

Senate Journal

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

Fifteenth Legislative Day, Tuesday, February 24, 2009

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, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.—47.

Excused: Mazzei.—1.

Senator Jolley declared a quorum present.

The prayer was offered by Pastor Tony "Mac" McMullen, Free in Christ Ministries, Coweta, the guest of Senator Brown.

REPORT OF ENGROSSED AND ENROLLED MEASURES

SBs 293, 448, 580 and 673 were each correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

GENERAL ORDER

SB 321 by Anderson of the Senate and Peterson of the House was called up for consideration.

Senator Johnson (Constance) asked to coauthor **SB 321**, which was the order.

Senator Anderson moved that **SB 321** be advanced, which motion was declared adopted.

THIRD READING

SB 321 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, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Corn, Crain, Crutchfield, Easley, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes and Wilson.--43.

Excused: Bass, Coffee, Eason McIntyre, Mazzei and Wyrick.--5.

The bill passed.

SB 321 was referred for engrossment.

GENERAL ORDER

SB 337 by Adelson of the Senate and Lamons of the House was called up for consideration.

Senator Adelson moved that **SB 337** be advanced, which motion was declared adopted.

THIRD READING

SB 337 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, Bingman, Branan, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes and Wilson.--44.

Nay: Brogdon.--1.

Excused: Bass, Mazzei and Wyrick.--3.

The bill passed.

SB 337 was referred for engrossment.

INTRODUCTION

Senator Brown introduced his granddaughter, Hayle Brown, to the Senate.

GENERAL ORDER

SB 527 by Ballenger of the Senate and Proctor of the House was called up for consideration.

Senator Garrison asked to coauthor **SB 527**, which was the order.

Senator Ballenger moved that **SB 527** be advanced, which motion was declared adopted.

THIRD READING

SB 527 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, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--46.

Excused: Bass and Mazzei.--2.

The bill passed.

SB 527 was referred for engrossment.

GENERAL ORDER

SB 299 by Bingman of the Senate and Thompson of the House was called up for consideration.

Senator Bingman moved that **SB 299** be advanced, which motion was declared adopted.

THIRD READING

SB 299 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, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--46.

Excused: Bass and Mazzei.--2.

The bill and emergency passed.

SB 299 was referred for engrossment.

GENERAL ORDER

SB 303 by Bingman of the Senate and Thompson of the House was called up for consideration.

Senator Bingman moved that **SB 303** be advanced, which motion was declared adopted.

THIRD READING

SB 303 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, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--46.

Excused: Bass and Mazzei.--2.

The bill and emergency passed.

SB 303 was referred for engrossment.

GENERAL ORDER

SB 256 by Eason McIntyre of the Senate and Shumate of the House was called up for consideration.

Senator Johnson (Constance) asked to coauthor **SB 256**, which was the order.

Senator Eason McIntyre moved that **SB 256** be advanced, which motion was declared adopted.

THIRD READING

SB 256 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, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddock, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Wilson and Wyrick.--45.

Nay: Brogdon and Sykes.--2.

Excused: Mazzei.--1.

The bill and emergency passed.

SB 256 was referred for engrossment.

GENERAL ORDER

SB 434 by Eason McIntyre of the Senate and Cox of the House was called up for consideration.

Senators Johnson (Constance) and Leftwich asked to coauthor **SB 434**, which was the order.

Senator Eason McIntyre moved that **SB 434** be advanced, which motion was declared adopted.

THIRD READING

SB 434 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, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Nichols, Paddack, Rice, Schulz, Sparks, Sweeden, Wilson and Wyrick.--39.

Nay: Brogdon, Brown, Johnson (M), Newberry, Russell, Stanislawski and Sykes.--7.

Excused: Mazzei and Reynolds.--2.

The bill passed.

SB 434 was referred for engrossment.

GENERAL ORDER

SB 604 by Stanislawski of the Senate and Sears of the House was called up for consideration.

Senator Stanislawski moved that **SB 604** be advanced, which motion was declared adopted.

THIRD READING

SB 604 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, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes and Wyrick.--46.

Excused: Mazzei and Wilson.--2.

The bill and emergency passed.

SB 604 was referred for engrossment.

GENERAL ORDER

SB 611 by Anderson of the Senate and Duncan of the House was called up for consideration.

Senator Anderson moved that **SB 611** be advanced, which motion was declared adopted.

THIRD READING

SB 611 was read for the third time at length.

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

Aye: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--46.

Excused: Brogdon and Mazzei.--2.

The bill passed.

SB 611 was referred for engrossment.

GENERAL ORDER

SB 2 by Gumm et al of the Senate and Martin (Scott) of the House was called up for consideration.

Senator Rice moved to amend **SB 2**, Page 21, Line 15 ½, by inserting a new paragraph 42 to read as follows:

“42. Operation Iraqi Freedom Veteran License Plates – such plates shall be designed and issued to any honorably discharged or present member of the United States Armed Forces who served in Operation Iraqi Freedom. Such person may apply for an Operation Iraqi Freedom Veteran license plate for each vehicle with a rated carrying capacity of one (1) ton or less.”, which amendment was declared adopted.

Senator Gumm moved that **SB 2** be advanced, which motion was declared adopted.

THIRD READING

SB 2 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, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--44.

Excused: Brogdon, Coffee, Johnson (M) and Mazzei.--4.

The bill passed.

SB 2 was referred for engrossment.

GENERAL ORDER

SB 11 by Gumm and Sparks of the Senate and Terrill of the House was called up for consideration.

Senator Gumm moved that **SB 11** be advanced, which motion was declared adopted.

THIRD READING

SB 11 was read for the third time at length.

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

Aye: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--46.

Excused: Brogdon and Mazzei.--2.

The bill passed.

SB 11 was referred for engrossment.

GENERAL ORDER

SB 249 by Justice of the Senate and Osborn of the House was called up for consideration.

Senator Justice moved to amend **SB 249**, Page 1, by striking the title, which amendment was declared adopted.

Senator Justice moved that **SB 249** be advanced, which motion was declared adopted.

THIRD READING

SB 249 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, Coffee, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--45.

Excused: Brogdon, Corn and Mazzei.--3.

The bill and emergency passed.

SB 249 was referred for engrossment.

GENERAL ORDER

SB 518 by Justice of the Senate and Osborn of the House was called up for consideration.

Senator Justice moved that **SB 518** be advanced, which motion was declared adopted.

THIRD READING

SB 518 was read for the third time at length.

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

Aye: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ellis,

Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--46.

Excused: Brogdon and Mazzei.--2.

The bill passed.

SB 518 was referred for engrossment.

GENERAL ORDER

SB 636 by Justice of the Senate and Armes of the House was called up for consideration.

Senator Justice moved that **SB 636** be advanced, which motion was declared adopted.

THIRD READING

SB 636 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, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--46.

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

The bill and emergency passed.

SB 636 was referred for engrossment.

GENERAL ORDER

SB 505 by Leftwich of the Senate and Banz of the House was called up for consideration.

Senator Leftwich moved that **SB 505** be advanced, which motion was declared adopted.

THIRD READING

SB 505 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, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--47.

Excused: Mazzei.--1.

The bill passed.

SB 505 was referred for engrossment.

GENERAL ORDER

SB 40 by Rice of the Senate and McAffrey of the House was called up for consideration.

Senator Rice moved that **SB 40** be advanced, which motion was declared adopted.

THIRD READING

SB 40 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, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Newberry, Nichols, Paddack, Reynolds, Rice, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--44.

Nay: Brogdon, Myers and Russell.--3.

Excused: Mazzei.--1.

The bill and emergency passed.

SB 40 was referred for engrossment.

GENERAL ORDER

SB 59 by Rice et al of the Senate and Kiesel of the House was called up for consideration.

Senator Paddock asked to coauthor **SB 59**, which was the order.

Senator Rice moved that **SB 59** be advanced, which motion was declared adopted.

THIRD READING

SB 59 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, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddock, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--47.

Excused: Mazzei.--1.

The bill passed.

SB 59 was referred for engrossment.

GENERAL ORDER

SB 279 by Coates of the Senate and Billy of the House was called up for consideration.

Senator Coates moved that **SB 279** be advanced, which motion was declared adopted.

THIRD READING

SB 279 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, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--47.

Excused: Mazzei.--1.

The bill and emergency passed.

SB 279 was referred for engrossment.

GENERAL ORDER

SB 267 by Crain of the Senate and Cox of the House was called up for consideration.

Senator Crain moved that **SB 267** be advanced, which motion was declared adopted.

THIRD READING

SB 267 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, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Stanislawski, Sweeden and Sykes.--42.

Nay: Crutchfield, Sparks, Wilson and Wyrick.--4.

Excused: Coffee and Mazzei.--2.

The bill passed.

SB 267 was referred for engrossment.

GENERAL ORDER

SB 573 by Coates et al of the Senate and Sullivan of the House was called up for consideration.

Senator Coates moved that **SB 573** be advanced, which motion was declared adopted.

THIRD READING

SB 573 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, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--46.

Excused: Coffee and Mazzei.--2.

The bill passed.

SB 573 was referred for engrossment.

GENERAL ORDER

SB 449 by Corn of the Senate and Armes of the House was called up for consideration.

Senator Corn moved that **SB 449** be advanced, which motion was declared adopted.

THIRD READING

SB 449 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, Bass, Branan, Burrage, Coates, Corn, Crutchfield, Easley, Eason McIntyre, Ellis, Garrison, Gumm, Halligan, Ivester, Johnson (C), Laster, Leftwich, Lerblance, Myers, Nichols, Paddack, Rice, Russell, Sparks, Sweeden, Wilson and Wyrick.--29.

Nay: Aldridge, Barrington, Bingman, Brogdon, Brown, Crain, Ford, Johnson (M), Jolley, Justice, Lamb, Marlatt, Newberry, Reynolds, Schulz, Stanislawski and Sykes.--17.

Excused: Coffee and Mazzei.--2.

The bill passed.

Pursuant to Rule 12-21, Senator Corn served notice that the vote be reconsidered whereby **SB 449** passed.

GENERAL ORDER

SB 612 by Anderson of the Senate and Duncan of the House was called up for consideration.

Senator Anderson moved that **SB 612** be advanced, which motion was declared adopted.

THIRD READING

SB 612 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, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--47.

Excused: Mazzei.--1.

The bill passed.

SB 612 was referred for engrossment.

GENERAL ORDER

SB 613 by Anderson of the Senate and Duncan of the House was called up for consideration.

Senator Anderson moved that **SB 613** be advanced, which motion was declared adopted.

THIRD READING

SB 613 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, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--46.

Excused: Mazzei and Reynolds.--2.

The bill passed.

SB 613 was referred for engrossment.

MESSAGE FROM THE HOUSE

Advising passage of and transmitting for consideration Engrossed **HBs 1015, 1016, 1017, 1045, 1410, 1412, 1413, 1458, 1535, 1597, 1729, 1739** and **1779** and **HCR 1008**.

HB 1015 – By Wright (John) and Ritze of the House and Aldridge of the Senate.

An Act relating to sunset; amending 59 O.S. 2001, Section 1354, as amended by Section 1, Chapter 14, O.S.L. 2003 (59 O.S. Supp. 2008, Section 1354), which relates to the State Board of Examiners of Psychologists; re-creating the Board; and modifying termination date.

HB 1016 – By Faught, Wright (John) and Ritze of the House and Aldridge of the Senate.

An Act relating to sunset; amending 59 O.S. 2001, Section 858-201, as last amended by Section 2, Chapter 229, O.S.L. 2003 (59 O.S. Supp. 2008, Section 858-201), which relates to the Oklahoma Real Estate Commission; re-creating the Commission; and modifying termination date.

HB 1017 – By Wright (John) and Ritze of the House and Aldridge of the Senate.

An Act relating to sunset; amending 82 O.S. 2001, Section 1461, as amended by Section 1, Chapter 192, O.S.L. 2003 (82 O.S. Supp. 2008, Section 1461), which relates to the Scenic Rivers Commission; re-creating the Commission; and modifying termination date.

HB 1045 – By Duncan of the House and Anderson of the Senate.

An Act relating to animals; amending 4 O.S. 2001, Section 43, which relates to regulation and control of dogs running at large; eliminating certain population restriction; and providing an effective date.

HB 1410 – By Murphey, Martin (Scott) and McCullough of the House and Aldridge of the Senate.

An Act relating to state government; amending 74 O.S. 2001, Sections 85.5, as last amended by Section 3, Chapter 96, O.S.L. 2008, 85.7, as last amended by Section 4, Chapter 96, O.S.L. 2008, 85.13, as amended by Section 5, Chapter 96, O.S.L. 2008, 85.22, as amended by Section 6, Chapter 96, O.S.L. 2008, 85.39, 85.41, as amended by Section 5, Chapter 483, O.S.L. 2002, 85.42, as last amended by Section 1, Chapter 276, O.S.L. 2008, 85.43 and 85.45j (74 O.S. Supp. 2008, Sections 85.5, 85.7, 85.13, 85.22, 85.41 and 85.42), which relate to The Oklahoma Central Purchasing Act; modifying dollar threshold related to certain purchasing procedures; modifying powers of State Purchasing Director; modifying terminology for certain purchasing officials; authorizing State Purchasing Director to renegotiate certain contracts; modifying limits for transactions with state purchase card; requiring annual report by State Purchasing Director; modifying provisions related to dollar threshold for emergency acquisitions; providing certain restriction regarding things of value inapplicable based upon administrative rules of Oklahoma Ethics Commission; modifying formalities regarding execution of certain statements; modifying procedures related to certification of certain profession services contracts; and deleting certain requirements for use of affidavit.

HB 1412 – By Nelson of the House and Sparks of the Senate.

An Act relating to false or bogus checks; amending 21 O.S. 2001, Section 1541.4, as amended by Section 1, Chapter 116, O.S.L. 2002 (21 O.S. Supp. 2008, Section 1541.4), which relates to the definition of false or bogus checks; modifying definition of false or bogus checks; amending 22 O.S. 2001, Section 991a, as last amended by Section 19, Chapter 3, O.S.L. 2008 (22 O.S. Supp. 2008, Section 991a), which relates to sentencing powers of the court; directing payment of fee to certain victims; and providing an effective date.

HB 1413 – By Nelson of the House and Sparks of the Senate.

An Act relating to criminal procedure; amending 22 O.S. 2001, Section 152, as last amended by Section 1, Chapter 434, O.S.L. 2008 (22 O.S. Supp. 2008, Section 152), which relates to statute of limitations for crimes; applying certain statute of limitations to specified offense; amending 22 O.S. 2001, Section 991f-1.1, which relates to the Restitution and Diversion Program; extending deferred prosecution period; and providing an effective date.

HB 1458 – By McAffrey of the House and Coates of the Senate.

An Act relating to insurance; amending 36 O.S. 2001, Sections 6121, 6123, 6124, as amended by Section 29, Chapter 57, O.S.L. 2003, 6125, 6125.2, 6126, 6130, as amended by Section 22, Chapter 125, O.S.L. 2007 and 6136.18 (36 O.S. Supp. 2008, Sections 6124 and 6130), which relate to prepaid funeral services and funeral service merchandise; allowing Insurance Commissioner to deny certain permit under certain circumstances; stating circumstances for denial; requiring conspicuous display of certain permit by specific persons; clarifying statutory intent; updating statutory references; requiring retention of itemized statements for certain period of time; prohibiting issuance of new permit for certain period if permit is not renewed; allowing acceptance of a new permit prior to expiration of certain time period upon good cause shown; prohibiting transfer of certain

permit from one organization to another; requiring certain notification of transfer of ownership; stating time, form and requirements of notice; requiring application of acquiring organization for certain permit within specific time; stating requirement of application; providing for approval on occurrence of certain conditions; providing for access to certain funds upon authorization by Insurance Commissioner; allowing denial of transfer; providing for Insurance Commissioner to act as trust conservator; allowing organization to draw down funds upon fulfillment of certain condition; allowing Insurance Commissioner to prescribe certain rules; modifying time for deposit of certain funds; requiring that transferring organization remain designated trustor if certain transfers occur; providing for determination of net value of certain contract; providing for purchaser of certain contracts to receive specified amount upon withdrawal prior to death; eliminating requirement that organization provide certain statements to the Insurance Commissioner and others; providing for availability of certain benefits upon the death of certain person; providing that beneficiary remain same individual under certain contract; providing requirements for nonspecified contracts for prepaid funeral benefits; modifying bond requirements; requiring certain price list; modifying penalty upon occurrence of certain actions; updating statutory reference; eliminating certain notice requirements; providing for Insurance Commissioner to prescribe certain rules; providing for codification; and providing an effective date.

HB 1535 – By Holland and Moore of the House and Barrington of the Senate.
(public health and safety - Oklahoma Health Care Authority – codification - effective date)

HB 1597 – By Sullivan of the House and Crain of the Senate.

An Act relating to civil procedure; amending 12 O.S. 2001, Section 2025, which relates to substitution of parties; updating statutory references; allowing certain attorney of record to file statement of death of another party; amending 12 O.S. 2001, Section 2502, as amended by Section 32, Chapter 468, O.S.L. 2002 (12 O.S. Supp. 2008, Section 2502), which relates to attorney-client privilege; providing that certain communications do not operate as waivers under certain circumstances; stating circumstances; providing for circumstances in which disclosure of certain information waives privilege or protection of certain undisclosed communications; defining terms; providing for privileged communications between an accountant and client; providing for confidentiality in specific communications; stating person or representative who may claim privilege; stating exceptions to privilege; providing that certain communications do not operate as waivers under certain circumstances; stating circumstances; providing for circumstances where disclosure of certain information waives privilege or protection of certain undisclosed communications; providing for codification; and providing an effective date.

HB 1729 – By Cox of the House and Crain of the Senate.

An Act relating to public health and safety; amending Section 4, Chapter 347, O.S.L. 2007 (63 O.S. Supp. 2008, Section 1-1914.12), which relates to an alternative informal dispute resolution pilot program; modifying pilot program to be dispute resolution panel; eliminating procedural requirements for pilot program; and providing an effective date.

HB 1739 – By Peters and Luttrell of the House and Anderson of the Senate.

An Act relating to marriage and family; amending 43 O.S. 2001, Section 109, which relates to custody determinations in divorces; establishing criteria for custody determinations in certain cases; defining terms; amending 43 O.S. 2001, Section 110.1, which relates to shared parenting plans; prohibiting shared parenting plans in certain cases; providing courts discretion in providing equal access to children in certain circumstances; removing requirement that parent seeking sole custody bear the burden of proof; amending 43 O.S. 2001, Section 111.1, which relates to child visitation and the failure to pay child support; providing court authority to specify visitation preconditions and requirements in certain cases; requiring termination of visitation in certain circumstances; requiring that certain information be kept confidential; providing for the suspension of certain parental visitation if the Department of Human Services substantiates or confirms child abuse; providing custodial parent discretion to take certain actions including refusal of visitation to the noncustodial parent in certain circumstances; requiring court to order that attorney fees of certain victims of domestic violence be paid by abusing party; providing for codification; and providing an effective date.

HB 1779 – By Jones and Jackson of the House and Burrage of the Senate.

An Act relating to professions and occupations; amending 59 O.S. 2001, Sections 15.1A, as last amended by Section 2, Chapter 125, O.S.L. 2004, 15.5, as amended by Section 5, Chapter 125, O.S.L. 2004, 15.6A, 15.8 and 15.9, as last amended by Sections 6, 8 and 9, Chapter 125, O.S.L. 2004, 15.10A and 15.11, as amended by Sections 11 and 12, Chapter 125, O.S.L. 2004, 15.12, as last amended by Section 13, Chapter 125, O.S.L. 2004, Section 8, Chapter 312, O.S.L. 2002, as amended by Section 14, Chapter 125, O.S.L. 2004 and 15.13, as last amended by Section 15, Chapter 125, O.S.L. 2004, Section 16, Chapter 125, O.S.L. 2004, 15.14, as last amended by Section 17, Chapter 125, O.S.L. 2004, 15.14A, 15.14B, as amended by Section 18, Chapter 125, O.S.L. 2004, 15.15 and 15.15A, as last amended by Sections 19 and 20, Chapter 125, O.S.L. 2004, 15.23, as amended by Section 13, Chapter 312, O.S.L. 2002, 15.24, 15.25 and 15.27, as amended by Sections 22, 23 and 25, Chapter 125, O.S.L. 2004, 15.35, as last amended by Section 30, Chapter 125, O.S.L. 2004, 15.36 and 15.37, as amended by Sections 31 and 32, Chapter 125, O.S.L. 2004 (59 O.S. Supp. 2008, Sections 15.1A, 15.5, 15.6A, 15.8, 15.9, 15.10A, 15.11, 15.12, 15.12A, 15.13, 15.13A, 15.14, 15.14B, 15.15, 15.15A, 15.23, 15.24, 15.25, 15.27, 15.35, 15.36 and 15.37), which relate to the Oklahoma Accountancy Act; modifying definitions; providing for definitions; providing certain authority for the executive director; allowing the Board to disclose certain information; modifying certain qualification for applicants; modifying the issuance of certificates; modifying examination fees; modifying use of titles; providing exceptions; modifying out-of-state license

HCR 1008 – By Blackwell of the House and Marlatt of the Senate.

A Concurrent Resolution congratulating Oklahoma Panhandle State University; designating the Oklahoma Panhandle State University Centennial Corridor; directing the Department of Transportation to place permanent markers; and directing distribution.

The above-numbered measures were read the first time.

Senator Lamb 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.

GENERAL ORDER

SB 402 by Crain of the Senate and Enns of the House was called up for consideration.

Senator Crain moved that **SB 402** be advanced, which motion was declared adopted.

THIRD READING

SB 402 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, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Jolley, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Schulz, Sparks, Stanislawski, Sweeden, Sykes and Wilson.--41.

Excused: Coffee, Easley, Johnson (M), Justice, Mazzei, Russell and Wyrick.--7.

The bill passed.

SB 402 was referred for engrossment.

GENERAL ORDER

SB 269 by Crain of the Senate and Wright (John) of the House was called up for consideration.

Senator Crain moved that **SB 269** be advanced, which motion was declared adopted.

THIRD READING

SB 269 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, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes and Wilson.--43.

Excused: Coffee, Easley, Mazzei, Reynolds and Wyrick.--5.

The bill and emergency passed.

SB 269 was referred for engrossment.

GENERAL ORDER

SB 699 by Crain of the Senate and Cox of the House was called up for consideration.

Senator Crain moved that **SB 699** be advanced, which motion was declared adopted.

THIRD READING

SB 699 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, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes and Wilson.--44.

Excused: Coffee, Johnson (M), Mazzei and Wyrick.--4.

The bill passed.

SB 699 was referred for engrossment.

GENERAL ORDER

SB 490 by Crain of the Senate and Sullivan of the House was called up for consideration.

Senator Crain moved to amend **SB 490**, 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 Crain moved that **SB 490** be advanced, which motion was declared adopted.

THIRD READING

SB 490 was read for the third time at length.

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

Aye: Anderson, Barrington, Bingman, Brown, Coffee, Corn, Crain, Ford, Halligan, Laster, Marlatt, Paddack, Schulz and Stanislawski.--14.

Nay: Adelson, Aldridge, Ballenger, Bass, Branan, Brogdon, Burrage, Coates, Crutchfield, Easley, Eason McIntyre, Ellis, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Leftwich, Lerblance, Myers, Newberry, Nichols, Reynolds, Rice, Russell, Sparks, Sweeden, Sykes, Wilson and Wyrick.--33.

Excused: Mazzei.--1.

The bill failed.

Pursuant to Rule 12-21, Senator Crain served notice that the vote be reconsidered whereby **SB 490** failed.

Senator Aldridge presiding.

GENERAL ORDER

SB 622 by Coffee and Johnson (Constance) of the Senate and Cox of the House was called up for consideration.

Senator Coffee moved to amend **SB 622**, Page 8, Line 20 ½, by inserting a new subsection E to read as follows:

“E. The making of an anatomical gift shall not of itself be construed to authorize or direct the denial of health care when the withholding or withdrawal of such health care will result in or hasten death of the donor.”, which amendment was declared adopted.

Senator Coffee asked unanimous consent, which was granted, to amend **SB 622**, Page 6, Line 16 through Page 7, Line 12, by deleting Section 4, and by renumbering subsequent sections, which amendment was declared adopted.

Senator Coffee moved that **SB 622** be advanced, which motion was declared adopted.

THIRD READING

SB 622 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, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--47.

Excused: Mazzei.--1.

The bill passed.

SB 622 was referred for engrossment.

GENERAL ORDER

SB 489 by Barrington and Gumm of the Senate and Coody of the House was called up for consideration.

Senators Garrison, Burrage and Bass asked to coauthor **SB 489**, which was the order.

Senator Barrington moved that **SB 489** be advanced, which motion was declared adopted.

THIRD READING

SB 489 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, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--47.

Excused: Mazzei.--1.

The bill passed.

SB 489 was referred for engrossment.

GENERAL ORDER

SB 52 by Jolley of the Senate and Ortega of the House was called up for consideration.

Senator Jolley moved that **SB 52** be advanced, which motion was declared adopted.

THIRD READING

SB 52 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, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--47.

Excused: Mazzei.--1.

The bill and emergency passed.

SB 52 was referred for engrossment.

GENERAL ORDER

SB 747 by Jolley of the Senate and Nations of the House was called up for consideration.

Senator Jolley moved that **SB 747** be advanced, which motion was declared adopted.

THIRD READING

SB 747 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, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--47.

Excused: Mazzei.--1.

The bill and emergency passed.

SB 747 was referred for engrossment.

GENERAL ORDER

SB 794 by Jolley of the Senate and Murphey of the House was called up for consideration.

Senator Jolley moved to amend **SB 794**, Page 1, by striking the title, which amendment was declared adopted.

Senator Jolley moved that **SB 794** be advanced, which motion was declared adopted.

THIRD READING

SB 794 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, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--47.

Excused: Mazzei.--1.

The bill passed.

SB 794 was referred for engrossment.

GENERAL ORDER

SB 1134 by Jolley of the Senate and Duncan of the House was called up for consideration.

Senator Bass asked to coauthor **SB 1134**, which was the order.

Senator Jolley moved that **SB 1134** be advanced, which motion was declared adopted.

THIRD READING

SB 1134 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, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--47.

Excused: Mazzei.--1.

The bill passed.

SB 1134 was referred for engrossment.

Senator Lamb moved that when the clerk's desk is clear, the Senate stand adjourned to convene Wednesday, February 25, 2009, at 9:30 a.m., which motion prevailed.

SECOND READING

The following was read for the second time and referred as indicated:

HB 1127 – Direct To Calendar

FIRST READING

The following were introduced and read the first time:

SCR 7 – By Coffee and Lamb of the Senate and Benge of the House.

A Concurrent Resolution honoring the University of Oklahoma Sooners football team for winning the Big 12 title; commending them for competing for the BCS national title; and directing distribution.

SR 13 – By Lamb and Coffee.

A Resolution congratulating Sam Bradford upon winning the 2008 Heisman Trophy; thanking him for returning to his team; declaring March 2, 2009, Sam Bradford Day in the State of Oklahoma; and directing distribution.

Pursuant to the Lamb motion, the Senate adjourned at 3:10 p.m. to meet Wednesday, February 25, 2009, at 9:30 a.m.

JOURNAL CORRECTION

Page 508, Line 14 ½, by inserting the following:

“**SB 1072** – Retirement and Insurance

Ayes: Aldridge, Brown, Russell

Nays: Ballenger, Bass, Corn, Leftwich, Sparks”