

# Senate Journal

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

Sixteenth Legislative Day, Wednesday, February 25, 2009

The Senate was called to order by Senator Sykes.

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, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweden, Sykes, Wilson and Wyrick.—46.

Excused: Ivester and Mazzei.—2.

Senator Sykes 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 2, 11, 40, 52, 59, 249, 256, 267, 269, 279, 299, 303, 321, 337, 402, 434, 489, 505, 518, 527, 573, 604, 611, 612, 613, 622, 636, 699, 747, 794 and 1134** were each correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

### GENERAL ORDER

**SB 576** by Coates of the Senate and Thompson of the House was called up for consideration.

Senator Coates moved that **SB 576** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 576** 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, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--45.

Excused: Ivester, Mazzei and Newberry.--3.

The bill and emergency passed.

**SB 576** was referred for engrossment.

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

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The Senate reconvened with Senator Sykes presiding.

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

**GENERAL ORDER**

**SB 469** by Eason McIntyre and Stanislawski of the Senate and Shumate of the House was called up for consideration.

Senator Eason McIntyre moved that **SB 469** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 469** 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, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, 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.--44.

Excused: Coffee, Crain, Ivester and Mazzei.--4.

The bill and emergency passed.

**SB 469** was referred for engrossment.

### **FIRST READING**

The following were introduced and read the first time:

**SCR 8** – By Russell of the Senate and Bengel of the House.

A Concurrent Resolution finding the Employee Free Choice Act detrimental; urging members of the Oklahoma Congressional delegation to oppose it; and directing distribution.

**SR 14** – By Johnson (Constance).

A Resolution endorsing curriculum and policy on teen dating violence and abuse; encouraging implementation of this policy; recommending a mission statement; urging incorporation of such program into health education curriculums; and directing distribution.

**SR 15** – By Branan.

A Resolution praising the life and career of J. Walter Duncan Jr.; mourning his loss, and directing distribution.

### **UNANIMOUS CONSENT REQUEST DIRECT TO CALENDAR**

Senator Branan asked unanimous consent to refer **SR 15** direct to the Calendar for consideration, which was the order.

### **GENERAL ORDER**

**SR 15** by Branan was called up for consideration.

**SR 15** was adopted upon motion of Senator Branan and referred for enrollment.

**GENERAL ORDER**

**SB 300** by Bingman of the Senate and Thompson of the House was called up for consideration.

Senator Bingman moved that **SB 300** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 300** 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, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, 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: Crain, Ivester and Mazzei.--3.

The bill and emergency passed.

**SB 300** was referred for engrossment.

**GENERAL ORDER**

**SB 309** by Paddack of the Senate and Hilliard of the House was called up for consideration.

Senators Garrison, Easley, Ballenger, Sparks and Eason McIntyre asked to coauthor **SB 309**, which was the order.

Senator Paddack moved that **SB 309** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 309** was read for the third time at length.

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

Aye: Adelson, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Burrage, Coates, Corn, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Johnson (C), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden and Wilson.--37.

Nay: Aldridge, Brogdon, Brown, Johnson (M), Reynolds and Wyrick.--6.

Excused: Coffee, Crain, Ivester and Mazzei.--4.

\* Not Voting: Sykes.—1.

The bill passed.

\*Senator Sykes asked to be shown not voting on **SB 309** for reason of personal interest, as provided in Article V, Section 24, Oklahoma Constitution.

**SB 309** was referred for engrossment.

## **GENERAL ORDER**

**SB 310** by Paddack of the Senate and Cox of the House was called up for consideration.

Senator Paddack moved that **SB 310** be advanced, which motion was declared adopted.

## **THIRD READING**

**SB 310** 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, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, 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.--44.

Excused: Coffee, Crain, Ivester and Mazzei.--4.

The bill and emergency passed.

**SB 310** was referred for engrossment.

**GENERAL ORDER**

**SB 487** by Paddack of the Senate and Cox of the House was called up for consideration.

Senators Garrison and Ballenger asked to coauthor **SB 487**, which was the order.

Senator Paddack moved that **SB 487** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 487** 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, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, 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.--44.

Excused: Coffee, Crain, Ivester and Mazzei.--4.

The bill passed.

**SB 487** was referred for engrossment.

**GENERAL ORDER**

**SB 497** by Paddack of the Senate and McNiel of the House was called up for consideration.

Senators Garrison and Ballenger asked to coauthor **SB 497**, which was the order.

Senator Paddack moved that **SB 497** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 497** 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, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, 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: Crain, Ivester and Mazzei.--3.

The bill passed.

**SB 497** was referred for engrossment.

### **GENERAL ORDER**

**SB 676** by Paddack of the Senate and Coody of the House was called up for consideration.

Senator Paddack moved that **SB 676** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 676** 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, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, 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: Crain, Ivester and Mazzei.--3.

The bill and emergency passed.

**SB 676** was referred for engrossment.

### **REPORT OF ENGROSSED AND ENROLLED MEASURE**

**SR 15** was correctly enrolled, properly signed and ordered transmitted to the Secretary of State.

**GENERAL ORDER**

**SB 967** by Schulz of the Senate and Ortega of the House was called up for consideration.

Senator Schulz moved that **SB 967** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 967** 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, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, 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.--44.

Excused: Coffee, Crain, Ivester and Mazzei.--4.

The bill and emergency passed.

**SB 967** was referred for engrossment.

**GENERAL ORDER**

**SB 1157** by Schulz of the Senate and Armes of the House was called up for consideration.

Senator Schulz moved that **SB 1157** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 1157** 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, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, 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: Crain, Ivester and Mazzei.--3.

The bill passed.

**SB 1157** was referred for engrossment.

## **GENERAL ORDER**

**SB 1205** by Crutchfield of the Senate and Buck of the House was called up for consideration.

Senators Ballenger and Ellis asked to coauthor **SB 1205**, which was the order.

Senator Barrington moved to amend **SB 1205**, Page 5, Line 5, by inserting after the second word "wear" and before the semi-colon the words "and meet the registration, licensure requirements, and Oklahoma Compulsory Liability Insurance Act requirements pursuant to Section 6-600 et seq. of this title" and Page 5, Line 11, by inserting after the word "municipality" and before the period the words "; provided, such vehicles meet the requirements of the Oklahoma Compulsory Liability Insurance Act pursuant to Section 7-600 et seq. of this title", which amendment was declared adopted.

Senator Crutchfield moved that **SB 1205** be advanced, which motion was declared adopted.

## **THIRD READING**

**SB 1205** was read for the third time at length.

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

Aye: Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crutchfield, Easley, Ellis, Ford, Garrison, Gumm, Halligan, Johnson (C), Johnson (M), Justice, Lamb, Laster, Lerblance, Marlatt, Myers, Newberry, Paddock, Reynolds, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes and Wyrick.--37.

Nay: Adelson, Aldridge, Eason McIntyre, Jolley, Leftwich, Nichols, Rice and Wilson.--8.

Excused: Crain, Ivester and Mazzei.--3.

The bill passed.

**SB 1205** was referred for engrossment.

**GENERAL ORDER**

**SB 260** by Gumm of the Senate and Carey of the House was called up for consideration.

Senator Gumm moved that **SB 260** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 260** was read for the third time at length.

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

Aye: Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crutchfield, Easley, Ellis, Ford, Garrison, Gumm, Halligan, Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--41.

Nay: Adelson, Eason McIntyre, Johnson (C) and Rice.--4.

Excused: Crain, Ivester and Mazzei.--3.

The bill passed.

**SB 260** was referred for engrossment.

**MESSAGE FROM THE HOUSE**

Advising passage of and transmitting for consideration Engrossed **HBs 1007, 1009, 1018, 1055, 1124, 1131, 1295, 1465, 1470, 1579, 1644, 1697 and 1769** and **HJR s 1010, 1011 and 1012**.

**HB 1007** – By Wesselhoft and Sherrer of the House and Leftwich of the Senate.

An Act relating to handicapped parking; amending 11 O.S. 2001, Section 36-101A, which relates to handicapped parking and access; requiring certain language be displayed on signage for physically disabled reserved parking spaces; providing for effect on other laws; authorizing use of previously erected signage; and providing an effective date.

**HB 1009** – By Duncan, Nelson, Wright (John) and Dorman of the House and Brown of the Senate.

An Act relating to contracts; creating the Oklahoma Lemon Law; amending 15 O.S. 2001, Section 901, which relates to manufacturer warranties; modifying motor vehicle return policy; modifying method of determining prior use of vehicle; modifying certain

time limitation; requiring the Attorney General to make certain written statement; prohibiting resale of certain vehicles; providing exception; requiring manufacturers to provide certain written statement to consumer; specifying method of resale of certain vehicles; providing for attorney fees and costs; providing procedures for manufacturers to retitle certain vehicles; providing for codification; providing for noncodification; and providing an effective date.

**HB 1018** – By Wright (John) of the House and Aldridge of the Senate.

An Act relating to sunset; amending 59 O.S. 2001, Section 61.4, as amended by Section 1, Chapter 11, O.S.L. 2003 (59 O.S. Supp. 2008, Section 61.4), which relates to the State Barber Advisory Board; re-creating the Board; and modifying termination date.

**HB 1055** – By Cox, Shelton, Kern, Williams and Dorman of the House and Brown of the Senate.

An Act relating to insurance; amending 36 O.S. 2001, Sections 1250.2, as last amended by Section 1, Chapter 170, O.S.L. 2005 and 1250.5 (36 O.S. Supp. 2008, Section 1250.2), which relate to the Unfair Claims Settlement Practices Act; modifying definition; providing for failure to pay or request for a refund of a payment in certain circumstance as an unfair claim settlement practice; providing exception; and providing an effective date.

**HB 1124** – By Miller, Martin (Scott) and Moore of the House and Johnson (Mike) and Myers of the Senate.

( general appropriations - various agencies of the executive, legislative and judicial departments of the state - certain expenditures - effective date )

**HB 1131** – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

( state government personnel - full-time-equivalent state employees - effective date – emergency )

**HB 1295** – By Murphey of the House and Jolley of the Senate.

An Act relating to revenue and taxation; amending 68 O.S. 2001, Section 238.1, which relates to collection of state taxes; modifying provisions related to renewal or reissuance of certain professional licenses; and providing an effective date.

**HB 1465** – By Pruett of the House and Corn of the Senate.

An Act relating to game and fish; amending 29 O.S. 2001, Section 5-405, as amended by Section 2, Chapter 131, O.S.L. 2006 (29 O.S. Supp. 2008, Section 5-405), which relates to furbearers; extending the dates for hunting or taking a furbearer; and providing an effective date.

**HB 1470** – By Sanders and Holland of the House and Marlatt of the Senate.

An Act relating to counties and county officers; amending 19 O.S. 2001, Section 455, which relates to the county reward fund; increasing rewards for information of certain crimes; expanding list of crimes that qualify; increasing amount allowed to be maintained in a reward fund; and providing an effective date.

**HB 1579** – By Joyner and Smithson of the House and Barrington of the Senate.

An Act relating to crimes and punishments; making certain acts unlawful; providing penalties; providing for codification; and providing an effective date.

**HB 1644** – By Rousselot of the House and Garrison of the Senate.

An Act relating to public health and safety; amending 63 O.S. 2001, Sections 142.2, as last amended by Section 1, Chapter 427, O.S.L. 2004, 142.3, as amended by Section 2, Chapter 362, O.S.L. 2003, 142.9, 142.9a, as last amended by Section 6, Chapter 362, O.S.L. 2003 and 142.11, as amended by Section 8, Chapter 362, O.S.L. 2003 (63 O.S. Supp. 2008, Sections 142.2, 142.3, 142.9a and 142.11), which relate to the Oklahoma Underground Facilities Damage Prevention Act; adding a definition; deleting certain exemption for municipalities; deleting certain option for municipalities; requiring an excavator to report damages within certain time period; requiring act to apply to all excavators operating in the state; providing penalties for violation of the act; providing penalties for intentional violation of the act; making each violation a separate offense; setting time limitation for imposing penalties; authorizing the Corporation Commission to reduce any penalties upon certain actions by the excavator; setting conditions; allowing the Attorney General to bring an action to collect penalties; providing for deposit of penalties; limiting authority of the Commission to seek penalties; authorizing the Commission to investigate complaints of violations; directing the Commission to establish an enforcement committee; providing for membership, meetings, and duties of the committee; providing for formal hearing proceeding; deleting certain exemption for public agencies; requiring public agencies to make certain notification for certain projects; creating the Oklahoma Underground Facilities Damage Prevention Training Revolving Fund; making fund continuing; stating source of funding; providing for budgeting and expenditure; stating purpose; requiring claims to be filed in certain manner; amending 17 O.S. 2001, Section 180.11, which relates to the assessment upon public utilities; expanding the use of the assessment on public utilities; requiring credit of certain portion of monies to the Pipeline Safety Department for certain purposes; directing the Legislature to establish certain budgetary limits; repealing Section 9, Chapter 362, O.S.L. 2003 (63 O.S. Supp. 2008, Section 142.12), which relates to authorization to elect to participate in the one-call notification center; providing for codification; providing an effective date; and declaring an emergency.

**HB 1697** – By Billy of the House and Sykes of the Senate.

An Act relating to criminal procedure; 22 O.S. 2001, Section 982a, as amended by Section 6, Chapter 358, O.S.L. 2007 (22 O.S. Supp. 2008, Section 982a), which relates to judicial review of sentences; directing court clerk to request inmate reports from Department of Corrections prior to certain hearing; and providing an effective date.

**HB 1769** – By Roan, Glenn, Hilliard, Buck, Wright (John), Denney and Shelton of the House and Crutchfield of the Senate.

An Act relating to roads, bridges and ferries; designating the State Representative Terry Hyman Memorial Highway; providing for placement of permanent markers; designating the Carsyn Kay Hackler Memorial Highway; providing for placement of permanent markers; designating the M/SGT Ura M. Horton Memorial Bridge; providing for placement of permanent markers; designating the TSGT Jason Norton Memorial Bridge;

providing for placement of permanent markers; designating the Commissioner Jimmie Primrose Memorial Bridge; providing for placement of permanent markers; designating the SSGT Larry S. Pierce Memorial Highway; providing for permanent markers; designating the Sheriff Jerry Beall and Police Chief Joe Rowden Memorial Highway; providing for permanent markers; designating the Mazzebeth Turner Memorial Highway; providing for permanent markers; designating the U.S. Army 509th Engineer Company Memorial Bridge; providing for permanent markers; providing for codification; and declaring an emergency.

**HJR 1010** – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

( Joint Resolution - proposed amendment - ballot title - directing filing )

**HJR 1011** – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

( Joint Resolution - proposed amendment - ballot title - directing filing )

**HJR 1012** – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

( Joint Resolution - proposed amendment - ballot title - directing filing )

The above-numbered measures were read the first time.

## **GENERAL ORDER**

**SB 286** by Gumm of the Senate and Roan of the House was called up for consideration.

Senator Gumm moved to amend **SB 286**, Page 1, Line 23, by striking the word “any” and replacing in lieu thereof the word “lead” and Page 1, Line 23, by striking the word “official” and replacing in lieu thereof the words “officials of any state, county or local law enforcement agency”, which amendment was declared adopted.

Senator Gumm asked unanimous consent to amend **SB 286**, Page 1, by restoring the title, to which request objection was heard.

Senator Gumm moved to suspend Senate Rules to allow an amendment to **SB 286**, which motion was declared adopted upon roll call as follows:

Aye: Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crutchfield, Easley, Ellis, Ford, Garrison, Gumm, Halligan, Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Reynolds, Russell, Schulz, Sparks, Stanislawski, Sykes and Wyrick.--38.

Nay: Adelson, Eason McIntyre, Johnson (C), Paddack, Rice, Sweeden and Wilson.--7.

Excused: Crain, Ivester and Mazzei.--3.

Senator Gumm moved to amend **SB 286**, Page 1, by restoring the title, which amendment was declared adopted.

Senator Gumm moved that **SB 286** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 286** 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, Crutchfield, Easley, Ellis, Ford, Garrison, Gumm, Halligan, Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes and Wyrick.--41.

Nay: Eason McIntyre, Johnson (C), Rice and Wilson.--4.

Excused: Crain, Ivester and Mazzei.--3.

The bill passed.

**SB 286** was referred for engrossment.

### **GENERAL ORDER**

**SB 697** by Gumm of the Senate and Dorman of the House was called up for consideration.

Senator Leftwich asked to coauthor **SB 697**, which was the order.

Senator Gumm moved that **SB 697** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 697** 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, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, 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: Crain, Ivester and Mazzei.--3.

The bill and emergency passed.

**SB 697** was referred for engrossment.

### **GENERAL ORDER**

**SB 582** by Jolley of the Senate and Jones of the House was called up for consideration.

Senator Jolley moved that **SB 582** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 582** was read for the third time at length.

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

Aye: Aldridge, Anderson, Barrington, Bingman, Branan, Brogdon, Brown, Coates, Coffee, Ford, Gumm, Halligan, Johnson (M), Jolley, Justice, Lamb, Marlatt, Myers, Newberry, Nichols, Reynolds, Russell, Schulz, Stanislawski and Sykes.--25.

Nay: Adelson, Ballenger, Bass, Burrage, Corn, Crutchfield, Easley, Eason McIntyre, Ellis, Garrison, Johnson (C), Laster, Leftwich, Lerblance, Paddack, Rice, Sparks, Sweeden, Wilson and Wyrick.--20.

Excused: Crain, Ivester and Mazzei.--3.

The bill passed.

Senator Crutchfield desired to vote Aye on the emergency.

On the question of passage of the emergency, the vote resulted as follows: Aye: 26; Nay: 19; Excused: 3.

The emergency failed.

Pursuant to Rule 12-21, Senator Jolley served notice that the vote be reconsidered whereby **SB 582** passed and the emergency failed.

### **GENERAL ORDER**

**SB 1181** by Jolley of the Senate and Cox of the House was called up for consideration.

Senator Jolley moved to amend **SB 1181**, Page 19, Line 10, by deleting after the second word “the” and before the word “member” the word “public”, which amendment was declared adopted.

Senator Jolley moved that **SB 1181** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 1181** 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, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, 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: Crain, Ivester and Mazzei.--3.

The bill passed.

**SB 1181** was referred for engrossment.

**Senator Jolley presiding.**

### **GENERAL ORDER**

**SB 390** by Brogdon of the Senate and Rousselot of the House was called up for consideration.

Senators Sykes, Burrage and Corn asked to coauthor **SB 390**, which was the order.

Senator Brogdon moved that **SB 390** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 390** 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, Crutchfield, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--43.

Excused: Crain, Easley, Ivester, Mazzei and Myers.--5.

The bill passed.

**SB 390** was referred for engrossment.

**GENERAL ORDER**

**SB 511** by Aldridge of the Senate and Wesselhoft of the House was called up for consideration.

Senator Aldridge moved that **SB 511** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 511** 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, Crutchfield, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--43.

Excused: Crain, Easley, Ivester, Mazzei and Myers.--5.

The bill and emergency passed.

**SB 511** was referred for engrossment.

**GENERAL ORDER**

**SB 823** by Sykes of the Senate and Thomsen of the House was called up for consideration.

Senator Sykes moved that **SB 823** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 823** 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, Crutchfield, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--43.

Excused: Crain, Easley, Ivester, Mazzei and Myers.--5.

The bill passed.

**SB 823** was referred for engrossment.

**GENERAL ORDER**

**SB 268** by Ford of the Senate and Sears of the House was called up for consideration.

Senator Ford asked that **SB 268** be laid over for this legislative day, which was the order.

**SB 268** remains on General Order.

**GENERAL ORDER**

**SB 421** by Stanislawski of the Senate and Sullivan of the House was called up for consideration.

Senator Stanislawski moved that **SB 421** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 421** 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, Crutchfield, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--42.

Excused: Brogdon, Crain, Easley, Ivester, Mazzei and Myers.--6.

The bill and emergency passed.

**SB 421** was referred for engrossment.

**GENERAL ORDER**

**SB 684** by Ballenger of the Senate and Joyner of the House was called up for consideration.

Senator Ballenger moved that **SB 684** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 684** 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, Crutchfield, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--43.

Excused: Crain, Easley, Ivester, Mazzei and Myers.--5.

The bill passed.

**SB 684** was referred for engrossment.

**GENERAL ORDER**

**SB 871** by Russell and Johnson (Constance) of the Senate and Enns of the House was called up for consideration.

Senator Russell moved that **SB 871** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 871** 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, Crutchfield, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--43.

Excused: Crain, Easley, Ivester, Mazzei and Myers.--5.

The bill and emergency passed.

**SB 871** was referred for engrossment.

**EXECUTIVE NOMINATIONS**

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

Boyd, Betty, Tulsa, as a member of the Board of Trustees for Oklahoma State University/Tulsa - Education

Clingman, Michael, Edmond, as Director of State Finance - Finance

Fagan, Tom, Weatherford, as a member of the Oklahoma Student Loan Authority - Education

Follis, Bill, Miami, as a member of the Oklahoma Indian Affairs Commission - Health and Human Services

Hancock, Joe, Hobart, as a member of the Board of Trustees for the Quartz Mountain Arts and Conference Center and Nature Park - Education

Hartin, Brent, Marietta, as a member of the Board of Trustees for the Ardmore Higher Education Program - Education

Jones, John Selden, Lawton, as a member of the Committee of Home Inspector Examiners - Business and Labor

Ketter, Travis, El Reno, as a member of the Board of Regents for Redlands Community College - Education

LaBrake, Dan, Broken Arrow, as a member of the Committee of Home Inspector Examiners - Business and Labor

Lawson, Ron, Spiro, as a member of the Board of Regents for Carl Albert State College - Education

Rodden, Kirk A., Madill, as a member of the Board of Trustees for the Ardmore Higher Education Program - Education

Root, Joey, Oklahoma City, as a member of the Commission on Consumer Credit - Business and Labor

Scott, Stephen, Mangum, as a member of the Board of Trustees for the Quartz Mountain Arts and Conference Center and Nature Park - Education

Sessions, Barbara, Burneyville, as a member of the Board of Regents of Murray State College - Education

Staggs, Barbara, Muskogee, as a member of the State Board of Education - Education

Wilmes, Jeffrey E., Altus, as a member of the Board of Trustees for the Quartz Mountain Arts and Conference Center and Nature Park - Education

Wilmes, Jeffrey E., Altus, as a member of the Board of Trustees for the Quartz Mountain Arts and Conference Center and Nature Park - Education

Wood, Mark, M.D., Edmond, as a member of the Board of Examiners for Speech Pathology and Audiology - Health and Human Services

Senator Lamb moved that when the clerk's desk is clear, the Senate stand adjourned to convene Thursday, February 26, 2009, at 9:00 a.m., which motion prevailed.

Pursuant to the Lamb motion, the Senate adjourned at 4:15 p.m. to meet Thursday, February 26, 2009, at 9:00 a.m.

**JOURNAL CORRECTION**

Page 508, Line 18, by inserting the following:

**“\* Committee reports on SBs 37, 344, 378, 461, 503, 553, 643, 665, 748, 800, 820, 832, 841, 867, 872, 878, 885, 888, 889, 894, 899, 916, 959, 989, 991, 997, 1059, 1064, 1095, 1105, 1115, 1123, 1124, 1125, 1137, 1141, 1142 and 1242 and SJR 25 were filed on this legislative day, but were filed after the 4:30 p.m. amendment deadline. Pursuant to Senate Rule 12-3C, these reports will be placed on General Order at the beginning of the second legislative day following the filing of the report.”**