

Senate Journal

First Regular Session of the Fifty-second Legislature of the State of Oklahoma Forty-second Legislative Day, Tuesday, April 14, 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, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.—48.

Senator Jolley declared a quorum present.

The prayer was offered by Reverend Ray Crawford, First United Methodist Church, Claremore, the guest of Senator Burrage.

REPORT OF ENGROSSED AND ENROLLED MEASURES

HBs 1067, 1084, 1165, 1491, 1575, 1616, 1678, 1742, 1800, 1802, 1956 and 2016 were each correctly engrossed and, together with engrossed **SAs**, properly signed and ordered returned to the Honorable House.

SBs 399, 745 and 894 were each correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

INTRODUCTION

Senator Lamb introduced Lieutenant Governor Jari Askins to the Senate.

GENERAL ORDER

HB 1095 by Thomsen et al of the House and Bingman of the Senate was called up for consideration.

Senator Bingman moved that **HB 1095** be advanced, which motion was declared adopted.

THIRD READING

HB 1095 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, Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Paddack, Rice, Russell, Schulz, Sparks, Stanislawski, Sykes and Wilson.--41.

Excused: Ivester, Johnson (C), Mazzei, Nichols, Reynolds, Sweeden and Wyrick.--7.

The bill passed.

HB 1095 was referred for engrossment.

INTRODUCTION

Senator Lamb introduced his guest, Ian McGregor, to the Senate. President Pro Tempore Coffee asked unanimous consent, which was granted, that Ian be named Honorary President Pro Tempore for this legislative day.

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

Senator Sykes asked unanimous consent to refer **SR 28** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SR 28 by Coffee and Sykes was called up for consideration.

Senators Laster, Corn, Jolley, Gumm, Garrison, Sparks, Bass, Leftwich, Rice, Ballenger, Adelson, Paddock, Lerblance, Burrage, Crutchfield, Easley, Eason McIntyre, Ellis, Ivester, Wilson, Wyrick, Schulz, Brown, Justice, Marlatt, Anderson, Halligan, Bingman, Aldridge, Crain, Myers, Reynolds, Barrington, Branan, Johnson (Mike), Russell, Ford, Stanislawski, Lamb, Coates, Newberry, Nichols, Brogdon and Mazzei asked to coauthor **SR 28**, which was the order.

SR 28 was adopted upon motion of Senator Sykes and referred for enrollment.

MESSAGE FROM THE HOUSE

Advising the Honorable Senate that the House of Representatives is ready to convene in Joint Session.

Senator Lamb moved that the Senate meet with the House in Joint Session, and that the Senate stand at recess to the call of the Chair, which motion was declared adopted.

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JOINT SESSION

The Third Joint Session of the First Regular Session of the Fifty-second Legislature assembled in the House Chamber on Tuesday, April 14, 2009, and was called to order by Lieutenant Governor Jari Askins.

Senator Lamb moved that the attendance roll call of the Senate be considered the roll call of the Senate in Joint Session, which was the order.

Representative Jones moved that the attendance roll call of the House be considered the roll call of the House in Joint Session, which was the order.

Lieutenant Governor Askins declared quorums of the Senate and House present and the Joint Session duly assembled.

Invocation was offered by Reverend Dick Terry of the First Free Will Baptist Church of Sulphur.

Posting of the Colors was presented by the Thunderbird Youth Academy Honor Guard.

Lieutenant Governor Askins recognized Representative Rex Duncan. Colonel Duncan, a Member of the Oklahoma Army National Guard introduced Adjutant General, Major General Miles L. Deering.

Major General Deering addressed the Joint Session and conducted the program commemorating the 45th Infantry Division Appreciation Day.

Representing the veterans of the 45th Infantry Division, a special Color Guard composed of the historical interpreters from the 45th Infantry Division Museum's "G" Company, 180th Infantry Regiment presented the flag of the 45th Infantry Division. This flag was made in Germany in 1945 in the closing days of World War II.

Major General Deering and Lieutenant Governor Askins presented the Oklahoma Medal of Freedom to Retired Command Sergeant Major William G. Evans.

Norman Lamb, Secretary of Veterans Affairs, read a formal Proclamation from Governor Henry recognizing 45th Appreciation Day and presented the Proclamation to Major General Deering.

Upon motion of Representative Jones, the Joint Session was ordered dissolved at 10:05 a.m.

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The Senate reconvened with Senator Jolley presiding.

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

GENERAL ORDER

HB 1936 by Watson et al of the House and Crain of the Senate was called up for consideration.

Senator Crain moved that **HB 1936** be advanced, which motion was declared adopted.

THIRD READING

HB 1936 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 (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Russell, Schulz, Sparks, Stanislawski, Sykes, Wilson and Wyrick.--43.

Excused: Brogdon, Johnson (C), Mazzei, Rice and Sweeden.--5.

The bill passed.

HB 1936 was referred for engrossment.

GENERAL ORDER

HB 1052 by Sears et al of the House and Barrington of the Senate was called up for consideration.

Senator Barrington moved that **HB 1052** be advanced, which motion was declared adopted.

THIRD READING

HB 1052 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 (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sykes, Wilson and Wyrick.--44.

Excused: Brogdon, Johnson (C), Mazzei and Sweeden.--4.

The bill passed.

HB 1052 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 1761 by Enns and Sherrer of the House and Barrington of the Senate was called up for consideration.

Senator Barrington moved that **HB 1761** be advanced, which motion was declared adopted.

THIRD READING

HB 1761 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, Ivester, Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sykes, Wilson and Wyrick.--43.

Excused: Brogdon, Coffee, Johnson (C), Mazzei and Sweeden.--5.

The bill and emergency passed.

HB 1761 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 2056 by Thompson of the House and Bingman and Marlatt of the Senate was called up for consideration.

Senator Bingman asked unanimous consent, which was granted, to suspend Senate Rules and to amend **HB 2056**, Page 1, by restoring the title.

Senator Bingman moved that **HB 2056** be advanced, which motion was declared adopted.

THIRD READING

HB 2056 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 (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sykes, Wilson and Wyrick.--42.

Excused: Brogdon, Coffee, Johnson (C), Mazzei, Nichols and Sweeden.--6.

The bill passed.

HB 2056 was referred for engrossment.

GENERAL ORDER

HB 1031 by Murphey of the House and Coates of the Senate was called up for consideration.

Senator Coates moved that **HB 1031** be advanced, which motion was declared adopted.

THIRD READING

HB 1031 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 (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sykes, Wilson and Wyrick.--43.

Excused: Brogdon, Coffee, Johnson (C), Mazzei and Sweeden.--5.

The bill passed.

HB 1031 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 1333 by Denney and Coody of the House and Coates of the Senate was called up for consideration.

Senator Brown moved to amend **HB 1333**, Page 10, Line 22 ½, by inserting a new Section 3 to read as follows:

“SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-122 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. Alcohol shall be prohibited on all public school campuses.

B. For purposes of this section:

1. "Alcohol" means any low-point beer as defined in Section 163.2 of Title 37 of the Oklahoma Statutes or alcoholic beverage as defined in Section 506 of Title 37 of the Oklahoma Statutes;

2. "Public school campuses" includes any public school campus supported by state funding, including, but not limited to elementary school districts, independent school districts, charter schools authorized pursuant to the Oklahoma Charter Schools Act, and the

Oklahoma School of Science and Mathematics.”, and by renumbering subsequent sections and amending the title to conform.

Senator Wilson moved to table the Brown amendment, which tabling motion was declared adopted upon roll call as follows:

Aye: Anderson, Ballenger, Barrington, Bass, Burrage, Coates, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Jolley, Lamb, Laster, Leftwich, Lerblance, Myers, Paddack, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Wilson and Wyrick.--31.

Nay: Adelson, Aldridge, Bingman, Branan, Brown, Corn, Johnson (M), Justice, Marlatt, Newberry, Nichols, Reynolds and Sykes.--13.

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

Senator Coates moved that **HB 1333** be advanced, which motion was declared adopted.

THIRD READING

HB 1333 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 (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: Coffee, Johnson (C) and Mazzei.--3.

The bill passed.

HB 1333 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 1964 by Benge of the House and Crain of the Senate was called up for consideration.

Senator Crain moved that **HB 1964** be advanced, which motion was declared adopted.

THIRD READING

HB 1964 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 (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: Coffee, Johnson (C) and Mazzei.--3.

The bill passed.

HB 1964 was referred for engrossment.

GENERAL ORDER

HB 1508 by Christian and Blackwell of the House and Reynolds of the Senate was called up for consideration.

Senator Adelson moved to amend **HB 1508**, Page 3, Line 14 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 24-155 of Title 70, unless there is created a duplication in numbering, reads as follows:

No public school or school district shall belong to an organization that conducts student sports or interscholastic competitive events or participate in a student sports or other interscholastic competition, including speech, drama, music, debate, academic, vocational education, agriculture, or homemaking competition, sponsored by such organization unless the organization allows a school district to include as competitors in the above specified individual participation events persons between six (6) years and nineteen (19) years of age who:

1. Are not enrolled as students in any public school within the district;
2. Are residents of the district;
3. Are actively pursuing elementary or secondary education in grades one through twelve;
4. Meet all eligibility requirements for participation set by the organization or the school except class attendance requirements; and
5. Have not been declared academically ineligible to participate during the preceding two (2) school years.”, and by renumbering subsequent sections, which amendment was declared adopted.

Senator Reynolds moved that **HB 1508** be advanced, which motion was declared adopted.

THIRD READING

HB 1508 was read for the third time at length.

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

Aye: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Wilson and Wyrick.--44.

Excused: Coffee, Johnson (C), Sweeden and Sykes.--4.

The bill and emergency passed.

HB 1508 was referred for engrossment.

GENERAL ORDER

HB 1953 by Benge et al of the House and Bingman et al of the Senate was called up for consideration.

Senator Leftwich asked to coauthor **HB 1953**, which was the order.

Senator Bingman moved that **HB 1953** be advanced, which motion was declared adopted.

THIRD READING

HB 1953 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 (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Wilson and Wyrick.--44.

Excused: Coffee, Johnson (C), Mazzei and Sykes.--4.

The bill passed.

HB 1953 was referred for engrossment.

GENERAL ORDER

HB 1952 by Bengé et al of the House and Bingman of the Senate was called up for consideration.

Senators Branan, Garrison, Ballenger, Burrage and Sparks asked to coauthor **HB 1952**, which was the order.

Senator Bingman moved that **HB 1952** be advanced, which motion was declared adopted.

THIRD READING

HB 1952 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, Ivester, Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Wilson and Wyrick.--43.

Nay: Brogdon.--1.

Excused: Coffee, Johnson (C), Mazzei and Sykes.--4.

The bill and emergency passed.

HB 1952 was referred for engrossment.

GENERAL ORDER

HB 1389 by Osborn et al of the House and Anderson of the Senate was called up for consideration.

Senator Anderson moved that **HB 1389** be advanced, which motion was declared adopted.

THIRD READING

HB 1389 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 (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Myers, Newberry, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Wilson and Wyrick.--42.

Excused: Coffee, Johnson (C), Marlatt, Mazzei, Nichols and Sykes.--6.

The bill passed.

HB 1389 was referred for engrossment.

GENERAL ORDER

HB 1460 by Peterson et al of the House and Anderson of the Senate was called up for consideration.

Senators Jolley, Adelson, Sparks and Garrison asked to coauthor **HB 1460**, which was the order.

Senator Anderson moved that **HB 1460** be advanced, which motion was declared adopted.

THIRD READING

HB 1460 was read for the third time at length.

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

Aye: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Corn, Crain, Crutchfield, Easley, Eason McIntyre, 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, Wilson and Wyrick.--43.

Excused: Coffee, Johnson (C), Mazzei, Nichols and Sykes.--5.

The bill and emergency passed.

HB 1460 was referred for engrossment.

GENERAL ORDER

HB 1739 by Peters et al of the House and Anderson of the Senate was called up for consideration.

Senator Leftwich asked to coauthor **HB 1739**, which was the order.

Senator Anderson moved that **HB 1739** be advanced, which motion was declared adopted.

THIRD READING

HB 1739 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, Johnson (M), Jolley, Justice, Lamb, Leftwich, Lerblance, Myers, Newberry, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Wilson and Wyrick.--40.

Nay: Laster.--1.

Excused: Coffee, Ivester, Johnson (C), Marlatt, Mazzei, Nichols and Sykes.--7.

The bill passed.

HB 1739 was referred for engrossment.

GENERAL ORDER

HB 2062 by Thompson of the House and Bingman and Gumm of the Senate was called up for consideration.

Senator Branan asked to coauthor **HB 2062**, which was the order.

Senator Bingman moved that **HB 2062** be advanced, which motion was declared adopted.

THIRD READING

HB 2062 was read for the third time at length.

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

Aye: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Corn, Crain, Crutchfield, Easley, Eason McIntyre, 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 and Wyrick.--42.

Nay: Wilson.--1.

Excused: Coffee, Johnson (C), Mazzei, Nichols and Sykes.--5.

The bill and emergency passed.

HB 2062 was referred for engrossment.

UNANIMOUS CONSENT REQUEST DIRECT TO CALENDAR

Senator Bingman asked unanimous consent to refer **HCR 1012** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

HCR 1012 by Thompson of the House and Bingman of the Senate was called up for consideration.

All other members of the Senate asked to coauthor **HCR 1012**, which was the order.

HCR 1012 was adopted upon motion of Senator Bingman and properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 1569 by Schwartz et al of the House and Crain of the Senate was called up for consideration.

Senator Crain moved that **HB 1569** be advanced, which motion was declared adopted.

THIRD READING

HB 1569 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 (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--44.

Excused: Coffee, Johnson (C), Mazzei and Nichols.--4.

The bill passed.

HB 1569 was referred for engrossment.

GENERAL ORDER

HB 1402 by Hilliard et al of the House and Paddack of the Senate was called up for consideration.

Senator Paddack moved that **HB 1402** be advanced, which motion was declared adopted.

THIRD READING

HB 1402 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 (M), Jolley, Justice, Lamb, Laster,

Leftwich, Lerblance, Marlatt, Myers, Newberry, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Wilson and Wyrick.--43.

Excused: Coffee, Johnson (C), Mazzei, Nichols and Sykes.--5.

The bill passed.

Pursuant to Rule 12-21, Senator Paddack served notice that the vote be reconsidered whereby **HB 1402** passed.

GENERAL ORDER

HB 1570 by Schwartz and McCullough of the House and Paddack of the Senate was called up for consideration.

Senator Paddack moved that **HB 1570** be advanced, which motion was declared adopted.

THIRD READING

HB 1570 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 (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--45.

Excused: Johnson (C), Mazzei and Nichols.--3.

The bill passed.

Pursuant to Rule 12-21, Senator Paddack served notice that the vote be reconsidered whereby **HB 1570** passed.

GENERAL ORDER

HJR 1021 by Trebilcock of the House and Anderson of the Senate was called up for consideration.

Senator Anderson moved that **HJR 1021** be advanced, which motion was declared adopted.

THIRD READING

HJR 1021 was read for the third time at length.

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

Aye: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Crain, Easley, Ellis, Ford, Garrison, Halligan, Johnson (M), Jolley, Justice, Lamb, Leftwich, Marlatt, Myers, Newberry, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislowski, Sweeden and Sykes.--35.

Nay: Bass, Corn, Crutchfield, Eason McIntyre, Gumm, Ivester, Johnson (C), Laster, Lerblance, Wilson and Wyrick.--11.

Excused: Mazzei and Nichols.--2.

The resolution passed.

HJR 1021 was referred for engrossment.

GENERAL ORDER

HB 1763 by Enns of the House and Reynolds of the Senate was called up for consideration.

Senator Reynolds asked unanimous consent, which was granted, to suspend Senate Rules and to amend **HB 1763**, Page 1, by restoring the title.

The above amendment restores **HB 1763** to the engrossed version of the bill.

Senator Reynolds moved that **HB 1763** be advanced, which motion was declared adopted.

THIRD READING

HB 1763 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, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--46.

Excused: Mazzei and Nichols.--2.

The bill and emergency passed.

HB 1763 was properly signed and ordered returned to the Honorable House.

MESSAGES FROM THE HOUSE

Advising fourth reading of and transmitting for signature Enrolled **HBs 1480, 1604, 1691, 1865, 1893** and **2148**.

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

Advising fourth reading of and returning Enrolled **SBs 399, 745** and **894**.

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

Advising passage of and returning the following Engrossed measures:

SB 1129 - coauthored by Shelton
SJR 12

The above-numbered measures were referred for enrollment.

MESSAGE FROM THE HOUSE HAS TO SENATE BILLS

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

SB 225
SB 256 - coauthored by Lamons and Scott
SB 257 - coauthored by Pittman and Fields
SB 269
SB 354 - coauthored by Cannaday

SB 539 - coauthored by Nelson and Kern
SB 602
SB 645
SB 665 - coauthored by Scott
SB 700
SB 848 - coauthored by Shelton and Wright (John)
SB 920
SB 980
SB 1013 - coauthored by Faught and Moore
SB 1062
SB 1076
SB 1132
SB 1231 (emergency failed)
SB 1234

House amendments were read on the above-numbered bills.

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 Jolley presiding.

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

GENERAL ORDER

HB 1734 by Peters et al of the House and Crain of the Senate was called up for consideration.

Senator Crain moved that **HB 1734** be advanced, which motion was declared adopted.

THIRD READING

HB 1734 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, 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.--45.

Excused: Anderson, Coates and Mazzei.--3.

The bill passed.

HB 1734 was referred for engrossment.

GENERAL ORDER

HB 1760 by Enns and Ritze of the House and Crain of the Senate was called up for consideration.

Senator Crain moved that **HB 1760** be advanced, which motion was declared adopted.

THIRD READING

HB 1760 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, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--42.

Excused: Anderson, Coates, Coffee, Gumm, Justice and Mazzei.--6.

The bill passed.

HB 1760 was referred for engrossment.

GENERAL ORDER

HB 2266 by Christian et al of the House and Reynolds and Sykes of the Senate was called up for consideration.

Senator Reynolds asked to be removed and Senator Sykes asked to be named principal Senate author on **HB 2266**, which was the order.

Senator Reynolds asked to coauthor **HB 2266**, which was the order.

Senator Sykes moved that **HB 2266** be advanced, which motion was declared adopted.

THIRD READING

HB 2266 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.

HB 2266 was referred for engrossment.

MESSAGE FROM THE HOUSE

Advising passage of and returning the following Engrossed bill:

SB 525

The above-numbered measure was referred for enrollment.

GENERAL ORDER

HB 2028 by Steele et al of the House and Coates and Paddack of the Senate was called up for consideration.

Senator Leftwich moved to amend **HB 2028**, Page 479, Line 22 ½, by inserting new Sections 152 and 153 to read as follows:

“SECTION 152. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7003-8.9 of Title 10, unless there is created a duplication in numbering, reads as follows:

When any person is convicted of a felony offense against the laws of this state and is sentenced to imprisonment to be served in a state correctional institution, the judge of the district court shall inquire whether such person is a single custodial parent of any minor

child. If such person is a single custodial parent, the judge shall inquire if arrangements have been made for the care and custody of the child during the period of incarceration of the custodial parent. If the judge finds that no such arrangements have been made, the court shall refer the issue of custody to the Department of Human Services and shall complete a form, which shall be provided by the Department and approved by the Administrative Director of the Courts, indicating that the defendant has been sentenced to incarceration in a state correctional institution and that the defendant has sole custody of a minor child or children. Such form shall be made part of the record of the criminal case.

SECTION 153. REPEALER 22 O.S. 2001, Section 20, is hereby repealed.”, and by renumbering subsequent sections.

Senator Corn moved to amend the Leftwich amendment, Page 414, Line 18 ½, by inserting new Sections 109 and 110 to read as follows:

“SECTION 109. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7505-3.3 of Title 10, unless there is created a duplication in numbering, reads as follows:

If the child to be adopted is the biological or adopted grandchild of the petitioner, the grandparent shall be exempt from any court costs associated with the adoption as provided for in Section 152 of Title 28 of the Oklahoma Statutes.

SECTION 110. AMENDATORY 10 O.S. 2001, Section 7505-5.2, is amended to read as follows:

Section 7505-5.2. A. If a preplacement home study is waived by the court for good cause shown or is not required by ~~Section 29 of this act~~ Section 7505-5.1 of this title, the court, upon the filing of a petition for adoption, shall order that a home study be made and filed with the court by the designated investigator within the time fixed by the court, and in no event more than sixty (60) days from the issuance of the order for the home study, unless the time therefor is extended by the court.

B. If the child to be adopted is the biological or adopted child of either of the petitioners or of the spouse of the petitioner or the biological or adopted grandchild of the petitioner, then the court by order may waive the requirement in subsection A of this section that a home study report be made, and the requirement for a supplemental report set forth in subsection C of Section 31 of this act, if the court makes the following findings:

1. That waiver of the home study requirement is in the best interest of the child;

2. ~~That~~ If the petitioners are the parent of the child and the stepparent of the child, ~~that the parent of the child and the stepparent of the child who are petitioning for adoption~~ have been married for at least one (1) year with the child who is to be adopted living in their home; and

3. That the stepparent or the grandparent who is petitioning for adoption has no record of conviction of a felony or conviction or adjudication in juvenile court for child abuse or neglect or domestic violence, and there is no record of a protective order or orders issued against the stepparent.

In all other adoptions, including foster, relative, and stepparent adoptions, a home study and report shall be made pursuant to this section or ~~Section 29 of this act~~ Section 7505-5.1 of this title.”, and by renumbering subsequent sections, which amendment was declared adopted.

Senator Leftwich pressed adoption of her previous amendment as amended, which amendment was declared adopted.

Senator Coates moved that **HB 2028** be advanced, which motion was declared adopted.

THIRD READING

HB 2028 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.

HB 2028 was referred for engrossment.

GENERAL ORDER

HB 2029 by Steele et al of the House and Coates and Paddack of the Senate was called up for consideration.

Senator Coates moved that **HB 2029** be advanced, which motion was declared adopted.

THIRD READING

HB 2029 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.

HB 2029 was referred for engrossment.

GENERAL ORDER

HB 2161 by Kern et al of the House and Stanislawski of the Senate was called up for consideration.

Senator Gumm moved to amend **HB 2161**, Page 13, Line 4, by inserting after the word “elections” and before the semicolon the following language “and candidate forums to which every candidate for such office or offices are extended an invitation”.

Senator Stanislawski raised a point of order that the Gumm amendment is in violation of Senate Rule 5-7 and that the Gumm amendment was the same or like language to an amendment that was offered and defeated in a Senate committee.

Senator Stanislawski asked that **HB 2161** be laid over pending consideration of the point of order by the Chair.

GENERAL ORDER

HB 1769 by Roan et al of the House and Crutchfield and Sweeden of the Senate was called up for consideration.

Senator Ellis asked to coauthor **HB 1769**, which was the order.

Senator Gumm moved to amend **HB 1769**, Page 5, Line 21 ½, by inserting a new Section 12 to read as follows:

“SECTION 12. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1698.54 of Title 69, unless there is created a duplication in numbering, reads as follows:

The Business portion where State Highways 69 and 75 are one common merged highway in Bryan County from the intersection of Waldon Drive and State Highway 69 north to Alabama Street in Durant, shall be designated the “Leon Sherrer Highway”. The Department of Transportation shall cause suitable permanent markers to be placed on the highway bearing that name.”, and by renumbering subsequent section and amending the title to conform, which amendment was declared adopted.

Senator Gumm, on behalf of Senator Corn, moved to amend **HB 1769**, Page 5, Line 21 ½, by inserting new Sections 12 and 13 to read as follows:

“SECTION 12. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1698.54 of Title 69, unless there is created a duplication in numbering, reads as follows:

The bridge on State Highway 112 crossing the Poteau River in LeFlore County shall be designated as the “Deputy Sheriff Dustin Duncan Memorial Bridge” and the Department of Transportation shall cause suitable permanent markers to be placed on that bridge.

SECTION 13. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1698.55 of Title 69, unless there is created a duplication in numbering, reads as follows:

The bridge on State Highway 128 east of Heavner in LeFlore County shall be designated as the “U.S. Army, 2nd Lieutenant Fred Sonaggera Memorial Bridge” and the Department of Transportation shall cause suitable permanent markers to be placed on that bridge.”, and by renumbering subsequent section and amending the title to conform, which amendment was declared adopted.

Senator Crutchfield moved that **HB 1769** be advanced, which motion was declared adopted.

THIRD READING

HB 1769 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.

HB 1769 was referred for engrossment.

GENERAL ORDER

HB 2161 by Kern et al of the House and Stanislawski of the Senate was called up for further consideration.

The Chair ruled that the Gumm amendment was out of order per Senate Rule 5-7.

Senator Gumm offered a substitute ruling that the language in Senate Rule 5-7 is separated by a comma as it relates to committee and floor actions and that his amendment should not be subject to committee actions, which substitute ruling failed of adoption upon roll call as follows:

Aye: Adelson, Ballenger, Bass, Burrage, Corn, Crutchfield, Easley, Eason McIntyre, Ellis, Garrison, Gumm, Ivester, Johnson (C), Laster, Leftwich, Lerblance, Paddack, Rice, Sparks, Sweeden, Wilson and Wyrick.--22.

Nay: Aldridge, Anderson, Barrington, Bingman, Branan, Brogdon, Brown, Coates, Coffee, Crain, Ford, Halligan, Johnson (M), Jolley, Justice, Lamb, Marlatt, Mazzei, Myers, Newberry, Nichols, Reynolds, Russell, Schulz, Stanislawski and Sykes.--26.

Senator Sparks moved to amend **HB 2161**, Page 13, Line 6 ½, by inserting a new paragraph 3 to read as follows:

“3. Nothing in this subsection shall prohibit any elected official from speaking or distributing material for purposes other than those enumerated in paragraphs 1 and 2 of this subsection.”, and by amending the title to conform, which amendment was declared adopted.

Senator Stanislawski moved that **HB 2161** be advanced, which motion was declared adopted.

THIRD READING

HB 2161 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, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--48.

The bill passed.

HB 2161 was referred for engrossment.

GENERAL ORDER

HB 2263 by Christian and Ritze of the House and Leftwich of the Senate was called up for consideration.

Senator Leftwich asked unanimous consent, which was granted, to suspend Senate Rules and to amend **HB 2263**, Page 1, by restoring the title.

Senator Leftwich moved that **HB 2263** be advanced, which motion was declared adopted.

THIRD READING

HB 2263 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, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--48.

The bill and emergency passed.

HB 2263 was referred for engrossment.

MOTION TO RECONSIDER VOTE

Senator Reynolds moved to reconsider the vote whereby **HB 1518** passed.

Senator Lamb moved to table the Reynolds motion, which tabling motion was declared adopted.

HB 1518 was properly signed and ordered returned to the Honorable House.

INTRODUCTION

Senator Garrison introduced former Senator Ben Robinson to the Senate.

GENERAL ORDER

HB 1948 by Bengé et al of the House and Bingman of the Senate was called up for consideration.

Senator Garrison asked to coauthor **HB 1948**, which was the order.

Senator Bingman moved that **HB 1948** be advanced, which motion was declared adopted.

THIRD READING

HB 1948 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, Brown, 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, Wilson and Wyrick.--38.

Nay: Aldridge, Brogdon, Johnson (M), Mazzei, Newberry, Reynolds, Russell, Stanislawski, Sweeden and Sykes.--10.

The bill passed.

HB 1948 was referred for engrossment.

GENERAL ORDER

HB 2108 by Ortega et al of the House and Justice of the Senate was called up for consideration.

Senator Justice moved that **HB 2108** be advanced, which motion was declared adopted.

THIRD READING

HB 2108 was read for the third time at length.

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

Aye: Adelson, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Crain, Crutchfield, Easley, Ellis, Ford, Garrison, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes and Wyrick.--42.

Nay: Aldridge, Corn, Eason McIntyre, Gumm, Lerblance and Wilson.--6.

The bill and emergency passed.

HB 2108 was referred for engrossment.

GENERAL ORDER

HB 1366 by Buck and Roan of the House and Gumm of the Senate was called up for consideration.

Senator Gumm moved to amend **HB 1366**, Page 2, Line 6, by inserting after the word “agreements” and before the period the language “between local individuals or groups and the Historical Society. Such matching-fund agreements shall be subject to the availability of funds”.

Senator Gumm moved to amend his amendment to **HB 1366**, by striking the language “subject to the availability of funds” and insert in lieu thereof “funded by donations made to the Historical Society from sources other than appropriated dollars”, which amendment was declared adopted.

Senator Gumm pressed adoption of his previous amendment as amended, which amendment was declared adopted.

Senator Gumm moved to amend **HB 1366**, Page 1, Lines 8, 9 and 10, by restoring the stricken title and restoring the stricken enacting clause, which amendment was declared adopted.

Senator Gumm moved that **HB 1366** be advanced, which motion was declared adopted.

THIRD READING

HB 1366 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, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--48.

The bill passed.

HB 1366 was referred for engrossment.

MOTION TO RECONSIDER VOTE

Senator Sykes moved to reconsider the vote whereby **HB 1601** passed.

Senator Lamb moved to table the Sykes motion, which tabling motion was declared adopted.

HB 1601 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 1600 by Sullivan et al of the House and Coffee of the Senate was called up for consideration.

Senator Anderson moved to amend **HB 1600**, 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 Anderson moved to amend the floor substitute to **HB 1600**, Page 1, by restoring the title.

Senator Anderson moved that **HB 1600** be advanced, which motion was declared adopted.

THIRD READING

HB 1600 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, Ford, Halligan, Johnson (M), Jolley, Justice, Lamb, Marlatt, Mazzei, Myers, Newberry, Nichols, Reynolds, Russell, Schulz, Stanislawski and Sykes.--26.

Nay: Adelson, Ballenger, Bass, Burrage, Corn, Crutchfield, Easley, Eason McIntyre, Ellis, Garrison, Gumm, Ivester, Johnson (C), Laster, Leftwich, Lerblance, Paddock, Rice, Sparks, Sweden, Wilson and Wyrick.--22.

The bill passed.

Pursuant to Rule 12-21, Senator Anderson served notice that the vote be reconsidered whereby **HB 1600** passed.

GENERAL ORDER

HB 2027 by Steele et al of the House and Justice of the Senate was called up for consideration.

Senators Gumm, Branan, Garrison and Burrage asked to coauthor **HB 2027**, which was the order.

Senator Gumm moved to amend **HB 2027**, Page 8, Line 9 ½, by inserting new Sections 6 and 7 to read as follows:

“SECTION 6. AMENDATORY 36 O.S. 2001, Section 6542, as last amended by Section 6, Chapter 404, O.S.L. 2008 (36 O.S. Supp. 2008, Section 6542), is amended to read as follows:

Section 6542.

A. 1. The primary plan shall offer as the basic option an annually renewable policy with coverage as specified in this section for each eligible person, except, that if an eligible person is also eligible for Medicare coverage, the plan shall not pay or reimburse any person for expenses paid by Medicare.

2. Any person whose health insurance is involuntarily terminated for any reason other than nonpayment of premium or fraud may apply for coverage under any of the plans offered by the Board of Directors of the Health Insurance High Risk Pool. If such coverage is applied for within sixty-three (63) days after the involuntary termination and if premiums are paid for the entire period of coverage, the effective date of the coverage shall be the date of termination of the previous coverage.

3. The primary plan shall provide that, upon the death, annulment of marriage or divorce of the individual in whose name the contract was issued, every other person covered in the contract may elect within sixty-three (63) days to continue coverage under a continuation or conversion policy.

4. No coverage provided to a person who is eligible for Medicare benefits shall be issued as a Medicare supplement policy.

B. The primary plan shall offer comprehensive coverage to every eligible person who is not eligible for Medicare. Comprehensive coverage offered under the primary plan shall pay an eligible person's covered expenses, subject to the limits on the deductible and coinsurance payments authorized under subsection E of this section up to a lifetime limit of One Million Dollars (\$1,000,000.00) per covered individual. The maximum limit under this paragraph shall not be altered by the Board of Directors of the Health Insurance High Risk Pool, and no actuarially equivalent benefit may be substituted by the Board.

C. Except for a health maintenance organization and prepaid health plan or preferred provider organization utilized by the Board or a covered person, the usual customary charges for the following services and articles, when prescribed by a physician, shall be covered expenses in the primary plan:

1. Hospital services;
2. Professional services for the diagnosis or treatment of injuries, illness, or conditions, other than dental, which are rendered by a physician or by others at the direction of a physician;
3. Drugs requiring a physician's prescription;
4. Services of a licensed skilled nursing facility for eligible individuals, ineligible for Medicare, for not more than one hundred eighty (180) calendar days during a policy year, if the services are the type which would qualify as reimbursable services under Medicare;
5. Services of a home health agency, if the services are of a type which would qualify as reimbursable services under Medicare;
6. Use of radium or other radioactive materials;
7. Oxygen;
8. Anesthetics;
9. Prosthesis, other than dental prosthesis;
10. Rental or purchase, as appropriate, of durable medical equipment, other than eyeglasses and hearing aids;
11. Diagnostic x-rays and laboratory tests;
12. Oral surgery for partially or completely erupted, impacted teeth and oral surgery with respect to the tissues of the mouth when not performed in connection with the extraction or repair of teeth;
13. Services of a physical therapist;
14. Transportation provided by a licensed ambulance service to the nearest facility qualified to treat the condition;
15. Processing of blood including, but not limited to, collecting, testing, fractioning, and distributing blood; and
16. Services for the treatment of alcohol and drug abuse, but the plan shall be required to make a fifty percent (50%) co-payment and the payment of the plan shall not exceed Four Thousand Dollars (\$4,000.00).

Usual and customary charges shall not exceed the reimbursement rate for charges as set by the State and Education Employees Group Insurance Board.

- D. 1. Covered expenses in the primary plan shall not include the following:
- a. any charge for treatment for cosmetic purposes, other than for repair or treatment of an injury or congenital bodily defect to restore normal bodily functions,

- b. any charge for care which is primarily for custodial or domiciliary purposes which do not qualify as eligible services under Medicaid,
- c. any charge for confinement in a private room to the extent that such charge is in excess of the charge by the institution for its most common semiprivate room, unless a private room is prescribed as medically necessary by a physician,
- d. that part of any charge for services or articles rendered or provided by a physician or other health care personnel which exceeds the prevailing charge in the locality where the service is provided, or any charge for services or articles not medically necessary,
- e. any charge for services or articles the provision of which is not within the authorized scope of practice of the institution or individual providing the service or articles,
- f. any expense incurred prior to the effective date of the coverage under the plan for the person on whose behalf the expense was incurred,
- g. any charge for routine physical examinations in excess of one every twenty-four (24) months,
- h. any charge for the services of blood donors and any fee for the failure to replace the first three (3) pints of blood provided to an eligible person annually, and
- i. any charge for personal services or supplies provided by a hospital or nursing home, or any other nonmedical or nonprescribed services or supplies.

2. The primary plan may provide an option for a person to have coverage for the expenses set out in paragraph 1 of this subsection or any benefits payable under any other health insurance policy or plan, commensurate with the deductible and coinsurance selected.

E. 1. The primary plan shall provide for a choice of annual deductibles per person covered for major medical expenses in the amounts of Five Hundred Dollars (\$500.00), One Thousand Dollars (\$1,000.00), One Thousand Five Hundred Dollars (\$1,500.00), Two Thousand Dollars (\$2,000.00), Five Thousand Dollars (\$5,000.00) and Seven Thousand Five Hundred Dollars (\$7,500.00), plus the additional benefits payable at each level of deductible; provided, if two individual members of a family satisfy the applicable deductible, no other members of the family shall be required to meet deductibles for the remainder of that calendar year.

2. The schedule of premiums and deductibles shall be established by the Board.

3. Rates for coverage issued by the Pool may not be unreasonable in relation to the benefits provided, the risk experience and the reasonable expenses of providing coverage.

4. Separate schedules of premium rates based on age may apply for individual risks.

5. Rates are subject to approval by the Insurance Commissioner.

6. Standard risk rates for coverages issued by the Pool shall be established by the Board, subject to the approval of the Insurance Commissioner, using reasonable actuarial techniques, and shall reflect anticipated experiences and expenses of such coverage for standard risks.

7. a. The rating plan established by the Board shall initially provide for rates equal to one hundred twenty-five percent (125%) of the average

- standard risk rates of the five largest insurers doing business in the state.
- b. Any change to the initial rates shall be based on experience of the plans and shall reflect reasonably anticipated losses and expenses. The rates shall not increase more than five percent (5%) annually with a maximum rate not to exceed one hundred fifty percent (150%) of the average standard risk rates.
8.
 - a. A Pool policy may contain provisions under which coverage is excluded during a period of twelve (12) months following the effective date of coverage with respect to a given covered person's preexisting condition, as long as:
 - (1) the condition manifested itself within a period of six (6) months before the effective date of coverage, or
 - (2) medical advice or treatment for the condition was recommended or received within a period of six (6) months before the effective date of coverage. The provisions of this paragraph shall not apply to a person who is a federally defined eligible individual.
 - b. The Board shall waive the twelve-month period if the person had continuous coverage under another policy with respect to the given condition within a period of six (6) months before the effective date of coverage under the Pool plan. The Board shall also waive any preexisting waiting periods for an applicant who is a federally defined eligible individual.
 - c. In the case of an individual who is eligible for the credit for health insurance costs under Section 35 of the Internal Revenue Code of 1986, the preexisting conditions limitation will not apply if the individual maintained creditable health insurance coverage for an aggregate period of three (3) months as of the date on which the individual seeks to enroll in coverage under the Pool plan, not counting any period prior to a sixty-three-day break in coverage.
 9.
 - a. No amounts paid or payable by Medicare or any other governmental program or any other insurance, or self-insurance maintained in lieu of otherwise statutorily required insurance, may be made or recognized as claims under such policy, or be recognized as or towards satisfaction of applicable deductibles or out-of-pocket maximums, or to reduce the limits of benefits available.
 - b. The Board shall have a cause of action against a covered person for any benefits paid to a covered person which should not have been claimed or recognized as claims because of the provisions of this paragraph, or because otherwise not covered.

F. Notwithstanding any other provisions of this section, the primary plan shall provide coverage for the screening, diagnosis, testing, and treatment of an autism spectrum disorder. Coverage provided under this subsection is limited to generally recognized

services and treatments that are prescribed by the insured individual's treating physician in accordance with a treatment plan.

1. The coverage required under this subsection shall not be subject to dollar limits, visit limitations, deductibles or co-insurance provisions that are less favorable to an insured individual than the dollar limits, visit limitations, deductibles, or coinsurance provisions that apply to the primary plan. Coverage of services may be subject to other general exclusions and limitations of the health benefit plan, including, but not limited to:

- a. The coordination of benefits;
- b. Participating provider requirements;
- c. Services provided by family or household member restrictions;
- d. Eligibility; and
- e. Appeals processes.

2. The treatment plan shall include all elements necessary for the insurer to appropriately pay claims. These elements shall include, but not be limited to:

- a. A diagnosis;
- b. Proposed treatment or treatments by type, frequency and duration;
- c. The anticipated outcomes stated as goals;
- d. The frequency by which the treatment plan will be updated; and
- e. The treating physician's signature.

The insurer shall have the right to request an updated treatment plan not more than once every twelve (12) months from the treating physician to review medical necessity, unless the insurer and the provider agree that a more frequent review is necessary due to emerging clinical circumstances.

3. A diagnosis of an autism spectrum disorder by a licensed physician or board certified therapist shall be required to be eligible for benefits and coverage under this subsection. The prescribing medical practitioner must be:

- a. licensed, certified, or registered by an appropriate agency of the state of Oklahoma and whose professional credential is recognized and accepted by an appropriate agency of the United States; or
- b. certified as a provider under the TRICARE military health system.

The benefits and coverage provided under this subsection shall be provided to any eligible person less than twenty-one (21) years of age.

4. The primary plan shall provide coverage for all therapies, treatments, diagnoses and testing, medicines, special diets, and supplements prescribed by a licensed physician or board certified therapist, including but not limited to coverage for pharmacy care, psychological care, psychiatric care, therapeutic care, rehabilitative care, habilitative care, and Applied Behavior Analysis therapy.

5. Coverage for Applied Behavior Analysis therapy shall be subject to a maximum benefit of Thirty-Six-Thousand-Dollars (\$36,000.00) per year. Payments made by an insurer on behalf of a covered individual for treatment of a health condition unrelated to or distinguishable from the individual's autism spectrum disorder, or for non-applied behavior analysis therapeutic treatment, shall not be applied toward any maximum benefit established under this subsection.

6. The primary plan shall not deny or refuse to issue coverage on, refuse to contract with, refuse to renew, refuse to reissue, or otherwise terminate or restrict coverage on an

individual under an insurance policy solely because the individual is diagnosed with an autistic spectrum disorder.

7. As used in this subsection:

a. “Applied Behavior Analysis” means the design, implementation and evaluation of environmental modifications, using behavioral stimuli and consequences, to produce socially significant improvement in human behavior or to prevent loss of attained skill or function, including the use of direct observation, measurement and functional analysis of the relationship between environment and behavior;

b. “Autism service provider” means a person, entity or group providing treatment of autism spectrum disorders, pursuant to a treatment plan, that is licensed or certified in this State or is a Behavior Analyst with a valid certificate issued by the Behavior Analyst Certification Board;

c. “Autism spectrum disorder” means any of the pervasive developmental disorders as defined by the most recent edition of the Diagnostic and Statistical Manual of the Mental Disorders (DSM) including Autistic Disorder, Asperger’s Disorder, Pervasive Developmental Disorder not otherwise specified (NOS), Rett Disorder, and Childhood Degenerative Disorder (CDD);

d. “Diagnostic assessment of autism spectrum disorders” means medically necessary assessments, evaluations or tests performed by a licensed physician, licensed physician assistant, licensed psychologist or certified registered nurse practitioner to diagnose whether an individual has an autism spectrum disorder;

e. “Medically necessary” means any care, treatment, intervention, service, or item which is prescribed, provided or ordered by a licensed physician, licensed psychologist, or registered nurse practitioner in accordance with accepted standards of practice and which will or is reasonable and which will, or is reasonably expected to, do any of the following:

(i) prevent the onset of an illness, condition injury or disability;

(ii) reduce or ameliorate the physical, mental or developmental effects of an illness, condition, injury, or disability;

(iii) assist to achieve or maintain maximum functional capacity in performing daily activities, taking into account both the functional capacity of the recipient and those functional capacities that are appropriate of recipients of the same age;

f. “Pharmacy care” means medications prescribed by a licensed physician, licensed physician assistant or certified registered nurse practitioner and any assessment, evaluation or test prescribed or ordered by a licensed physician, licensed physician assistant or certified registered nurse practitioner to determine the need or effectiveness of such medications;

g. “Psychiatric care” means direct or consultative services provided by a physician who specializes in psychiatry;

h. “Psychological care” means direct or consultative services provided by a psychologist;

i. “Rehabilitative care” means professional services and treatment programs, including applied behavior analysis, provided by an autism service provider to produce socially significant improvements in human behavior or to prevent the loss of attained skill or function;

j. “Therapeutic care” means services provided by licensed or certified speech therapists, occupational therapists, or physical therapists; and

k. "Treatment plan" means a plan for the treatment of autism spectrum disorders developed by a licensed physician or licensed psychologist pursuant to a comprehensive evaluation or reevaluation.

SECTION 7. Section 6 of this act shall become effective January 1, 2010." and by renumbering subsequent section, which amendment was declared adopted.

Senator Justice moved that **HB 2027** be advanced, which motion was declared adopted.

THIRD READING

HB 2027 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, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--48.

The bill passed.

HB 2027 was referred for engrossment.

MESSAGE FROM THE HOUSE

Advising passage of and returning the following Engrossed bills:

SB 54

SB 580 - coauthored by Ritze, Shelton and Walker

SB 655

The above-numbered measures were referred for enrollment.

GENERAL ORDER

HB 1674 by Cannaday and Tibbs of the House and Ballenger of the Senate was called up for consideration.

Senator Ballenger asked unanimous consent, which was granted, to suspend Senate Rules and to amend **HB 1674**, Page 1, by restoring the title.

The above amendment restores **HB 1674** to the engrossed version of the bill.

Senator Ballenger asked that **HB 1674** be laid over temporarily, which was the order.

HB 1674 remains on General Order.

GENERAL ORDER

HB 1048 by Banz and Liebmann of the House and Aldridge of the Senate was called up for consideration.

Senator Aldridge moved that **HB 1048** be advanced, which motion was declared adopted.

THIRD READING

HB 1048 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.

HB 1048 was referred for engrossment.

GENERAL ORDER

HB 1674 by Cannaday and Tibbs of the House and Ballenger of the Senate was called up for further consideration.

Senator Ballenger moved that **HB 1674** be advanced, which motion was declared adopted.

THIRD READING

HB 1674 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.

HB 1674 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 2015 by Miller of the House and Johnson (Mike) of the Senate was called up for consideration.

Senator Johnson (Mike) moved that **HB 2015** be advanced, which motion was declared adopted.

THIRD READING

HB 2015 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.

HB 2015 was referred for engrossment.

GENERAL ORDER

HJR 1016 by Jackson et al of the House and Reynolds of the Senate was called up for consideration.

Senators Branan and Leftwich asked to coauthor **HJR 1016**, which was the order.

Senator Reynolds moved that **HJR 1016** be advanced, which motion was declared adopted upon roll call as follows:

Aye: Aldridge, Anderson, Barrington, Bingman, Branan, Brogdon, Brown, Coates, Coffee, Crain, Ford, Halligan, Johnson (M), Jolley, Justice, Lamb, Leftwich, Marlatt, Mazzei, Myers, Newberry, Nichols, Reynolds, Russell, Schulz, Stanislawski and Sykes.--27.

Nay: Adelson, Ballenger, Bass, Burrage, Corn, Crutchfield, Easley, Eason McIntyre, Ellis, Garrison, Gumm, Ivester, Johnson (C), Laster, Lerblance, Paddack, Rice, Sparks, Sweeden, Wilson and Wyrick.--21.

THIRD READING

HJR 1016 was read for the third time at length.

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

Aye: Aldridge, Anderson, Barrington, Bingman, Branan, Brogdon, Brown, Coates, Coffee, Crain, Crutchfield, Ford, Gumm, Halligan, Johnson (M), Jolley, Justice, Lamb, Leftwich, Marlatt, Mazzei, Myers, Newberry, Nichols, Reynolds, Russell, Schulz, Stanislawski and Sykes.--29.

Nay: Adelson, Ballenger, Bass, Burrage, Corn, Easley, Eason McIntyre, Ellis, Garrison, Ivester, Johnson (C), Laster, Lerblance, Paddack, Rice, Sparks, Sweeden, Wilson and Wyrick.--19.

The resolution passed.

Pursuant to Rule 12-21, Senator Reynolds served notice that the vote be reconsidered whereby **HJR 1016** passed.

MESSAGE FROM THE HOUSE

Advising passage of and returning the following Engrossed bills:

SB 677

SB 899 - coauthored by Reynolds, Osborn, Kern and Tibbs

SB 1206 - coauthored by Ritze

The above-numbered measures were referred for enrollment.

GENERAL ORDER

HB 1326 by Reynolds et al of the House and Lamb of the Senate was called up for consideration.

Senators Brogdon, Marlatt and Jolley asked to coauthor **HB 1326**, which was the order.

Senator Lamb moved to amend **HB 1326**, Page 1, by restoring the title, which amendment was declared adopted.

The above amendment restores **HB 1326** to the engrossed version of the bill.

Senator Lamb moved that **HB 1326** be advanced, which motion was declared adopted.

THIRD READING

HB 1326 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, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Crain, Easley, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Russell, Schulz, Stanislawski, Sweeden, Sykes and Wyrick.--38.

Nay: Adelson, Ballenger, Crutchfield, Eason McIntyre, Johnson (C), Lerblance, Rice, Sparks and Wilson.--9.

Excused: Corn.--1.

The bill passed.

HB 1326 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 1676 by Ownbey of the House and Coffee of the Senate was called up for consideration.

Senator Sykes moved to amend **HB 1676**, 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 Lerblance moved to amend the floor substitute to **HB 1676**, Page 12, Line 23 ½, by inserting a new Section 8 to read as follows:

“SECTION 8. AMENDATORY 22 O.S. 2001, Section 471.1, as amended by Section 1, Chapter 37, O.S.L. 2008 (22 O.S. Supp. 2008, Section 471.1), is amended to read as follows:

Section 471.1 A. For purposes of this act, "drug court", "drug court program" or "program" means an immediate and highly structured judicial intervention process for substance abuse treatment of eligible offenders which expedites the criminal case, and requires successful completion of the plea agreement in lieu of incarceration.

B. Each district court of this state ~~is authorized to~~ shall establish a drug court program pursuant to the provisions of this act, subject to availability of funds. Juvenile drug courts may be established based upon the provisions of this act; provided, however, juveniles shall not be held, processed, or treated in any manner which violates any provision of Title 10 of the Oklahoma Statutes.

C. Drug court programs shall not apply to any violent criminal offense. Eligible offenses may further be restricted by the rules of the specific drug court program. Nothing in this act shall be construed to require a drug court to consider every offender with a treatable condition or addiction, regardless of the fact that the controlling offense is eligible for consideration in the program. Traditional prosecution shall be required where an offender is determined not appropriate for the drug court program.

D. Drug court programs shall require a separate judicial processing system differing in practice and design from the traditional adversarial criminal prosecution and trial systems. Whenever possible, a drug court team shall be designated consisting of a judge to administer the program, a district attorney, a defense attorney, and other persons designated by the drug court team who shall have appropriate understanding of the goals of the program and of the appropriate treatment methods for the various conditions. The assignment of any person to the drug court team shall not preclude the assigned person from performing other duties required in the course of their office or employment. The chief judge of the judicial district, or if the district has more than one chief judge than the presiding judge of the Administrative Judicial District, shall designate one or more judges to administer the drug court program. The assignment of any judge to a drug court program or the designation of a drug court docket shall not mandate the assignment of all substance abuse-related cases to the drug court docket or the program; however, nothing in this act shall be construed to preclude the assignment of all criminal cases relating to substance abuse or drug possession as provided by the rules established for the specific drug court program.

E. ~~When a drug court program is established, the~~ An arresting officer shall file the criminal case record for ~~potentially eligible~~ offenders potentially eligible for the drug court program with the district attorney within four (4) days of the arrest. The district attorney shall file an information in the case within twenty-four (24) hours of receipt of the criminal case record when the offender appears eligible for consideration for the program. The information may be amended as necessary when an offender is denied admittance into the drug court program or for other purposes as provided in Section 304 of this title. Any person arrested upon a warrant for his or her arrest shall not be eligible for the drug court program without the approval of the district attorney. Any criminal case which has been filed and processed in the traditional manner shall be cross-referenced to a drug court case file by the court clerk, if the case is subsequently assigned to the drug court program. The originating criminal case file shall remain open to public inspection. The judge shall determine what information or pleadings are to be retained in the drug court case file, which shall be closed to public inspection.

F. The court may request assistance from the Department of Mental Health and Substance Abuse Services which shall be the primary agency to assist in developing and implementing a drug court program or from any state or local agency in obtaining the necessary treatment services which will assure maximum opportunity for successful treatment, education, and rehabilitation for offenders admitted to the program. All participating state and local agencies are directed to coordinate with each other and cooperate in assisting the district court in establishing a drug court program.

G. ~~Each drug court program shall ensure~~ The Administrative Director of the Courts shall promulgate uniform statewide rules to be implemented by drug court programs no later than January 1, 2010. Such rules shall supersede any conflicting rules utilized by drug court programs on that date. The uniform rules shall include, but not be limited to:

1. Strong linkage between participating agencies;
2. Access by all participating parties of a case to information on the progress of the offender;
3. Vigilant supervision and monitoring procedures;
4. Random substance abuse testing;
5. Provisions for noncompliance, modification of the treatment plan, and revocation proceedings;
6. Availability of residential treatment facilities and outpatient services;
7. Payment of court costs, treatment costs, supervision fees, and program user fees by the offender;
8. Methods for measuring application of disciplinary sanctions, including provisions for:
 - a. increased supervision,
 - b. urinalysis testing,
 - c. intensive treatment,
 - d. short-term confinement not to exceed five (5) days,
 - e. recycling the offender into the program after a disciplinary action for a minimum violation of the treatment plan,
 - f. reinstating the offender into the program after a disciplinary action for a major violation of the treatment plan, and
 - g. revocation from the program; and

9. Methods for measuring performance-based effectiveness of each individual treatment provider's services.

H. All drug court programs shall be required to keep reliable data on recidivism, relapse, restarts, sanctions imposed, and incentives given.

I. Nothing in this section shall prohibit any county from establishing a drug court for misdemeanor offenses. Such misdemeanor drug courts shall follow the rules and regulations of felony drug courts except that the penalty for revocation shall not exceed one (1) year in the county jail or the maximum penalty for the misdemeanor allowed by statute, whichever is less. The Department of Mental Health and Substance Abuse Services shall provide technical assistance to the counties that establish misdemeanor drug courts.”

Senator Sykes moved to table the Lerblance amendment, which tabling motion was declared adopted upon roll call as follows:

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

Nay: Adelson, Ballenger, Bass, Burrage, Crutchfield, Easley, Eason McIntyre, Ellis, Garrison, Gumm, Ivester, Johnson (C), Laster, Leftwich, Lerblance, Paddack, Rice, Sparks, Sweden, Wilson and Wyrick.--21.

Excused: Coffee and Corn.--2.

Senator Lerblance moved to amend the floor substitute to **HB 1676**, Page 29, Line 2 ½, by inserting a new Section 15 to read as follows:

“SECTION 15. AMENDATORY 63 O.S. 2001, Section 1-1939, as amended by Section 2, Chapter 429, O.S.L. 2003 (63 O.S. Supp. 2008, Section 1-1939), is amended to read as follows:

Section 1-1939. A. The owner and licensee are liable to a resident for any intentional or negligent act or omission of their agents or employees which injures the resident. The owner and licensee shall maintain sufficient assets to cover all claims resulting from the intentional or negligent acts or omissions of their agents or employees which injure a resident. A liability insurance policy in the minimum amount of One Million Dollars (\$1,000,000.00) that would compensate the resident or the resident's family for injuries or death of a resident shall be prima facie evidence that the owner or licensee has maintained sufficient assets to adequately cover injury claims. If the owner or licensee is a domestic or foreign corporation, partnership, limited liability company, or other similar entity, regardless of whether formed for profit or non-profit, and does not have a minimum of One Million Dollars (\$1,000,000.00) of liability insurance at the time of the claim for injuries or death of the resident, then a direct action may be brought against the officers, shareholders, partners, members or other similar persons of the corporation or entity which is the owner or licensee, or against the officers, shareholders, partners, members or other similar persons of any other corporation or entity owning all or part of the owner or licensee, and such persons shall be individually liable for the injuries and death of the resident. In addition,

any state employee that aids, abets, assists, or conspires with an owner or licensee to perform an act that causes injury to a resident shall be individually liable.

B. A resident may maintain an action under the Nursing Home Care Act for any other type of relief, including injunctive and declaratory relief, permitted by law.

C. Any damages recoverable under this section, including minimum damages as provided by this section, may be recovered in any action which a court may authorize to be brought as a class action. The remedies provided in this section, are in addition to and cumulative with any other legal remedies available to a resident. Exhaustion of any available administrative remedies shall not be required prior to commencement of suit hereunder.

D. Any waiver by a resident or the legal representative of the resident of the right to commence an action under this section, whether oral or in writing, shall be null and void, and without legal force or effect.

E. Any party to an action brought under this section shall be entitled to a trial by jury and any waiver of the right to a trial by a jury, whether oral or in writing, prior to the commencement of an action, shall be null and void, and without legal force or effect.

F. A licensee or its agents or employees shall not transfer, discharge, evict, harass, dismiss or retaliate against a resident, a resident's guardian or an employee or agent who makes a report, brings, or testifies in, an action under this section, or files a complaint because of a report, testimony or complaint.

G. Any person, institution or agency, under the Nursing Home Care Act, participating in good faith in the making of a report, or in the investigation of such a report shall not be deemed to have violated any privileged communication and shall have immunity from any liability, civil or criminal, or any other proceedings, civil or criminal, as a consequence of making such report. The good faith of any persons required, or permitted to report cases of suspected resident abuse or neglect under this act shall be presumed.

H. A facility employee or agent who becomes aware of abuse, neglect or exploitation of a resident prohibited by the Nursing Home Care Act shall immediately report the matter to the facility administrator. A facility administrator who becomes aware of abuse, neglect, or exploitation of a resident shall immediately act to rectify the problem and shall make a report of the incident and its correction to the State Department of Health.

I. 1. The facility shall be responsible for reporting the following serious incidents to the Department within twenty-four (24) hours:

- a. communicable diseases,
- b. deaths by unusual occurrence, including accidental deaths or deaths other than by natural causes, and deaths that may be attributed to a medical device,
- c. missing residents. In addition, the facility shall make a report to local law enforcement agencies within two (2) hours if the resident is still missing,
- d. situations arising where criminal intent is suspected. Such situations shall also be reported to local law enforcement, and
- e. resident abuse, neglect and misappropriation of the property of a resident.

2. All other incident reports shall be made in accordance with federal law.

3. All initial written reports of incidents or situations shall be mailed to the Department within five (5) working days after the incident or situation. The final report shall be filed with the Department when the full investigation is complete.”

Senator Sykes moved to table the Lerblance amendment, which tabling motion was declared adopted upon roll call as follows:

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

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

Excused: Coffee, Corn and Easley.--3.

Senator Sykes moved to amend the floor substitute to **HB 1676**, Page 1, by restoring the title and enacting clause, which amendment was declared adopted.

Senator Sykes moved that **HB 1676** be advanced, which motion was declared adopted.

THIRD READING

HB 1676 was read for the third time at length.

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

Aye: Aldridge, Anderson, Barrington, Bingman, Branan, Brogdon, Brown, Coates, Coffee, Crain, Ford, Halligan, Johnson (M), Jolley, Justice, Lamb, Marlatt, Mazzei, Myers, Newberry, Nichols, Reynolds, Russell, Schulz, Stanislawski and Sykes.--26.

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

Excused: Corn and Easley.--2.

The bill passed and the emergency failed.

Pursuant to Rule 12-21, Senator Sykes served notice that the vote be reconsidered whereby **HB 1676** passed.

PENDING CONSIDERATION OF HAS

HAs to **SB 609** were concurred in upon motion of Senator Lamb.

Senator Branan asked to coauthor **SB 609**, which was the order.

SB 609, as amended by the Honorable House, was read 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, Ford, 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, Gumm, Ivester, Johnson (C), Laster, Leftwich, Lerblance, Paddock, Rice, Sparks, Sweeden, Wilson and Wyrick.--22.

Excused: Mazzei.--1.

The bill passed.

Pursuant to Rule 12-21, Senator Lamb served notice that the vote be reconsidered whereby **SB 609** passed.

Senator Aldridge presiding.

GENERAL ORDER

HB 1717 by Ownbey et al of the House and Crutchfield of the Senate was called up for consideration.

Senator Crutchfield moved that **HB 1717** be advanced, which motion was declared adopted.

THIRD READING

HB 1717 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, 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: Corn and Mazzei.--2.

The bill passed.

HB 1717 was referred for engrossment.

GENERAL ORDER

HB 1704 by Derby et al of the House and Coffee of the Senate was called up for consideration.

Senator Gumm moved to amend **HB 1704**, Page 3, Line 22, by adding after the word “agencies” and before the word “in” the following language “, except for OneNet, the Oklahoma State Regents for Higher Education and institutions of higher education,”; Page 6, Line 2, by adding after the word “state” and before the semicolon the following language: “, except for OneNet, the Oklahoma State Regents for Higher Education and institutions of higher education”; Page 11, Line 8, by adding after the word “state” and before the word “and” the following language “, except for OneNet, the Oklahoma State Regents for Higher Education and institutions of higher education,”; and Page 29, Line 17, by adding after the word “contracts” and before the word “involving” the following language “, except for OneNet, the Oklahoma State Regents for Higher Education and institutions of higher education,”, which amendment was declared adopted.

Senator Jolley moved that **HB 1704** be advanced, which motion was declared adopted.

THIRD READING

HB 1704 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, Ford, Halligan, Johnson (M), Jolley, Justice, Lamb, Marlatt, Mazzei, Myers, Newberry, Nichols, Reynolds, Russell, Schulz, Stanislawski and Sykes.--26.

Nay: Adelson, Ballenger, Bass, Burrage, Corn, Crutchfield, Eason McIntyre, Ellis, Garrison, Gumm, Ivester, Johnson (C), Laster, Leftwich, Lerblance, Paddack, Rice, Sparks, Sweeden, Wilson and Wyrick.--21.

Excused: Easley.--1.

The bill passed.

HB 1704 was referred for engrossment.

GENERAL ORDER

HB 1892 by Peterson and Kern of the House and Coffee of the Senate was called up for consideration.

Senator Johnson (Constance) moved to amend **HB 1892**, Page 10, Line 23 ½, by inserting new Sections 2, 3, 4 and 5 to read as follows:

“SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 61 of Title 22, unless there is created a duplication in numbering, reads as follows:

A. This act shall be known and may be cited as the "Domestic Violence Registration Act".

B. The Legislature finds that the state has an overriding public safety interest in persons who commit acts of violence, intimidation, threat, stalking or harassment against family members. The legislature further finds that the privacy interest of a person found guilty of a crime of domestic abuse is less important than the state's interest in public safety and protection of its citizens from acts of violence, intimidation or threat. The Legislature additionally finds that a system of registration is needed for persons who commit acts of domestic abuse and that a registration system will permit law enforcement officials to better respond to domestic situations.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 61.1 of Title 22, unless there is created a duplication in numbering, reads as follows:

A. The provisions of this act shall apply to any person who, on or after the effective date of this act, is found guilty of a crime of domestic abuse pursuant to Section 644 of Title 21 of the Oklahoma Statutes or who is found guilty by a court of competent jurisdiction pursuant to any similar provision of law in another state, whether upon a verdict or plea of guilty or upon a plea of nolo contendere.

B. This act shall further apply to any person who enters the State of Oklahoma, on or after the effective date of this act, and who intends to reside in this state for any portion of a year after having been found guilty of a crime constituting domestic abuse by a court of competent jurisdiction in a jurisdiction other than this state when the act was committed any time within five (5) years prior to entering this state, whether upon a verdict or plea of guilty or upon a plea of nolo contendere.

C. The provisions of this act shall not apply to any person while the person is incarcerated in any jail or correctional institution, but upon release from the facility, the provisions of this act shall immediately apply.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 61.2 of Title 22, unless there is created a duplication in numbering, reads as follows:

A. 1. Any person who becomes subject to the provisions of this act shall register with the Department of Corrections within three (3) business days of the determination of guilty by a court of competent jurisdiction for a crime of domestic abuse; or

2. With the Department of Corrections not less than three (3) business days prior to abandoning or moving from an address of previous registration.

B. 1. The court clerk or judge, after a determination of guilt for the crime of domestic abuse, may take the initial registration information and submit it to the Department of Corrections, or the Department may develop methods for either an in-person or electronic registration. Upon registration, the Department of Corrections shall cause a copy of the registration information to be mailed or forwarded to the local law enforcement authority where the person resides. The local law enforcement authority is responsible to verify the name and address provided in the registration, and to notify the Department of Corrections if the name or address is incorrect. The Department of Corrections and the local law enforcement agency are authorized to keep and make available to the public all names, addresses and offenses of persons registered pursuant to this act.

2. For purposes of this subsection, "local law enforcement authority" means:

- a. the municipal police department, if the person resides within the jurisdiction of any municipality of this state, or
- b. the county sheriff, if the person resides at any place outside the jurisdiction of any municipality within this state.

C. Any person who is found guilty of an offense in another jurisdiction, which offense if committed or attempted in this state would be punishable as domestic abuse, shall register in the same manner as if the offense had occurred in this state when the person resides in this state or subsequently enters this state.

D. Every person required to register shall be continuously registered for four (4) years. Any person who changes a registered address shall be required to report such change as required in this act, including any relocation to a place outside this state. For persons who are sentenced to any period of incarceration, the registration time shall begin to run from the date of release from the facility. The information received pursuant to a registration with the Department of Corrections shall be maintained by the Department of Corrections for at least seven (7) years from the date of the last registration.

E. The Department of Corrections shall inform a person of the continuing duty to register and duty to report changes of address or relocation as required in this act. A signed statement shall be required as part of the registration, and the person shall acknowledge that he or she understands the duty to register as specified in this act.

F. The Department shall develop the registration process and forms, and such forms may include any information deemed necessary for an accurate description and identification of the person and the offense to be registered. Registration may include or require fingerprints, photographs, and a DNA sample of the person to be registered.

G. Public officials, public employees, and public agencies are immune from civil liability for good-faith conduct under this act.

H. The information contained in the registry shall be public information and may be released upon request or distributed publicly by any means, including, but not limited to, distribution by use of the Internet.

I. The district courts of this state shall electronically file determinations of guilt for crimes of domestic abuse through the Oklahoma Supreme Court Network system or any other electronic photo-electronic or photo-optical means, and, upon receipt of such information, the Department of Corrections shall include the information in the registry created pursuant to this act.

J. No person shall refuse, withdraw or withhold any information or public record authorized for inclusion in the registry created pursuant to this act. The Department of Corrections is authorized to access and publish in the domestic violence registry any public information contained in a person's criminal history records or court records, or to reference public information contained in any record when deemed appropriate for the safety of the citizens of this state from acts of violence, intimidation or threat.

K. As used in this act, "family member" and "domestic abuse" are defined by Section 60.1 of Title 22 of the Oklahoma Statutes and by the elements of the crime of domestic abuse pursuant to Section 644 of Title 21 of the Oklahoma Statutes.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 61.3 of Title 22, unless there is created a duplication in numbering, reads as follows:

Any person required to register or provide information pursuant to the provisions of this act who willfully refuses or fails to register as required by the provisions of this act or to provide information in compliance with registration or provisions for records sharing shall, upon conviction, be guilty of a misdemeanor.", and by renumbering subsequent section.

Senator Jolley moved to table the Johnson (Constance) amendment, which tabling motion was declared adopted upon roll call as follows:

Aye: Aldridge, Anderson, Barrington, Bingman, Branan, Brogdon, Brown, Coates, Coffee, Crain, Ford, Halligan, Johnson (M), Jolley, Justice, Lamb, Marlatt, Mazzei, Myers, Newberry, Nichols, Reynolds, Russell, Schulz, Stanislawski, Sweeden and Sykes.--27.

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

Excused: Easley.--1.

Senator Jolley moved to amend **HB 1892**, Page 1, by restoring the title, which amendment was declared adopted.

The above amendment restores **HB 1892** to the engrossed version of the bill.

Senator Jolley moved that **HB 1892** be advanced, which motion was declared adopted.

THIRD READING

HB 1892 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, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--46.

Nay: Johnson (C).--1.

Excused: Easley.--1.

The bill passed.

HB 1892 was properly signed and ordered returned to the Honorable House.

Senator Lamb moved that when the clerk's desk is clear, the Senate stand adjourned to convene Wednesday, April 15, 2009, at 9:30 a.m., which motion prevailed.

SECOND READING

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

HB 1136 – Direct To Calendar

HB 1268 – Direct To Calendar

HB 1286 – Direct To Calendar

FIRST READING

The following was introduced and read the first time:

SR 38 – By Newberry.

A Resolution finding Bill Arter the inspiration for “Boogie Woogie Bugle Boy”; commending Bill Arter’s life and career; and directing distribution.

MESSAGE FROM THE GOVERNOR

Advising his approval April 14, 2009, of Enrolled **SBs 303, 348, 446 and 694**.

Pursuant to the Lamb motion, the Senate adjourned at 5:05 p.m. to meet Wednesday, April 15, 2009, at 9:30 a.m.