

Senate Journal

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

Forty-first Legislative Day, Monday, April 16, 2007

The Senate was called to order by Senator Leftwich.

Roll Call:

Present: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, 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.—48.

Senator Leftwich declared a quorum present.

The prayer was offered by Chaplain Major Ted Wilson, Oklahoma Army National Guard, Edmond, the guest of Senator Jolley.

REPORT OF ENGROSSED AND ENROLLED MEASURES

HBs 1391, 1399, 1497, 1520, 1708, 1711 and 1739 were each correctly engrossed and, together with engrossed **SAs**, properly signed and ordered returned to the Honorable House.

SBs 109, 158, 558 and 709 were each correctly enrolled and after fourth reading, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

SR 30 was correctly enrolled, properly signed and ordered transmitted to the Secretary of State.

GENERAL ORDER

HB 1695 by Enns and Dorman of the House and Anderson of the Senate was called up for consideration.

Senator Anderson moved that **HB 1695** be advanced, which motion was declared adopted.

THIRD READING

HB 1695 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, 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.--48.

The bill passed.

HB 1695 was referred for engrossment.

GENERAL ORDER

HB 1477 by Coody et al of the House and Garrison et al of the Senate was called up for consideration.

Senator Garrison moved to amend **HB 1477**, Page 1, by striking the title.

Senator Jolley moved to amend the Garrison amendment to **HB 1477**, by striking the provisions of the Garrison amendment; Page 2, Line 10, by inserting after the word "principal" and before the word "shall" the language, "not alternatively certified under subsection D of this section"; Page 3, Line 2, by inserting after the word "schools" and before the word "shall" the language, "not alternatively certified under subsection D of this section"; Page 4, Lines 6-10, by deleting all language beginning with the word "a" on Line 6, through the word "file" on Line 10, and inserting the word "filing"; Page 4, Line 12, by deleting all language after the word "for" and through the word "requirements", and inserting the language "completing an alternative administrative preparation program"; Page 4, Line 13, by deleting all language after the period "." and through the word "relevant" and inserting the word "Relevant"; Page 4, Lines 15-16, by deleting all language after the word "to" on Line 15 and through the word "certification" on Line 16 and inserting "complete the plan"; Page 4, Line 21, through Page 5, Line 1, by deleting all language after the comma on Page 4, Line 21, and through the word "to" on Page 5, Line 1; and Page 5, Line 2, by inserting after the word "Education" and before the period "." the language, "shall issue a standard certificate for superintendent or principal, as applicable, to

the applicant; and by amending the title to conform, which amendment was declared adopted.

The Garrison amendment to **HB 1477** was rendered null upon adoption of the Jolley amendment.

Senator Garrison moved that **HB 1477** be advanced, which motion was declared adopted.

THIRD READING

HB 1477 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, 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.--48.

The bill and emergency passed.

HB 1477 was referred for engrossment.

Senator Paddack presiding.

GENERAL ORDER

HB 1804 by Terrill et al of the House and Williamson et al of the Senate was called up for consideration.

Senators Jolley, Johnson (M), Reynolds, Aldridge, Bingman, Brown, Crain, Ford and Wilcoxson asked to coauthor **HB 1804**, which was the order.

Senator Williamson moved to amend **HB 1804**, 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 Williamson moved that **HB 1804** be advanced, which motion was declared adopted upon roll call as follows:

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

Nay: Coates, Crutchfield, Eason McIntyre, Johnson (C) and Lerblance.--5.

Excused: Morgan.--1.

Senator Leftwich presiding.

THIRD READING

HB 1804 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, Coffee, Corn, Crain, Easley, Ford, Garrison, Gumm, Ivester, Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Mazzei, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--41.

Nay: Coates, Crutchfield, Eason McIntyre, Johnson (C), Lerblance and Morgan.--6.

Excused: Sweeden.--1.

The bill passed.

HB 1804 was referred for engrossment.

MESSAGES FROM THE HOUSE

Advising fourth reading of and transmitting for signature Enrolled **HBs 1285, 1510, 1556 and 1612.**

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

Advising fourth reading of and returning Enrolled **SBs 109, 158, 558 and 709**.

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

Advising passage of and returning the following Engrossed bills:

SB 129 - coauthored by Thompson of the House

SB 161 - coauthored by Cannaday of the House

SB 698

SB 1006 - coauthored by Sears of the House

The above-numbered measures were referred for enrollment.

MESSAGE FROM THE HOUSE HAS TO SENATE BILLS

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

SB 368

SB 390

SB 509

SB 513 - coauthored by Nations, Hyman, Richardson, Brannon, Coody, Ellis, Kern, Martin (Scott), Martin (Steve), McAffrey, Peterson (Pam), Renegar, Sears, Terrill, Tibbs and Walker of the House

SB 665

SB 798

SB 1049 - coauthored by Renegar of the House

House amendments were read on the above-numbered bills.

MOTION TO RECONSIDER VOTE

Senator Rabon moved to reconsider the vote whereby **HB 2152** 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, Crain, 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, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--46.

Excused: Coates and Sweeden.--2.

THIRD READING

Senator Rabon moved to reconsider the vote whereby **HB 2152** was advanced, which motion was declared adopted.

GENERAL ORDER

HB 2152 by Armes and Jett of the House and Rabon and Anderson of the Senate was called up for further consideration.

Senator Rabon asked unanimous consent, which was granted, to suspend Senate Rule 13-4 as it pertains to **HB 2152**.

Senator Rabon moved to amend **HB 2152**, Page 1, by restoring the title, which amendment was declared adopted.

The above amendment restores **HB 2152** to the engrossed version of the bill.

Senator Rabon moved that **HB 2152** be advanced, which motion was declared adopted.

THIRD READING

HB 2152 was read for the third time at length.

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

Aye: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Corn, Crain, 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, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--46.

Excused: Coffee and Sweeden.--2.

The bill and emergency passed.

HB 2152 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 1297 by Derby of the House and Crain of the Senate was called up for consideration.

Senator Crain moved that **HB 1297** be advanced, which motion was declared adopted.

THIRD READING

HB 1297 was read for the third time at length.

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

Aye: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Corn, Crain, 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, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--46.

Excused: Coffee and Sweeden.--2.

The bill passed.

HB 1297 was referred for engrossment.

GENERAL ORDER

HB 1412 by Joyner of the House and Aldridge of the Senate, considered on Page 1136, was called up for further consideration.

Senator Aldridge moved that **HB 1412** be advanced, which motion was declared adopted.

THIRD READING

HB 1412 was read for the third time at length.

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

Aye: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Corn, Crain, 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, Wilcoxson, Williamson, Wilson and Wyrick.--45.

Excused: Coffee, Sweeden and Sykes.--3.

The bill passed.

HB 1412 was referred for engrossment.

Senator Corn presiding.

GENERAL ORDER

HB 1303 by Enns and Shelton of the House and Adelson of the Senate was called up for consideration.

Senator Eason McIntyre asked to coauthor **HB 1303**, which was the order.

Senator Adelson moved to amend **HB 1303**, Page 2, Line 18 ½, by inserting new subsections E and F to read as follows:

“E. The Oklahoma Health Care Authority shall bill the federal government for Medicaid services mandated or authorized by federal law for undocumented immigrants. Billed services include emergency services, pregnancy-related services and other services as permitted under federal law. The Authority shall reimburse health care providers providing such covered services, including hospital and physicians, at the prevailing Medicaid rate to reduce uncompensated care, to increase cost-saving birth outcomes and to avoid cost shifting to other payors.

F. On or before December 31, 2010, the Authority shall prepare a report detailing the performance of this section, including any demonstrated cost savings, and file this report with the President Pro Tempore of the Senate, the Speaker of the House of Representatives and the Governor.”, which amendment was declared adopted upon roll call as follows:

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

Nay: Aldridge, Anderson, Branan, Brogdon, Coffee, Nichols, Reynolds, Sykes and Wilcoxson.--9.

Excused: Sweeden.--1.

Senator Leftwich moved to amend **HB 1303**, Page 2, Line 18 ½, by inserting a new Section 2 to read as follows:

“SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 11.1 of Title 85, unless there is created a duplication in numbering, reads as follows:

Notwithstanding any other provision of law, every injured employee entitled to compensation under the Workers’ Compensation Act, including those employees covered under a certified workplace medical plan, shall, upon application and good cause shown to the Court, be entitled to select his or her own treating physician, who shall treat the employee at the expense of the employer.”, and by renumbering subsequent section, which amendment failed of adoption upon roll call as follows:

Aye: Adelson, Ballenger, Bass, Burrage, Corn, Crutchfield, Easley, Eason McIntyre, Garrison, Gumm, Ivester, Johnson (C), Laster, Leftwich, Lerblance, Morgan, Paddack, Rabon, Rice, Riley, Sparks, Wilson and Wyrick.--23.

Nay: Aldridge, Anderson, Barrington, Bingman, Branan, Brogdon, Brown, Coates, Coffee, Crain, Ford, Johnson (M), Jolley, Justice, Lamb, Laughlin, Mazzei, Myers, Nichols, Reynolds, Schulz, Sykes, Wilcoxson and Williamson.--24.

Excused: Sweeden.--1.

Senator Adelson moved that **HB 1303** be advanced, which motion was declared adopted.

THIRD READING

HB 1303 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, 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, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--47.

Excused: Sweeden.--1.

The bill passed.

Pursuant to Rule 13-22, Senator Adelson served notice that the vote be reconsidered whereby **HB 1303** passed.

GENERAL ORDER

HB 2064 by Richardson et al of the House and Barrington of the Senate was called up for consideration.

Senator Barrington moved that **HB 2064** be advanced, which motion was declared adopted.

THIRD READING

HB 2064 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, 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, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--47.

Excused: Sweeden.--1.

The bill passed.

HB 2064 was referred for engrossment.

GENERAL ORDER

HB 1327 by Martin (Steve) and Sears of the House and Ford of the Senate was called up for consideration.

Senator Ford moved that **HB 1327** be advanced, which motion was declared adopted.

THIRD READING

HB 1327 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, 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, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--47.

Excused: Sweeden.--1.

The bill passed.

HB 1327 was referred for engrossment.

GENERAL ORDER

HB 1682 by Johnson (Dennis) et al of the House and Garrison and Sykes of the Senate was called up for consideration.

Senators Barrington, Riley, Ballenger, Easley, Rice, Adelson, Bass, Burrage, Eason McIntyre, Johnson (C), Paddack, Sparks and Wyrick asked to coauthor **HB 1682**, which was the order.

Senator Garrison moved to amend **HB 1682**, Page 1, by restoring the title, which amendment was declared adopted.

Senator Garrison moved to amend **HB 1682**, Page 12, Line 17, by deleting Section 2 and inserting an emergency clause, and by amending the title to conform, which amendment was declared adopted.

Senator Garrison moved that **HB 1682** be advanced, which motion was declared adopted.

THIRD READING

HB 1682 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, 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, Sykes, Wilcoxson, Williamson and Wyrick.--46.

Excused: Sweeden and Wilson.--2.

The bill and emergency passed.

HB 1682 was referred for engrossment.

Senator Leftwich presiding.

GENERAL ORDER

HB 1933 by Steele et al of the House and Johnson (Constance) of the Senate was called up for consideration.

Senator Johnson (Constance) moved that **HB 1933** be advanced, which motion was declared adopted.

THIRD READING

HB 1933 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, 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, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--47.

Excused: Sweeden.--1.

The bill and emergency passed.

HB 1933 was referred for engrossment.

GENERAL ORDER

HB 1794 by Armes et al of the House and Justice of the Senate was called up for consideration.

Senator Justice moved that **HB 1794** be advanced, which motion was declared adopted.

THIRD READING

HB 1794 was read for the third time at length.

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

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

Nay: Laster.--1.

Excused: Coffee and Sweeden.--2.

The bill and emergency passed.

HB 1794 was referred for engrossment.

PENDING CONSIDERATION OF HAS

HAs to **SB 1** were rejected upon motion of Senator Laughlin, conference requested, and Senate conferees to be named later.

MESSAGE FROM THE HOUSE

Advising concurrence in **SAs** to and passage of Engrossed **HB 1340**.

EXECUTIVE NOMINATIONS

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

Savage, Karol Theresa, Oklahoma City, as a member of the Environmental Quality Board - Energy and Environment

Tidwell, Jeff, Marlow, as a member of the State Board of Veterinary Medical Examiners - Agriculture and Rural Development

Senator Laughlin moved that when the clerk's desk is clear, the Senate stand adjourned to convene Tuesday, April 17, 2007, at 9:30 a.m., which motion prevailed.

FIRST READING

The following were introduced and read the first time:

SCR 28 – By Garrison of the Senate and McPeak of the House.

A Concurrent Resolution authorizing the Board of Regents for the Oklahoma Agricultural and Mechanical Colleges, acting on behalf of Connors State College, to issue certain revenue bonds pursuant to Sections 4001 through 4017 of Title 70 of the Oklahoma Statutes; and directing distribution.

SR 31 – By Jolley.

A Resolution congratulating the Oklahoma Christian School Saints boys basketball team upon winning the 2007 State Class 2A Championship; commending their four consecutive state championships; and directing distribution.

MESSAGE FROM THE GOVERNOR

Advising his approval April 16, 2007, of Enrolled **SBs 567, 633 and 634**.

Pursuant to the Laughlin motion, the Senate adjourned at 4:30 p.m. to meet Tuesday, April 17, 2007, at 9:30 a.m.