

# Senate Journal

## First Regular Session of the Fiftieth Legislature of the State of Oklahoma

**Sixty-second Legislative Day, Tuesday, May 24, 2005**

The Senate was called to order by Senator Corn.

Roll Call:

Present: Adelson, Aldridge, Anderson, Barrington, Bass, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson, Jolley, Justice, Kerr, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Monson, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Taylor, Wilcoxson, Williamson, Wilson and Wyrick.—48.

Senator Corn declared a quorum present.

The prayer was offered by Pastor Eric Cox, Living Word Fellowship Church, Woodward, the guest of Senator Laughlin.

### REPORT OF ENGROSSED AND ENROLLED MEASURES

**SBs 81, 83, 85, 89, 101, 103, 105, 113, 117, 123, 127, 131, 133, 139, 141, 432, 466, 640, 821, 823 and 929** were each correctly enrolled and after fourth reading, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

**SRs 46, 47, 48 and 49** were each correctly enrolled, properly signed and ordered transmitted to the Secretary of State.

### MESSAGE FROM THE HOUSE

Advising fourth reading of and transmitting for signature Enrolled **HBs 1020, 1022, 1024, 1026, 1028, 1060, 1084 and 1467**.

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

**PENDING CONSIDERATION OF CCR**

The **CCR** on **HB 1233** was adopted upon motion of Senator Fisher.

**HB 1233**, as amended in conference, was read at length.

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

Aye: Adelson, Anderson, Barrington, Bass, Branan, Brogdon, Cain, Capps, Coates, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson, Jolley, Justice, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Riley, Shurden, Wilcoxson, Williamson, Wilson and Wyrick.--41.

Excused: Aldridge, Coffee, Lamb, Monson, Pruitt, Reynolds and Taylor.--7.

The bill passed.

**HB 1233**, together with the conference committee report thereon, was ordered returned to the Honorable House.

**MESSAGE FROM THE HOUSE  
CONFERENCE COMMITTEE REPORTS**

Transmitting the following bills, together with conference committee reports thereon, advising adoption of conference committee reports and passage of measures as amended:

**HB 1235**

**HB 1288**

**HB 1347** - coauthored by Calvey, Cooksey, Cox, DeWitt, Martin, Nance, Peterson (Pam), Shelton, Wesselhoft, Worthen of the House

**HB 1384** - coauthored by Calvey of the House

**HB 1411** - coauthored by Dank, Hyman, Walker, Shoemake, Brannon, Smithson of the House

**HB 1444** - coauthored by Blackwell, Dank, Kern of the House

**HB 1476** - coauthored by Hickman, Ingmire, Jones, Liotta, Miller (Ken), Peters, Roan, Tibbs, Worthen, Wright of the House

**HB 1498** - coauthored by Calvey of the House

**HB 1704** - coauthored by Trebilcock, Reynolds, Worthen, Nance, Calvey, Kern of the House

**HB 1927** - coauthored by Dank, Tibbs of the House

Conference committee reports were read on the above-numbered bills.

## **INTRODUCTION**

Senator Anderson introduced former Senator Ed Long and his granddaughter, Tori Glavas, to the Senate.

Senator Fisher 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 Corn presiding.

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

## **PENDING SENATE ACTION HOUSE REQUEST FOR CONFERENCE**

Upon motion of Senator Fisher, the request of the Honorable House for further conference was ordered granted and same Senate conferees appointed as follows:

**HB 1985** – Bass, Laster, Corn, Crain, Nichols

## **PENDING CONSIDERATION OF CCR**

The **CCR** on **HB 1058** was rejected upon motion of Senator Fisher, further conference requested, and same Senate conferees appointed as follows: GCCA.

## **PENDING CONSIDERATION OF CCR**

The **CCR** on **HB 1432** was adopted upon motion of Senator Bass.

**HB 1432**, as amended in conference, was read at length.

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

Aye: Adelson, Anderson, Barrington, Bass, Branan, Brogdon, Cain, Capps, Coates, Corn, Crain, Crutchfield, Easley, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson, Jolley, Justice, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Riley, Shurden, Wilcoxson, Wilson and Wyrick.--39.

Excused: Aldridge, Coffee, Eason McIntyre, Lamb, Monson, Pruitt, Reynolds, Taylor and Williamson.--9.

The bill passed.

**HB 1432**, together with the conference committee report thereon, was ordered returned to the Honorable House.

Senator Fisher 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 Corn presiding.

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

#### **PENDING CONSIDERATION OF CCR**

The **CCR** on **HB 1018** was adopted upon motion of Senator Crutchfield.

**HB 1018**, as amended in conference, was read at length.

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

Aye: Adelson, Anderson, Barrington, Bass, Branan, Cain, Capps, Coates, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson, Jolley, Justice, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Morgan, Myers, Paddack, Pruitt, Rabon, Riley, Shurden, Wilcoxson, Williamson, Wilson and Wyrick.--40.

Nay: Brogdon and Nichols.--2.

Excused: Aldridge, Coffee, Lamb, Monson, Reynolds and Taylor.--6.

The bill and emergency passed.

**HB 1018**, together with the conference committee report thereon, was ordered returned to the Honorable House.

**PENDING CONSIDERATION OF CCR**

The **CCR** on **HB 1461** was adopted upon motion of Senator Easley.

Representative Brown asked to coauthor **HB 1461**, which was the order.

**HB 1461**, as amended in conference, was read at length.

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

Aye: Adelson, Barrington, Bass, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson, Jolley, Justice, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Pruitt, Riley, Wilcoxson, Williamson, Wilson and Wyrick.--40.

Nay: Anderson, Rabon and Shurden.--3.

Excused: Aldridge, Lamb, Monson, Reynolds and Taylor.--5.

The bill passed.

**HB 1461**, together with the conference committee report thereon, was ordered returned to the Honorable House.

**MESSAGES FROM THE HOUSE**

Advising fourth reading of and returning Enrolled **SBs 81, 83, 85, 89, 101, 103, 105, 113, 117, 123, 127, 131, 133, 139, 141, 432, 466, 640, 821, 823** and **929**.

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

Advising conference granted on Engrossed **SBs** and naming House conferees as follows:

**SB 25** - Askins, Trebilcock, Johnson, Nance, Roan, Blackwell

**SB 573** - Peters, Piatt, Denney, Carey, Nations, Bengé

**SB 636** - Jett, Blackwell, Turner, Sullivan, Trebilcock

**SB 816** - Shumate, Blackwell, Turner, Duncan, Trebilcock

**PENDING CONSIDERATION OF CCR**

The **CCR** on **HB 1227** was adopted upon motion of Senator Crain.

**HB 1227**, as amended in conference, was read at length.

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

Aye: Adelson, Anderson, Barrington, Bass, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Garrison, Gumm, Harrison, Hobson, Johnson, Jolley, Justice, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Riley, Shurden, Wilcoxson, Williamson, Wilson and Wyrick.--42.

Excused: Aldridge, Ford, Lamb, Monson, Reynolds and Taylor.--6.

The bill passed.

**HB 1227**, together with the conference committee report thereon, was ordered returned to the Honorable House.

#### **PENDING CONSIDERATION OF CCR**

The **CCR** on **SB 720** was adopted upon motion of Senator Adelson.

**SB 720**, as amended in conference, was read at length.

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

Aye: Adelson, Anderson, Barrington, Bass, Branan, Cain, Capps, Coates, Coffee, Corn, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Jolley, Justice, Kerr, Laster, Lawler, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Riley, Shurden, Wilcoxson, Williamson, Wilson and Wyrick.--39.

Nay: Brogdon, Crain, Johnson and Laughlin.--4.

Excused: Aldridge, Lamb, Monson, Reynolds and Taylor.--5.

The bill and emergency passed.

Pursuant to Rule 12-23, Senator Adelson served notice that the vote be reconsidered whereby **SB 720** passed.

**UNANIMOUS CONSENT REQUEST  
DIRECT TO CALENDAR**

Senator Rabon asked unanimous consent to suspend Rule 5-4 and refer **SCR 29** direct to the Calendar for consideration, which was the order.

**GENERAL ORDER**

**SCR 29** by Rabon of the Senate and Balkman of the House was called up for consideration.

**SCR 29** was adopted upon motion of Senator Rabon and referred for engrossment.

**PENDING CONSIDERATION OF CCR**

The **CCR** on **HB 1738** was adopted upon motion of Senator Gumm.

Senators Coates, Laughlin, Justice, Mazzei, Brogdon, Ford, Anderson, Myers, Branan, Crain, Johnson, Barrington, Coffee, Pruitt, Wilcoxson, Williamson and Riley asked to coauthor **HB 1738**, which was the order.

**HB 1738**, as amended in conference, was read at length.

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

Aye: Adelson, Anderson, Barrington, Bass, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson, Jolley, Justice, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Riley, Shurden, Wilcoxson, Williamson, Wilson and Wyrick.--43.

Excused: Aldridge, Lamb, Monson, Reynolds and Taylor.--5.

The bill and emergency passed.

Pursuant to Rule 12-23, Senator Gumm served notice that the vote be reconsidered whereby **HB 1738** passed.

**INTRODUCTION**

Senator Capps introduced his wife, Wanda, to the Senate.

**MESSAGE FROM THE HOUSE  
CONFERENCE COMMITTEE REPORTS**

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

**HB 1751** - coauthored by Nance of the House

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

**MESSAGE FROM THE HOUSE**

Advising further conference granted and naming same House conferees on Engrossed:

**HB 1058** - GCCA

**PENDING CONSIDERATION OF CCR**

The **CCR** on **HB 1911** was adopted upon motion of Senator Crain.

**HB 1911**, as amended in conference, was read at length.

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

Aye: Adelson, Anderson, Barrington, Bass, Branan, Capps, Coates, Coffee, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson, Jolley, Justice, Kerr, Laster, Leftwich, Lerblance, Mazzei, Monson, Morgan, Myers, Paddack, Rabon, Riley, Shurden, Williamson, Wilson and Wyrick.--36.

Nay: Brogdon, Cain, Corn, Laughlin, Lawler, Nichols, Pruitt and Wilcoxson.--8.

Excused: Aldridge, Lamb, Reynolds and Taylor.--4.

The bill and emergency passed.

**HB 1911**, together with the conference committee report thereon, was ordered returned to the Honorable House.

Senator Fisher moved that the Senate recess until 1:30 p.m., which motion was declared adopted.



The Senate reconvened with Senator Corn presiding.

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

**PENDING CONSIDERATION OF CCR**

The **CCR** on **SB 1012** was adopted upon motion of Senator Reynolds.

**SB 1012**, as amended in conference, was read at length.

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

Aye: Adelson, Anderson, Barrington, Bass, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crain, Crutchfield, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson, Jolley, Justice, Kerr, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Monson, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Riley, Shurden, Taylor, Wilcoxson, Williamson, Wilson and Wyrick.--45.

Excused: Aldridge, Easley and Pruitt.--3.

The bill and emergency passed.

**SB 1012**, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

**PENDING CONSIDERATION OF CCR**

The **CCR** on **SB 569** was adopted upon motion of Senator Wilcoxson.

**SB 569**, as amended in conference, was read at length.

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

Aye: Adelson, Anderson, Barrington, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crain, Crutchfield, Fisher, Ford, Gumm, Harrison, Hobson, Johnson, Jolley, Justice, Kerr, Lamb, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Monson, Morgan, Myers, Nichols, Paddack, Reynolds, Shurden, Taylor, Wilcoxson and Williamson.--37.

Nay: Bass, Eason McIntyre, Garrison, Laster, Rabon, Riley, Wilson and Wyrick.--8.

Excused: Aldridge, Easley and Pruitt.--3.

The bill and emergency passed.

**SB 569**, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

#### **PENDING CONSIDERATION OF CCR**

The **CCR** on **HB 1814** was adopted upon motion of Senator Shurden.

**HB 1814**, as amended in conference, was read at length.

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

Aye: Adelson, Anderson, Barrington, Bass, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crutchfield, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson, Jolley, Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Monson, Morgan, Nichols, Paddock, Rabon, Riley, Shurden, Taylor, Wilcoxson, Williamson, Wilson and Wyrick.--41.

Nay: Crain, Easley, Kerr, Myers and Reynolds.--5.

Excused: Aldridge and Pruitt.--2.

The bill passed.

Senators Kerr and Crain desired to vote Aye on the emergency.

On the question of passage of the emergency, the vote resulted as follows: Aye: 43; Nay: 3; Excused: 2.

The emergency passed.

**HB 1814**, together with the conference committee report thereon, was ordered returned to the Honorable House.

#### **PENDING CONSIDERATION OF CCR**

The **CCR** on **HB 1096** was adopted upon motion of Senator Cain.

**HB 1096**, as amended in conference, was read at length.

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

Aye: Adelson, Anderson, Barrington, Bass, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crain, Crutchfield, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson, Jolley, Justice, Kerr, Lamb, Laster, Laughlin, Lawler, Leftwich,

Lerblance, Mazzei, Monson, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Riley, Shurden, Taylor, Wilcoxson, Williamson, Wilson and Wyrick.--45.

Excused: Aldridge, Easley and Pruitt.--3.

The bill and emergency passed.

**HB 1096**, together with the conference committee report thereon, was ordered returned to the Honorable House.

### **PENDING CONSIDERATION OF CCR**

The **CCR** on **HB 1082** was adopted upon motion of Senator Adelson.

**HB 1082**, as amended in conference, was read at length.

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

Aye: Adelson, Barrington, Bass, Cain, Capps, Coates, Coffee, Corn, Crain, Crutchfield, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson, Jolley, Justice, Kerr, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Morgan, Nichols, Paddack, Rabon, Reynolds, Riley, Shurden, Taylor, Wilson and Wyrick.--37.

Nay: Anderson, Branan, Brogdon, Easley, Eason McIntyre, Monson, Wilcoxson and Williamson.--8.

Excused: Aldridge, Myers and Pruitt.--3.

The bill and emergency passed.

**HB 1082**, together with the conference committee report thereon, was ordered returned to the Honorable House.

### **UNANIMOUS CONSENT REQUEST DIRECT TO CALENDAR**

Senator Morgan asked unanimous consent to suspend Rule 5-4 and refer **SR 36** direct to the Calendar for consideration, which was the order.

### **GENERAL ORDER**

**SR 36** by Morgan was called up for consideration.

All other members of the Senate, except Senator Monson, asked to coauthor **SR 36**, which was the order.

**SR 36** was adopted upon motion of Senator Morgan and referred for enrollment.

### **SPECIAL RECOGNITION OF SENATOR ANGELA MONSON**

Senator Monson was honored by the Oklahoma State Senate for her 12 years of service. Her portrait was displayed as a tribute in the Senate Chamber for this legislative day.

President Pro Tempore Morgan addressed the Senate commending Senator Monson for her years of service to the citizens of Senate District 48 in the Oklahoma State Senate.

Senator Monson addressed the Senate and introduced her family to the Senate. Her guests in attendance were her mother, Reverend Epron J. Monson; her children, Donovan and Danielle Gaddis; her significant other, Dr. Robert Kennedy and his sister, Eunice Kennedy; her sister, LaVonne Monson; her brother and sister-in-law, Artemis and Gracie Monson; her brother, Herman Monson Jr.; her uncle and aunt, Marvin and Gloria Provo; her aunts, Deola Harris and Diane Provo Upshaw; her cousins, Sharon Dean, Debra Lusk and Lovie Givens; her intern, John Pettis, Jr.; friends, Lois Folder and Lois Martin; Representatives Opio Toure, Mike Shelton and Jabar Shumate. Senator Monson acknowledged several Senate staff members in attendance. Senator Monson also recognized her executive assistant, Dee Sylvan, for her dedication and hard work.

### **PENDING CONSIDERATION OF CCR**

The **CCR** on **HB 1240** was adopted upon motion of Senator Riley.

**HB 1240**, as amended in conference, was read at length.

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

Aye: Adelson, Aldridge, Anderson, Barrington, Bass, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson, Jolley, Justice, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Taylor, Wilcoxson, Williamson and Wyrick.--44.

Excused: Lamb, Monson, Morgan and Wilson.--4.

The bill passed.

Senator Lamb desired to vote Aye on the emergency.

On the question of passage of the emergency, the vote resulted as follows: Aye: 45; Excused: 3.

The emergency passed.

**HB 1240**, together with the conference committee report thereon, was ordered returned to the Honorable House.

#### **MESSAGE FROM THE HOUSE**

Returning following bills, together with conference committee reports thereon, advising adoption of conference committee reports and passage of measures as amended:

**SB 57**

**SB 63**

**SB 65**

The above-numbered measures, as amended in conference, were referred for enrollment.

Senator Fisher 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 Taylor presiding.

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

#### **PENDING CONSIDERATION OF CCR**

The **CCR** on **SB 648** was adopted upon motion of Senator Laster.

**SB 648**, as amended in conference, was read at length.

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

Aye: Adelson, Aldridge, Anderson, Barrington, Bass, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crain, Crutchfield, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson, Jolley, Justice, Kerr, Lamb, Laster, Laughlin, Lawler, Leftwich, Mazzei, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley,

Shurden, Taylor, Wilcoxson, Williamson, Wilson and Wyrick.--45.

Excused: Easley, Lerblance and Monson.--3.

The bill passed.

**SB 648**, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

### **UNANIMOUS CONSENT REQUEST MOTION TO RECONSIDER VOTES**

Senator Fisher asked unanimous consent, which was granted, to invoke the provisions of Rule 12-23A and that all motions to reconsider votes be disposed of on the same day such notice is served for the remainder of the First Session of the 50<sup>th</sup> Legislature.

### **PENDING CONSIDERATION OF HAS**

**HAs to SB 944** were rejected upon motion of Senator Laster, conference requested with instructions, and Senate conferees named as follows: Laster, Fisher, Coffee. The instructions read as follows:

The conferees are to report a conference committee substitute which will include the following provisions:

**SECTION 1. NEW LAW** A new section of law to be codified in the Oklahoma Statutes as Section 7101 of Title 63, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Oklahoma Hospital Quality and Access Act".

**SECTION 2. NEW LAW** A new section of law to be codified in the Oklahoma Statutes as Section 7102 of Title 63, unless there is created a duplication in numbering, reads as follows:

As used in this act:

1. "Hospitals" means institutions licensed by the State Department of Health as a general or specialized hospital pursuant to Section 1-701 et seq. of Title 63 of the Oklahoma Statutes maintained primarily for the diagnosis, treatment or care of patients;
2. "Medicaid" means the medical assistance program established in Title XIX of the federal Social Security Act and administered in this state by the Oklahoma Health Care Authority; and
3. "Gross hospital patient revenues" means the gross revenue from hospital inpatient routine care services, ancillary services and outpatient services.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7103 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. For the purpose of assuring access to quality care for Oklahoma Medicaid consumers, the Oklahoma Health Care Authority is authorized to and shall assess a Hospital Quality and Access Fee pursuant to this section upon each hospital in this state, in compliance with federal statute and regulations governing Title XIX of the United States Social Security Act.

B. The Oklahoma Health Care Authority shall assess a Quality and Access Fee on hospitals of 0.875 percent of gross hospital patient revenues.

C. The Hospital Quality and Access Fee shall be based upon gross patient revenue contained in a financial survey filed pursuant to the rules developed by the Authority. The assessment shall be determined using such surveys with hospital fiscal periods ending in the base calendar year as established by the Authority. Partial year reports will be prorated for an annual basis.

D. The monthly Quality and Access Fee assessed upon each hospital shall be determined by:

1. Multiplying the gross patient revenue by the fee specified in this section; and
2. Dividing the product by twelve. The quotient is the monthly Quality and Access Fee of the hospital.

E. 1. There is hereby created in the State Treasury a revolving fund to be designated the "Hospital Quality and Access Revolving Fund".

2. The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of:

- a. all monies received by the Authority pursuant to this section and otherwise specified or authorized by law,
- b. monies received by the Authority due to federal financial participation pursuant to Title XIX of the Social Security Act, and
- c. interest attributable to investment of money in the fund.

3. All monies accruing to the credit of the fund are hereby appropriated and shall be budgeted and expended by the Authority for the following reforms:

- a. implementation of an inpatient hospital diagnosis-related group reimbursement methodology to pay for allowable services rendered to Medicaid clients and to increase Medicaid payments for inpatient hospital services,
- b. to modify the emergency room case rate methodology based on a trauma level of care system,
- c. to increase Medicaid payments for outpatient hospital services including Medicare co-insurance and deductible payments, and
- d. to increase the Medicaid physician fee schedule to a minimum of one hundred percent (100%) of the Medicare fee schedule including Medicare co-insurance and deductible payments.

4. 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.

5. The fund and the program specified in this section are exempt from budgetary cuts, reductions, or eliminations caused by the lack of general revenue funds. The fund is not intended to replace base year funding.

6. The reimbursement rate for hospitals shall be made in accordance with Oklahoma's Medicaid reimbursement rate methodology and the provisions of this section.

7. No hospital shall be guaranteed, expressly or otherwise, that any additional costs reimbursed to the facility will equal or exceed the amount of the Hospital Quality and Access Fee paid by the hospital.

G. 1. In the event that federal financial participation pursuant to Title XIX of the Social Security Act is not available to the Oklahoma Medicaid program, for purposes of matching expenditures from the Hospital Quality and Access Fund at the approved federal medical assistance percentage for the applicable fiscal year, the Hospital Quality and Access Fee shall be null and void as of the date of the nonavailability of such federal funding, through and during any period of nonavailability.

2. In the event of an invalidation of this section by any court of last resort under circumstances not covered in subsection H of this section, the Hospital Quality and Access Fee shall be null and void as of the effective date of that invalidation.

3. In the event that the Hospital Quality and Access Fee is determined to be null and void for any of the reasons enumerated in this subsection, any Hospital Quality and Access Fee assessed and collected for any periods after such invalidation shall be returned in full within sixty (60) days by the Oklahoma Health Care Authority to the hospital from which it was collected.

H. 1. If any provision of this section or the application thereof shall be adjudged to be invalid by any court of last resort, such judgment shall not affect, impair or invalidate the provisions of the section, but shall be confined in its operation to the provision thereof directly involved in the controversy in which such judgment was rendered. The applicability of such provision to other persons or circumstances shall not be affected thereby.

2. This subsection shall not apply to any judgment that affects the rate of the Hospitals Quality and Access Fee, its applicability to all licensed hospitals in the state, the usage of the fee for the purposes prescribed in this section, and/or the ability of the Oklahoma Health Care Authority to obtain full federal participation to match its expenditures of the proceeds of the fee.

I. The Oklahoma Health Care Authority shall promulgate rules for the implementation and enforcement of the Hospital Quality and Access Fee established by this section.

J. The Authority shall provide for administrative penalties in the event hospitals fail to:

1. Submit the Quality and Access Fee;
2. Submit the fee in a timely manner;
3. Submit reports as required by this section; or
4. Submit reports timely.

K. 1. There is hereby created the Oklahoma Hospital Medicaid Reform Advisory Committee. On and after July 1, 2005, the Committee shall be composed of seven appointed members who shall serve for terms of four (4) years and shall be appointed as follows:



- a. two members, representing hospital facilities with current Medicaid contracts, shall be appointed by the President Pro Tempore of the Senate from a list submitted by a statewide association of full service rural and urban hospitals,
- b. two members, representing hospital facilities with current Medicaid contracts, shall be appointed by the Speaker of the House of Representatives from a list submitted by a statewide association of full service rural and urban hospitals,
- c. two members shall be appointed by the Governor from a list submitted by a statewide association of full service rural and urban hospitals. One of the members appointed by the Governor may include hospital representatives from facilities without a current Medicaid contract, and
- d. the chief executive officer of a statewide association of full service rural and urban hospitals as designated by the Governor.

2. In making the appointments, the appointing authority shall also give consideration to urban, rural, gender and minority representation.

3. A chair and vice chair shall be elected by the Committee.

4. The Committee shall advise the Oklahoma Health Care Authority regarding issues of hospital funding and long-term reform issues in the Medicaid program including but not limited to the Hospital Quality and Access fee. The Committee shall monitor the revenue collected in the Hospital Quality and Access Revolving Fund and based upon the availability of such funds make any recommendations for changes in a report filed to the Board of the Oklahoma Health Care Authority, the Speaker of the House of Representatives, the President Pro Tempore of the Senate and the Governor.

5. A vacancy in a position shall be filled in the same manner as provided in this section.

6. A majority of the members of the Committee shall constitute a quorum for the transaction of business and for taking any official action. Official action of the Committee must have a favorable vote by a majority of the members present.

7. The Committee shall act in accordance with the provisions of the Oklahoma Open Meeting Act and the Oklahoma Open Records Act.

L. 1. There is hereby created the Oklahoma Commission on Medicaid Reform directed to complete a comprehensive and thorough review of what is and is not working and how to improve service delivery and quality in the most cost-effective way possible. The Commission is charged with a number of duties, including reviewing and making recommendations with respect to the long-term goals, populations served, financial sustainability (federal and state responsibility), interaction with Medicare and the uninsured, and the quality of care provided. Potential topics for reform shall include but not be limited to administrative costs, evidence-based medicine protocols, disease management for chronic illnesses, asset transfer for nursing home coverage, pay for performance, emergency room utilization, self-directed care models and pharmacy management.

2. Medicaid is a critically important program helping meet the health care needs of a diverse population through four different programs by serving as:

- a. a source of traditional insurance for poor children and some of their parents,

- b. a payer for a complex range of acute and long term care services for the frail elderly and people with disabilities,
- c. a source of wrap-around coverage or assistance for low-income seniors and people with disabilities on Medicare, including coverage of additional benefits and assistance with Medicare premiums and co-payments, and
- d. the primary source of funding to safety net providers that serve both Medicaid patients and the uninsured.

3. In recognition of this diversity, the bill's Medicaid Commission is comprised of fifteen (15) members that reflect all the stakeholders and components in the Medicaid program. Those members include the following:

- a. four members of the State Senate appointed by the President Pro Tempore,
- b. four members of the House of Representatives appointed by the Speaker,
- c. four members representing health care professionals and/or associations appointed by the Governor, and
- d. three consumer advocates appointed; one appointed by the President Pro Tempore, one appointed by the Speaker and one appointed by the Governor.

4. The Commission shall hold public hearings, conduct its evaluations and deliberations, and issue its report and recommendations to the Board of the Oklahoma Health Care Authority, the President Pro Tempore, the Speaker and the Governor. The final report shall be submitted no later than November 1, 2006.

5. Members of the Commission may be reimbursed for their actual and necessary travel expenses as follows:

- a. commission members employed by the state shall be reimbursed by their respective employing agency pursuant to the State Travel Reimbursement Act, and
- b. any other Commission member may receive reimbursement from their appointing authority.

6. Staff assistance for the Commission shall be provided by the Oklahoma House of Representative and the State Senate. The Commission may request such assistance as it may require from the Oklahoma Health Care Authority and other state government agencies as the Commission may deem relevant to its mission and duties.

## **PENDING CONSIDERATION OF CCR**

The **CCR** on **SB 779** was adopted upon motion of Senator Laster.

**SB 779**, as amended in conference, was read at length.

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

Aye: Adelson, Aldridge, Bass, Branan, Cain, Capps, Coates, Coffee, Corn, Crutchfield, Easley, Eason McIntyre, Fisher, Garrison, Gumm, Harrison, Hobson, Justice, Kerr, Lamb, Laster, Lawler, Leftwich, Lerblance, Monson, Morgan, Myers, Nichols, Paddack, Rabon, Riley, Shurden, Taylor and Wyrick.--34.

Nay: Anderson, Barrington, Brogdon, Crain, Ford, Jolley, Laughlin, Mazzei, Pruitt, Reynolds, Wilcoxson, Williamson and Wilson.--13.

Excused: Johnson.--1.

The bill passed.

**SB 779**, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

#### **MESSAGE FROM THE HOUSE**

Returning following bills, together with conference committee reports thereon, advising adoption of conference committee reports and passage of measures as amended:

**SB 67**

**SB 73**

**SB 75**

The above-numbered measures, as amended in conference, were referred for enrollment.

#### **MESSAGE FROM THE HOUSE CONFERENCE COMMITTEE REPORTS**

Transmitting the following bills, together with conference committee reports thereon, advising adoption of conference committee reports and passage of measures as amended:

**HB 1780**

**HB 1848** - coauthored by Billy, Braddock, Dank, Denney, Ingmire, Nance, Sweeden, Wesselhoft, Wright of the House

**HB 1963** - coauthored by Dank, Billy, Denney, Peterson (Ron) of the House

Conference committee reports were read on the above-numbered bills.

#### **PENDING CONSIDERATION OF CCR**

The **CCR** on **SB 729** was adopted upon motion of Senator Lamb.

**SB 729**, as amended in conference, was read at length.

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

Aye: Adelson, Anderson, Barrington, Bass, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson, Jolley, Justice, Kerr, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Monson, Morgan, Myers, Reynolds, Shurden, Taylor, Wilcoxson, Wilson and Wyrick.--40.

Nay: Aldridge, Lawler, Nichols, Paddack, Pruitt and Riley.--6.

Excused: Rabon and Williamson.--2.

The bill passed.

**SB 729**, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

#### **PENDING CONSIDERATION OF CCR**

The **CCR** on **SB 126** was adopted upon motion of Senator Adelson.

**SB 126**, as amended in conference, was read at length.

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

Aye: Adelson, Aldridge, Anderson, Barrington, Bass, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson, Jolley, Justice, Kerr, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Monson, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Taylor, Wilcoxson, Wilson and Wyrick.--47.

Excused: Williamson.--1.

The bill passed.

**SB 126**, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

#### **PENDING CONSIDERATION OF CCR**

The **CCR** on **HB 1384** was adopted upon motion of Senator Adelson.

**HB 1384**, as amended in conference, was read at length.

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

Aye: Adelson, Aldridge, Anderson, Barrington, Bass, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson, Jolley, Justice, Kerr, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Monson, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Taylor, Wilcoxson, Wilson and Wyrick.--47.

Excused: Williamson.--1.

The bill passed.

**HB 1384**, together with the conference committee report thereon, was ordered returned to the Honorable House.

#### **MOTION TO RECONSIDER VOTE**

Senator Gumm moved to reconsider the vote whereby **HB 1738** passed, which motion was declared adopted upon roll call as follows:

Aye: Adelson, Aldridge, Anderson, Barrington, Bass, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson, Jolley, Justice, Kerr, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Monson, Morgan, Myers, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Taylor, Wilcoxson, Wilson and Wyrick.--46.

Nay: Nichols.--1.

Excused: Williamson.--1.

#### **FOURTH READING**

Senator Gumm moved to reconsider the vote whereby the **CCR** on **HB 1738** was adopted, which motion was declared adopted.

#### **PENDING CONSIDERATION OF CCR**

The **CCR** on **HB 1738** was rejected upon motion of Senator Gumm, further conference requested, and same Senate conferees appointed as follows: Gumm, Fisher, Coffee.

**UNANIMOUS CONSENT REQUEST  
DIRECT TO CALENDAR**

Senator Johnson asked unanimous consent to suspend Rule 5-4 and refer **HCRs 1021, 1022** and **1023** direct to the Calendar for consideration, which was the order.

**GENERAL ORDER**

**HCR 1021** by Ingmire of the House and Morgan of the Senate was called up for consideration.

**HCR 1021** was adopted upon motion of Senator Johnson and properly signed and ordered returned to the Honorable House.

**GENERAL ORDER**

**HCR 1022** by Ingmire of the House and Morgan of the Senate was called up for consideration.

**HCR 1022** was adopted upon motion of Senator Johnson and properly signed and ordered returned to the Honorable House.

**GENERAL ORDER**

**HCR 1023** by Denney and Ingmire of the House and Morgan of the Senate was called up for consideration.

**HCR 1023** was adopted upon motion of Senator Johnson and properly signed and ordered returned to the Honorable House.

**PENDING CONSIDERATION OF CCR**

The **CCR** on **HB 1044** was adopted upon motion of Senator Shurden.

**HB 1044**, as amended in conference, was read at length.

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

Aye: Adelson, Aldridge, Anderson, Barrington, Bass, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson, Jolley, Justice, Kerr, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Monson, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon,

Reynolds, Riley, Shurden, Taylor, Wilcoxson, Wilson and Wyrick.--47.

Excused: Williamson.--1.

The bill and emergency passed.

**HB 1044**, together with the conference committee report thereon, was ordered returned to the Honorable House.

#### **PENDING CONSIDERATION OF CCR**

The **CCR** on **HB 1056** was adopted upon motion of Senator Shurden.

**HB 1056**, as amended in conference, was read at length.

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

Aye: Adelson, Aldridge, Anderson, Barrington, Bass, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson, Jolley, Justice, Kerr, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Monson, Morgan, Myers, Nichols, Pruitt, Rabon, Reynolds, Riley, Shurden, Taylor, Wilcoxson, Wilson and Wyrick.--46.

Excused: Paddack and Williamson.--2.

The bill and emergency passed.

**HB 1056**, together with the conference committee report thereon, was ordered returned to the Honorable House.

#### **PENDING CONSIDERATION OF CCR**

The **CCR** on **HB 1288** was adopted upon motion of Senator Paddack.

**HB 1288**, as amended in conference, was read at length.

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

Aye: Adelson, Aldridge, Anderson, Barrington, Bass, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson, Jolley, Justice, Kerr, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Monson, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Taylor, Wilcoxson, Williamson, Wilson and Wyrick.--48.

The bill passed.

**HB 1288**, together with the conference committee report thereon, was ordered returned to the Honorable House.

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

\*

The Senate reconvened with Senator Monson presiding.

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

#### **CONFERENCE COMMITTEE REPORTS SUBMITTED**

Conference committee reports were read on the following bills:

**SB 41 (2nd CCR)**

**SB 126**

**SB 271**

**SB 315**

**SB 446**

**SB 547**

**SB 575**

**SB 646**

**SB 705**

**SB 759**

**SB 802**

**SB 824**

**SB 835**

**SB 877**

#### **PENDING CONSIDERATION OF CCR**

The **CCR** on **HB 1444** was adopted upon motion of Senator Barrington.

**HB 1444**, as amended in conference, was read at length.

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



Aye: Adelson, Anderson, Barrington, Bass, Branan, Brogdon, Cain, Capps, Coates, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson, Jolley, Justice, Kerr, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Monson, Morgan, Myers, Nichols, Pruitt, Rabon, Riley, Shurden, Taylor, Wilcoxson, Williamson and Wyrick.--43.

Excused: Aldridge, Coffee, Paddack, Reynolds and Wilson.--5.

The bill and emergency passed.

**HB 1444**, together with the conference committee report thereon, was ordered returned to the Honorable House.

#### **MESSAGES FROM THE HOUSE**

Advising conferees unable to agree on **HB 1760**.

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

**SB 236** - coauthored by Askins, Hamilton, Staggs, Blackburn, McDaniel, Shelton of the House

The above-numbered measure, as amended in conference, was referred for enrollment.

#### **MESSAGE FROM THE HOUSE CONFERENCE COMMITTEE REPORTS**

Transmitting the following bills, together with conference committee reports thereon, advising adoption of conference committee reports and passage of measures as amended:

**HB 1362** - coauthored by Wesselhoft of the House

**HB 1898** - coauthored by Hilliard, Hyman, Roan, Shoemaker

Conference committee reports were read on the above-numbered bills.

#### **PENDING CONSIDERATION OF CCR**

The **CCR** on **SB 547** was adopted upon motion of Senator Adelson.

**SB 547**, as amended in conference, was read at length.

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

Aye: Adelson, Anderson, Barrington, Bass, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson, Jolley, Justice, Kerr, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Monson, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Riley, Shurden, Taylor, Wilcoxson, Williamson and Wyrick.--45.

Excused: Aldridge, Reynolds and Wilson.--3.

The bill and emergency passed.

**SB 547**, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

#### **PENDING CONSIDERATION OF CCR**

The **CCR** on **SB 28** was adopted upon motion of Senator Wyrick.

**SB 28**, as amended in conference, was read at length.

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

Aye: Adelson, Anderson, Barrington, Bass, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson, Jolley, Justice, Kerr, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Monson, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Riley, Shurden, Taylor, Wilcoxson, Williamson, Wilson and Wyrick.--46.

Excused: Aldridge and Reynolds.--2.

The bill and emergency passed.

**SB 28**, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

#### **PENDING CONSIDERATION OF CCR**

The **CCR** on **HB 1411** was adopted upon motion of Senator Paddack.

**HB 1411**, as amended in conference, was read at length.

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

Aye: Adelson, Aldridge, Anderson, Barrington, Bass, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson, Jolley, Justice, Kerr, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Monson, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Riley, Shurden, Taylor, Wilcoxson, Williamson, Wilson and Wyrick.--47.

Excused: Reynolds.--1.

The bill and emergency passed.

**HB 1411**, together with the conference committee report thereon, was ordered returned to the Honorable House.

#### **PENDING CONSIDERATION OF HAS**

**HAs to SB 691** were rejected upon motion of Senator Fisher, conference requested, and Senate conferees named as follows: Fisher, Gumm, Coffee.

#### **PENDING CONSIDERATION OF CCR**

The **CCR on HB 1704** was adopted upon motion of Senator Lawler.

**HB 1704**, as amended in conference, was read at length.

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

Aye: Adelson, Anderson, Barrington, Bass, Branan, Cain, Capps, Coffee, Corn, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Jolley, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Monson, Morgan, Nichols, Paddack, Pruitt, Rabon, Riley, Shurden, Taylor, Wilson and Wyrick.--37.

Nay: Aldridge, Brogdon, Coates, Crain, Johnson, Justice, Lamb, Myers, Wilcoxson and Williamson.--10.

Excused: Reynolds.--1.

The bill and emergency passed.

**HB 1704**, together with the conference committee report thereon, was ordered returned to the Honorable House.

**PENDING CONSIDERATION OF CCR**

The **CCR** on **SB 315** was adopted upon motion of Senator Leftwich.

Representative Wesselhoft asked to coauthor **SB 315**, which was the order.

**SB 315**, as amended in conference, was read at length.

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

Aye: Adelson, Aldridge, Anderson, Barrington, Bass, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson, Jolley, Justice, Kerr, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Monson, Morgan, Myers, Nichols, Pruitt, Rabon, Riley, Shurden, Taylor, Wilcoxson, Williamson, Wilson and Wyrick.--46.

Excused: Paddack and Reynolds.--2.

The bill passed.

Senator Paddack desired to vote Aye on the emergency.

On the question of passage of the emergency, the vote resulted as follows: Aye: 47;  
Excused: 1.

The emergency passed.

**SB 315**, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

**CHANGE IN CONFEREES**

Advising change in Senate conferees as follows:

**SB 610** – remove GCCA and add Gumm, Fisher, Coffee

**Senator Rabon presiding.**

**PENDING CONSIDERATION OF CCR**

The **CCR** on **SB 479** was adopted upon motion of Senator Lawler.

**SB 479**, as amended in conference, was read at length.

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

Aye: Adelson, Bass, Cain, Capps, Corn, Crutchfield, Easley, Eason McIntyre, Fisher, Garrison, Gumm, Harrison, Hobson, Kerr, Laster, Lawler, Leftwich, Lerblance, Monson, Paddack, Rabon, Shurden, Taylor, Wilson and Wyrick.--25.

Nay: Aldridge, Anderson, Barrington, Branan, Brogdon, Coates, Coffee, Crain, Ford, Johnson, Jolley, Justice, Lamb, Laughlin, Mazzei, Myers, Nichols, Pruitt, Riley, Wilcoxson and Williamson.--21.

Excused: Morgan and Reynolds.--2.

The bill passed.

**SB 479**, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

#### **PENDING CONSIDERATION OF CCR**

The **CCR** on **SB 554** was adopted upon motion of Senator Gumm upon roll call as follows:

Aye: Adelson, Bass, Cain, Capps, Corn, Crutchfield, Easley, Eason McIntyre, Fisher, Garrison, Gumm, Harrison, Hobson, Kerr, Laster, Lawler, Leftwich, Lerblance, Monson, Morgan, Paddack, Rabon, Shurden, Taylor, Wilson and Wyrick.--26.

Nay: Aldridge, Anderson, Barrington, Branan, Brogdon, Coates, Coffee, Crain, Ford, Johnson, Jolley, Justice, Lamb, Laughlin, Mazzei, Myers, Nichols, Pruitt, Riley, Wilcoxson and Williamson.--21.

Excused: Reynolds.--1.

**SB 554**, as amended in conference, was read at length.

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

Aye: Adelson, Bass, Cain, Capps, Corn, Crutchfield, Easley, Eason McIntyre, Fisher, Garrison, Gumm, Harrison, Hobson, Kerr, Laster, Lawler, Leftwich, Lerblance, Monson, Morgan, Paddack, Rabon, Shurden, Taylor, Wilson and Wyrick.--26.

Nay: Aldridge, Anderson, Barrington, Branan, Brogdon, Coates, Coffee, Crain, Ford, Johnson, Jolley, Justice, Lamb, Laughlin, Mazzei, Myers, Nichols, Pruitt, Riley, Wilcoxson and Williamson.--21.

Excused: Reynolds.--1.

The bill passed.

**SB 554**, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

#### **MESSAGE FROM THE HOUSE**

Advising further conference granted and naming same House conferees on Engrossed:

**HB 1738** - Terrill, Calvey, Rousselot, Banz, Wesselhoft

#### **PENDING CONSIDERATION OF CCR**

The **CCR** on **SB 668** was adopted upon motion of Senator Monson.

**SB 668**, as amended in conference, was read at length.

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

Aye: Adelson, Aldridge, Anderson, Barrington, Bass, Branan, Brogdon, Capps, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson, Jolley, Justice, Kerr, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Monson, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Riley, Shurden, Taylor, Wilcoxson, Williamson, Wilson and Wyrick.--46.

Excused: Cain and Reynolds.--2.

The bill and emergency passed.

**SB 668**, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

#### **PENDING CONSIDERATION OF CCR**

The **CCR** on **SB 705** was adopted upon motion of Senator Corn.

**SB 705**, as amended in conference, was read at length.

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

Aye: Adelson, Aldridge, Anderson, Barrington, Bass, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson, Jolley, Justice, Kerr, Lamb, Laster, Laughlin, Lawler,

Leftwich, Lerblance, Mazzei, Monson, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Riley, Shurden, Taylor, Wilcoxson, Williamson, Wilson and Wyrick.--47.

Excused: Reynolds.--1.

The bill and emergency passed.

**SB 705**, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

#### **MOTION TO RECONSIDER VOTE**

Senator Adelson moved to reconsider the vote whereby **SB 720** passed, which motion was declared adopted upon roll call as follows:

Aye: Adelson, Aldridge, Anderson, Barrington, Bass, Branan, Cain, Capps, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson, Jolley, Justice, Kerr, Laster, Lawler, Leftwich, Lerblance, Mazzei, Monson, Myers, Nichols, Paddack, Pruitt, Rabon, Riley, Shurden, Taylor, Wilcoxson, Williamson, Wilson and Wyrick.--43.

Nay: Brogdon, Lamb and Laughlin.--3.

Excused: Morgan and Reynolds.--2.

#### **FOURTH READING**

Senator Adelson moved to reconsider the vote whereby the **CCR** on **SB 720** was adopted, which motion was declared adopted.

#### **PENDING CONSIDERATION OF CCR**

The **CCR** on **SB 720** was rejected upon motion of Senator Adelson, further conference requested, and same Senate conferees appointed as follows: GCCA.

#### **MESSAGE FROM THE HOUSE**

Advising further conference granted and naming same House conferees on Engrossed:

**SB 720** - Peters, Adkins, Bingman, Eddins, Turner, Johnson

Senator Fisher moved that when the clerk's desk is clear, the Senate stand adjourned to convene Wednesday, May 25, 2005, at 9:00 a.m., which motion prevailed.

### **CONFERENCE COMMITTEE REPORTS SUBMITTED**

Conference committee reports were read on the following bills:

**SB 115**  
**SB 165**  
**SB 167**  
**SB 171**  
**SB 177**  
**SB 181**  
**SB 182**  
**SB 185**  
**SB 188**  
**SB 193**  
**SB 197**  
**SB 209**  
**SB 211**  
**SB 573**

### **FIRST READING**

The following were introduced and read the first time:

**SR 51** – By Mazzei.

A Resolution congratulating Kahlen Rondot for representing Oklahoma on a national television program; commending her for her outstanding showing on “America’s Next Top Model”; and directing distribution.

**SR 52** – By Fisher.

A Resolution relating to the protection of the property and supplies of the Senate and duties of the President Pro Tempore during the 2005 legislative interim; authorizing employment of necessary personnel; restricting use of Senate offices and Senate Chamber during the interim except with the consent of the President Pro Tempore; authorizing repairs to the Senate Chamber, Senate offices and furnishings and purchase of needed furnishings and equipment therefor; regulating use of telephone credit cards by members of the Senate; authorizing President Pro Tempore to appoint members of the Senate to interim committees; authorizing President Pro Tempore to approve claims for reimbursement incurred by members and employees of the Senate during the interim; and providing for cumulative powers.



**SR 53** – By Crain.

A Resolution stating the intent of the Oklahoma State Senate that the Office of Juvenile Affairs should issue a request for proposal to construct and operate a secure residential treatment facility; setting completion dates; and directing distribution.

**MESSAGE FROM THE GOVERNOR**

Advising his approval May 24, 2005, of Enrolled **SBs 419, 498, 586, 642, 738, 745** and **932** and veto of **SB 430**.

The veto message reads as follows:

May 24, 2005

To the Honorable President Pro Tempore  
and Members of the Oklahoma Senate  
First Session, Fiftieth Oklahoma Legislature

Enrolled Senate Bill No. 430

This is to advise you that on this date, pursuant to the authority vested in me by Section 11 of Article VI of the Oklahoma Constitution to approve or object to legislation presented to me, I have VETOED Senate Bill 430. While the concept of this legislation is good, it needs further study. As written, this legislation may have caused confusion. Many citizens may not have understood the significance of purple paint, and a one-inch wide strip that is eight inches long would be difficult to see, particularly at night. This legislation could have resulted in increased prosecution of well-intentioned, law abiding citizens.

By the Governor of the State of Oklahoma  
/s/ Brad Henry

Pursuant to the Fisher motion, the Senate adjourned at 4:50 p.m. to meet Wednesday, May 25, 2005, at 9:00 a.m.