

Senate Journal

Second Regular Session of the Fifty-first Legislature

of the State of Oklahoma

Forty-fourth Legislative Day, Monday, April 21, 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 Reverend Micah Kersh, Henderson Hills Baptist Church, Edmond, the guest of Senator Jolley.

REPORT OF ENGROSSED AND ENROLLED MEASURES

HBs 2446, 2631, 2775, 2813, 2862, 3115, 3124, 3143, 3335, 3336 and 3394 were each correctly engrossed and, together with engrossed **SAs**, properly signed and ordered returned to the Honorable House.

SBs 1585, 1757, 1760, 1770, 1945, 1975 and 2111 were each correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

MESSAGES FROM THE HOUSE

Advising fourth reading of and transmitting for signature Enrolled **HBs 1959 and 2639**.

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

Advising passage of and returning the following Engrossed measures:

SB 1405 - coauthored by Pittman

SCR 61

SCR 68 - coauthored by Denney, Dorman, Lindley, BigHorse, Inman, Pittman and Proctor

The above-numbered measures were referred for enrollment.

Advising rejection of **SAs** to the following bills, requesting conference and House conferees to be named later to:

HB 2254 through **HB 2258**

HB 2260 through **HB 2278**

HB 2280 through **HB 2296**

HB 2298 through **HB 2439**

HB 2469

HB 2470

HB 2474

HB 2643

HB 2705

HB 2779

HB 3239

MESSAGE FROM THE HOUSE HAS TO SENATE BILLS

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

SB 502 - remove Johnson (Mike) and substitute Anderson as principal Senate author and coauthored by Johnson (Mike)

SB 958

SB 1155 - coauthored by Coody, Pittman and McDaniel (Randy)

SB 1428

SB 1600 - coauthored by Inman, BigHorse, Dorman, Hoskin, Kern, Kiesel, Luttrell, Pittman, Proctor, Renegar, Sherrer and Tibbs

SB 1608

SB 1612 - coauthored by McCullough, McDaniel (Jeannie), Pittman, BigHorse, Hoskin, Kiesel, Proctor, Renegar, Sherrer and Shumate

SB 1696 - coauthored by Dorman, Jett and Luttrell

SB 1719

SB 1870 - coauthored by Kern, Martin (Scott), Martin (Steve), Peterson (Pam), Sears, Terrill and Thomsen

SB 1928

SB 1987 - remove Blackwell and substitute Worthen as principal House author and show Blackwell as first coauthor and add coauthored by Piatt, Johnson (Rob), Reynolds, Terrill, Kern and Murphey

SB 2071 - coauthored by McCarter, Shumate, Banz, Cooksey, Denney, Kern, Martin (Scott), Pittman and Reynolds

SB 2074 - coauthored by Pittman and McDaniel (Jeannie)

SB 2131 (emergency failed) - remove Sears and substitute Peterson (Ron) as principal House author

House amendments were read on the above-numbered bills.

INTRODUCTION

Senator Justice introduced his wife, Darlene; his daughter, Yvette Bray and his grandson, Josh Bray, to the Senate.

GENERAL ORDER

HB 2675 by Morgan of the House and Ballenger of the Senate was called up for consideration.

Senator Ballenger asked unanimous consent, which was granted, to suspend Senate Rule 13-4 as it pertains to **HB 2675**.

Senator Ballenger moved to amend **HB 2675**, Page 1, by restoring the title, which amendment was declared adopted.

The above amendment restores **HB 2675** to the engrossed version of the bill.

Senator Ballenger moved that **HB 2675** be advanced, which motion was declared adopted.

THIRD READING

HB 2675 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, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Myers, Nichols, Paddock, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--45.

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

The bill passed.

HB 2675 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 3076 by Dorman and Pittman of the House and Aldridge of the Senate was called up for consideration.

Senator Wilson moved that **HB 3076** be advanced, which motion failed of adoption upon division of the question.

Senator Brown moved to amend **HB 3076**, Page 6, Line 13 ½ and Page 10, Line 10 ½, by inserting new Sections 3 and 4 to read as follows:

“SECTION 3. AMENDATORY 63 O.S. 2001, Section 4210A, as renumbered by Section 9, Chapter 393, O.S.L. 2003 (63 O.S. Supp. 2007, Section 4210.8), is amended to read as follows:

Section 4210.8 A. It shall be unlawful for any person to operate or be in actual physical control of a vessel upon the waters of this state, except privately owned waters, who:

1. Has a blood or breath alcohol concentration of ~~ten-hundredths (0.10)~~ eight-hundredths (0.08) or more at the time of a test of the person's blood or breath;
2. Is under the influence of any other intoxicating substance to a degree which renders such person incapable of safely operating a vessel upon the waters of this state; or
3. Is under the influence of alcohol and any other intoxicating substance to a degree which renders such person incapable of safely operating a vessel upon the waters of this state.

As used in this section, the term "other intoxicating substance" shall mean any controlled dangerous substance as defined in the Uniform Controlled Dangerous Substances Act or any other substance, other than alcohol, which is capable of being ingested, inhaled, injected or absorbed into the human body and is capable of adversely affecting the central nervous system, vision, hearing or other sensory or motor functions.

B. 1. Any person operating a vessel upon the waters of this state, except privately owned waters, shall be deemed to have given consent to a test or tests of such person's blood, breath, saliva or urine for the purpose of determining the presence and concentration of alcohol or any other intoxicating substance. Such tests shall be performed within two (2) hours of an arrest and in the same manner as provided for in Section 752 of Title 47 of the Oklahoma Statutes.

2. Evidence that the person has refused to submit to a test or tests as required by this section shall be admissible upon the trial of any criminal action or proceeding arising out of acts alleged to have been committed in violation of the provisions of this section.

3. Any person refusing to submit to such test or tests shall be in violation of this section and subject to the fines provided for herein.

C. 1. Any person convicted of a violation of this section shall be guilty of a misdemeanor and fined in an amount not to exceed ~~One Thousand Dollars (\$1,000.00)~~. ~~Any second or subsequent conviction shall be punishable by a fine in an amount of not less than One Thousand Dollars (\$1,000.00), nor more than Two Thousand Five Hundred Dollars (\$2,500.00).~~

2. A person arrested by a law enforcement officer for a violation of this section may be allowed to post a cash bail in an amount set by the arresting law enforcement officer not to exceed the maximum fine provided by this section, or deposit a valid license to operate a motor vehicle in exchange for an official receipt issued by the arresting officer as provided for in Section 1111 et seq. of Title 22 of the Oklahoma Statutes.

D. Any conviction for a violation of this section shall be recorded to the driving record of the convicted person, if such record exists, and such violation shall be utilized when assessing penalties for subsequent violations of Section 11-902 of Title 47 of the Oklahoma Statutes.

SECTION 4. AMENDATORY 47 O.S. 2001, Section 11-902, as last amended by Section 29, Chapter 16, O.S.L. 2006 (47 O.S. Supp. 2007, Section 11-902), is amended to read as follows:

Section 11-902. A. It is unlawful and punishable as provided in this section for any person to drive, operate, or be in actual physical control of a motor vehicle within this state, whether upon public roads, highways, streets, turnpikes, other public places or upon any private road, street, alley or lane which provides access to one or more single or multi-family dwellings, who:

1. Has a blood or breath alcohol concentration, as defined in Section 756 of this title, of eight-hundredths (0.08) or more at the time of a test of such person's blood or breath administered within two (2) hours after the arrest of such person;

2. Is under the influence of alcohol;

3. Is under the influence of any intoxicating substance other than alcohol which may render such person incapable of safely driving or operating a motor vehicle; or

4. Is under the combined influence of alcohol and any other intoxicating substance which may render such person incapable of safely driving or operating a motor vehicle.

B. The fact that any person charged with a violation of this section is or has been lawfully entitled to use alcohol or a controlled dangerous substance or any other intoxicating substance shall not constitute a defense against any charge of violating this section.

C. 1. Any person who is convicted of a violation of the provisions of this section shall be deemed guilty of a misdemeanor for the first offense and shall participate in an assessment and evaluation by an assessment agency or assessment personnel certified by the Department of Mental Health and Substance Abuse Services pursuant to Section 3-460 of Title 43A of the Oklahoma Statutes and shall follow all recommendations made in the assessment and evaluation and be punished by imprisonment in jail for not less than ten (10) days nor more than one (1) year. Any person convicted of a violation for a first offense shall be fined not more than One Thousand Dollars (\$1,000.00).

2. Any person who, within ten (10) years after a previous conviction of a violation of this section, a conviction of a violation of subsection A of Section 4210.8 of Title 63 of the

Oklahoma Statutes, or a violation pursuant to the provisions of any law of another state prohibiting the ~~offense~~ offenses provided in subsection A of this section or in subsection A of Section 4210.8 of Title 63 of the Oklahoma Statutes, is convicted of a second offense pursuant to the provisions of this section or has a prior conviction in a municipal criminal court of record for the violation of a municipal ordinance prohibiting the ~~offense~~ offenses provided for in subsection A of this section or in subsection A of Section 4210.8 of Title 63 of the Oklahoma Statutes, and within ten (10) years of such municipal conviction is convicted pursuant to the provision of this section shall be deemed guilty of a felony and shall participate in an assessment and evaluation by an assessment agency or assessment personnel certified by the Department of Mental Health and Substance Abuse Services pursuant to Section 3-460 of Title 43A of the Oklahoma Statutes and shall be sentenced to:

- a. follow all recommendations made in the assessment and evaluation for treatment at the defendant's expense, or
- b. placement in the custody of the Department of Corrections for not less than one (1) year and not to exceed five (5) years and a fine of not more than Two Thousand Five Hundred Dollars (\$2,500.00), or
- c. treatment, imprisonment and a fine within the limitations prescribed in subparagraphs a and b of this paragraph.

However, if the treatment in subparagraph a of this paragraph does not include residential or inpatient treatment for a period of not less than five (5) days, the person shall serve a term of imprisonment of at least five (5) days.

3. Any person who is convicted of a second felony offense pursuant to the provisions of this section shall participate in an assessment and evaluation by an assessment agency or assessment personnel certified by the Department of Mental Health and Substance Abuse Services pursuant to Section 3-460 of Title 43A of the Oklahoma Statutes and shall be sentenced to:

- a. follow all recommendations made in the assessment and evaluation for treatment at the defendant's expense, two hundred forty (240) hours of community service and use of an ignition interlock device, or
- b. placement in the custody of the Department of Corrections for not less than one (1) year and not to exceed seven (7) years and a fine of not more than Five Thousand Dollars (\$5,000.00), or
- c. treatment, imprisonment and a fine within the limitations prescribed in subparagraphs a and b of this paragraph.

However, if the treatment in subparagraph a of this paragraph does not include residential or inpatient treatment for a period of not less than ten (10) days, the person shall serve a term of imprisonment of at least ten (10) days.

4. Any person who is convicted of a third or subsequent felony offense pursuant to the provisions of this section shall participate in an assessment and evaluation by an assessment agency or assessment personnel certified by the Department of Mental Health and Substance Abuse Services pursuant to Section 3-460 of Title 43A of the Oklahoma Statutes and shall be sentenced to:

- a. follow all recommendations made in the assessment and evaluation for treatment at the defendant's expense, followed by not less than one (1) year of supervision and periodic testing at the defendant's expense,

- four hundred eighty (480) hours of community service, and use of an ignition interlock device for a minimum of thirty (30) days, or
- b. placement in the custody of the Department of Corrections for not less than one (1) year and not to exceed ten (10) years and a fine of not more than Five Thousand Dollars (\$5,000.00), or
- c. treatment, imprisonment and a fine within the limitations prescribed in subparagraphs a and b of this paragraph.

However, if the person does not undergo residential or inpatient treatment pursuant to subparagraph a of this paragraph the person shall serve a term of imprisonment of at least ten (10) days.

5. Any person who, within ten (10) years after a previous conviction of a violation of murder in the second degree or manslaughter in the first degree in which the death was caused as a result of driving a motor vehicle or operating a waterborne vessel under the influence of alcohol or other intoxicating substance, is convicted of a violation of this section shall be deemed guilty of a felony.

6. Provided, however, a conviction from another state shall not be used to enhance punishment pursuant to the provisions of this subsection if that conviction is based on a blood or breath alcohol concentration of less than eight-hundredths (0.08) .

7. In any case in which a defendant is charged with a second or subsequent driving under the influence of alcohol or other intoxicating substance offense within any municipality with a municipal court other than a court of record, the charge shall be presented to the county's district attorney and filed with the district court of the county within which the municipality is located.

8. In any case in which a defendant is charged with a violation of subsection A of Section 4210.8 of Title 63 of the Oklahoma Statutes subsequent to a driving under the influence of alcohol or other intoxicating substance offense within any municipality with a municipal court other than a court of record, the charge shall be presented to the county's district attorney and filed with the district court of the county within which the municipality is located.

D. Any person who is convicted of a violation of driving under the influence with a blood or breath alcohol concentration of fifteen-hundredths (0.15) or more pursuant to this section shall be deemed guilty of aggravated driving under the influence. A person convicted of aggravated driving under the influence shall participate in an assessment and evaluation by an assessment agency or assessment personnel certified by the Department of Mental Health and Substance Abuse Services pursuant to Section 3-460 of Title 43A of the Oklahoma Statutes and shall comply with all recommendations for treatment. Such person shall be sentenced to not less than one (1) year of supervision and periodic testing at the defendant's expense, four hundred eighty (480) hours of community service, and an ignition interlock device for a minimum of thirty (30) days. Nothing in this subsection shall preclude the defendant from being charged or punished as provided in paragraph 1, 2, 3, 4 or 5 of subsection C of this section.

E. When a person is sentenced to imprisonment in the custody of the Department of Corrections, the person shall be processed through the Lexington Assessment and Reception Center or at a place determined by the Director of the Department of Corrections. The Department of Corrections shall classify and assign the person to one or more of the following:

1. The Department of Mental Health and Substance Abuse Services pursuant to paragraph 1 of subsection A of Section 612 of Title 57 of the Oklahoma Statutes; or
2. A correctional facility operated by the Department of Corrections with assignment to substance abuse treatment.

F. The Department of Public Safety is hereby authorized to reinstate any suspended or revoked driving privilege when the person meets the statutory requirements which affect the existing driving privilege.

G. Any person who is found guilty of a violation of the provisions of this section shall be ordered to participate in, prior to sentencing, an alcohol and drug substance abuse evaluation and assessment program offered by a certified assessment agency or certified assessor for the purpose of evaluating and assessing the receptivity to treatment and prognosis of the person. The court shall order the person to reimburse the agency or assessor for the evaluation and assessment. The fee for an evaluation and assessment shall be the amount provided in subsection C of Section 3-460 of Title 43A of the Oklahoma Statutes. The evaluation and assessment shall be conducted at a certified assessment agency, the office of a certified assessor or at another location as ordered by the court. The agency or assessor shall, within seventy-two (72) hours from the time the person is evaluated and assessed, submit a written report to the court for the purpose of assisting the court in its final sentencing determination. If such report indicates that the evaluation and assessment shows that the defendant would benefit from a ten-hour or twenty-four-hour alcohol and drug substance abuse course or a treatment program or both, the court shall, as a condition of any sentence imposed, including deferred and suspended sentences, require the person to follow all recommendations identified by the evaluation and assessment and ordered by the court. No person, agency or facility operating an evaluation and assessment program certified by the Department of Mental Health and Substance Abuse Services shall solicit or refer any person evaluated and assessed pursuant to this section for any treatment program or substance abuse service in which such person, agency or facility has a vested interest; however, this provision shall not be construed to prohibit the court from ordering participation in or any person from voluntarily utilizing a treatment program or substance abuse service offered by such person, agency or facility. If a person is sentenced to imprisonment in the custody of the Department of Corrections and the court has received a written evaluation report pursuant to the provisions of this subsection, the report shall be furnished to the Department of Corrections with the judgment and sentence. Any evaluation and assessment report submitted to the court pursuant to the provisions of this subsection shall be handled in a manner which will keep such report confidential from the general public's review. Nothing contained in this subsection shall be construed to prohibit the court from ordering judgment and sentence in the event the defendant fails or refuses to comply with an order of the court to obtain the evaluation and assessment required by this subsection. If the defendant fails or refuses to comply with an order of the court to obtain the evaluation and assessment, the Department of Public Safety shall not reinstate driving privileges until the defendant has complied in full with such order. Nothing contained in this subsection shall be construed to prohibit the court from ordering judgment and sentence and any other sanction authorized by law for failure or refusal to comply with an order of the court.

H. Any person who is found guilty of a violation of the provisions of this section may be required by the court to attend a victims impact panel program, if such a program is

offered in the county where the judgment is rendered, and to pay a fee, not less than Fifteen Dollars (\$15.00) nor more than Twenty-five Dollars (\$25.00) as set by the governing authority of the program and approved by the court, to the program to offset the cost of participation by the defendant, if in the opinion of the court the defendant has the ability to pay such fee.

I. Any person who is found guilty of a felony violation of the provisions of this section may be required to submit to electronic monitoring as authorized and defined by Section 991a of Title 22 of the Oklahoma Statutes.

J. Any person who, within ten (10) years after a previous conviction of a violation of this section, a violation of subsection A of Section 4210.8 of Title 63 of the Oklahoma Statutes, or a violation pursuant to the provisions of law of another state prohibiting the ~~offense~~ offenses provided in subsection A of this section or in subsection A of Section 4210.8 of Title 63 of the Oklahoma Statutes, or a violation of a municipal ordinance prohibiting the ~~offense~~ offenses provided in subsection A of this section or in subsection A of Section 4210.8 of Title 63 of the Oklahoma Statutes, pleads guilty or nolo contendere or is convicted of a violation of this section shall not be required to undergo the alcohol and drug substance evaluation program required by subsection G of this section. The court shall, as a condition of any sentence imposed, including deferred and suspended sentences, require the person to participate in and successfully complete all recommendations from the evaluation, such as an alcohol and drug substance abuse treatment program pursuant to Section 3-452 of Title 43A of the Oklahoma Statutes.

K. Any person who is found guilty of a violation of the provisions of this section who has been sentenced by the court to perform any type of community service shall not be permitted to pay a fine in lieu of performing the community service.

L. When a person is found guilty of a violation of the provisions of this section, the court shall order, in addition to any other penalty, the defendant to pay a one-hundred-dollar assessment to be deposited in the Drug Abuse Education and Treatment Revolving Fund created in Section 2-503.2 of Title 63 of the Oklahoma Statutes, upon collection.

M. In any case in which a person is convicted of violating the provisions of this section and who was transporting in the motor vehicle a child fifteen (15) years of age or younger, the fine shall be enhanced to double the amount of the whole sum otherwise prescribed.”, and by renumbering subsequent sections and amending the title to conform.

Senator Wilson asked that **HB 3076** be laid over for this legislative day, which was the order.

HB 3076 remains on General Order pending consideration of the Brown amendment.

GENERAL ORDER

HB 3352 by Terrill et al of the House and Mazzei of the Senate was called up for consideration.

Senator Mazzei moved that **HB 3352** be advanced, which motion was declared adopted.

THIRD READING

HB 3352 was read for the third time at length.

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

Aye: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, 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: Gumm.--1.

The bill passed.

HB 3352 was referred for engrossment.

GENERAL ORDER

HB 2704 by Steele et al of the House and Adelson et al of the Senate was called up for consideration.

Senators Riley and Garrison asked to coauthor **HB 2704**, which was the order.

Senator Leftwich moved to amend **HB 2704**, Page 3, Line 1, by deleting the word “and” and inserting in lieu thereof a comma; and Page 3, Line 2, by inserting after the word “Statutes” and before the colon the words “and payment for the care and services provided in subparagraphs c, d, e, f, h, i and j of paragraph 3 of subsection G of Section 2002 of Title 56 of the Oklahoma Statutes”, which amendment was declared adopted.

Senator Leftwich moved to amend **HB 2704**, Page 3, Line 6 ½, by inserting new Sections 3, 4 and 5 to read as follows:

“SECTION 3. AMENDATORY 63 O.S. 2001, Section 330.58, as last amended by Section 11, Chapter 347, O.S.L. 2007 (63 O.S. Supp. 2007, Section 330.58), is amended to read as follows:

Section 330.58 The Oklahoma State Board of Examiners for Long-Term Care Administrators shall:

1. Develop, impose, and enforce standards which must be met by individuals in order to receive a license as a long-term care administrator, which standards shall be designed to ensure that long-term care administrators will be individuals who are of good character and are otherwise suitable, and who, by training or experience in the field of institutional administration, are qualified to serve as long-term care administrators;

2. Develop and apply appropriate techniques, including examinations and investigations, for determining whether an individual meets such standards;

3. Issue licenses to individuals determined, after the application of such techniques, to meet such standards. The Board may deny an initial application, deny a renewal application, and revoke or suspend licenses previously issued by the Board in any case where the individual holding any such license is determined substantially to have failed to conform to the requirements of such standards. The Board may also warn, censure, impose administrative fines or use other remedies that may be considered to be less than revocation and suspension. Administrative fines imposed pursuant to this section shall not exceed One Thousand Dollars (\$1,000.00) per violation. The Board shall consider the scope, severity and repetition of the violation and any additional factors deemed appropriate by the Board when issuing a fine;

4. Establish and carry out procedures designed to ensure that individuals licensed as long-term care administrators will, during any period that they serve as such, comply with the requirements of such standards;

5. Receive, investigate, and take appropriate action with respect to any charge or complaint filed with the Board to the effect that any individual licensed as a long-term care administrator has failed to comply with the requirements of such standards. The long-term care ombudsman program of the Aging Services Division of the Department of Human Services shall be notified of all complaint investigations of the Board so that they may be present at any such complaint investigation for the purpose of representing long-term care facility consumers;

6. ~~Receive, investigate,~~ and take appropriate action on any complaint or referral received by the Board from the Department of Human Services or any other regulatory agency. Complaints may also be generated by the Board or staff. A complaint shall not be published on the website of the Oklahoma State Board of Examiners for Long-Term Care Administrators unless there is a finding by the Board that the complaint has merit. The Board shall promulgate rules that include, but are not limited to, provisions for:

- a. establishing a complaint review process, and
- b. creating a formal complaint file;

7. Enforce the provisions of Sections 330.51 through 330.65 of this title against all persons who are in violation thereof including, but not limited to, individuals who are practicing or attempting to practice as long-term care administrators without proper authorization from the Board;

8. Conduct a continuing study and investigation of long-term care facilities and administrators of long-term care facilities within the state with a view toward the improvement of the standards imposed for the licensing of such administrators and of procedures and methods for the enforcement of such standards with respect to administrators of long-term care facilities who have been licensed;

~~8.~~ 9. Cooperate with and provide assistance when necessary to state regulatory agencies in investigations of complaints;

~~9.~~ 10. Develop a code of ethics for long-term care administrators which includes, but is not limited to, a statement that administrators have a fiduciary duty to the facility and cannot serve as guardian of the person or of the estate, or hold a durable power of attorney or power of attorney for any resident of a facility of which they are an administrator;

~~10.~~ 11. Report a final adverse action against a long-term care administrator to the Healthcare Integrity and Protection Data Bank pursuant to federal regulatory requirements;

~~11.~~ 12. Refer completed investigations to the proper law enforcement authorities for prosecution of criminal activities;

~~12.~~ 13. Impose administrative fines, in an amount to be determined by the Board, against persons who do not comply with the provisions of this act or the rules adopted by the Board. Administrative fines imposed pursuant to this section shall not exceed One Thousand Dollars (\$1,000.00) per violation. The Board shall consider the scope, severity and repetition of the violation and any additional factors deemed appropriate by the Board when issuing a fine;

~~13.~~ 14. Assess the costs of the hearing process, including attorney fees;

~~14.~~ 15. Grant short-term provisional licenses to individuals who do not meet all of the licensing requirements, provided the individual obtains the services of a currently licensed administrator to act as a consultant and meets any additional criteria for a provisional license established by the Board;

~~15.~~ 16. Order a summary suspension of an administrator's license or an Administrator in Training (AIT) permit, if, in the course of an investigation, it is determined that a licensee or AIT candidate for licensure has engaged in conduct of a nature that is detrimental to the health, safety or welfare of the public, and which conduct necessitates immediate action to prevent further harm; and

~~16.~~ 17. The Oklahoma State Board of Examiners for Long-Term Care Administrators shall promulgate rules governing the employment of assistant administrators for long-term care facilities including, but not limited to, minimum qualifications.

SECTION 4. AMENDATORY Section 4, Chapter 168, O.S.L. 2005, as amended by Section 11, Chapter 291, O.S.L. 2006 (63 O.S. Supp. 2007, Section 330.64), is amended to read as follows:

Section 330.64 A. Each investigation of a complaint received by the Oklahoma State Board of Examiners for Long-Term Care Administrators shall be ~~completed~~ initiated within one hundred eighty (180) days from the date the complaint is received by the Board. The ~~investigation time period~~ may be extended by the Board for good cause ~~for a maximum of two extensions of sixty (60) days. A public statement of all grounds for such extension shall be prepared and presented to the entire Board prior to the expiration of the initial one hundred eighty (180) days of the investigation. A majority vote of the Board is required to grant an extension of an investigation.~~

B. Effective May 13, 2005, the Board shall create and maintain a registry of all verified complaints or other referrals complaining of acts or omissions of licensed administrators that have been verified. The registry shall be maintained in both electronic and paper formats and shall be available for inspection by the public. Such registry shall be organized in chronological order both by the date of the complaint and by the name of the licensed administrator. The registry shall contain information about the nature of the complaint and the action, if any, taken by the Board. The registry shall also contain the number of complaints made against an individual administrator.

SECTION 5. AMENDATORY Section 5, Chapter 168, O.S.L. 2005, as amended by Section 12, Chapter 291, O.S.L. 2006 (63 O.S. Supp. 2007, Section 330.65), is amended to read as follows:

Section 330.65 A. Any decision by the Oklahoma State Board of Examiners for Long-Term Care Administrators pursuant to a complaint received against an individual administrator shall be voted upon by a quorum of the Board in an open meeting.

~~B. At least five (5) working days prior~~ Any person or agency may submit to the Board a complaint against a long-term care administrator. Complaints may also be generated by the Board or staff meeting at which a decision will be made, each member of the Board shall be furnished a complete written report which shall include, but not be limited to, the following information:

- ~~1. The exact nature of the complaint(s);~~
- ~~2. The identity of the administrator;~~
- ~~3. A description of the investigation;~~
- ~~4. The identity of the investigator;~~
- ~~5. The identity of the witnesses interviewed, unless the witness wishes to remain anonymous and is a current resident, a current staff member, or the personal or legal representative of a current resident;~~
- ~~6. A description of documents or other tangible items examined in the course of the investigation;~~
- ~~7. All evidence obtained that would directly or by reference establish the ultimate fact of the complained act or omission; and~~
- ~~8. All evidence that would either explain or mitigate the complained act or omission.~~

~~C. Each complaint shall be acted upon pursuant to a motion after an opportunity for discussion by the~~ A committee or committees of three Board members appointed by the chair. Following discussion of the evidence, any member of the Board shall review complaints to determine if probable cause exists that a violation of this act or the rules of the Board has occurred. No committee shall be entirely composed of board members who are long-term care administrators. The committee may investigate the allegations, and, if this committee determines that such probable cause exists, this committee shall draft a formal complaint against the long-term care administrator alleged to have committed the violation make a motion to continue the investigation in order to gather additional evidence or to make further inquiries. The investigation may be extended for sixty (60) days upon a finding of good cause as provided for in subsection A of Section 330.64 of this title. If the motion to extend the investigation fails, the Board shall vote upon the merits of the complaint.

~~D. No recommendation on a~~ The formal complaint shall be made submitted to the respondent who shall answer and may submit exculpatory evidence. Further investigation of the complaint may be conducted. Board by a subcommittee or a staff member of the Board. Each member of the Board shall vote based on the evidence presented in the report required pursuant to the provisions of this section.

~~E. The~~ To ensure the confidentiality of information obtained during the investigation, the information report furnished to the Board pursuant to the provisions of this section shall be considered a confidential investigation document until a motion to vote on the complaint is made, at which time the report shall not be deemed to be considered a public record as that term is defined in the Oklahoma Open Records Act nor shall the information be subject to subpoena or discovery in any civil or criminal proceeding, except that the Board may give the information to law enforcement and other state licensing agencies as necessary and appropriate in the discharge of the duties of that agency and only under circumstances that

will ensure against unauthorized access to the information. After the vote upon the complaint is made and recorded, the Board shall maintain as a public record a full and complete copy of the investigation. The respondent may acquire information obtained during an investigation, unless the disclosure of the information is otherwise prohibited, except for the investigative report, if the respondent signs a protective order whereby the respondent agrees to use the information solely for the purpose of defense in the Board proceeding and in any appeal therefrom and agrees not to otherwise disclose the information indexed by docket number or similar internal reference.

F. Upon completion of an investigation, the probable cause committee may make a recommendation to the Board to set the case for hearing, or for dismissal or other action.

G. The respondent may be given an opportunity to participate in an informal resolution of the case. Discussions to resolve the case without a hearing may be conducted by the Director, the prosecutor of the Board, or both the Director and the prosecutor, in consultation with the probable cause committee. Any recommendation for informal resolution shall be presented to the Board for its consideration and approval.

H. Notice of a Board decision issued to a long-term care administrator who is the subject of a complaint shall be issued. If the case is not resolved, the respondent shall be afforded notice and a hearing in accordance with the provisions of Article II of the Administrative Procedures Act governing individual proceedings. Any request for The members of the probable cause committee that reviewed the complaint shall recuse themselves from any participation in a hearing by a long-term care administrator regarding the proposed action of the Board shall be received by the Board within ten (10) days of the receipt of the notice of the Board decision by the long-term care administrator. Any party aggrieved by a decision of the Board following a hearing may appeal directly to district court pursuant to the provisions of Section 318 of Title 75 of the Oklahoma Statutes.”, and by renumbering subsequent section, which amendment was declared adopted.

Senator Adelson moved that **HB 2704** be advanced, which motion was declared adopted.

THIRD READING

HB 2704 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, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--46.

Excused: Coffee and Nichols.--2.

The bill passed.

HB 2704 was referred for engrossment.

GENERAL ORDER

HJR 1105 by Piatt and Johnson (Dennis) of the House and Justice of the Senate was called up for consideration.

Senator Justice moved that **HJR 1105** be advanced, which motion was declared adopted.

THIRD READING

HJR 1105 was read for the third time at length.

On the question of passage of the resolution, 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, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--46.

Excused: Coffee and Nichols.--2.

The resolution passed.

HJR 1105 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 3326 by Miller of the House and Jolley of the Senate was called up for consideration.

Senator Jolley moved that **HB 3326** be advanced, which motion was declared adopted.

THIRD READING

HB 3326 was read for the third time at length.

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

Aye: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--48.

The bill and emergency passed.

HB 3326 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 2458 by Schwartz and Steele of the House and Laster of the Senate was called up for consideration.

Senators Garrison, Adelson, Reynolds, Myers and Barrington asked to coauthor **HB 2458**, which was the order.

Senator Paddack moved to amend **HB 2458**, Page 11, Line 12 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 111 of Title 76, unless there is created a duplication in numbering, reads as follows:

- A. 1. In any civil action for professional negligence, except as provided in subsection B of this section, the plaintiff shall attach to the petition an affidavit attesting that:
- a. the plaintiff has consulted and reviewed the facts of the claim with a qualified expert,
 - b. the plaintiff has obtained a written opinion from a qualified expert that clearly identifies the plaintiff and includes the expert’s determination that, based upon a review of the available material including, but not limited to, applicable medical records, facts or other relevant material, a reasonable interpretation of the facts supports a finding that the acts or omissions of the defendant against whom the action is brought constituted professional negligence, and
 - c. on the basis of the qualified expert's review and consultation, the plaintiff has concluded that the claim is meritorious and based on good cause.
2. If the civil action for professional negligence is filed:
- a. without an affidavit being attached to the petition, as required in paragraph 1 of this subsection, and
 - b. no extension of time is subsequently granted by the court, pursuant to subsection B of this section,

the court shall, upon motion of the defendant, dismiss the action without prejudice to its refileing.

3. The written opinion from the qualified expert shall state the acts or omissions of the defendant or defendants that the expert then believes constituted professional negligence and shall include reasons explaining why the acts or omissions constituted professional negligence. The written opinion from the qualified expert shall not be admissible at trial for any purpose nor shall any inquiry be permitted with regard to the written opinion for any purpose either in discovery or at trial.

B. 1. The court may, upon application of the plaintiff for good cause shown, grant the plaintiff an extension of time, not exceeding ninety (90) days after the date the petition is filed, except for good cause shown, to file in the action an affidavit attesting that the plaintiff has obtained a written opinion from a qualified expert as described in paragraph 1 of subsection A of this section.

2. If on the expiration of an extension period described in paragraph 1 of this subsection, the plaintiff has failed to file in the action an affidavit as described above, the court shall, upon motion of the defendant, unless good cause is shown for such failure, dismiss the action without prejudice to its refileing.

C. 1. Upon written request of any defendant in a civil action for professional negligence, the plaintiff shall, within ten (10) business days after receipt of such request, provide the defendant with:

- a. a copy of the written opinion of a qualified expert mentioned in an affidavit filed pursuant to subsection A or B of this section, and
- b. an authorization from the plaintiff in a form that complies with applicable state and federal laws, including the Health Insurance Portability and Accountability Act of 1996, for the release of any and all medical records related to the plaintiff for a period commencing five (5) years prior to the incident that is at issue in the civil action for professional negligence.

2. If the plaintiff fails to comply with paragraph 1 of this subsection, the court shall, upon motion of the defendant, unless good cause is shown for such failure, dismiss the action without prejudice to its refileing.”, and by renumbering subsequent section, which amendment was declared adopted upon roll call 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.

Senator Laster moved that **HB 2458** be advanced, which motion was declared adopted.

THIRD READING

HB 2458 was read for the third time at length.

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

Aye: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--48.

The bill passed.

HB 2458 was referred for engrossment.

GENERAL ORDER

HJR 1080 by Banz et al of the House and Paddack of the Senate was called up for consideration.

Senator Paddack moved that **HJR 1080** be advanced, which motion was declared adopted.

Senator Wilson presiding.

THIRD READING

HJR 1080 was read for the third time at length.

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

Aye: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Corn, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Reynolds, Rice, Riley, Schulz, Sparks, Sykes, Wilcoxson and Williamson.--41.

Nay: Crain, Gumm, Rabon, Sweeden, Wilson and Wyrick.--6.

Excused: Coffee.--1.

The resolution passed.

HJR 1080 was referred for engrossment.

Senator Corn presiding.

GENERAL ORDER

HB 2544 by Richardson of the House and Rabon and Justice of the Senate was called up for consideration.

Senator Rabon moved to amend **HB 2544**, Page 1, by restoring the title, which amendment was declared adopted.

The above amendment restores **HB 2544** to the engrossed version of the bill.

Senator Reynolds moved to amend the Rabon amendment to **HB 2544**, Page 1, by striking the title and the enacting clause; Page 2, Lines 7 through 10 ½, by restoring the stricken language; Page 2, Line 8, by deleting after the word “exceed” and before the period all language and inserting “Thirty-five Dollars (\$35.00); and Page 2, Line 9 by deleting after the words “exceed” and before the period on Line 10, all language and inserting “Ten Dollars (\$10.00), which amendment was withdrawn upon request of Senator Reynolds.

Senator Rabon moved that **HB 2544** be advanced, which motion was declared adopted.

THIRD READING

HB 2544 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 2544 was properly signed and ordered returned to the Honorable House.

Senator Paddack presiding.

GENERAL ORDER

HB 3098 by Banz et al of the House and Aldridge of the Senate was called up for consideration.

Senator Aldridge moved to amend **HB 3098**, Page 1, by restoring the title, which amendment was declared adopted.

Senator Aldridge moved that **HB 3098** be advanced, which motion was declared adopted.

THIRD READING

HB 3098 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 3098 was referred for engrossment.

GENERAL ORDER

HB 2580 by Hyman of the House and Ballenger of the Senate was called up for consideration.

Senator Ballenger moved to amend **HB 2580**, Page 1, Line 23, by deleting after the word "description" and before the word "contain" the word "may" and inserting in lieu thereof the word "shall", which amendment was declared adopted.

Senator Ballenger moved that **HB 2580** be advanced, which motion was declared adopted.

THIRD READING

HB 2580 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 2580 was referred for engrossment.

GENERAL ORDER

HB 2245 by Ingmire et al of the House and Bass of the Senate was called up for consideration.

Senator Bass moved that **HB 2245** be advanced, which motion was declared adopted.

THIRD READING

HB 2245 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 2245 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 3395 by Cargill et al of the House and Johnson (Mike) of the Senate was called up for consideration.

Senator Johnson (Mike) moved that **HB 3395** be advanced, which motion was declared adopted.

THIRD READING

HB 3395 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, Bingman, Branan, Brown, Burrage, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Morgan, Nichols, Paddock, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Williamson, Wilson and Wyrick.--37.

Nay: Barrington, Bass, Brogdon, Coates, Garrison, Mazzei, Myers, Sweeden, Sykes and Wilcoxson.--10.

Excused: Coffee.--1.

The bill and emergency passed.

HB 3395 was referred for engrossment.

**PENDING SENATE ACTION
HOUSE REQUEST FOR CONFERENCE**

Upon motion of Senators Laughlin and Laster, the request of the Honorable House for conference on **HB 2276** was ordered granted and Senate conferees appointed as follows: Coffee, Johnson (Mike), Laughlin, Morgan, Crutchfield, Adelson.

GENERAL ORDER

HB 3268 by Harrison of the House and Rabon of the Senate was called up for consideration.

Senator Rabon moved to amend **HB 3268**, 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 Rabon moved that **HB 3268** be advanced, which motion was declared adopted.

THIRD READING

HB 3268 was read for the third time at length.

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

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

Excused: Williamson.--1.

The bill passed.

HB 3268 was referred for engrossment.

GENERAL ORDER

HB 3122 by Jones et al of the House and Jolley of the Senate was called up for consideration.

Senator Jolley moved that **HB 3122** be advanced, which motion was declared adopted.

THIRD READING

HB 3122 was read for the third time at length.

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

Aye: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon,

Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--48.

The bill passed.

HB 3122 was referred for engrossment.

PENDING CONSIDERATION OF HAS

HAs to SBs 1859, 1918 and 2194 were rejected upon motion of Senator Laughlin, conference requested, and Senate conferees to be named later.

GENERAL ORDER

HB 2793 by Bengé of the House and Johnson (Mike) and Burrage of the Senate was called up for consideration.

Senator Crain and Representative Jones asked to coauthor **HB 2793**, which was the order.

Senator Johnson (Mike) moved that **HB 2793** be advanced, which motion was declared adopted.

THIRD READING

HB 2793 was read for the third time at length.

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

Aye: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--48.

The bill and emergency passed.

HB 2793 was referred for engrossment.

MESSAGES FROM THE HOUSE

Advising the naming of House conferees as follows:

HB 2276 – Miller, Jones, Auffet, Carey, Covey, Dorman, Jett, Liebmann and Terrill

Advising passage of and returning the following Engrossed resolution:

SCR 71

The above-numbered measure was referred for enrollment.

Advising fourth reading of and returning Enrolled **SBs 1585, 1757, 1760, 1770, 1945, 1975** and **2111**.

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

Advising rejection of **SAs** to the following measures, requesting conference and House conferees to be named later:

HB 2784

HB 2791

HJR 1014

Senator Laughlin moved that when the clerk's desk is clear, the Senate stand adjourned to convene Tuesday, April 22, 2008, at 10:00 a.m., which motion prevailed.

BILLS RELEASED

TIME EXPIRED TO RECONSIDER

HBs 2531 and **2568** were referred for engrossment.

FIRST READING

The following were introduced and read the first time:

SCR 76 – By Mazzei of the Senate and Peterson (Ron) of the House.

A Concurrent Resolution recognizing Robert “Bob” Mulkey for his accomplishments as the Oklahoma and National Quality Dealer of the Year for 2007; and directing distribution.

SCR 77 – By Brown and Mazzei of the Senate and Adkins, Peterson (Ron), Trebilcock and Wright of the House.

A Concurrent Resolution honoring the accomplishments of the Broken Arrow Police Department; and directing distribution.

SCR 78 – By Anderson and Morgan of the Senate and Murphey of the House.

A Concurrent Resolution congratulating the Guthrie High School Bluejays boys basketball team for winning the 2008 Class 5A State Championship; commending their record; and directing distribution.

SCR 79 – By Anderson and Morgan of the Senate and Murphey of the House.

A Concurrent Resolution congratulating the 2007-2008 Guthrie High School Bluejays Football Team for winning the Class 5A State Championship; commending their undefeated season; and directing distribution.

MESSAGES FROM THE GOVERNOR

Advising his approval April 17, 2008, of Enrolled **SBs 1399** and **1819**.

Advising his approval April 18, 2008, of Enrolled **SBs 1442** and **1663**.

Pursuant to the Laughlin motion, the Senate adjourned at 3:35 p.m. to meet Tuesday, April 22, 2008, at 10:00 a.m.