

Senate Journal

First Regular Session of the Fifty-second Legislature of the State of Oklahoma

Eighth Legislative Day, Wednesday, February 11, 2009

The Senate was called to order by Senator Aldridge.

Roll Call:

Present: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.—47.

Excused: Mazzei.—1.

Senator Aldridge declared a quorum present.

The prayer was offered by Pastor Bruce Mow, Victory Christian Center, Tulsa, the guest of Senator Newberry.

REPORT OF ENGROSSED AND ENROLLED MEASURE

SR 6 was correctly enrolled, properly signed and ordered transmitted to the Secretary of State.

GENERAL ORDER

SB 275 by Corn of the Senate and Renegar of the House was called up for consideration.

Senator Corn moved that **SB 275** be advanced, which motion was declared adopted.

THIRD READING

SB 275 was read for the third time at length.

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

Aye: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bingman, Branan, Brogdon, Brown, Burrage, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Wilson and Wyrick.--44.

Excused: Bass, Coates, Mazzei and Sykes.--4.

The bill and emergency passed.

SB 275 was referred for engrossment.

GENERAL ORDER

SB 342 by Crain of the Senate and Thompson of the House was called up for consideration.

Senator Crain moved that **SB 342** be advanced, which motion was declared adopted.

THIRD READING

SB 342 was read for the third time at length.

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

Aye: Adelson, Aldridge, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--45.

Excused: Anderson, Coates and Mazzei.--3.

The bill passed.

SB 342 was referred for engrossment.

INTRODUCTION

Senator Ballenger introduced former Senator Frank Shurden to the Senate.

MESSAGE FROM THE HOUSE

Advising passage of and transmitting for consideration Engrossed **HBs 1008, 1031, 1044, 1294, 1296, 1334, 1347, 1402, 1461, 1482 and 1583.**

HB 1008 – By Carey of the House and Gumm of the Senate.

An Act relating to criminal procedure; amending 22 O.S. 2001, Section 152, as last amended by Section 1, Chapter 434, O.S.L. 2008 (22 O.S. Supp. 2008, Section 152), which relates to statute of limitations; specifying statute of limitations for certain crimes; and providing an effective date.

HB 1031 – By Murphey of the House and Coates of the Senate.

An Act relating to cities and towns; amending 11 O.S. 2001, Section 14-107, as amended by Section 1, Chapter 407, O.S.L. 2002 (11 O.S. Supp. 2008, Section 14-107), which relates to the Oklahoma Municipal Code; modifying the list of codes a municipality may adopt; amending 74 O.S. 2001, Section 324.8, as amended by Section 1, Chapter 119, O.S.L. 2005 (74 O.S. Supp. 2008, Section 324.8), which relates to the State Fire Marshal; modifying code that municipalities and subdivisions may adopt for certain purposes; and providing an effective date.

HB 1044 – By Sears and Martin (Steve) of the House and Ford of the Senate.

An Act relating to cities and towns; amending 11 O.S. 2001, Section 10-112, as last amended by Section 2, Chapter 304, O.S.L. 2008 (11 O.S. Supp. 2008, Section 10-112), which relates to the appointment of city manager; modifying certain residency requirement for city manager; and providing an effective date.

HB 1294 – By Murphey and Sherrer of the House and Brogdon of the Senate.

An Act relating to counties and county officers; providing for financing of certain project types pursuant to the Rural Road Improvement District Act; defining term; prescribing procedures; providing for codification; and providing an effective date.

HB 1296 – By Wright (John) of the House and Ballenger of the Senate.

An Act relating to state government; amending 74 O.S. 2001, Section 840-2.27C, as last amended by Section 3, Chapter 342, O.S.L. 2007 (74 O.S. Supp. 2008, Section 840-2.27C), which relates to the Oklahoma Personnel Act; modifying reduction-in-force notice requirement; and providing an effective date.

HB 1334 – By Denney of the House and Bingman of the Senate.

An Act relating to records; stating legislative finding and intent; authorizing state agencies to transfer certain state records to the Oklahoma City National Memorial Foundation; providing for transfer of original records; providing for transfer of confidential

or restricted records; directing the State Records Administrator to enter into a transfer agreement with the Foundation; specifying certain provisions; providing for codification; providing for noncodification; and declaring an emergency.

HB 1347 – By Cooksey of the House and Jolley of the Senate.

An Act relating to counties and county officers; amending 19 O.S. 2001, Section 1505, as last amended by Section 5, Chapter 132, O.S.L. 2007 (19 O.S. Supp. 2008, Section 1505), which relates to procedures to purchase equipment for county government; increasing value amount for equipment required to be disposed of pursuant to disposal procedure; amending 19 O.S. 2001, Section 421, which relates to entry on minutes when equipment is disposed; increasing value amount for equipment required for entry on minutes; amending 19 O.S. 2001, Section 421.1, as last amended by Section 1, Chapter 294, O.S.L. 2008 (19 O.S. Supp. 2008, Section 421.1), which relates to the ability of county to trade in equipment and establishes the procedure for the sale of equipment; increasing value amount for equipment available for trade-in and increasing value amount of equipment subject to procedure for sale; and providing an effective date.

HB 1402 – By Hilliard, Dorman, Sullivan, Wright (John), Roan, Walker and Reynolds of the House and Paddock of the Senate.

An Act relating to elections; amending 26 O.S. 2001, Section 14-115, as last amended by Section 12, Chapter 485, O.S.L. 2003 (26 O.S. Supp. 2008, Section 14-115), which relates to absentee ballots; providing procedure for absentee ballots for persons confined to veterans centers; and providing an effective date.

HB 1461 – By Sears, Cannaday and Martin (Steve) of the House and Ford of the Senate.

An Act relating to schools; amending 70 O.S. 2001, Section 1210.541, as amended by Section 3, Chapter 428, O.S.L. 2003 (70 O.S. Supp. 2008, Section 1210.541), which relates to student performance levels and accountability system; requiring certain schools identified as in need of improvement to utilize school support team assistance; specifying types of assistance to be provided to schools; providing an effective date; and declaring an emergency.

HB 1482 – By DeWitt and Martin (Steve) of the House and Justice of the Senate.

An Act relating to nuisances; amending 50 O.S. 2001, Section 1.1, which relates to agricultural activities; modifying definitions; prohibiting nuisance action against agricultural activities on certain lands; providing for established date of operation of agricultural activities on certain lands; providing for recovery of certain costs and fees in specific circumstance in actions for nuisance; and providing an effective date.

HB 1583 – By Fields, Kouplen and Sherrer of the House and Justice of the Senate.

An Act relating to agriculture; creating the Weed Free Hay Certification Act; defining terms; providing for the promulgation of rules; specifying content of rules; authorizing the Commissioner of Agriculture to enter into certain agreements; authorizing the State Board of Agriculture to accept certain funds and to enter into certain agreements; providing for

inspection; authorizing certain crops to be certified in certain circumstances; providing for codification; and providing an effective date.

The above-numbered measures were read the first time.

Senator Lamb moved that when the clerk's desk is clear, the Senate stand adjourned to convene Thursday, February 12, 2009, at 9:30 a.m., which motion prevailed.

COMMITTEE REPORTS

The following were reported by the committees named, ordered printed and placed on the Calendar:

DO PASS:

SB 249 – Public Safety and Homeland Security, coauthored by Osborn (principal House author)

Ayes: Ballenger, Barrington, Easley, Ellis, Russell

SB 285 – Judiciary, coauthored by Jackson (principal House author)

Ayes: Anderson, Corn, Crain, Laster, Newberry, Paddack, Sykes

SB 306 – General Government, coauthored by Jordan (principal House author)

Ayes: Aldridge, Ballenger, Bass, Bingman, Johnson (Constance), Johnson (Mike), Nichols, Sweeden, Wilson

Nays: Crain

SB 448 – Judiciary, coauthored by Denney (principal House author)

Ayes: Anderson, Corn, Laster, Newberry, Paddack, Sykes

Nays: Crain

SB 450 – Tourism and Wildlife, coauthored by Ellis of the Senate, and coauthored by Brannon (principal House author)

Ayes: Anderson, Barrington, Eason McIntyre, Ellis, Garrison, Justice, Marlatt, Schulz, Sweeden, Wyrick

SB 823 – Public Safety and Homeland Security, coauthored by Thomsen (principal House author)

Ayes: Ballenger, Barrington, Easley, Ellis, Russell

SB 903 – Judiciary, coauthored by Roan (principal House author)

Ayes: Anderson, Corn, Crain, Laster, Newberry, Paddack, Sykes

SB 948 – Public Safety and Homeland Security, coauthored by Wright (Harold)
(principal House author)

Ayes: Ballenger, Barrington, Easley, Ellis, Halligan, Russell

DO PASS, As Amended:

SB 288 – General Government, coauthored by Glenn (principal House author)

Ayes: Aldridge, Ballenger, Bass, Bingman, Crain, Johnson (Constance), Johnson
(Mike), Nichols, Sweeden, Wilson

SB 290 – Education, coauthored by Sears (principal House author)

Ayes: Brown, Corn, Ford, Gumm, Halligan, Jolley, Lerblance, Paddack, Reynolds,
Sparks, Stanislawski

Nays: Branan, Easley

SB 315 – Finance, coauthored by Aldridge and Johnson (Mike) of the Senate, and
coauthored by Hickman (principal House author)

Ayes: Aldridge, Ford, Ivester, Johnson (Mike), Jolley, Lamb, Mazzei, Reynolds,
Stanislawski

Nays: Adelson, Crutchfield, Gumm, Rice, Sparks, Wilson

SB 339 – Judiciary, coauthored by Peters (principal House author)

Ayes: Anderson, Corn, Crain, Laster, Newberry, Paddack, Sykes

CS for SB 490 – Judiciary, coauthored by Sullivan (principal House author)

Ayes: Anderson, Corn, Crain, Laster, Newberry, Paddack, Sykes

SB 571 – Public Safety and Homeland Security, coauthored by Martin (Steve)
(principal House author)

Ayes: Ballenger, Barrington, Easley, Ellis, Russell

SB 603 – Education, coauthored by Coody (principal House author)

Ayes: Branan, Brown, Corn, Ford, Gumm, Halligan, Jolley, Lerblance, Paddack,
Reynolds, Sparks, Stanislawski

Nays: Easley

SB 604 – Education, coauthored by Sears (principal House author)

Ayes: Branan, Brown, Easley, Ford, Halligan, Jolley, Lerblance, Paddack, Reynolds,
Sparks, Stanislawski

Nays: Gumm

SB 673 – Judiciary, coauthored by Sullivan (principal House author)

Ayes: Anderson, Corn, Crain, Laster, Newberry, Paddack, Sykes

SB 747 – Education, coauthored by Nations (principal House author)

Ayes: Branan, Brown, Easley, Ford, Gumm, Halligan, Jolley, Lerblance, Paddack, Reynolds, Sparks, Stanislawski

SB 760 – Public Safety and Homeland Security, coauthored by Bailey (principal House author)

Ayes: Ballenger, Barrington, Easley, Ellis, Halligan

Nays: Russell

SB 1184 – Public Safety and Homeland Security, coauthored by Thompson (principal House author)

Ayes: Barrington, Easley, Ellis, Halligan, Russell

Nays: Ballenger

SB 1205 – Public Safety and Homeland Security, coauthored by Buck (principal House author)

Ayes: Ballenger, Barrington, Easley, Ellis, Halligan, Russell

FIRST READING

The following was introduced and read the first time:

SR 9 – By Coffee.

A Resolution praising the professionalism of John Greiner; wishing him well upon the occasion of his retirement; and directing distribution.

Pursuant to the Lamb motion, the Senate adjourned at 2:05 p.m. to meet Thursday, February 12, 2009, at 9:30 a.m.