49 C.F.R., Part 172, subpart F; provided, a person eighteen (18) years of age or older may be licensed to operate a farm vehicle which is required to be placarded for hazardous materials pursuant to 49 C.F.R., Part 172, subpart F.

5. A person at least seventeen (17) years of age who successfully completes all examinations required by law may be issued by the Department:

- a. a restricted Class A commercial license which shall grant to the licensee the privilege to operate a Class A or Class B commercial motor vehicle for harvest purposes or a Class D motor vehicle, or
- b. a restricted Class B commercial license which shall grant to the licensee the privilege to operate a Class B commercial motor vehicle for harvest purposes or a Class D motor vehicle.

6. No person shall operate a Class D motor vehicle unless the person is sixteen (16) years of age or older and holds a valid Class D license, except as provided for in Section 6-102 or 6-105 of this title. Any person holding a valid Class D license shall be permitted to operate motor vehicles in Class D only.

C. Any person issued a driver license pursuant to this section may exercise the privilege thereby granted upon all streets and highways in this state.

D. No person shall operate a motorcycle or motor-driven cycle without having a valid Class A, B, C or D license with a motorcycle endorsement.

1. Except as otherwise provided by law, any new applicant for an original driver license shall be required to successfully complete a written examination, vision examination, and driving examination for a motorcycle as prescribed by the Department of Public Safety to be eligible for a motorcycle endorsement thereon. The driving examination for a motorcycle may be waived by the Department of Public Safety upon verification that the person has completed a certified Motorcycle Safety Foundation rider course approved by the Department.

~~E. 2. Except as otherwise provided by law, any person who lawfully possesses a valid Oklahoma driver license which is eligible for renewal and who desires to add a motorcycle endorsement shall be required to successfully complete a written examination, vision examination, and driving examination for a motorcycle as prescribed by the Department to be eligible for a motorcycle endorsement; provided, however, the Department may waive all such examinations until July 1, 2000, upon satisfactory proof that the applicant has regularly operated a motorcycle or motor-driven cycle for a minimum of two (2) years immediately preceding the application.~~

F. E. 1. Any person eighteen (18) years of age or older may apply for a restricted Class A, B or C commercial license. The Department, after the applicant has passed all parts of the examination for a Class D license and has successfully passed all parts of the examination for a Class A, B or C commercial license other than the driving examination, may issue to the applicant a restricted driver license which shall entitle the applicant having immediate possession of the license to operate a Class A, B or C commercial motor vehicle upon the public highways solely for the purpose of behind-the-wheel training in accordance with rules promulgated by the Department.

2. This restricted driver license shall be issued for a period of not more than four (4) years; provided, such restricted license may be suspended, revoked, canceled, or denied at

the discretion of the Department for violation of the restrictions, for failing to give the required or correct information on the application, or for violation of any traffic laws of this state pertaining to the operation of a motor vehicle. Except as otherwise provided, the lawful possessor of a restricted license who has been issued a restricted license for a minimum of thirty (30) days may have the restriction requiring an accompanying driver removed by satisfactorily completing a driver's examination; provided, the removal of a restriction shall not authorize the operation of a Class A, B or C commercial motor vehicle if such operation is otherwise prohibited by law.

~~G. E.~~ 1. The fee charged for an approved application for an original Oklahoma driver license or an approved application for the addition of an endorsement to a current valid Oklahoma driver license shall be assessed in accordance with the following schedule:

Class A Commercial License	\$25.00
Class B Commercial License	\$15.00
Class C Commercial License	\$15.00
Class D License	\$ 4.00
Motorcycle Endorsement	\$ 4.00

2. Notwithstanding the provisions of Section 1104 of this title, all monies collected from the fees charged for Class A, B, and C commercial licenses pursuant to the provisions of this subsection shall be deposited in the General Revenue Fund of this state.

~~H. G.~~ The fee charged for any failed examination shall be Four Dollars (\$4.00) for any license classification. Notwithstanding the provisions of Section 1104 of this title, all monies collected from such examination fees pursuant to the provisions of this subsection shall be deposited in the General Revenue Fund of this state.

~~I. 1. In addition to any fee charged pursuant to the provisions of subsection G of this section, the fee charged for the issuance or renewal of an Oklahoma license which is not in a computerized image format shall be in accordance with the following schedule:~~

Class A Commercial License	\$40.50
Class B Commercial License	\$40.50
Class C Commercial License	\$30.50
Class D License	\$20.50

~~Notwithstanding the provisions of Section 1104 of this title, of each fee charged pursuant to this paragraph:~~

- ~~a. Five Dollars and fifty cents (\$5.50) shall be deposited to the Trauma Care Assistance Revolving Fund created in Section 1-2530.9 of Title 63 of the Oklahoma Statutes, and~~
- ~~b. Five Dollars and seventy five cents (\$5.75) shall be deposited to the Department of Public Safety Computer Imaging System Revolving Fund to be used solely for the purpose of administration and maintenance of the computerized imaging system of the Department.~~

~~2. H.~~ In addition to any fee charged pursuant to the provisions of ~~subsection~~ subsections F and G of this section, the fee charged for the issuance or renewal of an Oklahoma license which is in a computerized image format shall be in accordance with the following schedule:

Class A Commercial License	\$41.50 <u>\$45.00</u>
Class B Commercial License	\$41.50 <u>\$45.00</u>
Class C Commercial License	\$31.50 <u>\$35.00</u>

Class D License \$21.50 \$25.00

Notwithstanding the provisions of Section 1104 of this title, of each fee charged pursuant to the provisions of this paragraph:

~~a.~~ 1. Five Dollars and fifty cents (\$5.50) shall be deposited to the Trauma Care Assistance Revolving Fund created in Section ~~330.97~~ 1-2530.9 of Title 63 of the Oklahoma Statutes; ~~and;~~

~~b.~~ 2. Six Dollars and seventy-five cents (\$6.75) shall be deposited to the Department of Public Safety Computer Imaging System Revolving Fund to be used solely for the purpose of administration and maintenance of the computerized imaging system of the Department; ~~and~~

3. Three Dollars and fifty cents (\$3.50) shall be deposited to the Department of Public Safety Revolving Fund for the purpose of administering the Driver License Examining Division.

~~J.~~ I. All original and renewal driver licenses shall expire no more than four (4) years from the last day of the month in which the license was issued, as provided by law.

~~K.~~ J. Any person sixty-two (62) years of age or older during the calendar year of issuance of a Class D license or motorcycle endorsement shall be charged the following prorated fee:

Age 62	\$11.25
Age 63	\$ 7.50
Age 64	\$ 3.75
Age 65	-0-

~~L.~~ K. No person who has been honorably discharged from active service in any branch of the Armed Forces of the United States or Oklahoma National Guard and who has been certified by the United States Department of Veterans Affairs, its successor, or the Armed Forces of the United States to be a disabled veteran in receipt of compensation at the one-hundred-percent rate for a permanent disability sustained through military action or accident resulting from disease contracted while in such active service shall be charged a fee for the issuance or renewal of an Oklahoma driver license.

~~M.~~ L. The Department of Public Safety and the Oklahoma Tax Commission are authorized to promulgate rules for the issuance and renewal of driver licenses authorized pursuant to the provisions of Sections 6-101 through 6-309 of this title. Applications, upon forms approved by the Department of Public Safety, for such licenses shall be handled by the motor license agents; provided, the Department of Public Safety is authorized to assume these duties in any county of this state. Each motor license agent accepting applications for driver licenses shall receive Two Dollars (\$2.00) to be deducted from the total collected for each license or renewal application accepted. The two-dollar fee received by the motor license agent shall be used for operating expenses.

~~N.~~ M. Notwithstanding the provisions of Section 1104 of this title and subsection ~~M~~ L of this section and, except as provided in subsections ~~G~~ F and ~~I~~ H of this section, the first Sixty Thousand Dollars (\$60,000.00) of all monies collected pursuant to this section shall be paid by the ~~Oklahoma~~ Tax Commission to the State Treasurer to be deposited in the General Revenue Fund of the State Treasury.

The next Five Hundred Thousand Dollars (\$500,000.00) of monies collected pursuant to this section shall be paid by the Tax Commission to the State Treasurer to be deposited each fiscal year under the provisions of this section to the credit of the Department of

Public Safety Revolving Fund for the purpose of the Statewide Law Enforcement Communications System. All other monies collected in excess of Five Hundred Sixty Thousand Dollars (\$560,000.00) each fiscal year shall be apportioned as provided in Section 1104 of this title, except as otherwise provided in this section.

Ø. N. The Department of Public Safety shall implement a procedure whereby images displayed on licenses and identification cards issued pursuant to the provisions of Sections 6-101 through 6-309 of this title are maintained by the Department to create photographs or computerized images which may be used only:

1. By a law enforcement agency for purposes of criminal investigations, missing person investigations, or any law enforcement purpose which is deemed necessary by the Commissioner of Public Safety;

2. By the driver licensing agency of another state for its official purpose; and

3. As provided in Section 2-110 of this title.

The computer system and related equipment acquired for this purpose must conform to industry standards for interoperability and open architecture. The Department of Public Safety may promulgate rules to implement the provisions of this subsection.”, and by renumbering subsequent sections and amending the title to conform, which amendment was declared adopted.

Senator Johnson (Constance) moved to amend **HB 2215**, Page 1, by striking the title, which amendment was declared adopted.

Senator Johnson (Constance) moved that **HB 2215** be advanced, which motion was declared adopted.

THIRD READING

HB 2215 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, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--45.

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

The bill passed.

HB 2215 was referred for engrossment.

**MESSAGE FROM THE HOUSE
HAS TO SENATE BILLS**

Advising passage of and returning the following engrossed bills as amended:

SB 512 - remove Luttrell and substitute Johnson (Rob) as principal House author and coauthored by Luttrell

SB 1149 - coauthored by Jett, Terrill, Dank, Enns, Kern, Faught and McDaniel (Randy)

SB 1171 - coauthored by Dorman

SB 1189

SB 1364

SB 1451 - remove Hickman and substitute Richardson as principal House author and coauthored by Collins and Faught

SB 1511 - coauthored by Dorman

SB 1515

SB 1531

SB 1604

SB 1641 - coauthored by Derby and Watson

SB 1654

SB 1738 - coauthored by Shumate

SB 1765

SB 1853

SB 1921 - coauthored by Tibbs, Dank, Enns and Faught

SB 1943 - coauthored by Dorman, Jett and Hilliard

SB 1951 - coauthored by Coody

SB 1960 - coauthored by Blackwell

SB 1961 - coauthored by Blackwell, Duncan, Wesselhoft, Wright and Reynolds

SB 1968

SB 2100 - coauthored by Kern

SB 2119

SB 2163 - coauthored by McCullough and Roan

SJR 38 - coauthored by Billy, Brannon, Coody, Denney, Dorman, Duncan, Harrison, Hoskin, Jackson, Jett, Johnson (Dennis), Kern, Luttrell, Martin (Steve), McMullen, Renegar, Reynolds, Sears, Smithson, Thompson, Turner and Walker

House amendments were read on the above-numbered bills.

GENERAL ORDER

HB 3229 by Key et al of the House and Brogdon of the Senate was called up for consideration.

Senator Anderson moved to amend **HB 3229**, Page 1, Line 12 ½, by inserting new Sections 1 through 4 amending 68 O.S. Supp 2007, Sections 304, 316, and 360.7 and 68 O.S. 2001, Section 418 and by inserting a new Section 5 to read as follows:

“SECTION 5. Sections 1 through 4 of this act shall become effective November 1, 2008.”; and Page 23, Line 23, by deleting after the first period and before the word “act” the word “This” and inserting in lieu thereof the words “Sections 6, 7 and 8 of this”, and by renumbering subsequent sections. (Copies were provided to all Senators)

Senator Anderson moved to amend his amendment to **HB 3229**, Page 16, Line 17, by deleting Section 5 and inserting new Sections 5 and 6 to read as follows:

“SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 302-5a of Title 68, unless there is created a duplication in numbering, reads as follows:

Notwithstanding the rate of tax levied upon the sale, use, gift, possession, or consumption of cigarettes within the State of Oklahoma pursuant to Sections 302, 302-1, 302-2, 302-3, 302-4 and 302-5 of Title 68 of the Oklahoma Statutes and the sale, use, exchange or possession of articles containing tobacco within the State of Oklahoma pursuant to Sections 402, 402-1, 402-2 and 402-3 of Title 68 of the Oklahoma Statutes, if any compact between the State of Oklahoma and a federally recognized Indian tribe or nation enacted or amended after January 1, 2004 reduces the percentage of the tax levied on such cigarette and tobacco products at tribally owned or licensed stores, such percentage reduction shall apply to the tax levied on such cigarettes and tobacco products pursuant to the provisions of Sections 302, 302-1, 302-2, 302-3, 302-4, 302-5, 402, 402-1, 402-2 and 402-3 of Title 68 of the Oklahoma Statutes.

SECTION 6. The effective date of Sections 1 through 5 of this act shall become effective November 1, 2008.”, which amendment failed of adoption upon roll call as follows:

Aye: Aldridge, Anderson, Barrington, Bingman, Branan, Brogdon, Brown, Coffee, Ford, Johnson (M), Jolley, Justice, Lamb, Laughlin, Mazzei, Myers, Nichols, Reynolds, Schulz, Sykes, Wilcoxson and Williamson.--22.

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

Excused: Coates and Crain.--2.

Senator Anderson pressed adoption of his prior amendment, which amendment was declared adopted.

Senator Brogdon moved that **HB 3229** be advanced, which motion was declared adopted.

THIRD READING

HB 3229 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, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Rice, Riley, Schulz, Sparks, Sweden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--46.

Excused: Crain and Reynolds.--2.

The bill and emergency passed.

HB 3229 was referred for engrossment.

GENERAL ORDER

HB 2196 by Dank et al of the House and Coffee of the Senate was called up for consideration.

Senator Corn moved to amend **HB 2196**, Page 4, Lines 5 through 8, by deleting subsection G and inserting a new subsection G to read as follows:

“G. From January 1 through June 30 of any year, contributions shall not be made to, nor solicited or accepted by:

1. A candidate for legislative or statewide office;
2. A candidate committee for a candidate for legislative or statewide office; or
3. A political action committee from January 1 through June 30 of any year.”

which amendment was declared adopted.

Senator Corn moved to amend **HB 2196**, Page 4, Lines 22 and 23, by deleting all language after the word “election” on Line 22 and before the word “for” on Line 23; Page 4, Line 23, by inserting after the word “office” and before the semicolon the words “for a period of time equivalent to the term of the office for which the contributions were accepted in accordance with the provisions of subsection J of this section”; and Page 6, Lines 5 through 7, by deleting subsection J and inserting a new subsection J to read as follows:

“J. Contributions accepted by a candidate or a candidate committee for a specific state or local office shall not be used by such candidate or a candidate committee for such candidate for a campaign for a different office. Following the General Election for the office of the campaign during which such contributions were accepted, such contributions may be transferred to a subsequent campaign for the same office by the candidate or candidate committee not later than the date of the next General Election for such office.

Any contributions not so transferred may be used only for the purposes set forth in paragraphs 1, 2, 3, 5 and 6 of subsection H of this section.”, which amendment was declared adopted.

Senator Sykes moved to amend **HB 2196**, Page 6, Line 23 ½, by inserting a new Section 4 to read as follows:

“SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4260 of Title 74, unless there is created a duplication in numbering, reads as follows:

The Ethics Commission shall create and maintain a “No Gifts List”, in which legislators and elected officials under the authority of the Ethics Commission who do not want to receive gifts from lobbyists may voluntarily participate and be named on the list.”, and by renumbering subsequent section, which amendment was declared adopted upon roll call as follows:

Aye: Adelson, Aldridge, Anderson, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coffee, Corn, Easley, Ford, Garrison, Ivester, Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilson and Wyrick.--37.

Nay: Ballenger, Coates, Crutchfield, Eason McIntyre, Gumm, Johnson (C), Rabon and Wilcoxson.--8.

Excused: Crain, Reynolds and Williamson.--3.

Senator Rabon moved to amend **HB 2196**, Page 6, Line 23 ½, by inserting a new Section 4 to read as follows:

“SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 188 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. It shall be unlawful for any person to intentionally participate in the preparation, dissemination, or broadcast of paid political advertising, campaign material, or a letter to a newspaper editor that is false and that such person knows is false or communicates to others with reckless disregard of whether it is false if such advertising or material:

1. Relates to the personal or political character, voting record or acts of a candidate, or relates to the effect of a ballot measure; and
2. Is designed or intended to elect, injure, promote, or defeat a candidate or to promote or defeat a ballot measure.

The provisions of this subsection shall not apply to any person or organization whose sole act is, in the normal course of business, the printing, manufacturing, or dissemination of the false advertising or material.

B. It shall be unlawful for any person to knowingly make, directly or indirectly, a false claim stating or implying that a candidate or ballot measure has the support or endorsement of a party committee, or to state in written campaign material that a candidate

or ballot measure has the support or endorsement of an individual or committee without first getting written permission from the individual or committee to do so.

C. As used in this section:

1. The terms “ballot measure”, “candidate”, “committee”, “party committee”, and “person” shall have the same meaning as such terms are assigned pursuant to the provisions of Section 187 of Title 21 of the Oklahoma Statutes; and

2. “Campaign material” means any literature, publication, or material tending to influence voting at an election, except for news items or editorial comments by the news media.

D. Any person who knowingly and willfully violates any provision of this section, upon conviction, shall be guilty of a misdemeanor punishable by a fine of Five Thousand Dollars (\$5,000.00), or by imprisonment in the county jail for up to one (1) year, or by both such fine and imprisonment.”, and by renumbering subsequent section, which amendment was declared adopted upon roll call as follows:

Aye: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brown, Burrage, Coates, Corn, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Wilson and Wyrick.--43.

Nay: Brogdon and Coffee.--2.

Excused: Crain, Reynolds and Williamson.--3.

Senator Leftwich moved to amend **HB 2196**, Page 6, Line 23 ½, by inserting new Sections 4, 5 and 6 amending 74 O.S. Supp. 2007, Ch. 62, App., Rules 1-1-2, 20-1-9 and 23-1-2, and by renumbering subsequent section (Copies were provided to all Senators), 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, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilson and Wyrick.--42.

Nay: Crutchfield, Gumm and Wilcoxson.--3.

Excused: Crain, Reynolds and Williamson.--3.

Senator Coffee moved that **HB 2196** be advanced, which motion was declared adopted.

THIRD READING

HB 2196 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, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Wilson and Wyrick.--45.

Excused: Crain, Reynolds and Williamson.--3.

The bill and emergency passed.

HB 2196 was referred for engrossment.

MESSAGE FROM THE HOUSE CONFERENCE COMMITTEE REPORT

Transmitting the following bill, together with conference committee report thereon, advising adoption of conference committee report and passage of measure as amended:

HB 2276

Conference committee report was read on the above-numbered bill.

Senator Rabon presiding.

GENERAL ORDER

HB 2460 by Schwartz and Roan of the House and Lamb of the Senate was called up for consideration.

Senator Lamb moved that **HB 2460** be advanced, which motion was declared adopted.

THIRD READING

HB 2460 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, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin,

Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Wilson and Wyrick.--44.

Excused: Crain, Johnson (C), Reynolds and Williamson.--4.

The bill passed.

HB 2460 was referred for engrossment.

GENERAL ORDER

HB 2995 by Johnson (Dennis) et al of the House and Sykes of the Senate was called up for consideration.

Senator Brogdon asked to coauthor **HB 2995**, which was the order.

Senator Sykes moved to amend **HB 2995**, 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 moved that **HB 2995** be advanced, which motion was declared adopted.

THIRD READING

HB 2995 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, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Wilson and Wyrick.--44.

Excused: Crain, Johnson (C), Reynolds and Williamson.--4.

The bill passed.

HB 2995 was referred for engrossment.

Senator Paddack presiding.

GENERAL ORDER

HB 3384 by Cooksey of the House and Corn of the Senate was called up for consideration.

Senator Corn moved that **HB 3384** be advanced, which motion was declared adopted.

THIRD READING

HB 3384 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, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Rice, Riley, Schulz, Sparks, Sweeden, Wilcoxson, Wilson and Wyrick.--44.

Nay: Sykes.--1.

Excused: Crain, Reynolds and Williamson.--3.

The bill passed.

HB 3384 was referred for engrossment.

GENERAL ORDER

HB 1897 by Hamilton et al of the House and Leftwich of the Senate was called up for consideration.

Senators Paddack, Rice, Garrison, Jolley and Sykes asked to coauthor **HB 1897**, which was the order.

Senator Leftwich moved that **HB 1897** be advanced, which motion was declared adopted.

THIRD READING

HB 1897 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, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Wilson and Wyrick.--45.

Excused: Crain, Reynolds and Williamson.--3.

The bill passed.

HB 1897 was referred for engrossment.

PENDING CONSIDERATION OF HAS

HAs to SBs 1390, 1423 and 1547 were rejected upon motion of Senator Laughlin, conference requested, and Senate conferees to be named later.

PENDING SENATE ACTION HOUSE REQUEST FOR CONFERENCE

Upon motion of Senator Laughlin, the request of the Honorable House for further conference on **SB 704** was ordered granted and Senate conferees to be named later.

GENERAL ORDER

HB 3275 by Joyner and Duncan of the House and Nichols of the Senate was called up for consideration.

Senator Nichols moved that **HB 3275** be advanced, which motion was declared adopted.

THIRD READING

HB 3275 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, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Wilson and Wyrick.--45.

Excused: Crain, Reynolds and Williamson.--3.

The bill passed.

HB 3275 was referred for engrossment.

GENERAL ORDER

HB 2703 by Steele et al of the House and Johnson (Constance) of the Senate was called up for consideration.

Senator Johnson (Constance) moved that **HB 2703** be advanced, which motion was declared adopted.

THIRD READING

HB 2703 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, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Wilson and Wyrick.--45.

Excused: Crain, Reynolds and Williamson.--3.

The bill and emergency passed.

HB 2703 was referred for engrossment.

GENERAL ORDER

HJR 1065 by Winchester et al of the House and Sparks of the Senate was called up for consideration.

Senator Sparks moved that **HJR 1065** be advanced, which motion was declared adopted.

THIRD READING

HJR 1065 was read for the third time at length.

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

Aye: Adelson, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brown, Burrage, Coffee, Corn, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Rice, Riley, Schulz, Sparks, Sweeden, Wilson and Wyrick.--38.

Nay: Aldridge, Brogdon, Jolley, Rabon, Sykes and Wilcoxson.--6.

Excused: Coates, Crain, Reynolds and Williamson.--4.

The resolution passed.

HJR 1065 was referred for engrossment.

MESSAGE FROM THE HOUSE

Advising passage of and returning the following Engrossed bill:

SB 1923

The above-numbered measure was referred for enrollment.

Senator Laughlin moved that when the clerk's desk is clear, the Senate stand adjourned to convene Thursday, April 24, 2008, at 9:30 a.m., which motion prevailed.

FIRST READING

The following were introduced and read the first time:

SCR 82 – By Leftwich of the Senate and Cox of the House.

A Concurrent Resolution aligning the Legislature with Oklahoma dieticians, producers and businesses to promote healthy eating using Oklahoma agricultural products and introducing Oklahoma's 2nd Century Meal; and directing distribution.

SR 74 – By Branan.

A Resolution congratulating the 2007 Bishop McGuinness High School Fighting Irish football team for winning the Class 4A State Championship; commending their undefeated record; and directing distribution.

SR 75 – By Branan.

A Resolution congratulating the 2008 Bishop McGuinness High School Fighting Irish boys basketball team for winning the 2008 Class 4A State Championship; commending the 2008 Fighting Irish boys basketball team for winning three consecutive state titles; and directing distribution.

SR 76 – By Burrage.

A Resolution praising Dr. Larry G. Burdick's career in education; wishing him well upon the occasion of his retirement; and directing distribution.

MESSAGE FROM THE GOVERNOR

Advising his approval April 22, 2008, of Enrolled **SBs 1148, 1192, 1468, 1506, 1554, 1648 and 2069.**

Pursuant to the Laughlin motion, the Senate adjourned at 4:30 p.m. to meet Thursday, April 24, 2008, at 9:30 a.m.