

Senate Journal

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

Twenty-first Legislative Day, Monday, March 10, 2008

The Senate was called to order by Senator Corn.

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 Corn declared a quorum present.

The prayer was offered by Pastor Curtis Lynn Plant, First Christian Church, Waurika, the guest of Senator Barrington.

REPORT OF ENGROSSED AND ENROLLED MEASURES

SBs 1386, 1451, 1631, 1662, 1819, 1927, 1955, 1962, 2000, 2034, 2057 and 2086 were each correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

MESSAGE FROM THE HOUSE

Advising passage of and transmitting for consideration Engrossed **HBs 2219, 2276, 2278, 2280, 2508, 2522, 2525, 2547, 2573, 2638, 2677, 2722, 2732, 2760, 2775, 2809, 2814, 2833, 2941, 2960, 2970, 3007, 3050, 3120, 3125, 3186, 3194, 3328, 3353 and 3354** and **HJRs 1058, 1080 and 1093**.

HB 2219 – By Shoemake, Pittman, BigHorse and Dorman of the House and Ballenger of the Senate.

An Act relating to children; amending 10 O.S. 2001, Section 7004-1.5, which relates to the Kinship Foster Care Program; requiring the establishment of a kinship navigator program; and providing an effective date.

HB 2276 – By Miller and Jones of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.

(general appropriations - various agencies -executive, legislative and judicial departments - effective date)

HB 2278 – By Miller and Jones of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.

(public finance – transfer – entities and officers – emergency)

HB 2280 – By Miller and Jones of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.

(appropriations – appropriation – emergency)

HB 2508 – By Coody, Kern, McMullen and Shelton of the House and Eason McIntyre of the Senate.

An Act relating to schools; amending 70 O.S. 2001, Section 6-200, as amended by Section 1, Chapter 249, O.S.L. 2007 (70 O.S. Supp. 2007, Section 6-200), which relates to professional development institutes; expanding the reading professional development institutes to include middle level; making expansion contingent upon funding; providing an effective date; and declaring an emergency.

HB 2522 – By Sherrer, Inman, Kiesel, Sullivan, Pittman, BigHorse, Tibbs, Braddock and Hoskin of the House and Burrage of the Senate.

An Act relating to criminal procedure; amending 22 O.S. 2001, Section 471.1, which relates to the Oklahoma Drug Court Act; authorizing counties to establish a misdemeanor drug court program; directing the Department of Mental Health and Substance Abuse Services to provide assistance; and providing an effective date.

HB 2525 – By Glenn, Enns, Hoskin, Rousselot, Sears, Dank and Kern of the House and Garrison of the Senate.

An Act relating to schools; authorizing school personnel to report certain conduct of students to appropriate school officials and law enforcement; amending 70 O.S. 2001, Section 6-101.48, as amended by Section 2, Chapter 205, O.S.L. 2005 (70 O.S. Supp. 2007, Section 6-101.48), which relates to persons and businesses having contracts with or performing services for schools or school districts; modifying requirements for certain signed statement; providing for codification; and providing an effective date.

HB 2547 – By Richardson, DeWitt, McMullen and Sears of the House and Schulz of the Senate.

An Act relating to crimes and punishments; amending Section 4, Chapter 268, O.S.L. 2006 (21 O.S. Supp. 2007, Section 1835.2), which relates to trespassing upon certain private land; modifying penalties; and prohibiting hunting or fishing on certain lands devoted to certain activities.

HB 2573 – By Hickman and Key of the House and Myers of the Senate.

An Act relating to annexation; amending 11 O.S. 2001, Section 21-103, as last amended by Section 2, Chapter 1, O.S.L. 2005 (11 O.S. Supp. 2007, Section 21-103), which relates to annexation by a governing body; providing for award of attorney fees to prevailing property owner in certain circumstances; and providing an effective date.

HB 2638 – By Peters of the House and Leftwich of the Senate.

An Act relating to criminal procedure; amending Section 1, Chapter 415, O.S.L. 2002 (22 O.S. Supp. 2007, Section 60.14), which relates to the Protection from Domestic Abuse Act; transferring the Address Confidentiality Program from the Office of the Secretary of State to the Office of the Attorney General; changing agency designation; allowing certain persons to apply to the program; modifying cancellation procedures; requiring certain mail be forwarded at no cost to program participants; modifying certain record keeping requirements; prohibiting disclosure of certain information; expanding list of entities designated by the Attorney General to assist program participants; specifying certain persons as application assistants; authorizing Attorney General to enter into certain agreements; transferring administrative rules to the Office of the Attorney General; requiring notice of rule transfer to the Oklahoma Register; stating jurisdiction of transferred rules; eliminating certain position of the Address Confidentiality Program; transferring funds, property, records, personnel and financial obligations to the Office of the Attorney General; stating that all transferred personnel shall retain their employment position and certain benefits; providing an effective date; and declaring an emergency.

HB 2677 – By Sears and Kiesel of the House and Crain of the Senate.

(public health and safety - eligibility requirements – codification - effective date)

HB 2722 – By Armes of the House and Ivester of the Senate.

(cooperatives - Uniform Limited Cooperative Association Act - service of process - codification - effective date)

HB 2732 – By Renegar of the House and Gumm of the Senate.

An Act relating to professions and occupations; amending 59 O.S. 2001, Section 328.49, as amended by Section 10, Chapter 172, O.S.L. 2003 (59 O.S. Supp. 2007, Section 328.49), which relates to dentistry; increasing penalty for unlawful practice; amending 59 O.S. 2001, Section 491, as amended by Section 3, Chapter 523, O.S.L. 2004 (59 O.S. Supp. 2007, Section 491), which relates to the practice of medicine or surgery; increasing penalty for practicing without a license; amending 59 O.S. 2001, Section 638, as amended by Section 12, Chapter 523, O.S.L. 2004 (59 O.S. Supp. 2007, Section 638), which relates to the Oklahoma Osteopathic Medicine Act; increasing penalty for violation; amending 59

O.S. 2001, Section 698.18, which relates to veterinary medicine; modifying penalties for practice of veterinary medicine without a license; amending 59 O.S. 2001, Section 698.26, as amended by Section 7, Chapter 172, O.S.L. 2002 (59 O.S. Supp. 2007, Section 698.26), which relates to the unauthorized practice of veterinary medicine; providing penalty for permitting or directing violation; and providing an effective date.

HB 2760 – By Cox and Billy of the House and Crutchfield of the Senate.

An Act relating to professions and occupations; amending 59 O.S. 2001, Sections 887.13 and 887.17, as last amended by Section 1, Chapter 84, O.S.L. 2005 (59 O.S. Supp. 2007, Section 887.17), which relate to the Physical Therapy Practice Act; expanding referral list; and declaring an emergency.

HB 2775 – By DeWitt of the House and Justice of the Senate.

(waters and water resources - Oklahoma Water Resources Board – codification - effective date – emergency)

HB 2809 – By Peterson (Pam), BigHorse, McAffrey, Pittman, Shumate, Faight, Johnson (Dennis), Kern, McDaniel (Jeannie), Rousselot, Sherrer and Tibbs of the House and Lamb of the Senate.

An Act relating to child support; amending 21 O.S. 2001, Section 566, as last amended by Section 1, Chapter 140, O.S.L. 2007 (21 O.S. Supp. 2007, Section 566), which relates to punishment for contempt in child support proceedings; relocating statutory authority for the Supreme Court to promulgate guidelines for sentence and purge fees for indirect contempt; specifying criteria for indirect contempt determinations; providing indirect contempt punishment options; providing for alternative programs for indirect contempt; amending 21 O.S. 2001, Section 852, as amended by Section 1, Chapter 219, O.S.L. 2006 (21 O.S. Supp. 2007, Section 852), which relates to punishment for delinquent child support; requiring the Department of Human Services to assist district attorneys in prosecution; providing administrative or district courts authority to order participation in problem-solving court programs in certain child support cases; specifying child support or federal enforcement remedies not affected by participation in problem-solving court program; amending 56 O.S. 2001, Section 233, which relates to Department of Human Services responsibilities for monitoring and reporting delinquent child support; making referral to district attorneys discretionary; amending 56 O.S. 2001, Section 240.10, which relates to employment requirements in child support proceedings; providing alternative job programs; repealing 56 O.S. 2001, Section 233.1, which relates to nonpayment of child support; providing for codification; and providing an effective date.

HB 2814 – By Sullivan, McCullough, Duncan, Kern, Reynolds and Tibbs of the House and Crain of the Senate.

An Act relating to public health and safety; stating legislative intent; defining terms; prohibiting recovery of damages in certain circumstances for wrongful birth and wrongful life actions; excepting specific circumstances; providing for codification; and providing an effective date.

HB 2833 – By Steele, BigHorse, Brannon, Collins, Hoskin, Kiesel, McMullen, Pittman and Sherrer of the House and Rice of the Senate.

(poor persons - Oklahoma Task Force on Hunger - Oklahoma Food Security Act - sales tax rebate - sales tax exemptions - effective dates – emergency)

HB 2941 – By Nations of the House and Sparks of the Senate.

An Act relating to public health and safety; amending 63 O.S. 2001, Section 485.6, which relates to the Cerebral Palsy Commission; providing for an additional officer; authorizing the director to employ certain persons; removing duty to set compensation from Commission; including certain person as unclassified; and providing an effective date.

HB 2960 – By Tibbs of the House and Leftwich of the Senate.

An Act relating to criminal procedure; amending 22 O.S. 2001, Section 991a, as last amended by Section 19 of Enrolled Senate Bill No. 1830 of the 2nd Session of the 51st Oklahoma Legislature, which relates to sentencing powers of the court; authorizing assignment of global position system (GPS) monitoring devices for persons convicted of certain crimes; and providing an effective date.

HB 2970 – By Hoskin, Kiesel, Renegar, Collins, Roan, Sears, Turner and Walker of the House and Burrage of the Senate.

An Act relating to soldiers and sailors; providing certain benefits to Oklahoma veterans; providing certain identification requirements; providing for codification; and providing an effective date.

HB 3007 – By Johnson (Rob) of the House and Sparks of the Senate.

An Act relating to liens; amending 42 O.S. 2001, Section 46, which relates to liens for medical services; providing for physical therapist to have a lien for performed medical services; and providing an effective date.

HB 3050 – By Jackson, Peterson (Pam) and Reynolds of the House and Burrage of the Senate.

An Act relating to cemeteries; defining terms; amending 8 O.S. 2001, Sections 4, 6 and 10, which relate to cemetery corporations; adding plots to list of land portions to be surveyed; providing for inalienability of individual burial lot when person is interred in lot; adding plots to list of lands used in payments of debts; amending 11 O.S. 2001, Sections 26-103 and 26-104, which relate to conveyance of cemetery lots; defining term; providing for codification; and providing an effective date.

HB 3120 – By Jones and Shumate of the House and Jolley of the Senate.

An Act relating to higher education; amending 70 O.S. 2001, Section 2404, which relates to the Oklahoma State Regents' Academic Scholars Program; updating statutory language; changing percentage of scholarship funding which may be awarded to nonresident students; and declaring an emergency.

HB 3125 – By Jones and McMullen of the House and Burrage of the Senate.

An Act relating to schools; amending 70 O.S. 2001, Section 3-104, which relates to the powers and duties of the State Board of Education; clarifying statutory language; deleting certain monies from deposit to the State Public Common School Building Equalization Fund; specifying monies to be used for administering the fund; deleting certain duty of the State Board of Education, Commissioners of the Land Office, and other public agencies; providing an effective date; and declaring an emergency.

HB 3186 – By Billy, Dorman, Brannon, McMullen and Sherrer of the House and Laughlin of the Senate.

An Act relating to schools; establishing the Task Force on Equitable Funding for Educational Facilities; providing for appointments; providing for designation of cochairs; providing for meetings and staffing; providing for reimbursement for travel; providing for purpose; requiring certain report; providing for noncodification; and declaring an emergency.

HB 3194 – By Denney, McNiel, Billy, Cooksey, McCullough, Roan, Sullivan, Wesselhoft, Braddock, Johnson (Dennis), McCarter and Shumate of the House and Corn of the Senate.

(DNA evidence – deoxyribonucleic acid (DNA) testing – collection requirements – expungement of DNA records – codification – noncodification – effective date)

HB 3328 – By Miller of the House and Lamb of the Senate.

An Act relating to revenue and taxation; amending 68 O.S. 2001, Section 205, as last amended by Section 2, Chapter 327, O.S.L. 2007 (68 O.S. Supp. 2007, Section 205), which relates to the Uniform Tax Procedure Code; modifying certain disclosure exception; deleting court order and jurisdiction requirement; authorizing issuance of administrative subpoena for certain purpose; deleting time extensions and service requirements; extending certain time period; granting courts the authority to issue orders under certain circumstances; authorizing courts to unseal records upon motion; requiring certain yearly reports; and providing an effective date.

HB 3353 – By Terrill, Auffet, Collins, Duncan, Faight, Lamons, Luttrell, Proctor, Sherrer, Shoemake, Johnson (Dennis) and McCullough of the House and Mazzei of the Senate.

An Act relating to motor vehicles; amending 47 O.S. 2001, Section 11-1007, as last amended by Section 14, Chapter 62, O.S.L. 2007 (47 O.S. Supp. 2007, Section 11-1007), which relates to parking spaces reserved for physically disabled persons; modifying qualifications for authorization to place or park a vehicle operated by or transporting a physically disabled person; amending 47 O.S. 1001, Section 15-112, as last amended by Section 17, Chapter 326, O.S.L. 2007 (47 O.S. Supp. 2007, Section 15-112), which relates to physical disability temporary placards; expanding what constitutes a physical disability placard; amending Section 11, Chapter 504, O.S.L. 2004, as last amended by Section 31, Chapter 1, O.S.L. 2007 (47 O.S. Supp. 2007, Section 1135.2), which relates to special license plates; expanding eligibility for Gold Star license plates; expanding eligibility of police license plate to include university police officers; creating civil emergency

management license plate; restricting eligibility for civil emergency management license plate; creating motorcycle license plate for veterans of United States military service; creating license plate for veterans of Operation Iraqi Freedom and Operation Enduring Freedom; amending Section 12, Chapter 504, O.S.L. 2004, as last amended by Section 35, Chapter 1, O.S.L. 2007 (47 O.S. Supp. 2007, Section 1135.3), which relates to license plates; discontinuing the Northern Cherokee Nation of the Old Louisiana Territory License Plate; relocating civil emergency management license plate; creating the In God We Trust special license plate; amending Section 14, Chapter 504, O.S.L. 2004, as last amended by Section 25, Chapter 44, 2nd Extraordinary Session, O.S.L. 2006 (47 O.S. Supp. 2007, Section 1135.5), which relates to special license plates; creating the Juvenile Diabetes Research Foundation License Plate; creating the Tulsa Police Department Memorial License Plate; creating the Department of Corrections License Plate; providing for deposits into specified funds; creating Juvenile Diabetes Research Foundation License Plate Revolving Fund; providing source of funding; providing for expenditures; stating purpose; creating Tulsa Police Department Memorial License Plate Revolving Fund; providing source of funding; providing for expenditures; stating purpose; creating Department of Corrections License Plate Revolving Fund; providing source of funding; providing for expenditures; stating purpose; providing for codification; and providing an effective date.

HB 3354 – By Terrill of the House and Wilson of the Senate.

An Act directing the Secretary of State to refer to the people for their approval or rejection a proposed amendment to the Constitution of the State of Oklahoma by adding a new Section 22A to Article X; prohibiting applications for exemption from ad valorem taxation prior to certain filing; authorizing laws for purposes of implementation; providing ballot title; and directing filing.

HJR 1058 – By Peters of the House and Anderson of the Senate.

A Joint Resolution relating to human services; authorizing the sale of the Laura Dester property in Tulsa County; describing the property; specifying contingency for sale; directing the transfer of sale proceeds to certain funds; and providing an effective date.

HJR 1080 – By Banz, Dorman, Kiesel and Miller of the House and Paddack of the Senate.

A Joint Resolution calling a Constitutional Convention to alter, revise, or amend the present Constitution of the State of Oklahoma or to propose a new Constitution; fixing the time and place thereof; providing for selection of delegates to the Convention; providing requirements and restrictions for eligibility; creating a Constitutional Convention Commission; stating purpose; providing for composition; providing for election of officers and organization of the Constitutional Convention; providing for employment of staff; providing for rules of procedure; prohibiting consideration of certain provisions of the Constitution; providing for working draft to be considered by the Constitutional Convention; providing voting requirements for certain actions; providing for compensation of delegates; providing for payment of expenses of the Convention; providing for submission of constitutional changes to the voters of the state; providing for submission of this joint resolution to a vote of the people; providing ballot title; and directing filing.

HJR 1093 – By McAffrey of the House and Rice of the Senate.

A Joint Resolution memorializing the United States Department of Defense and the United States Department of Labor to include the State of Oklahoma in the Military Spouse Career Advancement Initiative program; and directing distribution.

The above-numbered measures were read the first time.

UNANIMOUS CONSENT REQUEST DIRECT TO CALENDAR

Senator Brogdon asked unanimous consent to suspend Rule 6-4 and refer **SCR 57** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SCR 57 by Brogdon of the Senate and Derby of the House was called up for consideration.

Senator Garrison and all other members of the Senate asked to coauthor **SCR 57**, which was the order.

SCR 57 was adopted upon motion of Senator Brogdon and referred for engrossment.

GENERAL ORDER

SB 1518 by Nichols of the Senate and Terrill of the House was called up for consideration.

Senators Easley and Sparks asked to coauthor **SB 1518**, which was the order.

Senator Nichols moved that **SB 1518** be advanced, which motion was declared adopted.

THIRD READING

SB 1518 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, Coffee, Corn, Crain, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance,

Mazzei, Morgan, Myers, Nichols, Paddock, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--45.

Excused: Coates, Crutchfield and Johnson (M).--3.

The bill and emergency passed.

SB 1518 was referred for engrossment.

GENERAL ORDER

SB 1841 by Aldridge of the Senate and Wright of the House was called up for consideration.

Senator Johnson (Constance) moved to amend **SB 1841**, Page 3, Line 3 ½, by inserting a new Section 3 to read as follows:

“SECTION 3. AMENDATORY Section 1, Chapter 241, O.S.L. 2006 (74 O.S. Supp. 2007, Section 8403), is amended to read as follows:

Section 8403 §74-8403. African-American Centennial Plaza Design Committee - Creation - Membership - Compensation - Staffing.

A. There is hereby created the African-American Centennial Plaza Design Committee. The purpose of the Committee shall be to recommend the design of the African-American Centennial Plaza and to provide oversight and advice to the Oklahoma Historical Society in the design, construction, and funding sources of the Plaza which shall be located in the median of Lincoln Boulevard between 18th Street and the State Capitol Building; provided, however, such construction shall begin only when the total amount of non-state-appropriated funds necessary to complete the Plaza has been raised or secured. Should the total amount of non-state-appropriated funds not be raised or secured within ~~two (2)~~ four (4) years after ~~the effective date of this act~~ July 1, 2006, the site referred to in this section shall no longer be reserved for the Plaza.

B. The Committee shall consist of seven (7) members as follows:

1. The President Pro Tempore of the Senate, or a designee;
2. The Speaker of the House of Representatives, or a designee;
3. The Governor, or a designee;
4. The Lieutenant Governor, or a designee;
5. The Executive Director of the Oklahoma Historical Society, or a designee;
6. The Director of the Department of Central Services, or a designee; and
7. The Executive Director of the Oklahoma Arts Council, or a designee.

C. The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall annually appoint a chair and a vice-chair, respectively, from among the membership. The Committee may elect other officers as deemed necessary. Meetings of the Committee shall be subject to the provisions of the Oklahoma Open Meeting Act and the Oklahoma Open Records Act.

D. Members of the Committee shall receive no compensation for their service on the Committee, but may receive travel reimbursement as follows:

1. Legislative members of the Committee may be reimbursed for necessary travel expenses incurred in the performance of their duties in accordance with the provisions of Section 456 of Title 74 of the Oklahoma Statutes;
2. Nonlegislative state agency members of the Committee may be reimbursed by their agencies pursuant to the provisions of the State Travel Reimbursement Act; and
3. Other members of the Committee may be reimbursed by the Oklahoma Historical Society pursuant to the provisions of the State Travel Reimbursement Act.

E. Staffing for the Committee shall be provided by the staffs of the:

1. Oklahoma Historical Society;
2. Oklahoma State Senate; and
3. Oklahoma House of Representatives.

F. The duties of the Committee shall be to:

1. Develop criteria for and solicit public comment and input on the development and design of the Plaza;
2. Develop and implement criteria for a design competition which shall include, but not be limited to, solicitation of designs from appropriate persons or entities, and incorporation of any work that may already have been initiated on the design of the Plaza. The Committee shall select three designs as finalists from among the designs submitted through the competition and shall present the selected designs to the public for comment and input. The Committee shall give due consideration to the comments received from the public in choosing the design that, in the opinion of a majority of the Committee members, is most appropriate to commemorate the unique history and contributions of African Americans in Oklahoma;
3. From the three finalists, select the design winner and an alternate whose designs shall be forwarded to the Executive Director of the Oklahoma Historical Society; and
4. Provide oversight and advice to the Oklahoma Historical Society during the design and construction of the Plaza.

G. The Director of the Department of Central Services shall be responsible for awarding all contracts related to the construction of the Plaza. The Director, in consultation with the Committee, may elect to use the alternate design or recommend the reopening of the award process if the winning design construction exceeds the anticipated budget for the Plaza.

H. Upon completion of the Plaza, the Department of Central Services shall be responsible for the maintenance and upkeep of the Plaza.”, and by amending the title to conform, which amendment was declared adopted.

Senator Aldridge moved that **SB 1841** be advanced, which motion was declared adopted.

THIRD READING

SB 1841 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, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson and Wilson.--44.

Nay: Wyrick.--1.

Excused: Coates, Crutchfield and Johnson (M).--3.

The bill passed.

SB 1841 was referred for engrossment.

REPORT OF ENGROSSED AND ENROLLED MEASURE

SCR 57 was correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

INTRODUCTION

Senator Leftwich introduced former Senators Larry and Daisy Lawler to the Senate.

GENERAL ORDER

SB 1160 by Bass of the Senate and Hilliard of the House, previously considered on Page 723, was called up for further consideration.

Senator Bass moved that **SB 1160** be advanced, which motion was declared adopted.

THIRD READING

SB 1160 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, Garrison, Gumm, Ivester, Johnson (C), 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.--46.

Excused: Crutchfield and Johnson (M).--2.

The bill and emergency passed.

SB 1160 was referred for engrossment.

GENERAL ORDER

SB 1738 by Schulz of the Senate and Covey of the House was called up for consideration.

Senator Schulz moved to amend **SB 1738**, by striking the title, the enacting clause and the entire body of the bill and substituting the 2nd floor substitute, which amendment was declared adopted. (Copies were provided for all Senators.)

Senator Schulz asked that **SB 1738** be laid over for this legislative day, which was the order.

SB 1738 remains on General Order.

GENERAL ORDER

SB 2157 by Barrington of the Senate and Joyner of the House was called up for consideration.

Senator Gumm asked to coauthor **SB 2157**, which was the order.

Senator Easley moved to amend **SB 2157**, Page 1, Line 22 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 6060.4a of Title 36, unless there is created a duplication in numbering, reads as follows:

A. Any individual or group health benefit plan, including the State and Education Employees Group Health Insurance Plan, that is offered, issued, or renewed in this state on or after January 1, 2009, shall provide coverage for the treatment of an autistic disorder. Coverage provided under this section is limited to treatment that is prescribed by the insured individual’s treating physician in accordance with a treatment plan.

B. The coverage required under this section shall not be subject to dollar limits, deductibles or coinsurance provisions that are less favorable to an insured individual than the dollar limits, deductibles, or coinsurance provisions that apply to physical illness

generally under the health benefit plan. Coverage of services may be subject to other general exclusions and limitations of the health benefit plan, including, but not limited to:

1. The coordination of benefits;
2. Participating provider requirements;
3. Services provided by family or household member restrictions;
4. Eligibility; and
5. Appeals processes.

C. The treatment plan required under subsection A shall include all elements necessary for the insurer to appropriately pay claims. These elements shall include, but not be limited to:

1. A diagnosis;
2. Proposed treatment or treatments by type, frequency and duration;
3. The anticipated outcomes stated as goals;
4. The frequency by which the treatment plan will be updated; and
5. The treating physician's signature.

The insurer shall have the right to request an updated treatment plan not more than once every six (6) months from the treating physician to review medical necessity, unless the insurer and the provider agree that a more frequent review is necessary due to emerging clinical circumstances.

D. A diagnosis of an autistic disorder by a licensed physician or licensed behavioral practitioner shall be required to be eligible for benefits and coverage under this section. The benefits and coverage provided under this section shall be provided to any eligible person less than twenty-one (21) years of age.

E. The insurer shall provide coverage for all therapies, treatments, diagnoses and testing, medicines and supplements prescribed by a licensed physician, including, but not limited to, coverage for behavioral therapy.

F. Coverage for behavioral therapy shall be subject to a maximum benefit of Seventy-five Thousand Dollars (\$75,000.00) per year. The maximum period of coverage for behavior therapy shall be three (3) years, unless clinical progress reports demonstrate that the child is in a period of steady skill acquisition. For behavioral therapy to continue beyond three (3) years, the child's physician and/or licensed behavioral practitioner shall submit progress reports not less than once every six (6) months demonstrating continuing clinically significant progress.

G. An insurer shall not deny or refuse to issue coverage on, refuse to contract with, refuse to renew, refuse to reissue, or otherwise terminate or restrict coverage on an individual under an insurance policy solely because the individual is diagnosed with an autistic disorder.

H. This act shall not apply to limited benefits policies, including, but not limited to:

1. Accident-only policies;
2. Specified disease policies;
3. Hospital indemnity policies;
4. Medicare supplement policies; or
5. Long-term care policies.

I. 1. For purposes of this section, "autistic disorder" means a neurological disorder that is marked by severe impairment in social interaction, communication, and imaginative

play, with onset during the first three (3) years of life and is included in a group of disorders known as autism spectrum disorders;

2. “Autism spectrum disorder” means a neurobiological disorder that includes autistic disorder, Asperger’s syndrome, regressive autism, and pervasive developmental disorder; and

3. “Neurobiological disorder” means an illness of the nervous system caused by genetic, metabolic, or other biological factors.”, and by renumbering subsequent section, which amendment was declared adopted.

Senator Wilson moved to amend **SB 2157**, Page 1, Line 22 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 6060.20 of Title 36, unless there is created a duplication in numbering, reads as follows:

Any health benefit plan, including the State and Education Employees Group Health Insurance Plan, that is offered, issued, or renewed in this state on or after January 1, 2009, shall provide coverage for benefits provided for preventative health care services including physicals and testing regardless of whether the provider is considered in network for any insurance company. The coverage provided by this section shall be equal to one hundred percent (100%) of the contracted allowable, when applicable, or up to, but not more than Medicare allowable for each service when no contract applies. Each laboratory test shall be paid for unless that test is usually included in a “disease-oriented panel” or profile as defined by Federal Current Procedural Terminology (CPT) Codes. All laboratory testing shall be paid for when done by an Oklahoma laboratory with Clinical Laboratory Improvement Amendments (CLIA) certification. The benefit period deductible shall not apply. Covered services are subject to physician’s office co-pay only if services are provided in a healthcare facility.”, and by renumbering subsequent section, which amendment was declared adopted.

Senator Barrington moved that **SB 2157** be advanced, which motion was declared adopted.

THIRD READING

SB 2157 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, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), 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.--46.

Excused: Crutchfield and Johnson (M).--2.

The bill passed.

SB 2157 was referred for engrossment.

GENERAL ORDER

SB 1396 by Bingman of the Senate and Thompson of the House was called up for consideration.

Senator Branan asked to coauthor **SB 1396**, which was the order.

Senator Bingman moved that **SB 1396** be advanced, which motion was declared adopted.

THIRD READING

SB 1396 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, Garrison, Gumm, Ivester, Johnson (C), 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.--46.

Excused: Crutchfield and Johnson (M).--2.

The bill and emergency passed.

SB 1396 was referred for engrossment.

INTRODUCTIONS

Senator Williamson introduced his daughter and son-in-law, Angela and Michael Mancino, and his niece, Chelsea Dischinger, to the Senate.

MOTION TO RECONSIDER VOTE

Senator Leftwich moved to reconsider the vote whereby **SB 1533** failed, which motion was declared adopted upon roll call as follows:

Aye: Adelson, Aldridge, Ballenger, Barrington, Bass, Bingman, Branan, Burrage, Coates, Coffee, Corn, Easley, Eason McIntyre, Garrison, Gumm, Ivester, Johnson (C), Jolley, Justice, Laster, Leftwich, Lerblance, Mazzei, Morgan, Myers, Paddack, Rabon, Reynolds, Rice, Riley, Sparks, Sweeden, Wilson and Wyrick.--34.

Nay: Anderson, Brogdon, Brown, Crain, Ford, Lamb, Laughlin, Nichols, Schulz, Sykes, Wilcoxson and Williamson.--12.

Excused: Crutchfield and Johnson (M).--2.

THIRD READING

SB 1533 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, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilson and Wyrick.--42.

Nay: Aldridge, Laughlin, Wilcoxson and Williamson.--4.

Excused: Crutchfield and Johnson (M).--2.

The bill passed.

SB 1533 was referred for engrossment.

GENERAL ORDER

SB 1452 by Lamb of the Senate and Blackwell of the House was called up for consideration.

Senator Lamb moved that **SB 1452** be advanced, which motion was declared adopted.

THIRD READING

SB 1452 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, Garrison, Gumm, Ivester, Johnson (C), 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.--46.

Excused: Crutchfield and Johnson (M).--2.

The bill and emergency passed.

SB 1452 was referred for engrossment.

GENERAL ORDER

SB 1968 by Mazzei of the Senate and Miller of the House was called up for consideration.

Senator Mazzei moved to amend **SB 1968**, Page 3, Line 17, by deleting after the word "least" and before the comma the words and number "one hundred (100)" and by inserting the words and number "twenty five (25)"; Page 7, Line 8, by deleting after the word "the" and before the word "full-time-equivalent", the words and number "one hundred (100)" and by inserting the words and number "twenty five (25)"; Page 11, Line 10, by deleting after the word "least" and before the word "full-time-equivalent" the words and number "one hundred (100)" and by inserting the words and number "twenty five (25)"; and Page 12, Line 14, by deleting after the word "least" and before the word "full-time-equivalent" the words and number "one hundred (100)" and by inserting the words and number "twenty five (25)", which amendment was declared adopted.

Senator Mazzei moved that **SB 1968** be advanced, which motion was declared adopted.

THIRD READING

SB 1968 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, Easley, Eason McIntyre, Ford, Garrison,

Gumm, Ivester, Johnson (C), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson and Wilson.--44.

Nay: Corn and Wyrick.--2.

Excused: Crutchfield and Johnson (M).--2.

The bill passed.

SB 1968 was referred for engrossment.

GENERAL ORDER

SB 1697 by Lerblance of the Senate and Terrill of the House was called up for consideration.

Senator Lerblance moved that **SB 1697** be advanced, which motion was declared adopted.

THIRD READING

SB 1697 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, Garrison, Gumm, Ivester, Johnson (C), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--45.

Excused: Crutchfield, Johnson (M) and Morgan.--3.

The bill and emergency passed.

SB 1697 was referred for engrossment.

GENERAL ORDER

SB 1928 by Crain of the Senate and Winchester of the House was called up for consideration.

Senator Crain moved that **SB 1928** be advanced, which motion was declared adopted.

THIRD READING

SB 1928 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, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), 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.--46.

Excused: Crutchfield and Johnson (M).--2.

The bill passed.

SB 1928 was referred for engrossment.

GENERAL ORDER

SB 2037 by Nichols of the Senate and Peterson (Ron) of the House was called up for consideration.

Senator Nichols moved that **SB 2037** be advanced, which motion was declared adopted.

THIRD READING

SB 2037 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, Garrison, Gumm, Ivester, Johnson (C), 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.--46.

Excused: Crutchfield and Johnson (M).--2.

The bill and emergency passed.

SB 2037 was referred for engrossment.

GENERAL ORDER

SB 1961 by Sykes of the Senate and Terrill of the House was called up for consideration.

Senator Sykes moved to amend **SB 1961**, 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 Sykes moved that **SB 1961** be advanced, which motion was declared adopted.

THIRD READING

SB 1961 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, Garrison, Gumm, Ivester, Johnson (C), 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.--46.

Excused: Crutchfield and Johnson (M).--2.

The bill and emergency passed.

SB 1961 was referred for engrossment.

GENERAL ORDER

SB 1698 by Coffee of the Senate and Blackwell of the House was called up for consideration.

Senator Coffee moved that **SB 1698** be advanced, which motion was declared adopted.

THIRD READING

SB 1698 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, Paddock, Rabon, Rice, Riley, Sparks, Sweeden, Wilson and Wyrick.--24.

Pursuant to the Oklahoma Constitution, Article VI Section 15, Senator Coffee moved that the Lieutenant Governor be called to the Senate Chamber to cast a tie-breaking vote.

The bill failed.

Senator Coffee asked to withdraw his motion requesting the Lieutenant Governor to be called to the Senate Chamber, which was the order.

Pursuant to Rule 13-22, Senator Coffee served notice that the vote be reconsidered whereby **SB 1698** failed.

GENERAL ORDER

SB 1895 by Aldridge of the Senate and Peterson (Ron) of the House was called up for consideration.

Senator Gumm moved to amend **SB 1895**, Page 9, Line 11 ½, by inserting new Sections 2, 3, 4 and 5 to read as follows:

“SECTION 2. Section 1 of this act shall become effective July 1, 2008.

SECTION 3. Section 4 of this act shall be known and may be cited as “Nick’s Law.”

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6060.4a of Title 36, unless there is created a duplication in numbering, reads as follows:

A. Any individual or group health benefit plan, including the State and Education Employees Group Health Insurance Plan, that is offered, issued, or renewed in this state on or after January 1, 2009, shall provide coverage for the screening, diagnosis, testing and treatment of an autistic spectrum disorder. Coverage provided under this section is limited to generally recognized services and treatments that are prescribed by the insured individual’s treating physician in accordance with a treatment plan.

B. The coverage required under this section shall not be subject to dollar limits, visit limitations, deductibles or coinsurance provisions that are less favorable to an insured individual than the dollar limits, deductibles, or coinsurance provisions that apply to physical illness generally under the health benefit plan. Coverage of services may be

subject to other general exclusions and limitations of the health benefit plan, including, but not limited to:

1. The coordination of benefits;
2. Participating provider requirements;
3. Services provided by family or household member restrictions;
4. Eligibility; and
5. Appeals processes.

C. The treatment plan required under subsection A shall include all elements necessary for the insurer to appropriately pay claims. These elements shall include, but not be limited to:

1. A diagnosis;
2. Proposed treatment or treatments by type, frequency and duration;
3. The anticipated outcomes stated as goals;
4. The frequency by which the treatment plan will be updated; and
5. The treating physician's signature.

The insurer shall have the right to request an updated treatment plan not more than once every six (6) months from the treating physician to review medical necessity, unless the insurer and the provider agree that a more frequent review is necessary due to emerging clinical circumstances.

D. A diagnosis of an autistic spectrum disorder by a licensed physician board certified therapist shall be required to be eligible for benefits and coverage under this section. The prescribing medical practitioner must be:

1. Licensed, certified or registered by an appropriate agency of the state of Oklahoma: or
2. One whose professional credential is recognized and accepted by an appropriate agency of the United States: or
3. One who is certified as a provider under the TRICARE military health system.

The benefits and coverage provided under this section shall be provided to any eligible person less than twenty-one (21) years of age.

E. The insurer shall provide coverage for all therapies, treatments, diagnoses and testing, medicines, special diets, and supplements prescribed by a licensed physician or board certified therapist, including but not limited to coverage for behavioral therapy.

F. Coverage for behavioral therapy shall be subject to a maximum benefit of Seventy-five-Thousand-Dollars (\$75,000.00) per year.

G. An insurer shall not deny or refuse to issue coverage on, refuse to contract with, refuse to renew, refuse to reissue, or otherwise terminate or restrict coverage on an individual under an insurance policy solely because the individual is diagnosed with an autistic spectrum disorder.

H. This act shall not apply to limited benefits policies, including, but not limited to:

1. Accident-only policies;
2. Specified disease policies;
3. Hospital indemnity policies;
4. Medicare supplement policies; or
5. Long-term care policies.

I. 1. For purposes of this section, "autistic spectrum disorder" means a neurological disorder that is marked by severe impairment in social interaction, communication, and

imaginative play, with onset generally during the first three (3) years of life and is included in a group of disorders known as autism spectrum disorders;

2. "Autism spectrum disorder" means any of the pervasive developmental disorders as defined by the most recent edition of the Diagnostic and Statistical Manual of the Mental Disorders (DSM) including Autistic Disorder, Asperger's Disorder, and Pervasive Developmental Disorder not otherwise specified (NOS), Rett Disorder, and Childhood Degenerative Disorder; and

3. "Neurobiological disorder" means an illness of the nervous system caused by genetic, metabolic, or other biological factors.

SECTION 5. Section 4 of this act shall become effective November 1, 2008." and by renumbering subsequent sections, which amendment was declared adopted upon roll call as follows:

Aye: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Burrage, Coates, Corn, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Justice, Laster, Leftwich, Lerblance, Morgan, Nichols, Paddack, Rabon, Rice, Riley, Schulz, Sparks, Sweeden, Wilson and Wyrick.--34.

Nay: Brogdon, Brown, Coffee, Crain, Johnson (M), Jolley, Lamb, Laughlin, Mazzei, Myers, Reynolds, Sykes, Wilcoxson and Williamson.--14.

Senator Aldridge moved that **SB 1895** be advanced, which motion was declared adopted.

THIRD READING

SB 1895 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.

SB 1895 was referred for engrossment.

GENERAL ORDER

SB 2119 by Sparks of the Senate and Peterson (Ron) of the House was called up for consideration.

Senator Adelson moved to amend **SB 2119**, Page 12, Line 10 ½, by inserting new Sections 3 through 11 to read as follows:

“SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4413 of Title 36, unless there is created a duplication in numbering, reads as follows:

A. This Act shall constitute a part of the Oklahoma Insurance Code and shall be known and may be cited as the "Health Insurance Competitive Loss Rating Act".

B. The purposes of the Health Insurance Competitive Loss Rating Act are:

1. To promote price competition among insurers so as to provide rates that are responsive to competitive market conditions;
2. To protect policyholders and the public against the adverse effects of excessive, inadequate or unfairly discriminatory rates;
3. To prohibit unlawful price-fixing agreements and other anticompetitive behavior by insurers;
4. To provide regulatory procedures for the maintenance of appropriate data reporting systems;
5. To provide regulatory controls in the absence of a competitive marketplace; and
6. To authorize essential cooperative action among insurers in the ratemaking process and to regulate such activity to prevent practices that substantially lessen competition or create a monopoly.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4414 of Title 36, unless there is created a duplication in numbering, reads as follows:

The Health Insurance Competitive Loss Rating Act applies to all forms of health insurance written in this state by insurers licensed in this state.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4415 of Title 36, unless there is created a duplication in numbering, reads as follows:

A. A competitive market is presumed to exist for a line of insurance unless the Insurance Commissioner, after a hearing, issues an order stating that a reasonable degree of competition does not exist in the market. The burden of proof in any hearing shall be placed on the party or parties advocating the position that competition does not exist. Any ruling that a market is not competitive shall identify the factors causing the market not to be competitive. Such order shall expire no later than one (1) year after issue unless rescinded earlier by the Commissioner or unless the Commissioner renews the rule after a hearing and a finding as to the continued lack of a reasonable degree of competition. Any ruling that renews the finding that competition does not exist shall also identify the factors that cause the market to continue not to be competitive.

B. 1. In determining whether a reasonable degree of competition exists within a line of insurance, the Commissioner shall consider the following factors:

- a. the number of insurers actively engaged in writing coverage,
- b. market shares of the leading writers and the changes in market shares over a reasonable period of time,
- c. existence of financial or economic barriers that could prevent new firms from entering the market,
- d. measures of market concentration and changes of market concentration over time,
- e. whether long-term profitability for insurers in the market is reasonable in relation to industries of comparable business risk, and
- f. the relationship of insurers' costs to revenue over a reasonable period of time.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4416 of Title 36, unless there is created a duplication in numbering, reads as follows:

A. A rate may not be excessive, inadequate or unfairly discriminatory.

1. No rate in a competitive market may be determined to be excessive unless the rate has increased the previous calendar year more than fifty percent (50%) above the inflation rate as calculated using the Consumer Price Index (CPI-U) published by the United States Bureau of Labor Statistics. A rate in a noncompetitive market may be determined to be excessive if it is likely to produce a profit that is unreasonably high for the insurance provided.

2. A rate may not be determined to be inadequate unless:

a. the rate is clearly insufficient to sustain projected losses, expenses and special assessments, and

b. the rate is unreasonably low and use of the rate by the insurer has tended or, if continued, will tend to create a monopoly in the market.

3. Unfair discrimination may be determined to exist if, after allowing for practical limitations, price differentials fail to reflect equitably the differences in expected losses and expenses. A rate may not be determined to be unfairly discriminatory because different premiums result for policyholders with like loss exposures but different expense levels, or like expenses but different loss exposures, or if it averaged broadly among persons insured within a group, franchise or blanket policy or a mass-marketed plan. No rate in a competitive market shall be considered unfairly discriminatory unless it classifies risk on the basis of race, color, creed, or national origin.

B. In determining whether rates in a noncompetitive market are excessive, inadequate, or unfairly discriminatory, due consideration may be given to:

1. Past and prospective loss experience within and outside this state, in accordance with accepted actuarial principles;

2. A reasonable margin for underwriting profit and contingencies;

3. Loadings for leveling premium rates over time for dividends, savings or unabsorbed premium deposits allowed or returned by insurers to their policyholders, members or subscribers;

4. Past and prospective expenses both countrywide and those specially applicable to this state; and

5. Provisions for special assessments and to all other relevant factors including judgment within and outside this state.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4417 of Title 36, unless there is created a duplication in numbering,

reads as follows:

A. If the Insurance Commissioner determines that competition does not exist in a market and issues a ruling to that effect pursuant to Section 5 of this act, the rates applicable to insurance sold in that market shall be regulated in accordance with the provisions of the Health Insurance Competitive Loss Rating Act that are applicable to noncompetitive markets.

B. Any rate in effect at the time the Commissioner determines that competition does not exist pursuant to the Health Insurance Competitive Loss Rating Act shall be deemed to be in compliance with the laws of this state unless disapproved pursuant to the procedures and rating standards contained in Sections 8 through 11 of this act that are applicable to noncompetitive markets. C. Any insurer having a rate filing in effect at the time the Commissioner determines that competition does not exist pursuant to Section 5 of this act may be required to furnish supporting information within thirty (30) days of a written request by the Commissioner.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4418 of Title 36, unless there is created a duplication in numbering, reads as follows:

A. Every insurer shall file with the Insurance Commissioner all rates and supplementary rate information to be used in this state no later than thirty (30) days after the effective date; provided, that the rates and supplementary rate information need not be filed for commercial risks, which by general custom are not written according to manual rules or rating plans.

B. In a noncompetitive market, every insurer shall file with the Commissioner all rates, supplementary rate information and supporting information at least thirty (30) days before the proposed effective date. The Commissioner may give written notice, within thirty (30) days of receipt of the filing, that the Commissioner needs additional time, not to exceed thirty (30) days from the date of the notice to consider the filing. Upon written application of the insurer, the Commissioner may authorize rates to be effective before the expiration of the waiting period or an extension thereof. A filing shall be deemed to meet the requirements of the Health Insurance Competitive Loss Rating Act and to become effective unless disapproved pursuant to this title by the Commissioner before the expiration of the waiting period or an extension thereof.

In a noncompetitive market, the filing shall be deemed in compliance with the filing provision of this section unless the Commissioner informs the insurer within ten (10) days after receipt of the filings as to what supplementary rate information or supporting information is required to complete the filing.

C. Every insurer shall file with the Commissioner, except as to rates for those lines of insurance exempted from the provisions of the Health Insurance Competitive Loss Rating Act by the Commissioner under subsections E and F of this section, all rates, supplementary rate information and any changes and amendments which it proposes to use. An insurer may file its rates by either filing its final rates or by filing a multiplier and, if applicable, an expense constant adjustment to be applied to prospective loss costs that have been filed by an advisory organization as permitted by this title. Such loss cost multiplier filing and expense constant filings made by insurers shall remain in effect until amended or withdrawn by the insurer. Every filing shall state the effective date.

D. Under rules as may be adopted, the Commissioner may, by written order, suspend or

modify the requirement of filing as to any kind of insurance, subdivision or combination thereof, or as to classes of risks.

E. Notwithstanding any other provision of the Health Insurance Competitive Loss Rating Act, upon the written consent of the insured in a separate written document, a rate in excess of that determined in accordance with the other provisions of the Health Insurance Competitive Loss Rating Act may be used on a specific risk.

F. A filing and any supporting information required to be filed shall be open to public inspection once the filing becomes effective except information marked confidential, trade secret, or proprietary by the insurer or filer. The insurer or filer shall have the burden of asserting to the Commissioner that a filing and supporting information are confidential, upon the request of the Commissioner. The Commissioner may disapprove of the insurer's request for confidential filing status.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4419 of Title 36, unless there is created a duplication in numbering, reads as follows:

A. 1. The Insurance Commissioner shall disapprove a rate in a competitive market only if the Commissioner finds, pursuant to subsection B of this section, that the rate is inadequate, excessive or unfairly discriminatory pursuant to the provisions of the Health Insurance Competitive Loss Rating Act.

2. The Commissioner may disapprove a rate for use in a noncompetitive market only if the Commissioner finds, pursuant to subsection B of this section, that the rate is excessive, inadequate or unfairly discriminatory under this subsection.

B. 1. Prior to the expiration of a waiting period or an extension thereof, made pursuant to subsection B of Section 8 of this act, the Commissioner may disapprove, by written order, rates filed pursuant to subsection B of Section 8 of this act with a hearing. The order shall specify in what respects the filing fails to meet the requirements of this act. Any insurer whose rates are disapproved pursuant to this section shall be given a hearing upon written request made within thirty (30) days of disapproval.

2. If, at any time, the Commissioner finds that a rate applicable to insurance sold in a noncompetitive market does not comply with the standards set forth in Section 5 of this act, the Commissioner may, after a hearing held upon not less than twenty (20) days' written notice, issue an order pursuant to subsection C of this section, disapproving such rate. The hearing notice shall be sent to every insurer and advisory organization that adopted the rate and shall specify the matters to be considered at the hearing. The disapproval order shall not affect any contract or policy made or issued prior to the effective date set forth in the order.

3. If, at any time, the Commissioner finds that a rate applicable to insurance sold in a competitive market is inadequate or unfairly discriminatory under paragraph Section 5 of this section, the Commissioner may issue an order pursuant to subsection C of this section disapproving the rate. The order shall not affect any contract or policy made or issued prior to the effective date set forth in the order.

C. If the Commissioner disapproves a rate pursuant to subsection B of this section, the Commissioner shall issue an order within thirty (30) days of the close of the hearing specifying in what respects the rate fails to meet the requirements of the Health Insurance Competitive Loss Rating Act. The order shall state an effective date no sooner than thirty (30) business days after the date of the order when the use of the rate shall be discontinued. This order shall not affect any policy made before the effective date of the order.

D. An order of disapproval may be appealed to the district court upon sixty (60) days of written receipt of the Commissioner's notice of disapproval. The insurer may implement the disapproved rate upon notification to the court, in which case any excess of the disapproved rate over a rate previously in effect shall be placed in a reserve established by the insurer. The court shall have control over the disbursement of funds from such reserve. The funds shall be distributed as determined by the court in its final order except that de minimus refunds to policyholders shall not be required.

E. All determinations made by the Commissioner under this section shall be on the basis of findings of fact and conclusions of law.

SECTION 10. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4420 of Title 36, unless there is created a duplication in numbering, reads as follows:

A. Every advisory organization and every insurer subject to the Health Insurance Competitive Loss Rating Act which makes its own rates shall provide within this state reasonable means whereby any insured aggrieved by the application of its rating system may, upon that insured's written request, be heard in person or by the insured's authorized representative to review the manner in which such rating system has been applied in connection with the insurance afforded the aggrieved insurer.

B. An insurer or any party affected by the action of an advisory organization may, within thirty (30) days after written notice of that action, make application, in writing, for an appeal to the Commissioner, setting forth the basis for the appeal and the grounds to be relied upon by the applicant.

C. Within thirty (30) days, the Commissioner shall review the application and, if the Commissioner finds that the application is made in good faith and that it sets forth on its face grounds which reasonably justify holding a hearing, the Commissioner shall conduct a hearing held not less than ten (10) days after written notice to the applicant and to the advisory organization or insurer. The Commissioner, after a hearing, shall affirm or reverse the action of the advisory organization or insurer.

SECTION 11. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4420.1 of Title 36, unless there is created a duplication in numbering, reads as follows:

Every advisory organization shall file with the Commissioner for approval every statistical plan, all prospective loss costs, provisions for special assessments and all supplementary rating information and every change or amendment or modification of any of the foregoing proposed for use in this state at least thirty (30) days prior to its effective date. Such filings will be deemed approved unless disapproved within the waiting period.”, and by renumbering subsequent sections, which amendment was declared adopted upon roll call as follows:

Aye: Adelson, Ballenger, Bass, Brown, Burrage, Coates, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Justice, Lamb, Laster, Leftwich, Lerblance, Myers, Nichols, Paddack, Rabon, Rice, Riley, Schulz, Sparks, Sweeden, Wilson and Wyrick.--33.

Nay: Aldridge, Anderson, Barrington, Bingman, Branan, Brogdon, Coffee, Jolley, Laughlin, Mazzei, Reynolds, Sykes, Wilcoxson and Williamson.--14.

Excused: Morgan.--1.

Senator Gumm moved to amend **SB 2119**, Page 12, Line 11, after the words and figures “Section 3.” and before the word “act” by striking the word “This” and inserting in lieu thereof “Sections 1 and 2 of this”; and Page 12, Line 11 ½, by inserting new Sections 4, 5 and 6 to read as follows:

“SECTION 4. Section 5 of this act shall be known and may be cited as “Nick’s Law.”

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6060.4a of Title 36, unless there is created a duplication in numbering, reads as follows:

A. Any individual or group health benefit plan, including the State and Education Employees Group Health Insurance Plan, that is offered, issued, or renewed in this state on or after January 1, 2009, shall provide coverage for the screening, diagnosis, testing and treatment of an autistic spectrum disorder. Coverage provided under this section is limited to generally recognized services and treatments that are prescribed by the insured individual’s treating physician in accordance with a treatment plan.

B. The coverage required under this section shall not be subject to dollar limits, visit limitations, deductibles or coinsurance provisions that are less favorable to an insured individual than the dollar limits, deductibles, or coinsurance provisions that apply to physical illness generally under the health benefit plan. Coverage of services may be subject to other general exclusions and limitations of the health benefit plan, including, but not limited to:

1. The coordination of benefits;
2. Participating provider requirements;
3. Services provided by family or household member restrictions;
4. Eligibility; and
5. Appeals processes.

C. The treatment plan required under subsection A shall include all elements necessary for the insurer to appropriately pay claims. These elements shall include, but not be limited to:

1. A diagnosis;
2. Proposed treatment or treatments by type, frequency and duration;
3. The anticipated outcomes stated as goals;
4. The frequency by which the treatment plan will be updated; and
5. The treating physician’s signature.

The insurer shall have the right to request an updated treatment plan not more than once every six (6) months from the treating physician to review medical necessity, unless the insurer and the provider agree that a more frequent review is necessary due to emerging clinical circumstances.

D. A diagnosis of an autistic spectrum disorder by a licensed physician board certified therapist shall be required to be eligible for benefits and coverage under this section. The prescribing medical practitioner must be:

1. Licensed, certified or registered by an appropriate agency of the state of Oklahoma: or

2. One whose professional credential is recognized and accepted by an appropriate agency of the United States: or

3. One who is certified as a provider under the TRICARE military health system.

The benefits and coverage provided under this section shall be provided to any eligible person less than twenty-one (21) years of age.

E. The insurer shall provide coverage for all therapies, treatments, diagnoses and testing, medicines, special diets, and supplements prescribed by a licensed physician or board certified therapist, including but not limited to coverage for behavioral therapy.

F. Coverage for behavioral therapy shall be subject to a maximum benefit of Seventy-five-Thousand-Dollars (\$75,000.00) per year.

G. An insurer shall not deny or refuse to issue coverage on, refuse to contract with, refuse to renew, refuse to reissue, or otherwise terminate or restrict coverage on an individual under an insurance policy solely because the individual is diagnosed with an autistic spectrum disorder.

H. This act shall not apply to limited benefits policies, including, but not limited to:

1. Accident-only policies;
2. Specified disease policies;
3. Hospital indemnity policies;
4. Medicare supplement policies; or
5. Long-term care policies.

I. 1. For purposes of this section, “autistic spectrum disorder” means a neurological disorder that is marked by severe impairment in social interaction, communication, and imaginative play, with onset generally during the first three (3) years of life and is included in a group of disorders known as autism spectrum disorders;

2. “Autism spectrum disorder” means any of the pervasive developmental disorders as defined by the most recent edition of the Diagnostic and Statistical Manual of the Mental Disorders (DSM) including Autistic Disorder, Asperger’s Disorder, and Pervasive Developmental Disorder not otherwise specified (NOS), Rett Disorder, and Childhood Degenerative Disorder; and

3. “Neurobiological disorder” means an illness of the nervous system caused by genetic, metabolic, or other biological factors.

SECTION 6. Section 5 of this act shall become effective November 1, 2008.” and by renumbering subsequent section.

Senator Coffee moved to table the Gumm amendment, which tabling motion failed of adoption upon roll 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, Paddock, Rabon, Rice, Riley, Sparks, Sweeden, Wilson and Wyrick.--24.

Senator Sparks asked that **SB 2119** be laid over temporarily, which was the order.

SB 2119 remains on General Order.

Senator Laughlin moved that the Senate recess to the call of the Chair, 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.

GENERAL ORDER

SB 2119 by Sparks of the Senate and Peterson (Ron) of the House was called up for further consideration.

Senator Gumm asked unanimous consent, which was granted, to reconsider the vote whereby his amendment was declared adopted.

Senator Gumm asked this his amendment be withdrawn, which was the order.

Senator Sparks moved that **SB 2119** be advanced, which motion was declared adopted.

THIRD READING

SB 2119 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.

Pursuant to Rule 13-22, Senator Sparks served notice that the vote be reconsidered whereby **SB 2119** passed.

GENERAL ORDER

SB 2118 by Sparks of the Senate and Cox of the House was called up for consideration.

Senator Gumm moved to amend **SB 2118**, Page 3, Line 5 ½, by inserting new Sections 3 and 4 to read as follows:

“SECTION 3. Section 4 of this act shall be known and may be cited as “Nick’s Law.”

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6060.4a of Title 36, unless there is created a duplication in numbering, reads as follows:

A. Any individual or group health benefit plan, including the State and Education Employees Group Health Insurance Plan, that is offered, issued, or renewed in this state on or after January 1, 2009, shall provide coverage for the screening, diagnosis, testing and treatment of an autistic spectrum disorder. Coverage provided under this section is limited to generally recognized services and treatments that are prescribed by the insured individual’s treating physician in accordance with a treatment plan.

B. The coverage required under this section shall not be subject to dollar limits, visit limitations, deductibles or coinsurance provisions that are less favorable to an insured individual than the dollar limits, deductibles, or coinsurance provisions that apply to physical illness generally under the health benefit plan. Coverage of services may be subject to other general exclusions and limitations of the health benefit plan, including, but not limited to:

1. The coordination of benefits;
2. Participating provider requirements;
3. Services provided by family or household member restrictions;
4. Eligibility; and
5. Appeals processes.

C. The treatment plan required under subsection A shall include all elements necessary for the insurer to appropriately pay claims. These elements shall include, but not be limited to:

1. A diagnosis;
2. Proposed treatment or treatments by type, frequency and duration;
3. The anticipated outcomes stated as goals;
4. The frequency by which the treatment plan will be updated; and
5. The treating physician’s signature.

The insurer shall have the right to request an updated treatment plan not more than once every six (6) months from the treating physician to review medical necessity, unless the insurer and the provider agree that a more frequent review is necessary due to emerging clinical circumstances.

D. A diagnosis of an autistic spectrum disorder by a licensed physician board certified therapist shall be required to be eligible for benefits and coverage under this section. The prescribing medical practitioner must be:

1. Licensed, certified or registered by an appropriate agency of the state of Oklahoma: or

2. One whose professional credential is recognized and accepted by an appropriate agency of the United States: or

3. One who is certified as a provider under the TRICARE military health system.

The benefits and coverage provided under this section shall be provided to any eligible person less than twenty-one (21) years of age.

E. The insurer shall provide coverage for all therapies, treatments, diagnoses and testing, medicines, special diets, and supplements prescribed by a licensed physician or board certified therapist, including but not limited to coverage for behavioral therapy.

F. Coverage for behavioral therapy shall be subject to a maximum benefit of Seventy-five-Thousand-Dollars (\$75,000.00) per year.

G. An insurer shall not deny or refuse to issue coverage on, refuse to contract with, refuse to renew, refuse to reissue, or otherwise terminate or restrict coverage on an individual under an insurance policy solely because the individual is diagnosed with an autistic spectrum disorder.

H. This act shall not apply to limited benefits policies, including, but not limited to:

1. Accident-only policies;
2. Specified disease policies;
3. Hospital indemnity policies;
4. Medicare supplement policies; or
5. Long-term care policies.

I. 1. For purposes of this section, “autistic spectrum disorder” means a neurological disorder that is marked by severe impairment in social interaction, communication, and imaginative play, with onset generally during the first three (3) years of life and is included in a group of disorders known as autism spectrum disorders;

2. “Autism spectrum disorder” means any of the pervasive developmental disorders as defined by the most recent edition of the Diagnostic and Statistical Manual of the Mental Disorders (DSM) including Autistic Disorder, Asperger’s Disorder, and Pervasive Developmental Disorder not otherwise specified (NOS), Rett Disorder, and Childhood Degenerative Disorder; and

3. “Neurobiological disorder” means an illness of the nervous system caused by genetic, metabolic, or other biological factors.”, and by renumbering subsequent section, which amendment was declared adopted.

Senator Sparks moved that **SB 2118** be advanced, which motion was declared adopted.

THIRD READING

SB 2118 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), Justice, Laster, Leftwich, Lerblance, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Wilson and Wyrick.--39.

Nay: Aldridge, Brogdon, Brown, Johnson (M), Jolley, Lamb, Laughlin, Mazzei and Williamson.--9.

The bill passed.

SB 2118 was referred for engrossment.

GENERAL ORDER

SB 1889 by Lamb of the Senate and Blackwell of the House was called up for consideration.

Senator Rice moved to amend the Lamb amendment to **SB 1889**, Page 4, Lines 5 through 8, by deleting all language after the period on Line 5 and before the period on Line 8, which amendment was declared adopted.

Senator Lamb moved to amend **SB 1889**, Page 4, Line 8 through 11, by deleting all language after the period on Line 8 and before the words "the Office" on Line 11, and by amending the title to conform, which amendment as amended was declared adopted.

Senator Lamb moved that **SB 1889** be advanced, which motion was declared adopted.

THIRD READING

SB 1889 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, Barrington, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Gumm, Johnson (M), Jolley, Justice, Lamb, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Reynolds, Riley, Schulz, Sparks, Sykes, Wilcoxson and Williamson.--36.

Nay: Ballenger, Bass, Corn, Garrison, Ivester, Johnson (C), Laster, Rabon, Rice, Sweeden, Wilson and Wyrick.--12.

The bill passed.

SB 1889 was referred for engrossment.

GENERAL ORDER

SB 958 by Jolley and Coffee of the Senate and Terrill of the House was called up for consideration.

Senator Jolley moved that **SB 958** be advanced, which motion was declared adopted.

THIRD READING

SB 958 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.

SB 958 was referred for engrossment.

GENERAL ORDER

SB 1406 by Bingman of the Senate and McNiel of the House was called up for consideration.

Senator Bingman moved that **SB 1406** be advanced, which motion was declared adopted.

THIRD READING

SB 1406 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, 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.--47.

Excused: Barrington.--1.

The bill passed.

SB 1406 was referred for engrossment.

GENERAL ORDER

SB 1587 by Johnson (Mike) of the Senate and Adkins of the House was called up for consideration.

Senator Johnson (Mike) moved that **SB 1587** be advanced, which motion was declared adopted.

THIRD READING

SB 1587 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, 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.--47.

Excused: Barrington.--1.

The bill and emergency passed.

SB 1587 was referred for engrossment.

GENERAL ORDER

SB 2129 by Mazzei of the Senate and Peterson (Ron) and Brown of the House was called up for consideration.

Senator Mazzei moved that **SB 2129** be advanced, which motion was declared adopted.

THIRD READING

SB 2129 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, 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.--47.

Excused: Barrington.--1.

The bill passed.

SB 2129 was referred for engrossment.

GENERAL ORDER

SB 1999 by Aldridge of the Senate and Wright of the House was called up for consideration.

Senator Johnson (Constance) moved to amend **SB 1999**, Page 4, Line 8 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 85.59 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. It is the public policy of the State of Oklahoma to:

1. Recognize and support small and minority-owned businesses;
2. Acknowledge the contributions of small and minority-owned businesses as productive citizens and employers in the state and the useful functions served in the local communities; and
3. Support procedures for state contracting which ensure full participation by eligible businesses in the awarding of state contracts and which do not unfairly burden small and minority-owned businesses.

B. There is hereby created the Task Force to Study Trends in State Purchasing Procedures to continue until June 30, 2010. The purpose of the task force is to make recommendations to adjust policies and procedures or to implement new initiatives and strategies, as necessary, related to the ability of small and minority basement businesses to contract with the state.

C. The Task Force to Study Trends in State Purchasing Procedures shall be composed of nineteen (19) appointed members, as follows:

1. The Governor shall appoint:
 - a. a representative from the Minority Business Development Center at Langston University, Oklahoma City,
 - b. a representative of the Greater Oklahoma City Hispanic Chamber of Commerce,
 - c. a representative of the Oklahoma Chinese American Business Council, Oklahoma City,
 - d. a representative of the Urban League of Greater Oklahoma City, and
 - e. a representative of the Capitol Chamber of Commerce, Oklahoma City.
2. The President Pro Tempore of the Senate shall appoint:
 - a. a representative of the Oklahoma Native American Enterprise Center, Tulsa,
 - b. a representative of the American Indian Chamber of Commerce of Oklahoma, Tulsa,
 - c. a representative of the Oklahoma Minority Business Development Consortium, Oklahoma City,
 - d. a representative of the Greater Tulsa Hispanic Chamber of Commerce, and
 - e. a co-chair of the Senate Business and Labor Committee, or designee of the chair.
3. The Speaker of the House of Representatives shall appoint:
 - a. a representative of the Northside Chamber of Commerce, Lawton,
 - b. a representative of the Greenwood Chamber of Commerce, Tulsa,
 - c. a representative of the Asia Society of Oklahoma, Edmond,
 - d. a representative of the Oklahoma Minority Supplier Development Council, Oklahoma City, and
 - e. the chair of the House Business and Economic Development Committee, or designee of the chair.
4. The Executive Director of the Oklahoma Department of Commerce shall appoint:
 - a. an owner of a small business located in the northeast quadrant of the state, and
 - b. an owner of a small business located in the southeast quadrant of the state.
5. The Director of the Department of Central Services shall appoint:
 - a. an owner of a small business located in the northwest quadrant of the state, and
 - b. an owner of a small business located in the southwest quadrant of the state.

For purposes of this section, a “small business” shall mean a business with twenty-five (25) or fewer employees.

D. 1. Members shall serve at the pleasure of their appointing authorities. A vacancy on the task force shall be filled by the original appointing authority.

2. Appointments to the task force shall be made by July 15, 2007.

3. A majority of the members of the task force shall constitute a quorum.

4. The President Pro Tempore and the Speaker shall each designate a cochair from among the members of the task force.

5. The cochairs of the task force shall convene the first meeting of the task force on or before September 1, 2007, at which time a schedule of meetings shall be determined. The task force shall meet at least four times.

6. Proceedings of all meetings of the task force shall comply with the provisions of the Oklahoma Open Meeting Act.

7. The task force may divide into subcommittees in furtherance of its purpose.

E. 1. The Department of Commerce and the Department of Central Services shall serve as lead agencies and as such shall provide primary staffing for the task force.

2. The task force may use the expertise and services of the staffs of the State Senate and the Oklahoma House of Representatives.

F. All departments, officers, agencies, and employees of this state shall cooperate with the task force in fulfilling its duties and responsibilities including, but not limited to, providing any information, records, or reports requested by the task force.

G. Members of the task force shall receive no compensation for their service, but shall receive travel reimbursement as follows:

1. Legislative members of the task force shall be reimbursed for necessary travel expenses incurred in the performance of their duties in accordance with the provisions of Section 456 of Title 74 of the Oklahoma Statutes; and

2. Nonlegislative members of the task force shall be reimbursed by their appointing authorities or respective agencies for necessary travel expenses incurred in the performance of their duties in accordance with the State Travel Reimbursement Act.

H. The duties and responsibilities of the task force shall include, but need not be limited to:

1. Reviewing trends in state governmental contracting practices and the way in which small and minority-owned businesses currently participate in the process;

2. Reviewing existing statutes, policies, programs, procedures, services and funding sources that affect the ability of small and minority-owned businesses to compete in the awarding of such contracts;

3. Identifying and reviewing the number of small and minority-owned businesses in rural and metropolitan areas of the state and their rates of participation in the awarding of state contracts;

4. Identifying changes to contracting practices to promote entrepreneurship and economic development by supporting small and minority-owned businesses; and

5. Taking all actions necessary to develop a comprehensive report and recommendations pursuant thereto.” and by renumbering subsequent section, which amendment was declared adopted.

Senator Aldridge moved that **SB 1999** be advanced, which motion was declared adopted.

THIRD READING

SB 1999 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, 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.--47.

Excused: Barrington.--1.

The bill and emergency passed.

SB 1999 was referred for engrossment.

GENERAL ORDER

SB 2069 by Coffee of the Senate and Steele of the House was called up for consideration.

Senator Coffee moved that **SB 2069** be advanced, which motion was declared adopted.

THIRD READING

SB 2069 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, 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.--47.

Excused: Barrington.--1.

The bill passed.

SB 2069 was referred for engrossment.

GENERAL ORDER

SB 1475 by Bingman et al of the Senate and Johnson (Rob) of the House was called up for consideration.

Senator Branan asked to coauthor **SB 1475**, which was the order.

Senator Bingman moved that **SB 1475** be advanced, which motion was declared adopted.

THIRD READING

SB 1475 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, 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.--47.

Excused: Barrington.--1.

The bill and emergency passed.

SB 1475 was referred for engrossment.

GENERAL ORDER

SB 1413 by Brogdon of the Senate and Duncan of the House was called up for consideration.

Senator Brogdon moved that **SB 1413** be advanced, which motion was declared adopted.

THIRD READING

SB 1413 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, Bingman, Branan, Brogdon, Brown, Burrage, Coffee, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Riley, Schulz, Sykes, Wilcoxson, Williamson and Wilson.--38.

Nay: Ballenger, Bass, Corn, Gumm, Rice, Sparks, Sweeden and Wyrick.--8.

Excused: Barrington and Coates.--2.

The bill and emergency passed.

SB 1413 was referred for engrossment.

GENERAL ORDER

SB 1929 by Crain of the Senate and Winchester of the House was called up for consideration.

Senator Crain moved that **SB 1929** be advanced, which motion was declared adopted.

THIRD READING

SB 1929 was read for the third time at length.

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

Aye: Aldridge, Bingman, Branan, Brogdon, Brown, Burrage, Coffee, Corn, Crain, Crutchfield, Ford, Gumm, Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Riley, Schulz, Sykes, Wilcoxson and Williamson.--32.

Nay: Adelson, Anderson, Ballenger, Bass, Easley, Eason McIntyre, Garrison, Ivester, Johnson (C), Rice, Sparks, Sweeden, Wilson and Wyrick.--14.

Excused: Barrington and Coates.--2.

The bill passed.

SB 1929 was referred for engrossment.

MOTION TO RECONSIDER VOTE

Senator Reynolds moved to reconsider the vote whereby **SJR 59** passed, which motion failed of adoption upon roll call as follows:

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

Nay: Aldridge, Anderson, Bingman, Branan, Brogdon, Brown, Coffee, Crain, Ford, Johnson (M), Jolley, Justice, Lamb, Laughlin, Leftwich, Mazzei, Myers, Nichols, Reynolds, Schulz, Sykes, Wilcoxson and Williamson.--23.

Excused: Barrington and Coates.--2.

SJR 59 was referred for engrossment.

Senator Laughlin moved that when the clerk's desk is clear, the Senate stand adjourned to convene Tuesday, March 11, 2008, at 9:00 a.m., which motion prevailed.

FIRST READING

The following was introduced and read the first time:

SCR 58 – By Adelson of the Senate and Lamons of the House.

A Concurrent Resolution recognizing the importance of finding the cause and cure for multiple sclerosis; expressing appreciation to the Oklahoma Chapter of the National Multiple Sclerosis Society for its work; proclaiming March 2008 “Multiple Sclerosis Awareness Month”; and directing distribution.

MESSAGE FROM THE GOVERNOR

Advising his approval March 10, 2008, of Enrolled **SB 41**.

Pursuant to the Laughlin motion, the Senate adjourned at 5:35 p.m. to meet Tuesday, March 11, 2008, at 9:00 a.m.