

Senate Journal

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

Eighteenth Legislative Day, Monday, March 2, 2009

The Senate was called to order by Senator Bingman.

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 Bingman declared a quorum present.

The prayer was offered by Dr. Everett Piper, Frist Wesleyan Church, Bartlesville, the guest of Senator Ford.

REPORT OF ENGROSSED AND ENROLLED MEASURES

SBs 257, 290, 301, 348, 349, 354, 355, 383, 418, 432, 446, 482, 490, 521, 562, 595, 598, 603, 608, 614, 659, 698, 700, 714, 745, 812, 830, 880, 881, 887, 1012, 1013, 1029, 1066, 1129, 1169 and 1172 were each correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

GENERAL ORDER

SB 796 by Brogdon of the Senate and McDaniel (Randy) of the House was called up for consideration.

Senator Brogdon moved that **SB 796** be advanced, which motion was declared adopted.

THIRD READING

SB 796 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, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--43.

Nay: Johnson (C).--1.

Excused: Anderson, Coffee, Mazzei and Nichols.--4.

The bill and emergency passed.

SB 796 was referred for engrossment.

Senator Brogdon presiding.

GENERAL ORDER

SB 528 by Sykes of the Senate and Billy of the House was called up for consideration.

Senator Sykes moved that **SB 528** be advanced, which motion was declared adopted.

THIRD READING

SB 528 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, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--44.

Excused: Anderson, Crain, Mazzei and Nichols.--4.

The bill and emergency passed.

SB 528 was referred for engrossment.

GENERAL ORDER

SB 618 by Sykes of the Senate and Thomsen of the House was called up for consideration.

Senator Sykes moved that **SB 618** be advanced, which motion was declared adopted.

THIRD READING

SB 618 was read for the third time at length.

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

Aye: Adelson, Aldridge, 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, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--43.

Excused: Anderson, Crain, Mazzei and Nichols.--4.

Not Voting: Ivester.—1.

The bill passed.

*Senator Ivester asked to be shown not voting on **SB 618** for reason of personal interest, as provided in Article V, Section 24, Oklahoma Constitution.

SB 618 was referred for engrossment.

GENERAL ORDER

SB 653 by Sykes of the Senate and Billy of the House was called up for consideration.

Senator Sykes moved that **SB 653** be advanced, which motion was declared adopted.

THIRD READING

SB 653 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, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--44.

Excused: Anderson, Crain, Mazzei and Nichols.--4.

The bill and emergency passed.

SB 653 was referred for engrossment.

GENERAL ORDER

SB 730 by Laster of the Senate and Steele of the House was called up for consideration.

Senator Laster moved that **SB 730** be advanced, which motion was declared adopted.

THIRD READING

SB 730 was read for the third time at length.

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

Aye: Adelson, Aldridge, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Corn, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--42.

Excused: Anderson, Coffee, Crain, Johnson (M), Mazzei and Nichols.--6.

The bill passed.

SB 730 was referred for engrossment.

GENERAL ORDER

SB 883 by Laster of the Senate and Jett of the House was called up for consideration.

Senator Laster moved that **SB 883** be advanced, which motion was declared adopted.

THIRD READING

SB 883 was read for the third time at length.

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

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

Nay: Aldridge.--1.

Excused: Anderson, Coffee, Crain, Johnson (M), Mazzei and Nichols.--6.

The bill passed.

SB 883 was referred for engrossment.

GENERAL ORDER

SB 783 by Sykes of the Senate and Johnson of the House was called up for consideration.

Senator Sykes moved that **SB 783** be advanced, which motion was declared adopted.

THIRD READING

SB 783 was read for the third time at length.

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

Aye: Adelson, Aldridge, 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, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--43.

Excused: Anderson, Coffee, Johnson (M), Mazzei and Nichols.--5.

The bill passed.

SB 783 was referred for engrossment.

GENERAL ORDER

SB 793 by Sykes of the Senate and Duncan of the House was called up for consideration.

Senators Gumm, Russell, Garrison and Ellis asked to coauthor **SB 793**, which was the order.

Senator Sykes moved that **SB 793** be advanced, which motion was declared adopted.

THIRD READING

SB 793 was read for the third time at length.

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

Aye: Aldridge, 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, Wilson and Wyrick.--43.

Nay: Adelson.--1.

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

The bill passed.

SB 793 was referred for engrossment.

GENERAL ORDER

SB 525 by Crutchfield of the Senate and Ownbey of the House was called up for consideration.

Senator Crutchfield moved that **SB 525** be advanced, which motion was declared adopted.

THIRD READING

SB 525 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, 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, Wilson and Wyrick.--44.

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

The bill and emergency passed.

SB 525 was referred for engrossment.

GENERAL ORDER

SB 662 by Crutchfield et al of the Senate and Roan and Buck of the House was called up for consideration.

Senators Gumm, Rice and Ellis asked to coauthor **SB 662**, which was the order.

Senator Crutchfield moved that **SB 662** be advanced, which motion was declared adopted.

THIRD READING

SB 662 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, 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, Wilson and Wyrick.--44.

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

The bill and emergency passed.

SB 662 was referred for engrossment.

GENERAL ORDER

SB 661 by Paddack of the Senate and Cox of the House was called up for consideration.

Senator Paddack moved that **SB 661** be advanced, which motion was declared adopted.

THIRD READING

SB 661 was read for the third time at length.

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

Aye: Adelson, Aldridge, 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, Wilson and Wyrick.--44.

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

The bill passed.

SB 661 was referred for engrossment.

GENERAL ORDER

SB 916 by Stanislawski and Mazzei of the Senate and Sullivan of the House was called up for consideration.

Senator Stanislawski moved that **SB 916** be advanced, which motion was declared adopted.

THIRD READING

SB 916 was read for the third time at length.

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

Aye: Adelson, Aldridge, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Burrage, Coates, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Ivester, Johnson (C), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--41.

Excused: Anderson, Brown, Coffee, Halligan, Johnson (M), Mazzei and Myers.--7.

The bill passed.

SB 916 was referred for engrossment.

GENERAL ORDER

SB 987 by Crutchfield of the Senate and Ownbey of the House was called up for consideration.

Senator Coates asked to coauthor **SB 987**, which was the order.

Senator Wilson moved to amend **SB 987**, Page 4, Line 2 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 3200 of Title 56, unless there is created a duplication in numbering, reads as follows:

A. It is the intent of the Legislature to test the effectiveness of a pilot program for a comprehensive health system for the uninsured.

B. The Oklahoma Health Care Authority shall establish a three-year pilot program for a comprehensive health system for the uninsured in which the Oklahoma Health Care Authority will act as the plan administrator.

C. The Oklahoma Health Care Authority shall select from a group of applicants a pilot county in which to operate the pilot program.

D. Health care providers located in the pilot county may voluntarily participate in the pilot program if the following conditions are met:

1. The health care provider is eligible for Medicare reimbursement;
2. The health care provider relinquishes all monies received in excess of Medicare reimbursement from other sources including, but not limited to, commercial insurance payers; and

3. The relinquished monies pursuant to paragraph 2 of this subsection are used by the Oklahoma Health Care Authority for the purposes of this pilot program.

E. Participating health care providers shall provide all necessary medical services for any uninsured person within the capability of such providers. Health care costs accrued from such uninsured person shall be directly billed at the Medicare fee schedule set forth by the Centers for Medicare and Medicaid Services or at a negotiated rate.

F. The health care provider shall collect twenty percent (20%) of such health care costs from the uninsured person. The remaining eighty percent (80%) shall be paid by the Oklahoma Health Care Authority from:

1. Monies received from the Health Employee and Economy Improvement Act (HEEIA) Revolving Fund; and
2. Monies collected from participating providers pursuant to paragraph 2 of subsection D of this section.

G. The Oklahoma Health Care Authority shall promulgate rules as necessary to implement this pilot program.

H. The Oklahoma Health Care Authority shall provide an annual report to the Legislature on or before November 1 of each year which shall include, but not be limited to:

1. The net cost of the program;
2. Health services provided for the uninsured; and
3. Health care provider payment collection success rate.

I. The participating health care providers shall be covered under The Governmental Tort Claims Act.”, and by renumbering subsequent section.

Senator Crutchfield asked that **SB 987** be laid over for this legislative day, which was the order.

SB 987 remains on pending consideration of the Wilson amendment.

GENERAL ORDER

SB 990 by Laster of the Senate and Steele of the House was called up for consideration.

Senator Laster moved that **SB 990** be advanced, which motion was declared adopted.

THIRD READING

SB 990 was read for the third time at length.

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

Aye: Adelson, Aldridge, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Burrage, Coates, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--42.

Excused: Anderson, Brown, Coffee, Johnson (M), Mazzei and Myers.--6.

The bill passed.

SB 990 was referred for engrossment.

GENERAL ORDER

SB 677 by Paddack of the Senate and Cox of the House was called up for consideration.

Senator Paddack moved that **SB 677** be advanced, which motion was declared adopted.

THIRD READING

SB 677 was read for the third time at length.

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

Aye: Adelson, Aldridge, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Burrage, Coates, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Ivester, Johnson (C), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--40.

Excused: Anderson, Brown, Coffee, Halligan, Johnson (M), Mazzei, Myers and Newberry.--8.

The bill passed.

Senator Newberry desired to vote Aye on the emergency.

On the question of passage of the emergency, the vote resulted as follows: Aye: 41; Excused: 7.

The emergency passed.

SB 677 was referred for engrossment.

GENERAL ORDER

SB 853 by Schulz of the Senate and Martin (Steve) of the House was called up for consideration.

Senator Schulz moved that **SB 853** be advanced, which motion was declared adopted.

THIRD READING

SB 853 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, Ballenger, Barrington, Bass, Bingman, Brogdon, Burrage, Coates, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Ivester, Johnson (C), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--40.

Nay: Branan.--1.

Excused: Anderson, Brown, Coffee, Halligan, Johnson (M), Mazzei and Myers.--7.

The bill and emergency passed.

SB 853 was referred for engrossment.

GENERAL ORDER

SB 798 by Sykes of the Senate and McCullough of the House was called up for consideration.

Senator Sykes moved that **SB 798** be advanced, which motion was declared adopted.

THIRD READING

SB 798 was read for the third time at length.

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

Aye: Adelson, Aldridge, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Burrage, Coates, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Ivester, Johnson (C), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--41.

Excused: Anderson, Brown, Coffee, Halligan, Johnson (M), Mazzei and Myers.--7.

The bill passed.

SB 798 was referred for engrossment.

GENERAL ORDER

SB 803 by Sykes of the Senate and Cooksey of the House was called up for consideration.

Senator Sykes moved that **SB 803** be advanced, which motion was declared adopted.

THIRD READING

SB 803 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, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Burrage, Coates, Corn, Crain, Easley, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes and Wyrick.--38.

Nay: Crutchfield, Eason McIntyre and Wilson.--3.

Excused: Anderson, Brown, Coffee, Johnson (C), Johnson (M), Mazzei and Myers.--7.

The bill and emergency passed.

SB 803 was referred for engrossment.

GENERAL ORDER

SB 1118 by Sykes of the Senate and Terrill of the House was called up for consideration.

Senator Sykes moved that **SB 1118** be advanced, which motion was declared adopted.

THIRD READING

SB 1118 was read for the third time at length.

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

Aye: Adelson, Aldridge, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, 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, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--43.

Excused: Anderson, Brown, Coffee, Mazzei and Myers.--5.

The bill passed.

SB 1118 was referred for engrossment.

Senator Sykes presiding.

GENERAL ORDER

SB 297 by Bingman of the Senate and Thompson of the House was called up for consideration.

Senator Bingman moved that **SB 297** be advanced, which motion was declared adopted.

THIRD READING

SB 297 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, Ballenger, Barrington, Bass, Bingman, Branan, 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, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--42.

Excused: Anderson, Brogdon, Brown, Mazzei, Myers and Newberry.--6.

The bill and emergency passed.

SB 297 was referred for engrossment.

GENERAL ORDER

SB 964 by Paddack of the Senate and Cox of the House was called up for consideration.

Senator Paddack moved that **SB 964** be advanced, which motion was declared adopted.

THIRD READING

SB 964 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, Ballenger, Barrington, Bass, Bingman, Branan, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--41.

Excused: Anderson, Brogdon, Brown, Halligan, Mazzei, Myers and Newberry.--7.

The bill and emergency passed.

SB 964 was referred for engrossment.

Senator Bingman presiding.

GENERAL ORDER

SB 815 by Burrage and Ivester of the Senate and Sherrer of the House was called up for consideration.

Senator Burrage moved that **SB 815** be advanced, which motion was declared adopted.

THIRD READING

SB 815 was read for the third time at length.

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

Aye: Adelson, Aldridge, Ballenger, Barrington, Bass, Bingman, Branan, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--41.

Excused: Anderson, Brogdon, Brown, Halligan, Mazzei, Myers and Newberry.--7.

The bill passed.

SB 815 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 Brogdon presiding.

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

INTRODUCTION

Senator Lamb introduced Lieutenant Governor Jari Askins to the Senate.

GENERAL ORDER

SB 406 by Crain of the Senate and Terrill of the House was called up for consideration.

Senator Crain moved that **SB 406** be advanced, which motion was declared adopted.

THIRD READING

SB 406 was read for the third time at length.

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

Aye: Adelson, Aldridge, 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, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Wilson and Wyrick.--44.

Excused: Anderson, Lamb, Mazzei and Sykes.--4.

The bill passed.

The Chair advised that Senator Anderson, having been present in the Chamber during the vote on **SB 406** would be shown voting Nay in compliance with Rule 14-1B. The vote thereby resulted as follows: Aye: 44; Nay: 1; Excused: 3.

SB 406 was referred for engrossment.

GENERAL ORDER

SB 854 by Schulz of the Senate and Sanders of the House was called up for consideration.

Senator Schulz moved that **SB 854** be advanced, which motion was declared adopted.

THIRD READING

SB 854 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, 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, Wilson and Wyrick.--44.

Nay: Branan.--1.

Excused: Coffee, Mazzei and Sykes.--3.

The bill and emergency passed.

SB 854 was referred for engrossment.

GENERAL ORDER

SB 885 by Anderson of the Senate and Sherrer of the House was called up for consideration.

Senator Gumm asked to coauthor **SB 885**, which was the order.

Senator Anderson moved that **SB 885** be advanced, which motion was declared adopted.

THIRD READING

SB 885 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, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Schulz, Sparks, Stanislawski, Sweeden and Wyrick.--41.

Nay: Brogdon, Crain, Lerblance, Russell and Wilson.--5.

Excused: Mazzei and Sykes.--2.

The bill passed.

SB 885 was referred for engrossment.

GENERAL ORDER

SB 517 by Bingman of the Senate and McCullough of the House was called up for consideration.

Senator Bingman moved that **SB 517** be advanced, which motion was declared adopted.

THIRD READING

SB 517 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, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Wilson and Wyrick.--45.

Excused: Lamb, Mazzei and Sykes.--3.

The bill passed.

The Chair advised that Senator Lamb, having been present in the Chamber during the vote on **SB 517** would be shown voting Nay in compliance with Rule 14-1B. The vote thereby resulted as follows: Aye: 45; Nay: 1; Excused: 2.

SB 517 was referred for engrossment.

GENERAL ORDER

SB 441 by Bingman and Ivester of the Senate and McNiel of the House was called up for consideration.

Senator Bingman moved that **SB 441** be advanced, which motion was declared adopted.

THIRD READING

SB 441 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, Stanislowski, Sweeden, Wilson and Wyrick.--46.

Excused: Mazzei and Sykes.--2.

The bill and emergency passed.

SB 441 was referred for engrossment.

UNANIMOUS CONSENT REQUEST DIRECT TO CALENDAR

Senator Lamb asked unanimous consent to refer **SR 13** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SR 13 by Lamb and Coffee was called up for consideration.

All other members of the Senate asked to coauthor **SR 13**, which was the order.

SR 13 was adopted upon motion of Senator Lamb and referred for enrollment.

UNANIMOUS CONSENT REQUEST DIRECT TO CALENDAR

Senator Coffee asked unanimous consent to refer **SCR 7** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SCR 7 by Coffee and Lamb of the Senate and Benge of the House was called up for consideration.

All other members of the Senate asked to coauthor **SCR 7**, which was the order.

SCR 7 was adopted upon motion of Senator Coffee and referred for engrossment.

REPORT OF ENGROSSED AND ENROLLED MEASURES

SR 13 was correctly enrolled, properly signed and ordered transmitted to the Secretary of State.

SCR 7 was correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

GENERAL ORDER

SB 1133 by Jolley of the Senate and Denney of the House was called up for consideration.

Senator Jolley moved that **SB 1133** be advanced, which motion was declared adopted upon division of the question.

THIRD READING

SB 1133 was read for the third time at length.

Senator Jolley asked unanimous consent, which was granted, to reconsider the vote whereby **SB 1133** was advanced.

GENERAL ORDER

SB 1133 by Jolley of the Senate and Denney of the House was called up for further consideration.

Senator Adelson moved to amend **SB 1133**, Page 2, Line 16, by inserting after the word “including” and before the word “the” the following language “a limitation to board certification in pain management and”, which amendment was withdrawn upon request of Senator Adelson.

Senator Jolley asked that **SB 1133** be laid over temporarily, which was the order.

SB 1133 remains on General Order.

GENERAL ORDER

SJR 24 by Schulz of the Senate and Dorman of the House was called up for consideration.

Senator Jolley and all other members of the Senate asked to coauthor **SJR 24**, which was the order.

Senator Schulz moved to amend **SJR 24**, by striking the title, the enacting clause and the entire body of the resolution and substituting the floor substitute, which amendment was declared adopted. (Copies were provided for all Senators.)

Senator Schulz moved that **SJR 24** be advanced, which motion was declared adopted.

THIRD READING

SJR 24 was read for the third time at length.

On the question of passage of the resolution 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, Wilson and Wyrick.--46.

Excused: Mazzei and Sykes.--2.

The resolution and emergency passed.

SJR 24 was referred for engrossment.

MESSAGE FROM THE HOUSE

Advising passage of and transmitting for consideration Engrossed **HBs 1003, 1028, 1050, 1069, 1095, 1303, 1307, 1315, 1318, 1420, 1518, 1554, 1599, 1778, 1867, 1872, 1887 and 1890.**

HB 1003 – By Kern, Sherrer, Hickman, Tibbs, Faught, Cannaday and Liebmann of the House and Brown of the Senate.

An Act relating to workers' compensation; amending 85 O.S. 2001, Section 2.6, which relates to exemptions; providing statutory reference; modifying exemption to include certain persons affiliated with certain business entities; and providing an effective date.

HB 1028 – By Cox, Shelton and Dorman of the House and Crain of the Senate.

(insurance - amending 36 O.S., Sections 1219 and 6055 - processing claims - selection of health care provider – codification – effective date)

HB 1050 – By Carey, Jones, Buck, Morgan, Pittman, Sherrer, Luttrell and Inman of the House and Sparks of the Senate.

An Act relating to schools; directing State Department of Education to encourage school districts to develop certain mentorship programs for certain purpose; specifying components of program; providing for codification; providing an effective date; and declaring an emergency.

HB 1069 – By Tibbs and Shelton of the House and Paddock of the Senate.

(professions and occupations - amending 59 O.S., Sections 1912, 1925.15 and 1941 - modifying disciplinary procedures - effective date)

HB 1095 – By Thomsen, Denney, Shumate, Wright (Harold), Kern and Pittman of the House and Bingman of the Senate.

An Act relating to schools; amending Section 14, Chapter 375, O.S.L. 2003 (70 O.S. Supp. 2008, Section 821.94), which relates to athlete agents; expanding list of prohibited acts to include certain communication with student-athletes; and providing an effective date.

HB 1303 – By Kern, Ownbey and Hickman of the House and Sykes of the Senate.

An Act relating to schools; amending 70 O.S. 2001, Section 1210.508, as last amended by Section 4, Chapter 289, O.S.L. 2006 (70 O.S. Supp. 2008, Section 1210.508), which relates to the Oklahoma School Testing Program Act; deleting certain statutory references; modifying testing window dates for certain criterion-referenced tests; adding testing window dates for certain criterion-referenced tests; requiring certain results and reports to

be distributed to teachers by certain time; providing an effective date; and declaring an emergency.

HB 1307 – By Luttrell of the House and Bass of the Senate.

An Act relating to amusements and sports; providing limited malpractice protection for certain physicians; providing for codification; providing an effective date; and declaring an emergency.

HB 1315 – By Ortega and Kern of the House and Schulz of the Senate.

An Act relating to children; amending 10 O.S. 2001, Section 7004-1.5, which relates to the placement of certain children in kinship foster care; modifying duties of the Department of Human Services for the placement of children in certain circumstances; providing a deadline for certain placement determinations; and providing an effective date.

HB 1318 – By Shoemake of the House and Ballenger of the Senate.

An Act relating to motor vehicles; amending 47 O.S. 2001, Section 584, as amended by Section 4, Chapter 298, O.S.L. 2005 (47 O.S. Supp. 2008, Section 584), which relates to the Used Motor Vehicle and Parts Commission; requiring certain information be provided prior to denial of a license; allowing applicant certain time period to resolve certain issues; and providing an effective date.

HB 1420 – By Cannaday and Moore of the House and Ballenger of the Senate.

An Act relating to cities and towns; amending Section 1, Chapter 304, O.S.L. 2008 (11 O.S. Supp. 2008, Section 8-116), which relates to part-time city managers; authorizing certain municipalities to hire part-time city planners; authorizing governing body to determine duties; amending 11 O.S. 2001, Section 10-112, as last amended by Section 2, Chapter 304, O.S.L. 2008 (11 O.S. Supp. 2008, Section 10-112), which relates to city manager and part-time city manager appointments; authorizing the council to hire a part-time city planner; amending Section 3, Chapter 304, O.S.L. 2008 (74 O.S. Supp. 2008, Section 5017.8), which relates to the development and coordination of a financial assistance program for certain municipalities; and providing an effective date.

HB 1518 – By Inman and Kern of the House and Reynolds of the Senate.

An Act relating to schools; amending Section 1, Chapter 29, O.S.L. 2005, as last amended by Section 1, Chapter 117, O.S.L. 2008 (70 O.S. Supp. 2008, Section 11-103.9), which relates to physical education program requirements; deleting obsolete language; allowing school districts to exclude certain students from physical education or exercise programs requirements; providing an effective date; and declaring an emergency.

HB 1554 – By Duncan of the House and Newberry of the Senate.

An Act relating to environment and natural resources; limiting the amount of sludge accepted by certain disposal sites; providing for exceptions; providing penalty; providing for codification; and declaring an emergency.

HB 1599 – By Sullivan, Wright (John), Inman and Liebmann of the House and Newberry of the Senate.

An Act relating to motor vehicles; amending 47 O.S. 2001, Section 6-105, as last amended by Section 1, Chapter 83, O.S.L. 2008 (47 O.S. Supp. 2008, Section 6-105), which relates to graduated Class D driver licenses; increasing amount of hours required for behind-the-wheel training; modifying certain curfew restriction; and providing an effective date.

HB 1778 – By Jones, Hilliard, McDaniel (Jeannie) and Shelton of the House and Halligan of the Senate.

An Act relating to the State Board of Education; reappropriating and redesignating a certain amount of appropriations for Academic Achievement Awards purposes; reappropriating and redesignating a certain amount of appropriations for certain SoonerStart Early Intervention Program services; making appropriations exempt from budget and category limits; and declaring an emergency.

HB 1867 – By Hickman and Kern of the House and Jolley of the Senate.

An Act relating to schools; amending 70 O.S. 2001, Section 1210.509, which relates to the administration of certain tests; providing that school counselors shall not be required to coordinate certain tests; and providing an effective date.

HB 1872 – By Hickman of the House and Justice of the Senate.

An Act relating to agriculture; amending 2 O.S. 2001, Section 9-205.3, as renumbered by Section 25, Chapter 292, O.S.L. 2005, and as last amended by Section 10, Chapter 31, O.S.L. 2007 (2 O.S. Supp. 2008, Section 20-10), which relates to swine waste management plans; eliminating certain liability; requiring certain records to be maintained; providing for certain certification; and providing an effective date.

HB 1887 – By Richardson, Kiesel and Sherrer of the House and Gumm of the Senate.

An Act relating to criminal procedure; amending 22 O.S. 2001, Sections 988.2, as amended by Section 1, Chapter 251, O.S.L. 2004, 988.9, as amended by Section 3, Chapter 165, O.S.L. 2002, 988.16, as amended by Section 5, Chapter 165, O.S.L. 2002 and 988.18, as amended by Section 6, Chapter 165, O.S.L. 2002 (22 O.S. Supp. 2008, Sections 988.2, 988.9, 988.16 and 988.18), which relate to the Oklahoma Community Sentencing Act; modifying definition of eligible offender; requiring certain offenders to pay administrative fee; modifying certain statutory reference; prohibiting certain persons from being eligible for community punishments; providing an exception; and providing an effective date.

HB 1890 – By Richardson, Roan, Inman and Walker of the House and Barrington of the Senate.

An Act relating to game and fish; amending 29 O.S. 2001, Sections 4-110, as last amended by Section 10, Chapter 16, O.S.L. 2006, 4-112, as last amended by Section 1, Chapter 49, O.S.L. 2008 and 4-114, as last amended by Section 16, Chapter 16, O.S.L. 2006 (29 O.S. Supp. 2008, Sections 4-110, 4-112 and 4-114), which relate to hunting and fishing licenses; modifying fishing and hunting license exemptions for persons with certain senior citizens license; deleting certain deer gun hunting license exemptions for persons

with certain senior citizens license; adding a senior citizen lifetime combination hunting and fishing license; establishing fee for the license; modifying licenses required to purchase a Lifetime Oklahoma Wildlife Land Stamp; amending 29 O.S. 2001, Section 4-134, which relates to the Wildlife Heritage Fund; changing statutory citation; amending Section 1, Chapter 513, O.S.L. 2004, as last amended by Section 2, Chapter 35, O.S.L. 2007 (29 O.S. Supp. 2005, Section 4-140), which relates to the Oklahoma Wildlife Land Stamp; modifying certain exemption; repealing 29 O.S. 2001, Section 4-133, which relates to the senior citizen lifetime hunting and fishing license; and declaring an emergency.

The above-numbered measures were read the first time.

GENERAL ORDER

SB 1133 by Jolley of the Senate and Denney of the House was called up for further consideration.

Senator Jolley moved that **SB 1133** be advanced, which motion was declared adopted.

THIRD READING

SB 1133 was read for the third time at length.

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

Aye: Aldridge, Anderson, Barrington, Bingman, Branan, Brogdon, Brown, Coates, Coffee, Crain, Ellis, Ford, Garrison, Halligan, Johnson (M), Jolley, Justice, Lamb, Leftwich, Lerblance, Myers, Newberry, Nichols, Paddock, Rice, Russell, Stanislawski and Sweeden.--28.

Nay: Adelson, Ballenger, Bass, Burrage, Corn, Crutchfield, Easley, Eason McIntyre, Gumm, Ivester, Johnson (C), Laster, Marlatt, Reynolds, Schulz, Sparks, Wilson and Wyrick.--18.

Excused: Mazzei and Sykes.--2.

The bill passed.

Senators Crutchfield, Adelson, Burrage, Laster, Corn and Bass desired to vote Aye on the emergency.

On the question of passage of the emergency, the vote resulted as follows: Aye: 34; Nay: 12; Excused: 2.

The emergency passed.

Pursuant to Rule 12-21, Senator Jolley served notice that the vote be reconsidered whereby **SB 1133** passed.

Senator Aldridge presiding.

FIRST READING

The following were introduced and read the first time:

SR 16 – By Anderson.

A Resolution proclaiming March 2009 “American Red Cross Month”; encouraging all Oklahomans to support the American Red Cross; and directing distribution.

SR 17 – By Newberry.

A Resolution praising the life and career of Paul Harvey; mourning his loss; and directing distribution.

UNANIMOUS CONSENT REQUEST DIRECT TO CALENDAR

Senator Newberry asked unanimous consent to refer **SR 17** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SR 17 by Newberry was called up for consideration.

All other members of the Senate asked to coauthor **SR 17**, which was the order.

SR 17 was adopted upon motion of Senator Newberry and referred for enrollment.

GENERAL ORDER

SB 474 by Bingman of the Senate and Thompson of the House was called up for consideration.

Senator Johnson (Constance) asked to coauthor **SB 474**, which was the order.

Senator Bingman moved that **SB 474** be advanced, which motion was declared adopted.

THIRD READING

SB 474 was read for the third time at length.

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

Aye: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brown, Burrage, Coates, Corn, 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, Stanislawski, Wilson and Wyrick.--41.

Nay: Ivester, Sparks and Sweeden.--3.

Excused: Brogdon, Coffee, Mazzei and Sykes.--4.

The bill and emergency passed.

SB 474 was referred for engrossment.

Senator Lamb moved that when the clerk's desk is clear, the Senate stand adjourned to convene Tuesday, March 3, 2009, at 9:30 a.m., which motion prevailed.

**BILL RELEASED
TIME EXPIRED TO RECONSIDER**

SB 449 was referred for engrossment.

Pursuant to the Lamb motion, the Senate adjourned at 4:30 p.m. to meet Tuesday, March 3, 2009, at 9:30 a.m.