

Senate Journal

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

Forty-first Legislative Day, Tuesday, April 15, 2008

The Senate was called to order by Senator Jolley.

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 Jolley declared a quorum present.

The prayer was offered by Reverend Robert Griffin, First Baptist Church, Cole, the guest of Senator Nichols.

REPORT OF ENGROSSED AND ENROLLED MEASURES

HBs 1903, 2518, 2608, 2643, 2699, 2713, 2779, 2784, 2791, 2970, 3341 and 3342 and **HJR 1014** were each correctly engrossed and, together with engrossed **SAs**, properly signed and ordered returned to the Honorable House.

SBs 1442 and 1663 were each correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

GENERAL ORDER

HB 2778 by DeWitt and Kiesel of the House and Justice of the Senate was called up for consideration.

Senator Justice moved that **HB 2778** be advanced, which motion was declared adopted.

THIRD READING

HB 2778 was read for the third time at length.

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

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

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

The bill and emergency passed.

HB 2778 was properly signed and ordered returned to the Honorable House.

**MESSAGE FROM THE HOUSE
HAS TO SENATE BILL**

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

SB 1819

House amendment was read on the above-numbered bill.

GENERAL ORDER

HB 2242 by Ingmire of the House and Crutchfield of the Senate was called up for consideration.

Senator Laster moved to amend **HB 2242**, Page 11, Line 6 ½, by inserting new Sections 2, 3 and 4 to read as follows:

“SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1210 of Title 74, unless there is created a duplication in numbering, reads as follows:

The Secretary of Native American Affairs or successor cabinet position having authority over Native American issues and state and tribal relations shall:

1. Have the powers and duties over Native American issues and state and tribal relations areas designated to the position by the Governor;
2. Oversee state agency consultation policies with tribal governments as developed pursuant to Section 3 of this act;

3. Monitor the interactions of state agencies with tribal governments; and
4. Make a report on the interaction between state agencies and tribal governments and make recommendations on the expansion of the tribal liaison position to additional state agencies.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1211 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. The following agencies shall implement a tribal liaison position for the agency:

1. Oklahoma Department of Commerce;
2. State Department of Education;
3. State Department of Health;
4. Department of Human Services;
5. Oklahoma Department of Agriculture, Food, and Forestry;
6. Oklahoma Conservation Commission;
7. Department of Environmental Quality;
8. Oklahoma Water Resources Board;
9. Department of Transportation;
10. Department of Public Safety;
11. Alcoholic Beverage Laws Enforcement Commission;
12. Oklahoma Tax Commission;
13. Corporation Commission;
14. Oklahoma Tourism and Recreation Department; and
15. Oklahoma Historical Society.

B. The position of tribal liaison shall be responsible for overseeing and carrying out the duties required under the consultation policy for the agency developed pursuant to Section 3 of this act and shall advise the agency on any matters relating to interactions with Native Americans and tribal governments.

C. Each agency required to implement the tribal liaison position pursuant to this section shall not be required to employ an additional person for the position, but may assign the duties of tribal liaison to an existing position or employee within the agency.

D. Any agency not listed in subsection A of this section may implement the position of tribal liaison for the agency.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1212 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. The State of Oklahoma recognizes the status of the federally recognized tribal governments residing in the geographical boundaries of the state as sovereign nations and the state recognizes the need for further cooperation between the state and the tribes and their citizens and the importance of the government-to-government relationship between the state and the tribes.

B. The Secretary of Native American Affairs or successor cabinet position having authority over Native American issues and state and tribal relations shall ensure coordination, consultation and cooperation between tribes and state agencies for any activities of the state agency that will directly affect tribal governments or their property.

C. The Secretary of Native American Affairs shall coordinate the development and implementation of tribal consultation policies by the individual state agencies.

D. Each state agency with an appointed tribal liaison shall advise tribes about ongoing or proposed state programs that will affect tribal governments or their property.

E. Each state agency with an appointed tribal liaison, in coordination with the Secretary of Native American Affairs, shall cooperate with tribal governments to determine priorities of interest for possible cooperation between the various agencies and the tribal governments. These priorities shall be reviewed no less than every three (3) years.

F. Each state agency with an appointed tribal liaison shall advise tribes on funding opportunities through partnerships with state agencies to address locally determined priorities of interest agreed to by both the state and tribal governments.

G. Each state agency with an appointed tribal liaison, in coordination with the Secretary of Native American Affairs, shall ensure continuing outreach to tribes and shall establish and maintain relationships with tribes and tribal organizations.”, and by renumbering subsequent sections, which amendment was declared adopted.

Senator Crutchfield moved that **HB 2242** be advanced, which motion was declared adopted.

THIRD READING

HB 2242 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, Brown, Burrage, Coates, Corn, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Justice, Laster, Laughlin, Leftwich, Lerblance, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Wilson and Wyrick.--39.

Nay: Crain, Jolley, Lamb, Mazzei, Sykes, Wilcoxson and Williamson.--7.

Excused: Brogdon and Coffee.--2.

The bill and emergency passed.

HB 2242 was referred for engrossment.

MESSAGE FROM THE HOUSE

Advising concurrence in **SAs** to and passage of Engrossed **HB 2279**.

GENERAL ORDER

HB 2821 by Sullivan and Roan of the House and Corn and Lamb of the Senate was called up for consideration.

Senator Corn moved to amend **HB 2821**, Page 1, by striking the title, which amendment was declared adopted.

Senator Corn moved to amend **HB 2821**, Page 4, Line 17 ½, by inserting a new Section 2 to read as follows:

“SECTION 2. AMENDATORY 63 O.S. 2001, Section 2-106, is amended to read as follows:

Section 2-106. A. The Director shall, in addition to other powers and duties vested in him:

1. Cooperate with federal and other state agencies in discharging his responsibilities concerning traffic in narcotics and dangerous substances and in suppressing the abuse of dangerous substances;

2. Arrange for the exchange of information between governmental officials concerning the use and abuse of dangerous substances;

3. Coordinate and cooperate in training programs on dangerous substances law enforcement at the local and state levels;

4. Cooperate with the Bureau of Narcotics and Dangerous Drugs by establishing a centralized unit which will accept, catalogue, file and collect statistics, including records of drug dependent persons and other dangerous substance law offenders within the state, and make such information available for federal, state and local law enforcement purposes; and may collect and furnish statistics for other appropriate purposes; and

5. Coordinate and cooperate in programs of eradication aimed at destroying wild or illicit growth of plant species from which controlled dangerous substances may be extracted.

B. Results, information and evidence received from the Bureau of Narcotics and Dangerous Drugs relating to the regulatory functions of this act, including results of inspections conducted by that agency, may be relied upon and acted upon by the Director in conformance with his regulatory functions under this act.

C. The Director is further authorized and directed to:

1. Coordinate and cooperate in educational programs designed to prevent and deter misuse and abuse of controlled dangerous substances;

2. Promote better recognition of the problems of misuse and abuse of controlled dangerous substances within the regulated industry and among interested groups and organizations;

3. Assist the regulated industry, interested groups and organizations in contributing to the reduction of misuse and abuse of controlled dangerous substances;

4. Consult with interested groups and organizations to aid them in solving administrative and organizational problems;

5. Assist in evaluating procedures, projects, techniques and controls conducted or proposed as part of educational programs on misuse and abuse of controlled dangerous substances;

6. Disseminate the results of research on misuse and abuse of controlled dangerous substances to promote a better public understanding of what problems exist and what can be done to combat them; ~~and~~

7. Assist in the education and training of state and local law enforcement officials in their efforts to control misuse and abuse of controlled dangerous substances;

8. Conduct an annual seminar to be attended by selected law enforcement officers in order to teach new techniques and advances in the investigation of violations of the Uniform Controlled Dangerous Substances Act; and

9. Supervise and direct agents appointed in the performance of their function of enforcement of the provisions of this act.

D. The Director is further authorized and directed to:

1. Encourage research on misuse and abuse of controlled dangerous substances;

2. Cooperate in establishing methods to assess accurately the effects of controlled dangerous substances and to identify and characterize controlled dangerous substances with potential for abuse;

3. Cooperate in making studies and in undertaking programs of research to:

a. develop new or improved approaches, techniques, systems, equipment and devices to strengthen the enforcement of this act;

b. determine patterns of misuse and abuse of controlled dangerous substances and the social effects thereof; and

c. improve methods for preventing, predicting, understanding and dealing with the misuse and abuse of controlled dangerous substances.

E. The Director may enter into contracts with public agencies, institutions of higher education and private organizations or individuals for the purpose of conducting research, demonstrations or special projects which bear directly on misuse and abuse of controlled dangerous substances.

F. The Director may enter into contracts for educational and research activities without performance bonds.

G. The Director may authorize persons engaged in research or scientific activities on the use and effects of dangerous substances to withhold the names and other identifying characteristics of persons who are the subjects of such research. Persons who obtain this authorization may not be compelled in any state civil, criminal, administrative, legislative or other proceeding to identify the subjects of research for which such authorization was obtained.

H. The Director may authorize the lawful possession, distribution and use of controlled dangerous substances by persons engaged in research or scientific activities; authorization for possession of controlled dangerous substances may be extended to persons engaged in a program of drug education or persons in the performance of an official duty. Persons who obtain this authorization shall be exempt from state prosecution for possession, distribution or use of dangerous substances to the extent authorized by the Director.

I. The Director is authorized to accept gifts, bequests, devises, contributions and grants, public or private, including federal funds or funds from any other source for use in furthering the purpose of the office of the Director.

J. The Director is authorized to purchase or sell real property, together with appurtenances, in the name of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control upon approval of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control Commission.

K. The Director shall be in charge of all monies appropriated for or deposited to the credit of the office of the Director and is authorized to approve claims and payrolls as provided in Section 41.26 of Title 62 of the Oklahoma Statutes.

~~K.~~ L. The Director shall have the authority of a peace officer and is authorized to commission assistants of his office as peace officers.”, and by renumbering subsequent sections, which amendment was declared adopted.

Senator Corn moved that **HB 2821** be advanced, which motion was declared adopted.

THIRD READING

HB 2821 was read for the third time at length.

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

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

Excused: Brogdon and Coffee.--2.

The bill passed.

HB 2821 was referred for engrossment.

GENERAL ORDER

HB 2531 by Steele and Pittman of the House and Adelson of the Senate was called up for consideration.

Senators Garrison, Barrington and Easley asked to coauthor **HB 2531**, which was the order.

Senator Gumm moved to amend **HB 2531**, Page 10, Line 7 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 Wilson moved to amend **HB 2531**, Page 10, 7 ½, by inserting a new Section 3 to read as follows:

"SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6060.19 of Title 36, unless there is created a duplication in numbering, reads as follows:

A. Any health benefit plan that is offered, issued or renewed in this state on or after January 1, 2009, shall fully cover any health care services of the insured that is deemed by a health care professional to be medically necessary in order to treat a health condition, illness, injury or disease. B. The provisions of subsection A of this section shall not apply to any elective procedures that would result in the termination of a pregnancy.

C. As used in this section:

1. "Health benefit plan" means individual or group hospital or medical insurance coverage, a not-for-profit hospital or medical service or indemnity plan, a prepaid health plan, a health maintenance organization plan, a prepared provider organization plan, the State and Education Employees Group Health Insurance Plan, and coverage provided by a Multiple Employer Welfare Arrangement (MEWA) or employee self-insured plan except as exempt under federal ERISA provisions;

2. "Health care professional" means a physician or other health care practitioner providing health care services;

3. "Health care services" means services for the diagnosis, prevention or treatment of a health condition, illness, injury or disease; and

4. "Medically necessary" means health care services that a health care professional, exercising prudent clinical judgment, would provide to a patient for the purpose of evaluating, diagnosing or treating a health condition, illness, injury or its symptoms, and that are:

- a. in accordance with generally accepted standards of medical practice,
- b. clinically appropriate in terms of type, frequency, extent, site and duration and considered effective for the patient's health condition, illness, injury or disease,
- c. not primarily for the convenience of the patient or health care professional, and
- d. not more costly than an alternative service or sequence of services at least as likely to produce equivalent therapeutic or diagnostic results as to the diagnosis or treatment of that patient's health condition, illness, injury or disease.

D. The Insurance Commissioner shall promulgate rules necessary to implement the provisions of this section.", and by renumbering subsequent section, which amendment was declared adopted upon roll call as follows:

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

Nay: Aldridge, Barrington, Bingman, Branan, Brogdon, Brown, Coffee, Crain, Ford, Johnson (M), Jolley, Justice, Lamb, Laughlin, Mazzei, Myers, Nichols, Reynolds, Schulz, Sykes, Wilcoxson and Williamson.--22.

Senator Adelson moved that **HB 2531** be advanced, which motion was declared adopted.

THIRD READING

HB 2531 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, Burrage, Coates, Corn, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Laster, Leftwich, Lerblance, Morgan, Nichols, Paddack, Rabon, Rice, Riley, Schulz, Sparks, Sweeden, Wilson and Wyrick.--30.

Nay: Aldridge, Bingman, Branan, Brogdon, Brown, Coffee, Crain, Johnson (M), Jolley, Justice, Lamb, Laughlin, Mazzei, Myers, Reynolds, Sykes, Wilcoxson and Williamson.--18.

The bill passed.

Pursuant to Rule 13-22, Senator Wilson served notice that the vote be reconsidered whereby **HB 2531** passed.

MESSAGE FROM THE HOUSE

Advising passage of and transmitting for consideration Engrossed **HCR 1065**.

HCR 1065 – By BigHorse, Adkins, Armes, Auffet, Banz, Bengé, Billy, Blackwell, Braddock, Brannon, Brown, Cannaday, Carey, Cargill, Collins, Coody, Cooksey, Covey, Cox, Dank, DeWitt, Denney, Derby, Dorman, Duncan, Ellis, Enns, Faught, Gilbert, Glenn, Hamilton, Harrison, Hickman, Hilliard, Hoskin, Hyman, Ingmire, Inman, Jackson, Jett, Johnson (Dennis), Johnson (Rob), Jones, Jordan, Joyner, Kern, Key, Kiesel, Lamons, Liebmann, Lindley, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCarter, McCullough, McDaniel (Jeannie), McDaniel (Randy), McMullen, McNiel, McPeak, Miller, Morgan, Morrisette, Murphey, Nations, Peters, Peterson (Pam), Peterson (Ron), Piatt, Pittman, Proctor, Pruett, Renegar, Reynolds, Richardson, Roan, Rousselot, Schwartz, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Turner, Walker, Watson, Wesselhoft, Winchester, Worthen and Wright of the House and Sweeden of the Senate.

A Concurrent Resolution designating May 2, 2008, “Osage Tribal Museum Day” at the State Capitol; acknowledging the 70th anniversary of the establishment of the Osage Tribal Museum; and directing distribution.

The above-numbered measure was read the first time.

PENDING CONSIDERATION OF HAS

HAs to **SB 1819** were rejected upon motion of Senator Laster, conference requested, and Senate conferees appointed as follows: Coffee, Bingman, Mazzei, Morgan, Laster and Leftwich.

UNANIMOUS CONSENT REQUEST DIRECT TO CALENDAR

Senator Sweeden asked unanimous consent to suspend Rule 6-4 and refer **HCR 1065** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

HCR 1065 by BigHorse et al of the House and Sweeden of the Senate was called up for consideration.

All other members of the Senate asked to coauthor **HCR 1065**, which was the order.

HCR 1065 was adopted upon motion of Senator Sweeden and properly signed and ordered returned to the Honorable House.

MOTION TO RECONSIDER VOTE

Senator Aldridge moved to reconsider the vote whereby **HB 3201** failed, which motion was declared adopted upon roll call as follows:

Aye: Aldridge, Anderson, Ballenger, Barrington, Bingman, Branan, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Mazzei, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Williamson and Wyrick.--39.

Nay: Bass, Brogdon, Johnson (C), Lerblance, Sykes, Wilcoxson and Wilson.--7.

Excused: Adelson and Morgan.--2.

THIRD READING

HB 3201 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, Brown, Burrage, Coates, Corn, Crain, Easley, Eason McIntyre, Ford, Gumm, Ivester, Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Mazzei, Myers, Nichols, Rabon, Rice, Riley, Schulz, Sparks and Sweeden.--30.

Nay: Adelson, Ballenger, Bass, Brogdon, Coffee, Garrison, Johnson (C), Lerblance, Paddack, Reynolds, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--15.

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

The bill passed.

HB 3201 was referred for engrossment.

Senator Williamson presiding.

RECALL FROM ENGROSSMENT AND ENROLLMENT

Senator Jolley asked unanimous consent, which was granted, to recall **HB 1622** from the office of Engrossment and Enrollment.

Senator Jolley asked unanimous consent, which was granted, to suspend Senate Rule 13-22 as it pertains to **HB 1622**.

Senator Jolley served notice that the vote be reconsidered whereby **HB 1622** passed.

MOTION TO RECONSIDER VOTE

Senator Jolley moved to reconsider the vote whereby **HB 1622** passed, which motion was declared adopted upon roll call 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.

THIRD READING

Senator Jolley moved to reconsider the vote whereby **HB 1622** was advanced, which motion was declared adopted.

GENERAL ORDER

HB 1622 by Derby et al of the House and Jolley et al of the Senate was called up for consideration.

Senator Jolley asked unanimous consent, which was granted, to suspend Senate Rule 13-4 as it pertains to **HB 1622**.

Senator Jolley moved to amend **HB 1622**, Page 1, by restoring the enacting clause, which amendment was declared adopted.

Senator Jolley moved that **HB 1622** be advanced, which motion was declared adopted.

THIRD READING

HB 1622 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, 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 passed.

HB 1622 was referred for engrossment.

Senator Jolley presiding.

GENERAL ORDER

HB 2568 by Peterson (Pam) et al of the House and Anderson and Johnson (Constance) of the Senate was called up for consideration.

Senator Wilcoxson moved to amend **HB 2568**, Page 13, Line 15 ½, by inserting a new Section 3 to read as follows:

“SECTION 3. AMENDATORY 10 O.S. 2001, Section 7307-1.2, as last amended by Section 1, Chapter 86, O.S.L. 2004 (10 O.S. Supp. 2007, Section 7307-1.2), is amended to read as follows:

Section 7307-1.2 A. Except as provided by this section or as otherwise specifically provided by state or federal laws, the following juvenile records are confidential and shall not be open to the general public, inspected, or their contents disclosed:

1. Juvenile court records;
2. Agency records;
3. District attorney's records;
4. Law enforcement records;
5. Nondirectory education records; and
6. Social records.

B. The confidentiality limitation of subsection A of this section shall not apply to statistical information or information of a general nature obtained pursuant to the provisions of the Oklahoma Juvenile Code.

C. The confidentiality requirements of subsection A of this section for juvenile court records and law enforcement records shall not apply:

1. Upon the certification of a juvenile as an adult pursuant to Section 7303-4.3 of this title;

2. Upon the charging of an individual pursuant to Section 7306-1.1 of this title;

3. To a violation of any traffic regulation or motor vehicle regulation of Title 47 of the Oklahoma Statutes, or to a violation of any city ordinance or county resolution which relates to the regulation of traffic on the roads, highways or streets, or to the operation of self-propelled or nonself-propelled vehicles of any kind in this state;

4. To a juvenile who is fourteen (14) years of age or older and who has been adjudicated delinquent and who subsequently comes before the juvenile court on a new delinquency matter after July 1, 1995;

5. To a juvenile adjudicated a delinquent for committing a delinquent act which, if committed by an adult, would be a felony offense that is a crime against the person or a felony offense involving a dangerous weapon;

6. To arrest records of a juvenile arrested for committing an act, which, if committed by an adult, would be a felony offense;

7. To a violation of the Prevention of Youth Access to Tobacco Act; or

8. Whenever a juvenile is accepted for placement or treatment in a facility or private treatment facility within this state as a result of or following a conviction or adjudication for an out-of-state offense that would qualify the juvenile as a youthful offender, as defined in Section 7306-2.2 of this title, had the crime occurred within this state. The facility shall provide any law enforcement agency or peace officer all prior criminal offense, conviction, and adjudication information. If a juvenile flees or is otherwise absent from the facility without permission, the facility shall provide any law enforcement agency or peace officer all prior criminal offense, conviction, and adjudication information. Any law enforcement agency or peace officer shall have the authority to review or copy any records concerning the juvenile, including prior criminal offense, conviction, or adjudication information.

D. Following the first adjudication as a delinquent, the court having jurisdiction shall note on the juvenile court record of the person that any subsequent juvenile court records shall not be confidential; provided, the child is at least fourteen (14) years of age or older. Any juvenile court record which becomes an open juvenile record as provided in this subsection may be expunged as provided in Section 7307-1.8 of this title.

The provisions of this subsection shall only apply to the juvenile court records and law enforcement records of juvenile offenders certified, charged or adjudicated on and after July 1, 1995.

E. When a delinquent child has escaped or run away from a training school or other institutional placement for delinquents, the name and description of the child may be released to the public by the agency having custody of the child as necessary and appropriate for the protection of the public and the apprehension of the delinquent child whether or not the juvenile record is confidential or open.

F. Except as otherwise required by state or federal law, the confidential records listed in subsection A of this section may only be inspected, released, disclosed, corrected or

expunged pursuant to an order of the court. Except as otherwise provided in Section 601.6 of this title or any provision of this chapter, no subpoena or subpoena duces tecum purporting to compel disclosure of confidential information or any confidential juvenile record shall be valid.

G. An order of the court authorizing the inspection, release, disclosure, correction or expungement of confidential records shall be entered by the court only after a review of the records by the court and a determination by the court, with due regard for the confidentiality of the records and the privacy of persons identified in the records, that a compelling reason exists and such inspection, release or disclosure is necessary for the protection of a legitimate public or private interest.

Except for district attorney records, any court order authorizing the disclosure, release or inspection of a confidential juvenile record may be conditioned on such terms and restrictions as the court deems necessary and appropriate.

H. Upon receiving a written request for inspection, release, disclosure, or correction of a juvenile record, the court shall determine whether the record of a juvenile falls under one of the exceptions listed in subsection C of this section. If the record falls under one of the exceptions in subsection C of this section, the court shall issue an order authorizing inspection, release, disclosure or correction of the juvenile record. If the release of a juvenile record is authorized by the court, the Office of Juvenile Affairs shall provide information to the requestor regarding the location of the juvenile record to be released.

I. Any agency or person may seek an order from the juvenile court prohibiting the release of confidential information subject to disclosure without an order of the court pursuant to Section 620.6 of this title or any provision of this chapter. The court may, for good cause shown, prohibit the release of such information or authorize release of the information upon such conditions as the court deems necessary and appropriate.

J. In accordance with the provisions of the Serious and Habitual Juvenile Offender Act and Section 620.6 of this title:

1. Information included in the records listed in subsection A of this section may be entered in and maintained in the Juvenile Justice Information System and other automated information systems related to services to children and youth whether or not the record is confidential or open; and

2. The information systems may be accessed by participating agencies as defined by this chapter or as otherwise provided by law.

K. The court may authorize a designated person to review juvenile court confidential reports and records and collect statistical information and other abstract information for research purposes. Such authorization shall be in writing and shall state specifically the type of information which may be reviewed and reported.

Each person granted permission to inspect confidential reports and records for research purposes shall present a notarized statement to the court stating that the names of juveniles, parents and other persons as may be required by the court to be confidential will remain confidential.

L. Nothing contained in the provisions of Section 620.6 of this title or any provision of this chapter shall be construed as:

1. Authorizing the inspection of records or the disclosure of information contained in records relating to the provision of benefits or services funded, in whole or in part, with

federal funds, except in accord with federal statutes and regulations governing the receipt or use of such funds;

2. Authorizing the disclosure of information required to be kept confidential by Section 7505-1.1, 7506-1.1 or 7510-1.5 of this title, the Oklahoma Adoption Code or disclosure of any other confidential record pursuant to the provisions of this chapter;

3. Abrogating any privilege, including the attorney-client privilege, or affecting any limitation on such privilege found in any other statutes;

4. Limiting or otherwise affecting access of parties to a juvenile proceeding to any records filed with or submitted to the court;

5. Limiting or otherwise affecting access of agencies to information subject to disclosure, review or inspection by contract or as a condition for the receipt of public funds or participation in any program administered by the agency;

6. Prohibiting the Department of Juvenile Justice from summarizing the outcome of an investigation to the person who reported a known or suspected instance of child abuse or neglect; or

7. Prohibiting the person or agency conducting a preliminary inquiry relating to an alleged delinquent act from providing information, as to the disposition of the matter by the district attorney, to the person or agency which referred the matter, including but not limited to whether a petition was filed or an alternative action taken, and the basis for such action and the terms of any agreement entered into by the child for payment of restitution, and including but not limited to provisions for community services.

M. The confidential records listed in subsection A of this section may be inspected and their contents disclosed without a court order to a school district in which the child who is the subject of the record is currently enrolled or has presented himself or herself for enrollment. The inspection of records and disclosure authorized by this subsection may be limited to summaries or to information directly necessary for the purpose of such inspection or disclosure. ~~Upon request by the school district, If the school district is not already in possession of such records,~~ the agency in possession of the records shall provide the requested information to the school district:

1. Prior to or at the time the student presents himself or herself for enrollment; and

2. Upon the effective date of this act, for all students who are the subject of juvenile court records and who are currently enrolled in the school district.

Any records disclosed as provided by this subsection shall remain confidential. The use of any information shall be limited to the purposes for which disclosure is authorized.”, and by renumbering subsequent sections and amending the title to conform, which amendment was declared adopted upon division of the question.

Senator Anderson moved that **HB 2568** be advanced, which motion was declared adopted.

THIRD READING

HB 2568 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 Anderson served notice that the vote be reconsidered whereby **HB 2568** passed.

GENERAL ORDER

HB 2074 by Sears et al of the House and Brown of the Senate was called up for consideration.

Senator Ford asked to coauthor **HB 2074**, which was the order.

Senator Brown moved that **HB 2074** be advanced, which motion was declared adopted.

THIRD READING

HB 2074 was read for the third time at length.

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

Aye: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Corn, Crain, 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.--44.

Excused: Coffee, Crutchfield, Johnson (M) and Morgan.--4.

The bill and emergency passed.

HB 2074 was referred for engrossment.

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

The Senate reconvened with Senator Jolley presiding.

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

MESSAGES FROM THE HOUSE

Advising conference granted on Engrossed **SB 1819** and naming House conferees as follows: Bengé, Jones, Piatt, Liebmann, Carey and Nations,

Advising fourth reading of and returning Enrolled **SBs 1442** and **1663**.

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

Advising passage of and returning the following Engrossed bills:

SB 1178

SB 1389

The above-numbered measures were referred for enrollment.

Advising fourth reading of and transmitting for signature Enrolled **HBs 2279, 2641, 2667, 2693, 2749, 2969, 3031, 3050, 3126, 3164, 3198, 3303, 3365** and **3397** and **HJR 1058**.

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

MESSAGE FROM THE HOUSE HAS TO SENATE BILLS

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

SB 995 - coauthored by Cannaday and Collins

SB 1150 - coauthored by Kern, Martin (Steve), Sears and Terrill

SB 1381

SB 1421 - coauthored by Pittman

SB 1553

SB 1567

SB 1662 - coauthored by Blackwell

SB 1673

SB 1822

SB 1839

SB 1856 (emergency failed) - coauthored by Reynolds and Shelton

SB 1889

SB 1926

SB 2086 - coauthored by Luttrell and Sherrer

SJR 29 - coauthored by Kiesel and Collins

House amendments were read on the above-numbered bills.

GENERAL ORDER

HB 2889 by Piatt et al of the House and Crutchfield of the Senate was called up for consideration.

Senator Crutchfield moved that **HB 2889** be advanced, which motion was declared adopted.

THIRD READING

HB 2889 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, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Burrage, Coates, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Ivester, Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Rice, Riley, Schulz, Sparks, Sweeden, Williamson, Wilson and Wyrick.--36.

Nay: Aldridge, Brogdon, Brown, Corn, Gumm, Johnson (M), Rabon, Reynolds, Sykes and Wilcoxson.--10.

Excused: Coffee and Johnson (C).--2.

The bill and emergency passed.

HB 2889 was referred for engrossment.

MESSAGE FROM THE HOUSE

Advising passage of and returning the following Engrossed bill:

SB 1410 - coauthored by Harrison of the House

The above-numbered measure was referred for enrollment.

GENERAL ORDER

HB 2732 by Renegar of the House and Gumm and Leftwich of the Senate was called up for consideration.

Senator Sparks moved to amend **HB 2732**, Page 14, Line 15 ½, by inserting a new Section 7 to read as follows:

“SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 353.31 of Title 59, unless there is created a duplication in numbering, reads as follows:

When a licensed health care provider prescribes any drug for immunosuppressive therapy, the provider shall indicate in writing whether the prescription may be filled with a generic alternative.”, and by renumbering subsequent section. (amendment not voted upon)

Senator Adelson moved that **HB 2732** be advanced, which motion was declared adopted.

THIRD READING

HB 2732 was read for the third time at length.

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

Aye: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--47.

Excused: Coffee.--1.

The bill passed.

HB 2732 was referred for engrossment.

GENERAL ORDER

HB 1392 by Richardson et al of the House and Justice of the Senate was called up for consideration.

Senator Justice moved that **HB 1392** be advanced, which motion was declared adopted.

THIRD READING

HB 1392 was read for the third time at length.

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

Aye: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--47.

Excused: Coffee.--1.

The bill and emergency passed.

HB 1392 was referred for engrossment.

GENERAL ORDER

HB 1418 by Coody et al of the House and Wilson et al of the Senate was called up for consideration.

Senators Rice, Ballenger, Bass, Burrage, Crutchfield, Garrison, Ivester, Johnson (Constance), Laster, Leftwich, Lerblance, Morgan, Paddack, Riley, Sparks, Sweeden and Wyrick asked to coauthor **HB 1418**, which was the order.

Senator Corn moved to amend **HB 1418**, Page 1, Line 14 ½, by inserting a new Section 1 to read as follows:

“SECTION 1. AMENDATORY 68 O.S. 2001, Section 500.52, is amended to read as follows:

Section 500.52.

A. No person shall operate or maintain a motor vehicle on any public highway in this state with motor fuel contained in the fuel supply tank for the motor vehicle that contains dye as provided under ~~paragraph 16 of Section 10 of this act~~ Section 500.10 of this title.

B. This section does not apply to:

1. Persons operating motor vehicles that have received fuel into their fuel tanks outside of this state in a jurisdiction that permits introduction of dyed motor fuel of that color and type into the motor fuel tank of highway vehicles; ~~or~~

2. Uses of dyed fuel on the highway which are lawful under the Internal Revenue Code and regulations thereunder and as set forth in ~~Section 10 of this act~~ Section 500.10 of this title unless otherwise prohibited by ~~this act~~ the Motor Fuel Tax Code; or

3. Persons operating a pickup, truck, or truck-tractor, which uses diesel fuel and which is licensed pursuant to Section 1134 of Title 47 of the Oklahoma Statutes, and who have obtained a permit from the Tax Commission for such operation. The Tax Commission may adopt rules necessary to implement the provisions of this paragraph, and may establish an annual permit fee not to exceed One Hundred Dollars (\$100.00).

C. Any person who knowingly violates or knowingly aids and abets another to violate the provisions of this section with the intent to evade the tax levied by this act shall be guilty of a misdemeanor and shall, upon conviction, be fined not more than One Thousand Dollars (\$1,000.00), or be sentenced to a term of not more than one (1) year in the county jail, or shall be punishable by both such fine and imprisonment.”, and by renumbering subsequent sections, which amendment was declared adopted.

Senator Mazzei moved to amend **HB 1418**, Page 19, Line 16, by deleting after the period and before the word “of” the word “Sales” and by inserting in lieu thereof the words “Before January 1, 2014, sales”, which amendment failed of adoption upon roll call as follows:

Aye: Aldridge, Anderson, Barrington, Bingman, Branan, Brogdon, Brown, Coates, Crain, Ford, Johnson (M), Jolley, Justice, Lamb, Laughlin, Mazzei, Myers, Reynolds, Schulz and Sykes.--20.

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

Excused: Coffee and Williamson.--2.

Senator Wilson moved that **HB 1418** be advanced, which motion was declared adopted.

THIRD READING

HB 1418 was read for the third time at length.

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

Aye: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Wilson and Wyrick.--46.

Excused: Coffee and Williamson.--2.

The bill passed.

HB 1418 was referred for engrossment.

CONFERENCE COMMITTEE REPORT SUBMITTED

Conference committee report was read on the following bill:

SB 1819

GENERAL ORDER

HB 1820 by McPeak et al of the House and Ballenger of the Senate was called up for consideration.

Senators Rice and Bingman asked to coauthor **HB 1820**, which was the order.

Senator Ballenger moved that **HB 1820** be advanced, which motion was declared adopted.

THIRD READING

HB 1820 was read for the third time at length.

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

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

Excused: Coffee, Rabon and Williamson.--3.

The bill and emergency passed.

HB 1820 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 2731 by Jordan et al of the House and Anderson of the Senate was called up for consideration.

Senator Sparks moved to amend **HB 2731**, Page 2, Line 10 ½, by inserting a new Section 3 to read as follows:

“SECTION 3. AMENDATORY Section 1, Chapter 311, O.S.L. 2004 (70 O.S. Supp. 2007, Section 6-206), is amended to read as follows:

Section 6-206. A. Subject to the availability of funds, the State Board of Education shall provide an annual salary bonus in the amount of Five Thousand Dollars (\$5,000.00) no later than January 31 of each year to the following employees of public school districts:

1. Any school psychologist who has been designated as a Nationally Certified School Psychologist by the National School Psychology Certification Board; and
2. Any speech-language pathologist or audiologist who holds a Certificate of Clinical Competence awarded by the American Speech-Language Hearing Association.

B. The State Board of Education shall adopt rules for the provision of the bonus pursuant to this ~~act~~ section to include, but not be limited to, a process by which a nationally certified school psychologist, speech-language pathologist and audiologist may verify that:

1. The individual is still employed ~~full-time~~ by a school district;
2. The certification required in subsection A of this section has been attained and has not lapsed; and
3. The individual is licensed to practice in this state.

C. An individual who qualifies for the bonus pursuant to this section and who is employed by a school district on less than a full-time basis, shall receive a pro-rated bonus based on the proportionate equivalency to full-time employment.

D. No school or school district shall be liable for payment of bonuses pursuant to this section. The bonus shall not be included in the calculation of salary for purposes of meeting the district or statutory minimum salary schedule or for purposes of calculating Teachers' Retirement System of Oklahoma contributions or benefits.

~~D.~~ E. The amount of the salary bonus pursuant to subsection A of this section shall be increased to Seven Thousand Dollars (\$7,000.00) upon implementation of subsection N of Section 6-204.2 of ~~Title 70 of the Oklahoma Statutes~~ this title.”, and by renumbering subsequent sections and amending the title to conform, which amendment was declared adopted.

Senator Anderson moved that **HB 2731** be advanced, which motion was declared adopted.

THIRD READING

HB 2731 was read for the third time at length.

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

Aye: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Gumm, Ivester, Johnson (C), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Rice, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--42.

Nay: Garrison, Johnson (M), Reynolds and Riley.--4.

Excused: Coffee and Rabon.--2.

The bill and emergency passed.

HB 2731 was referred for engrossment.

GENERAL ORDER

HB 2583 by Hyman of the House and Bass of the Senate was called up for consideration.

Senator Bass moved that **HB 2583** be advanced, which motion was declared adopted.

THIRD READING

HB 2583 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, Ballenger, Bass, Bingman, Branan, Burrage, Coates, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Laster, Leftwich, Lerblance, Morgan, Nichols, Paddack, Rabon, Rice, Riley, Schulz, Sparks, Sweeden, Williamson, Wilson and Wyrick.--32.

Nay: Aldridge, Anderson, Barrington, Brogdon, Brown, Coffee, Johnson (M), Jolley, Justice, Lamb, Laughlin, Mazzei, Myers, Reynolds, Sykes and Wilcoxson.--16.

The bill and emergency passed.

HB 2583 was referred for engrossment.

GENERAL ORDER

HB 2863 by Shelton et al of the House and Leftwich of the Senate was called up for consideration.

Senators Rice, Garrison and Johnson (Constance) asked to coauthor **HB 2863**, which was the order.

Senator Leftwich moved that **HB 2863** be advanced, which motion was declared adopted.

THIRD READING

HB 2863 was read for the third time at length.

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

Aye: Adelson, Ballenger, Barrington, Bass, Branan, Burrage, Coates, Coffee, Corn, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Lamb, Laster, Laughlin, Leftwich, Lerblance, Morgan, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Wilson and Wyrick.--35.

Nay: Aldridge, Anderson, Bingman, Brogdon, Brown, Crain, Jolley, Justice, Mazzei, Myers, Sykes, Wilcoxson and Williamson.--13.

The bill passed.

HB 2863 was properly signed and ordered returned to the Honorable House.

Senator Williamson presiding.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 1819** was called up for consideration.

Senator Laster asked that **SB 1819** be laid over temporarily, which was the order.

SB 1819 remains on pending consideration of HAs.

MESSAGE FROM THE HOUSE

Advising passage of and returning the following Engrossed bills:

SB 1546 - coauthored by Pittman
SB 1734

The above-numbered measures were referred for enrollment.

PENDING CONSIDERATION OF HAs

HAs to SB 1553 were rejected upon motion of Senator Laster, conference requested, and Senate conferees to be named later.

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

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The Senate reconvened with Senator Jolley presiding.

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

PENDING CONSIDERATION OF CCR

The **CCR on SB 1819** was called up for further consideration.

The **CCR on SB 1819** was adopted upon motion of Senator Coffee.

SB 1819, as amended in conference, was read at length.

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

Aye: Adelson, Barrington, Bingman, Branan, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Ford, Gumm, Johnson (M), Jolley, Lamb, Laster, Leftwich, Lerblance, Mazzei, Morgan, Nichols, Paddack, Riley, Wilcoxson, Williamson and Wyrick.--27.

Nay: Aldridge, Anderson, Ballenger, Bass, Brogdon, Easley, Eason McIntyre, Garrison, Ivester, Johnson (C), Justice, Laughlin, Myers, Rabon, Reynolds, Rice, Schulz, Sparks, Sweeden, Sykes and Wilson.--21.

The bill passed.

Senators Myers, Sparks, Schulz, Wilson, Eason McIntyre, Rice, Garrison, Justice and Johnson (Constance) desired to vote Aye and Senators Riley and Brown desired to vote Nay on the emergency.

On the question of passage of the emergency, the vote resulted as follows: Aye: 34; Nay: 14.

The emergency passed.

Pursuant to Rule 13-22, Senator Coffee served notice that the vote be reconsidered whereby **SB 1819** passed.

MESSAGE FROM THE HOUSE

Advising passage of and returning the following Engrossed bill:

SB 1735 - coauthored by DeWitt, Luttrell and McMullen

The above-numbered measure was referred for enrollment.

EXECUTIVE NOMINATIONS

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

Bell, Brent, Edmond, as a member of the Board of Mental Health and Substance Abuse Services - Health and Human Resources

Gray, Janice L., Norman, as a member of the Oklahoma Accountancy Board - Business and Labor

Mitchelson, Michael, Edmond, as a member of the Oklahoma Capital Investment Board - Finance

Nelson, John M., Chickasha, as a member of the Board of Regents of the University of Science and Arts of Oklahoma - Education

Pojezny, Patti, Nichols Hills, as a member of the Oklahoma Board of Licensed Alcohol and Drug Counselors - Health and Human Resources

Senator Laster moved that when the clerk's desk is clear, the Senate stand adjourned to convene Wednesday, April 16, 2008, at 9:30 a.m., which motion prevailed.

Pursuant to the Laster motion, the Senate adjourned at 4:50 p.m. to meet Wednesday, April 16, 2008, at 9:30 a.m.