

Senate Journal

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

Nineteenth Legislative Day, Wednesday, March 5, 2008

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 Father Luke Bach, St. Paul's Cathedral, Oklahoma City, the guest of Senator Rice.

REPORT OF ENGROSSED AND ENROLLED MEASURES

SBs 571, 1156, 1186, 1189, 1389, 1392, 1399, 1410, 1422, 1511, 1530, 1558, 1577, 1601, 1625, 1634, 1658, 1686, 1687, 1696, 1699, 1714, 1719, 1769, 1797, 1828, 1839, 1855, 1866, 1894, 1915, 1943, 1951, 1953, 1985, 1988, 2001, 2041, 2068 and 2164 and SJRs 36 and 50 were each correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

SB 41 and SCR 53 were each correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

GENERAL ORDER

SB 1922 by Laster of the Senate and Sullivan of the House was called up for consideration.

Senator Laster moved that **SB 1922** be advanced, which motion was declared adopted.

THIRD READING

SB 1922 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, Schulz, Sparks, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--46.

Excused: Riley and Sweeden.--2.

The bill passed.

SB 1922 was referred for engrossment.

GENERAL ORDER

SB 1600 by Justice of the Senate and Coody of the House was called up for consideration.

Senator Justice moved that **SB 1600** be advanced, which motion was declared adopted.

THIRD READING

SB 1600 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, Schulz, Sparks, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--46.

Excused: Riley and Sweeden.--2.

The bill and emergency passed.

SB 1600 was referred for engrossment.

GENERAL ORDER

SB 2133 by Sykes and Ballenger of the Senate and Hilliard of the House was called up for consideration.

Senator Sykes moved that **SB 2133** be advanced, which motion was declared adopted.

THIRD READING

SB 2133 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, 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: Corn and Sweeden.--2.

The bill passed.

SB 2133 was referred for engrossment.

GENERAL ORDER

SB 2047 by Nichols of the Senate and Blackwell of the House was called up for consideration.

Senator Nichols moved to amend **SB 2047**, Page 1, Line 29, by inserting after the word "auditoriums," and before the word "assisted" the word "and"; and Page 2, Lines 1 and 2 by deleting after the word "facilities" the following language "dormitories, factories, stadiums, or warehouses, including all defined occupancies within these groups," and by amending the title to conform, which amendment was declared adopted.

Senator Nichols moved that **SB 2047** be advanced, which motion was declared adopted.

THIRD READING

SB 2047 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, 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: Corn and Sweeden.--2.

The bill and emergency passed.

SB 2047 was referred for engrossment.

Senator Paddack presiding.

GENERAL ORDER

SB 1604 by Myers of the Senate and Johnson (Rob) of the House, previously considered on Page 589, was called up for further consideration.

Senator Rice pressed adoption of his prior amendment, printed on Page 590, which amendment was declared adopted upon division of the question.

Senator Myers moved to amend **SB 1604**, Page 1, by striking the title, which amendment was declared adopted.

Senator Rabon raised a point of order that the Senate Rules should be suspended in order for Senator Myers to strike the title.

The Chair ruled that under provisions of Senate Rule 13-4, the motion to strike the title was in order.

Senator Myers moved that **SB 1604** be advanced, which motion was declared adopted.

THIRD READING

SB 1604 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, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--46.

Excused: Leftwich and Sweeden.--2.

The bill and emergency passed.

SB 1604 was referred for engrossment.

GENERAL ORDER

SB 2159 by Mazzei of the Senate and Jones of the House was called up for consideration.

Senator Mazzei moved that **SB 2159** be advanced, which motion was declared adopted upon division of the question.

THIRD READING

SB 2159 was read for the third time at length.

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

Aye: 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.

Nay: 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.

Excused: Sweeden.--1.

The bill failed.

Pursuant to Rule 13-22, Senator Corn served notice that the vote be reconsidered whereby **SB 2159** failed.

GENERAL ORDER

SB 1423 by Lerblance of the Senate and Adkins of the House was called up for consideration.

Senator Lerblance moved that **SB 1423** be advanced, which motion was declared adopted.

THIRD READING

SB 1423 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, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--45.

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

The bill and emergency passed.

SB 1423 was referred for engrossment.

Senator Leftwich presiding.

GENERAL ORDER

SB 1404 by Brown of the Senate and Wright of the House was called up for consideration.

Senator Ford asked to coauthor **SB 1404**, which was the order.

Senator Johnson (Constance) moved to amend **SB 1404**, Page 5, Line 3 ½, by inserting new Sections 2 through 5 to read as follows:

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 651 of Title 56, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the “Consumer Protection Act for Wheeled Mobility”.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 652 of Title 56, unless there is created a duplication in numbering, reads as follows:

As used in the Consumer Protection Act for Wheeled Mobility:

1. "Assistive technology supplier" means a service provider involved in the sale and service of rehabilitation equipment or commercially available assistive technology products or devices;

2. "Assistive technology practitioner" means a for-service provider who is involved in the analysis of a consumer's needs and training in the use of a particular assistive technology device;

3. "Health care professional" means a physical therapist, occupational therapist, assistive technology practitioner, or other credentialed professional who performs specialty evaluations within the health care professional's scope of practice;

4. "Member" means an individual for whom a wheeled mobility system has been prescribed; and

5. "Specialty evaluation" means the determination and documentation of the consumer's pathology, history, and prognosis, and the physiological, functional, and environmental factors that impact the selection of an appropriate wheeled mobility system.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 653 of Title 56, unless there is created a duplication in numbering, reads as follows:

For Medicaid claims with dates of service on or after April 1, 2009, on all purchased wheeled mobility, the member shall either have:

1. A specialty evaluation that was performed by a licensed or certified health care professional, such as a physical therapist or occupational therapist, or a physician who has specific training and experience in rehabilitation wheelchair evaluations and who documents the medical necessity for the wheelchair and its special features; or

2. A wheelchair provided by:

a. a supplier certified by the Rehabilitation Engineering and Assistive Technology Society of North America which has direct, in-person involvement in the wheelchair selection for the member, or

b. a supplier which employs an assistive technology practitioner certified by the Rehabilitation Engineering and Assistive Technology Society of North America or an assistive technology practitioner who specializes in wheelchairs and which has direct, in-person involvement in the wheelchair selection for the member.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 654 of Title 56, unless there is created a duplication in numbering, reads as follows:

The Oklahoma Health Care Authority Board shall promulgate rules as necessary to implement the provisions of this act.", and by renumbering subsequent section, which amendment failed of adoption upon division of the question.

Senator Brown moved that **SB 1404** be advanced, which motion was declared adopted.

THIRD READING

SB 1404 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.

SB 1404 was referred for engrossment.

GENERAL ORDER

SJR 59 by Reynolds and Branan of the Senate and Reynolds of the House was called up for consideration.

Senators Sykes, Leftwich, Schulz, Brogdon, Brown, Lamb, Laughlin and Coffee asked to coauthor **SJR 59**, which was the order.

Senator Reynolds moved to amend **SJR 59**, by striking the title, the enacting clause and the entire body of the bill and substituting the floor substitute. (Copies were provided for all Senators.)

Senator Reynolds moved to amend the floor substitute to **SJR 59**, by striking the title, the enacting clause and the entire body of the bill and substituting the floor substitute, which amendment was declared adopted upon roll call as follows: (Copies were provided for all Senators.)

Aye: Aldridge, Anderson, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Crain, Ford, Garrison, Gumm, Ivester, Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Mazzei, Morgan, Myers, Nichols, Paddack, Reynolds, Riley, Sparks, Sykes, Wilcoxson and Williamson.--34.

Nay: Adelson, Ballenger, Corn, Crutchfield, Easley, Eason McIntyre, Johnson (C), Lerblance, Rabon, Rice, Schulz, Wilson and Wyrick.--13.

Excused: Sweeden.--1.

Senator Reynolds pressed adoption of his floor substitute as amended, which motion was declared adopted.

Senator Reynolds moved that **SJR 59** be advanced, which motion was declared adopted.

THIRD READING

SJR 59 was read for the third time at length.

Senator Laughlin asked that **SJR 59** be laid over temporarily, which was the order.

SJR 59 remains on Third Reading.

Senator Laughlin moved that the Senate recess until 1:45 p.m., which motion was declared adopted.

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The Senate reconvened with Senator Leftwich presiding.

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

MESSAGE FROM THE HOUSE HAS TO SENATE BILLS

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

SB 924 (emergency failed) - coauthored by Liebmann of the House

House amendments were read on the above-numbered bill.

MESSAGE FROM THE HOUSE

Advising passage of and transmitting for consideration Engrossed **HBs 2218, 2468, 2544, 2551, 2675, 2682, 2748, 2749, 2765, 2791, 3055, 3148, 3198, 3335 and 3365** and **HCRs 1057 and 1059**.

HB 2218 – By Shoemake and Brown of the House and Garrison of the Senate
(economic development - Oklahoma Livestock Industry Development Act of 2008 -
economic impact study - Oklahoma Livestock Industry Board - authorized expenses –
codification - effective date - emergency)

HB 2468 – By Rousselot, BigHorse, Pittman, Shumate and Shelton of the House and
Garrison of the Senate.

An Act relating to children; amending 10 O.S. 2001, Section 5, as last amended by
Section 1, Chapter 102, O.S.L. 2007 (10 O.S. Supp. 2007, Section 5), which relates to
grandparent visitation; requiring mediation upon the filing of a petition; and declaring an
emergency.

HB 2544 – By Richardson of the House and Rabon and Justice of the Senate.

An Act relating to game and fish; amending 29 O.S. 2001, Section 4-136, as amended
by Section 1, Chapter 174, O.S.L. 2002 (29 O.S. Supp. 2007, Section 4-136), which relates
to special use permits to use certain private land; deleting fee amounts; modifying use of
fees; deleting exemptions; and declaring an emergency.

HB 2551 – By Liebmann, Billy, Martin (Scott), Martin (Steve), Thompson, Armes,
Banz, Johnson (Dennis), Kern, Peterson (Pam), Reynolds, Terrill, Tibbs and Wright of the
House and Corn of the Senate.

(roads, bridges and ferries – amending 69 O.S., Section 1521 – Rebuilding Oklahoma
Access and Driver Safety Fund – apportionment – effective date – emergency)

HB 2675 – By Morgan of the House and Ballenger of the Senate.

An Act relating to counties and county officers; amending 19 O.S. 2001, Section
901.27, which relates to fire protection districts; modifying the requirements of audits for
certain fire protection districts; and providing an effective date.

HB 2682 – By Ingmire and McAffrey of the House and Johnson (Constance) of the
Senate.

An Act relating to prisons and reformatories; amending 57 O.S. 2001, Section 138, as
last amended by Section 12, Chapter 358, O.S.L. 2004 (57 O.S. Supp. 2007, Section 138),
which relates to earned incarceration credits; modifying criteria of certain class levels; and
declaring an emergency.

HB 2748 – By Winchester, Pittman, Billy, Denney, Jett, Johnson (Dennis), Kern, Key,
McNiel, Peterson (Pam), Reynolds, Shelton and Terrill of the House and Lamb of the
Senate.

(Department of Human Services - directing the Legislative Service Bureau to contract
for certain audit - noncodification - effective date – emergency)

HB 2749 – By Winchester, McAffrey and Rousselot of the House and Mazzei of the
Senate.

An Act relating to children; creating the Adoption Review Task Force; providing for
membership; providing for appointment of cochairs; providing for vacancies; directing

travel reimbursement; providing for administrative support; specifying duties; requiring certain reports; providing for noncodification; providing an effective date; and declaring an emergency.

HB 2765 – By Cox, Pittman, Collins, Hoskin, McAffrey and Shelton of the House and Crain of the Senate.

An Act relating to mental health and substance abuse services; amending 22 O.S. 2001, Section 1161, as last amended by Section 8, Chapter 358, O.S.L. 2007 (22 O.S. Supp. 2007, Section 1161), which relates to discharge procedure of persons found insane; modifying procedures for certain determination made by the court; authorizing the administration of certain treatment to persons committed to the custody of the Department of Mental Health and Substance Abuse Services; providing for discharge or conditional release pursuant to certain procedures; creating Forensic Review Board; stating composition of Board; establishing length of certain terms; establishing duties of Board; exempting Board from Oklahoma Open Meeting Act; establishing guidelines for meetings of Board; establishing procedures upon specified Board recommendations; authorizing conditional release subject to certain conditions; requiring discharge upon certain determination; amending 43A O.S. 2001, Section 2-202, as last amended by Section 8, Chapter 150, O.S.L. 2005 (43A O.S. Supp. 2007, Section 2-202), which relates to powers and duties of Commissioner of Mental Health and Substance Abuse Services; deleting certain duty; and providing an effective date.

HB 2791 – By Jackson, Adkins, Derby, Dorman, Faught, Hilliard, Hyman, Johnson (Rob), Joyner, McDaniel (Randy), Peterson (Ron), Proctor, Renegar, Schwartz, Sherrer, Smithson and Thompson of the House and Schulz of the Senate.

An Act relating to game and fish; amending 29 O.S. 2001, Section 4-106, as last amended by Section 13, Chapter 138, O.S.L. 2006 (29 O.S. Supp. 2007, Section 4-106), which relates to commercial hunting area licenses; deleting certain licensing requirement; making entering a farmed cervidae facility or commercial hunting area without permission of the owner a trespass; setting penalty; making entering and taking cervidae or wildlife from a farmed cervidae facility or commercial hunting area without permission of the owner a felony; setting penalty; providing for codification; providing an effective date; and declaring an emergency.

HB 3055 – By Winchester, Pittman, McDaniel (Jeannie) and Rousselot of the House and Crain of the Senate.

An Act relating to adoption; providing for an adoption full disclosure statement; specifying contents of statement; requiring the statement be provided to birth parents and adoptive parents; requiring signature acknowledging understanding of statement; providing for the attachment of the statement to the petition for adoption; providing for codification; and providing an effective date.

HB 3148 – By Derby and Roan of the House and Nichols of the Senate.

An Act relating to public health and safety; amending 63 O.S. 2001, Section 2-204, as amended by Section 1, Chapter 283, O.S.L. 2005 (63 O.S. Supp. 2007, Section 2-204), which relates to Schedule I of the Uniform Controlled Dangerous Substances Act; adding

certain drugs; amending 63 O.S. 2001, Section 2-206, as last amended by Section 2, Chapter 248, O.S.L. 2007 (63 O.S. Supp. 2007, Section 2-206), which relates to Schedule II of the Uniform Controlled Dangerous Substances Act; adding certain drugs; and providing an effective date.

HB 3198 – By Denney of the House and Jolley of the Senate.

An Act relating to arts and culture; creating the Task Force on Creative Artist Guilds; stating purpose of the Task Force; providing for membership; providing for appointments, meetings, officers, travel reimbursements, and staffing; stating duties of the Task Force; requiring a report by certain date; providing for noncodification; and declaring an emergency.

HB 3335 – By Thompson and Collins of the House and Branan of the Senate.

An Act relating to roads, bridges, and ferries; amending 69 O.S. 2001, Section 4025, as amended by Section 3, Chapter 324, O.S.L. 2007 (69 O.S. Supp. 2007, Section 4025), which relates to signs; removing population limitation on certain prohibition; providing an effective date; and declaring an emergency.

HB 3365 – By McNiel of the House and Ford of the Senate.

An Act relating to game and fish; amending 29 O.S. 2001, Section 6-303.1, which relates to possession and transportation of paddlefish eggs; modifying restrictions for possession of paddlefish eggs; making transportation restriction apply to frozen paddlefish eggs; prohibiting transportation of paddlefish with viscera out of state; increasing penalties; and declaring an emergency.

HCR 1057 – By Jones, Kern and Terrill of the House and Jolley of the Senate.

A Concurrent Resolution relating to student remediation; establishing the Task Force on Student Remediation; providing for appointments; providing for designation of cochairs; providing for meetings and staffing; providing for reimbursement for travel; providing for purpose; and requiring certain report.

HCR 1059 – By McDaniel (Jeannie), Collins, Hoskin, Kiesel and Pittman of the House and Easley of the Senate.

A Concurrent Resolution requesting the Department of Transportation to take certain steps regarding mowing, signage and wildflowers; and directing distribution.

The above-numbered measures were read the first time.

THIRD READING

SJR 59 was read for the third time at length.

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

Aye: Aldridge, Anderson, Barrington, Bingman, Branan, Brogdon, Brown, Coffee, Crain, Ford, Ivester, Johnson (M), Jolley, Justice, Lamb, Laughlin, Leftwich, Mazzei, Myers, Nichols, Reynolds, Schulz, Sykes, Wilcoxson and Williamson.--25.

Nay: Adelson, Ballenger, Bass, Burrage, Coates, Corn, Crutchfield, Easley, Eason McIntyre, Garrison, Gumm, Johnson (C), Laster, Lerblance, Morgan, Paddack, Rabon, Rice, Riley, Sparks, Wilson and Wyrick.--22.

Excused: Sweeden.--1.

The resolution passed.

Pursuant to Rule 13-22, Senator Reynolds served notice that the vote be reconsidered whereby **SJR 59** passed.

Senator Corn presiding.

GENERAL ORDER

SB 1010 by Morgan of the Senate and Johnson (Rob) of the House was called up for consideration.

Senator Burrage moved that **SB 1010** be advanced, which motion was declared adopted.

THIRD READING

SB 1010 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, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Ford, Garrison, Gumm, Ivester, Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Wilcoxson, Williamson and Wyrick.--39.

Nay: Anderson, Brown, Easley, Eason McIntyre, Johnson (C), Leftwich, Sykes and Wilson.--8.

Excused: Sweeden.--1.

The bill and emergency passed.

SB 1010 was referred for engrossment.

GENERAL ORDER

SB 1856 by Branan of the Senate and Liebmann of the House was called up for consideration.

Senator Lerblance moved to amend **SB 1856**, Page 5, Line 10; Page 6, Line 4; Page 6, Line 11; and Page 6, Line 21 by deleting the word “felony” and inserting in lieu thereof the word “misdemeanor”; Page 5, Lines 11 and 12; Page 6, Lines 4 through 6; Page 6, Lines 12 through 14; and Page 6, Line 22 through Page 7, Line 1, by deleting the following language “imprisonment in the State Penitentiary not to exceed five (5) years or in the county jail not to exceed one (1) year, or by”; Page 5, Lines 13 and 14; Page 6, Line 7; Page 6, Lines 14 and 15; and Page 7, Lines 1 and 2, by deleting the following language “or by both such imprisonment and fine”, which amendment was declared adopted upon roll call as follows:

Aye: Adelson, Ballenger, Barrington, Bass, Burrage, Coates, Corn, Crutchfield, Easley, Eason McIntyre, Garrison, Gumm, Ivester, Johnson (C), Lamb, Laster, Leftwich, Lerblance, Morgan, Paddack, Rabon, Rice, Riley, Sparks, Wilson and Wyrick.--26.

Nay: Aldridge, Anderson, Bingman, Branan, Brogdon, Brown, Coffee, Crain, Ford, Johnson (M), Jolley, Justice, Laughlin, Mazzei, Myers, Nichols, Reynolds, Schulz, Sykes, Wilcoxson and Williamson.--21.

Excused: Sweeden.--1.

Senator Branan moved that **SB 1856** be advanced, which motion was declared adopted.

THIRD READING

SB 1856 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.

SB 1856 was referred for engrossment.

Senator Leftwich presiding.

GENERAL ORDER

SB 2071 by Jolley of the Senate and Miller of the House was called up for consideration.

Senator Gumm asked to coauthor **SB 2071**, which was the order.

Senator Jolley moved that **SB 2071** be advanced, which motion was declared adopted.

THIRD READING

SB 2071 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.

SB 2071 was referred for engrossment.

GENERAL ORDER

SB 1139 by Coates of the Senate and Richardson of the House was called up for consideration.

Senator Coates moved that **SB 1139** be advanced, which motion was declared adopted.

THIRD READING

SB 1139 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.

SB 1139 was referred for engrossment.

GENERAL ORDER

SB 1863 by Paddack of the Senate and Peterson (Ron) of the House was called up for consideration.

Senator Paddack moved that **SB 1863** be advanced, which motion was declared adopted.

THIRD READING

SB 1863 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.

SB 1863 was referred for engrossment.

GENERAL ORDER

SB 1171 by Mazzei of the Senate and Jackson of the House was called up for consideration.

Senator Adelson asked to coauthor **SB 1171**, which was the order.

Senator Sparks moved to amend **SB 1171**, Page 3, Line 5, by deleting after the word “for” and before the word “years” all language and inserting in lieu thereof the word “five”, which amendment was declared adopted.

Senator Mazzei moved that **SB 1171** be advanced, which motion was declared adopted.

THIRD READING

SB 1171 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, 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, Rice, Riley, Schulz, Sparks, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--44.

Nay: Brogdon and Rabon.--2.

Excused: Reynolds and Sweeden.--2.

The bill passed.

SB 1171 was referred for engrossment.

GENERAL ORDER

SB 1881 by Jolley of the Senate and Jones of the House was called up for consideration.

Senator Jolley moved that **SB 1881** be advanced, which motion was declared adopted.

THIRD READING

SB 1881 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, Easley, Eason McIntyre, Ford, 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 Wilson.--43.

Nay: Crutchfield, Garrison, Gumm and Wyrick.--4.

Excused: Sweeden.--1.

The bill and emergency passed.

SB 1881 was referred for engrossment.

MESSAGES FROM THE HOUSE

Advising fourth reading of and returning Enrolled **SB 41**.

The above-numbered enrolled measure was referred to the Governor.

Advising the signing of and returning Enrolled **SCR 53**.

The above-numbered enrolled measure was transmitted to the Secretary of State.

GENERAL ORDER

SB 1850 by Coates of the Senate and Steele of the House was called up for consideration.

Senator Coates moved that **SB 1850** be advanced, which motion was declared adopted.

THIRD READING

SB 1850 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.

SB 1850 was referred for engrossment.

GENERAL ORDER

SB 1416 by Paddack of the Senate and Tibbs of the House was called up for consideration.

Senator Paddack moved that **SB 1416** be advanced, which motion was declared adopted.

THIRD READING

SB 1416 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.

SB 1416 was referred for engrossment.

GENERAL ORDER

SB 1551 by Lerblance of the Senate and Renegar of the House was called up for consideration.

Senator Lerblance moved that **SB 1551** be advanced, which motion was declared adopted.

THIRD READING

SB 1551 was read for the third time at length.

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

Aye: Adelson, Ballenger, Barrington, Bass, Bingman, Burrage, Coates, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Morgan, Myers, Nichols, Paddack, Reynolds, Rice, Riley, Sparks, Wilson and Wyrick.--34.

Nay: Aldridge, Anderson, Branan, Brogdon, Brown, Coffee, Jolley, Mazzei, Rabon, Schulz, Sykes, Wilcoxson and Williamson.--13.

Excused: Sweeden.--1.

The bill passed.

SB 1551 was referred for engrossment.

GENERAL ORDER

SB 1149 by Barrington of the Senate and Armes of the House, previously considered on Page 665, was called up for further consideration.

Senator Barrington pressed his motion to adopt the floor substitute to **SB 1149**, which motion was declared adopted.

Senator Barrington moved that **SB 1149** be advanced, which motion was declared adopted.

THIRD READING

SB 1149 was read for the third time at length.

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

Aye: Aldridge, Anderson, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Crain, Ford, Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Mazzei, Myers, Nichols, Paddack, Reynolds, Rice, Riley, Schulz, Sparks, Sykes, Wilcoxson and Williamson.--32.

Nay: Adelson, Ballenger, Corn, Crutchfield, Easley, Eason McIntyre, Garrison, Gumm, Ivester, Johnson (C), Lerblance, Rabon, Wilson and Wyrick.--14.

Excused: Morgan and Sweeden.--2.

The bill passed.

Pursuant to Rule 13-22, Senator Corn served notice that the vote be reconsidered whereby **SB 1149** passed.

GENERAL ORDER

SB 1549 by Crain of the Senate and Cox of the House was called up for consideration.

Senator Lerblance moved to amend **SB 1549**, Page 1, Line 8 ½, by inserting a new Section 1.

Senator Lerblance moved to amend the above amendment by deleting the new Section 1 and inserting in lieu thereof a new Section 1 to read as follows:

“SECTION 1. AMENDATORY 63 O.S. 2001, Section 1-1939, as amended by Section 2, Chapter 429, O.S.L. 2003 (63 O.S. Supp. 2007, Section 1-1939), is amended to read as follows:

Section 1-1939. A. The owner and licensee are liable to a resident for any intentional or negligent act or omission of their agents or employees which injures the resident. The owner and licensee shall maintain sufficient assets to cover all claims resulting from the intentional or negligent acts or omissions of their agents or employees which injure a resident. A liability insurance policy in the minimum amount of Two Hundred Fifty Thousand Dollars (\$250,000.00) that would compensate the resident or the resident's family for injuries or death of a resident shall be prima facie evidence that the owner or licensee has maintained sufficient assets to adequately cover claims. If the owner or licensee is a domestic or foreign corporation, partnership, limited liability company, or other similar entity, regardless of whether formed for profit or non-profit, and does not have a minimum of Two Hundred Fifty Thousand Dollars (\$250,000.00) of liability insurance at the time of the claim for injuries or death of the resident, then a direct action may be brought against the officers, shareholders, partners, members or other similar persons of the corporation or entity which is the owner or licensee, or against the officers, shareholders, partners, members or other similar persons of any other corporation or entity owning all or

part of the owner or licensee, and such persons shall be individually liable for the injuries and death of the resident. In addition, any state employee that aids, abets, assists, or conspires with an owner or licensee to perform an act that causes injury to a resident shall be individually liable.

B. A resident may maintain an action under the Nursing Home Care Act for any other type of relief, including injunctive and declaratory relief, permitted by law.

C. Any damages recoverable under this section, including minimum damages as provided by this section, may be recovered in any action which a court may authorize to be brought as a class action. The remedies provided in this section, are in addition to and cumulative with any other legal remedies available to a resident. Exhaustion of any available administrative remedies shall not be required prior to commencement of suit hereunder.

D. Any waiver by a resident or the legal representative of the resident of the right to commence an action under this section, whether oral or in writing, shall be null and void, and without legal force or effect.

E. Any party to an action brought under this section shall be entitled to a trial by jury and any waiver of the right to a trial by a jury, whether oral or in writing, prior to the commencement of an action, shall be null and void, and without legal force or effect.

F. A licensee or its agents or employees shall not transfer, discharge, evict, harass, dismiss or retaliate against a resident, a resident's guardian or an employee or agent who makes a report, brings, or testifies in, an action under this section, or files a complaint because of a report, testimony or complaint.

G. Any person, institution or agency, under the Nursing Home Care Act, participating in good faith in the making of a report, or in the investigation of such a report shall not be deemed to have violated any privileged communication and shall have immunity from any liability, civil or criminal, or any other proceedings, civil or criminal, as a consequence of making such report. The good faith of any persons required, or permitted to report cases of suspected resident abuse or neglect under this act shall be presumed.

H. A facility employee or agent who becomes aware of abuse, neglect or exploitation of a resident prohibited by the Nursing Home Care Act shall immediately report the matter to the facility administrator. A facility administrator who becomes aware of abuse, neglect, or exploitation of a resident shall immediately act to rectify the problem and shall make a report of the incident and its correction to the Department.

I. 1. The facility shall be responsible for reporting the following serious incidents to the Department within twenty-four (24) hours:

- a. communicable diseases,
- b. deaths by unusual occurrence, including accidental deaths or deaths other than by natural causes, and deaths that may be attributed to a medical device,
- c. missing residents. In addition, the facility shall make a report to local law enforcement agencies within two (2) hours if the resident is still missing,
- d. situations arising where criminal intent is suspected. Such situations shall also be reported to local law enforcement, and
- e. resident abuse, neglect and misappropriation of the property of a resident.

2. All other incident reports shall be made in accordance with federal law.
3. All initial written reports of incidents or situations shall be mailed to the Department within five (5) working days after the incident or situation. The final report shall be filed with the Department when the full investigation is complete.”, which amendment was declared adopted.

Senator Lerblance pressed his motion to adopt his first amendment as amended, which amendment was declared adopted.

Senator Crain moved that **SB 1549** be advanced, which motion was declared adopted.

THIRD READING

SB 1549 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, Myers, Nichols, Paddack, Rabon, Rice, Riley, Schulz, Sparks, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--45.

Excused: Morgan, Reynolds and Sweeden.--3.

The bill passed.

SB 1549 was referred for engrossment.

GENERAL ORDER

SB 2105 by Jolley of the Senate and Terrill of the House was called up for consideration.

Senator Jolley moved that **SB 2105** be advanced, which motion was declared adopted.

THIRD READING

SB 2105 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, 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, Myers, Nichols, Paddack, Rabon, Rice, Riley, Schulz, Sparks, Wilcoxson, Williamson, Wilson and Wyrick.--43.

Nay: Brogdon, Reynolds and Sykes.--3.

Excused: Morgan and Sweeden.--2.

The bill passed.

SB 2105 was referred for engrossment.

GENERAL ORDER

SB 1693 by Lerblance of the Senate and Renegar of the House was called up for consideration.

Senator Lerblance moved that **SB 1693** be advanced, which motion was declared adopted.

THIRD READING

SB 1693 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, Bass, Burrage, Coates, Corn, Crutchfield, Easley, Eason McIntyre, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Laster, Leftwich, Lerblance, Myers, Paddack, Reynolds, Rice, Riley, Sparks, Wilcoxson, Williamson, Wilson and Wyrick.--29.

Nay: Barrington, Bingman, Branan, Brogdon, Brown, Crain, Ford, Jolley, Justice, Lamb, Laughlin, Mazzei, Nichols, Rabon, Schulz and Sykes.--16.

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

The bill passed.

The Chair advised that Senator Coffee, having been present in the Chamber during the vote on **SB 1693** would be shown voting Nay in compliance with Rule 15-1B. The vote thereby resulted as follows: Aye: 29; Nay: 17; Excused: 2.

SB 1693 was referred for engrossment.

GENERAL ORDER

SB 1931 by Paddock of the Senate and Jones of the House was called up for consideration.

Senator Corn moved to amend **SB 1931**, Page 4, Lines 1 and 6, by inserting after the word "income" and before the word "from" the language ", excluding child support," which amendment was declared adopted.

Senator Paddock moved that **SB 1931** be advanced, which motion was declared adopted.

THIRD READING

SB 1931 was read for the third time at length.

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

Aye: Adelson, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, 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, Myers, Nichols, Paddock, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sykes, Wilcoxson and Williamson.--41.

Nay: Aldridge, Brogdon, Brown, Wilson and Wyrick.--5.

Excused: Morgan and Sweeden.--2.

The bill passed.

SB 1931 was referred for engrossment.

GENERAL ORDER

SB 1956 by Mazzei and Wilson of the Senate and Terrill and Jones of the House was called up for consideration.

Senator Mazzei moved that **SB 1956** be advanced, which motion was declared adopted.

THIRD READING

SB 1956 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, Myers, Nichols, Paddack, Reynolds, Rice, Riley, Schulz, Sparks, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--45.

Excused: Morgan, Rabon and Sweeden.--3.

The bill passed.

SB 1956 was referred for engrossment.

Senator Corn presiding.**GENERAL ORDER**

SB 1535 by Ballenger of the Senate and Shoemake of the House was called up for consideration.

Senator Ballenger moved to amend **SB 1535**, Page 1, Line 14, by inserting after the word "fine" and before the comma the following language "resulting from a citation issued by a county size and weights deputy"; and Page 1, Line 20, by inserting after the period the language "Such monies shall be available for use by a county for any authorized purpose relating to construction or maintenance of any county road or bridge.", which amendment was declared adopted.

Senator Ballenger moved that **SB 1535** be advanced, which motion was declared adopted.

THIRD READING

SB 1535 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, Ballenger, Barrington, Bingman, Burrage, Coates, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C),

Johnson (M), Justice, Lamb, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Sparks, Williamson, Wilson and Wyrick.--35.

Nay: Anderson, Bass, Branan, Brogdon, Brown, Coffee, Jolley, Laster, Laughlin, Schulz, Sykes and Wilcoxson.--12.

Excused: Sweeden.--1.

The bill and emergency passed.

SB 1535 was referred for engrossment.

MESSAGE FROM THE HOUSE

Advising passage of and returning the following Engrossed resolution:

SCR 56 - coauthored by all members of the House

The above-numbered measure was referred for enrollment.

Senator Laughlin moved that when the clerk's desk is clear, the Senate stand adjourned to convene Thursday, March 6, 2008, at 9:00 a.m., which motion prevailed.

Pursuant to the Laughlin motion, the Senate adjourned at 4:40 p.m. to meet Thursday, March 6, 2008, at 9:00 a.m.