

Senate Journal

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

Eleventh Legislative Day, Tuesday, February 17, 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, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.—48.

Senator Aldridge declared a quorum present.

The prayer was offered by Pastor Tony Lambert, First Southern Baptist Church, Oklahoma City, the guest of Senator Russell.

REPORT OF ENGROSSED AND ENROLLED MEASURES

SBs 248, 357 and 473 were each correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

MESSAGE FROM THE HOUSE

Advising passage of and transmitting for consideration Engrossed **HBs 1100, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1368, 1464, 1466, 1474, 1691, 1753, 1760, 1803, 1893, 1919, 1936 and 2057.**

HB 1100 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

(Constitutional Reserve Fund – appropriation – effective date – emergency)

HB 1102 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

(Oklahoma Health Care Authority – appropriations - effective date – emergency)

HB 1103 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

(Oklahoma Health Care Authority - appropriations - effective date – emergency)

HB 1104 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

(education - appropriations - effective date – emergency)

HB 1105 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

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

HB 1106 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

(Department of Human Services – appropriation - effective date – emergency)

HB 1107 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

(Oklahoma Department of Commerce – appropriation - effective date – emergency)

HB 1108 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

(State Department of Health – appropriation - effective date – emergency)

HB 1109 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

(Oklahoma Public Employees Retirement System – amending 74 O.S., Section 907 – reports – effective date)

HB 1110 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

(The Uniform Retirement System for Justices and Judges – amending 20 O.S., Section 1108 – reporting requirements – effective date)

HB 1368 – By Smithson of the House and Corn of the Senate.

An Act relating to motor vehicles; amending 47 O.S. 2001, Section 11-309, as last amended by Section 4, Chapter 104, O.S.L. 2006 (47 O.S. Supp. 2008, Section 11-309), which relates to left-lane driving on roadways; clarifying circumstances in which left-lane driving is permissible; and providing an effective date.

HB 1464 – By Pruett, Dorman and Liebmann of the House and Ellis of the Senate.

An Act relating to game and fish; requiring a license to hunt or take black bear; directing the Wildlife Conservation Commission to establish certain limits on hunting or taking black bear; establishing license fees; establishing penalties for violation of license requirements; providing for codification; and declaring an emergency.

HB 1466 – By Jackson and Kern of the House and Crain of the Senate.

An Act relating to crimes and punishments; providing penalty if residential rental property is damaged as a result of certain actions; providing for codification; and providing an effective date.

HB 1474 – By Murphey of the House and Jolley of the Senate.

(state government – repealing 74 O.S., Sections 250.4-2 and 250.16 – compensation – Commissioner of Labor – effective date)

HB 1691 – By Sears of the House and Ford of the Senate.

An Act relating to game and fish; amending 29 O.S. 2001, Section 4-108, which relates to the falconer's license; clarifying language; adding other raptors to falconer's license requirement; modifying requirement for a falconer's license and hunting license; amending 29 O.S. 2001, Section 5-206, which relates to falconry provisions; adding other raptors to species that may be used in falconry; modifying licensing requirement for transport of raptors; and declaring an emergency.

HB 1753 – By Martin (Scott) of the House and Barrington of the Senate.

An Act relating to public buildings and public works; amending 61 O.S. 2001, Section 121, as last amended by Section 23, Chapter 271, O.S.L. 2006 (61 O.S. Supp. 2008, Section 121), which relates to the Public Competitive Bidding Act of 1974; modifying approval of change orders; and providing an effective date.

HB 1760 – By Enns of the House and Crain of the Senate.

An Act relating to motor vehicles; amending 47 O.S. 2001, Section 752, as last amended by Section 5, Chapter 173, O.S.L. 2006 (47 O.S. Supp. 2008, Section 752), which relates to the administration of blood tests; providing option for certain test requirement; and providing an effective date.

HB 1803 – By Martin (Steve) and Roan of the House and Barrington of the Senate.

An Act relating to motor vehicles; amending Section 36, Chapter 411, O.S.L. 2003 (47 O.S. Supp. 2008, Section 12-218.1), which relates to flashing lights on wreckers and tow vehicles; authorizing certain vehicles to use flashing red and blue lights; authorizing use of amber lights; providing requirements and restrictions on use of amber lights; and providing an effective date.

HB 1893 – By Peterson, Sherrer, Kern, Billy, Dank and Martin (Steve) of the House and Anderson of the Senate.

An Act relating to poor persons; authorizing the Aging Services Division of the Department of Human Services to develop and implement an Aging and Disability

Resource Consortium initiative; providing duties and powers; stating purpose; providing for codification; and providing an effective date.

HB 1919 – By Kouplen and Walker of the House and Garrison of the Senate.

An Act relating to agriculture; amending 2 O.S. 2001, Section 5-82, which relates to the Oklahoma Agricultural Linked Deposit Program; modifying definition; and providing an effective date.

HB 1936 – By Watson, McCullough and Kern of the House and Crain of the Senate.

An Act relating to children; amending 10 O.S. 2001, Section 7305-1.8, which relates to detention homes; providing for the establishment of group homes; updating language; and providing an effective date.

HB 2057 – By Thompson, Johnson and Inman of the House and Sykes of the Senate.

An Act relating to trademarks and labels; enacting the Truth in Music Advertising Act; defining terms; prescribing certain conduct as unlawful; providing exception; prohibiting certain use of information related to vocal or instrumental groups; authorizing action by Attorney General or district attorney; authorizing restitution; providing for civil penalties; providing for codification; and providing an effective date.

The above-numbered measures were read the first time.

GENERAL ORDER

SB 281 by Ivester and Jolley of the Senate and Lamons of the House was called up for consideration.

Senators Branan, Johnson (Constance) and Stanislawski asked to coauthor **SB 281**, which was the order.

Senator Ivester moved that **SB 281** be advanced, which motion was declared adopted.

THIRD READING

SB 281 was read for the third time at length.

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

Aye: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--48.

The bill and emergency passed.

SB 281 was referred for engrossment.

GENERAL ORDER

SB 903 by Bass of the Senate and Roan of the House was called up for consideration.

Senator Stanislawski asked to coauthor **SB 903**, which was the order.

Senator Bass moved that **SB 903** be advanced, which motion was declared adopted.

THIRD READING

SB 903 was read for the third time at length.

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

Aye: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddock, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--48.

The bill passed.

SB 903 was referred for engrossment.

GENERAL ORDER

SB 585 by Ford of the Senate and Coody of the House was called up for consideration.

Senator Ford moved to amend **SB 585**, Page 1, by striking the title, which amendment was declared adopted.

Senator Ford moved that **SB 585** be advanced, which motion was declared adopted.

THIRD READING

SB 585 was read for the third time at length.

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

Aye: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--48.

The bill and emergency passed.

SB 585 was referred for engrossment.

CHANGE IN COMMITTEE ASSIGNMENT

The following bill will be reassigned as follows:

SB 1047 – Withdrawn from Rules Committee and referred to Health and Human Services

Senator Lamb moved that when the clerk's desk is clear, the Senate stand adjourned to convene Wednesday, February 18, 2009, at 1:30 p.m., which motion prevailed.

COMMITTEE REPORTS

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

DO PASS:

SB 268 – Education, coauthored by Sears (principal House author)

Ayes: Branan, Brown, Eason McIntyre, Ford, Halligan, Jolley, Paddack, Reynolds, Sparks, Stanislawski

Nays: Corn, Easley, Lerblance

SB 483 – Public Safety and Homeland Security, remove Lamb and substitute Jolley as principal Senate author, and coauthored by Lamb of the Senate, and coauthored by Terrill (principal House author)

Ayes: Ballenger, Barrington, Ellis, Halligan, Russell

SB 582 – Education, coauthored by Jones (principal House author)

Ayes: Brown, Ford, Halligan, Jolley, Reynolds, Sparks, Stanislawski

Nays: Corn, Easley, Eason McIntyre, Lerblance

SB 636 – Agriculture and Rural Development, coauthored by Armes (principal House author)

Ayes: Barrington, Crutchfield, Ellis, Ivester, Justice, Marlatt, Schulz, Wyrick

SB 730 – Health and Human Services, coauthored by Steele (principal House author)

Ayes: Burrage, Halligan, Johnson (Constance), Jolley, Newberry, Wilson

SB 738 – Health and Human Services, coauthored by Bengé (principal House author)

Ayes: Burrage, Halligan, Jolley, Lamb, Newberry, Wilson

SB 880 – Education, coauthored by Sears (principal House author)

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

SB 1035 – Agriculture and Rural Development, coauthored by Armes (principal House author)

Ayes: Barrington, Crutchfield, Ivester, Justice, Marlatt, Schulz, Wyrick

Nays: Ellis

DO PASS, As Amended:

SB 380 – Appropriations, coauthored by Lamons (principal House author)

Ayes: Anderson, Bass, Bingman, Brogdon, Corn, Crutchfield, Easley, Ford, Gumm, Justice, Laster, Leftwich, Lerblance, Myers, Paddack, Reynolds, Stanislawski

Nays: Crain, Sykes

SB 647 – Appropriations, coauthored by Blackwell (principal House author)

Ayes: Anderson, Bass, Bingman, Brogdon, Coffee, Crain, Crutchfield, Ford, Gumm, Halligan, Johnson (Mike), Justice, Leftwich, Myers, Paddack, Reynolds, Stanislawski, Sykes

Nays: Corn, Laster, Lerblance, Wilson

CS for SB 1111 – Education, coauthored by Coffee and Ford of the Senate, and coauthored by Jones (principal House author), and coauthored by Shumate and Bengé of the House

Ayes: Branan, Brown, Eason McIntyre, Ford, Halligan, Jolley, Reynolds, Stanislawski

Nays: Corn, Easley, Lerblance, Paddack, Sparks

FAILED:

SB 320 – Education

Ayes: Branan, Brown, Ford, Jolley, Reynolds, Stanislawski

Nays: Corn, Easley, Eason McIntyre, Halligan, Lerblance, Paddack, Sparks

SECOND READING

The following was read for the second time and referred to committee as indicated:

SB 302 – Energy and Environment

FIRST READING

The following was introduced and read the first time:

SR 12 – By Johnson (Constance).

A Resolution congratulating former Senator Angela Monson upon her election as Chair of the Oklahoma City Public Schools Board of Education; wishing her a long and successful tenure; and directing distribution.

Pursuant to the Lamb motion, the Senate adjourned at 1:25 p.m. to meet Wednesday, February 18, 2009, at 1:30 p.m.