

Senate Journal

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

Forty-third Legislative Day, Wednesday, April 15, 2009

The Senate was called to order by Senator Aldridge.

Roll Call:

Present: 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 (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.—47.

Excused: Easley.—1.

Senator Aldridge 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 1048, 1095, 1366, 1389, 1460, 1508, 1569, 1704, 1717, 1734, 1739, 1760, 1769, 1936, 1948, 1952, 1953, 1964, 2015, 2027, 2028, 2029, 2056, 2062, 2108, 2161, 2263 and 2266 and HJR 1021 were each correctly engrossed and, together with engrossed **SAs**, properly signed and ordered returned to the Honorable House.

SBs 54, 525, 580, 655, 677, 899, 1129 and 1206 and SJR 12 were each correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

SR 28 was correctly enrolled, properly signed and ordered transmitted to the Secretary of State.

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

Senator Paddack asked unanimous consent to refer **SR 37** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SR 37 by Paddack was called up for consideration.

All other members of the Senate asked to coauthor **SR 37**, which was the order.

SR 37 was adopted upon motion of Senator Paddack and referred for enrollment.

GENERAL ORDER

HB 1934 by Jackson of the House and Myers of the Senate was called up for consideration.

Senator Myers moved to amend **HB 1934**, 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 Myers moved that **HB 1934** be advanced, which motion was declared adopted.

THIRD READING

HB 1934 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, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, 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.--45.

Excused: Branan, Brogdon and Easley.--3.

The bill and emergency passed.

HB 1934 was referred for engrossment.

GENERAL ORDER

HB 1057 by Glenn and Hoskin of the House and Wyrick of the Senate was called up for consideration.

Senator Wyrick moved that **HB 1057** be advanced, which motion was declared adopted.

THIRD READING

HB 1057 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, 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, Sweden, Sykes, Wilson and Wyrick.--46.

Excused: Brogdon and Easley.--2.

The bill passed.

HB 1057 was referred for engrossment.

GENERAL ORDER

HB 1004 by Morgan and Pittman of the House and Coates of the Senate was called up for consideration.

Senator Coates moved that **HB 1004** be advanced, which motion was declared adopted.

THIRD READING

HB 1004 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, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb,

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

Excused: Brogdon, Easley and Myers.--3.

The bill passed.

HB 1004 was referred for engrossment.

GENERAL ORDER

HB 2093 by Kirby et al of the House and Crain of the Senate was called up for consideration.

Senator Crain moved to amend **HB 2093**, Page 1, by restoring the title, which amendment was declared adopted.

The above amendment restores **HB 2093** to the engrossed version of the bill.

Senator Crain moved that **HB 2093** be advanced, which motion was declared adopted.

THIRD READING

HB 2093 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, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--44.

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

The bill passed.

HB 2093 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 2067 by McNiel et al of the House and Lamb et al of the Senate was called up for consideration.

Senators Stanislawski, Newberry and Barrington asked to coauthor **HB 2067**, which was the order.

Senator Mazzei moved that **HB 2067** be advanced, which motion was declared adopted.

THIRD READING

HB 2067 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, Brown, Burrage, Coates, Corn, Crain, Crutchfield, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--44.

Excused: Anderson, Brogdon, Coffee and Easley.--4.

The bill passed.

HB 2067 was referred for engrossment.

GENERAL ORDER

HB 1474 by Murphey of the House and Jolley of the Senate was called up for consideration.

Senator Jolley asked unanimous consent, which was granted, to suspend Senate Rules and to amend **HB 1474**, Page 1, by restoring the title and the enacting clause.

Senator Jolley moved that **HB 1474** be advanced, which motion was declared adopted.

THIRD READING

HB 1474 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 (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.--47.

Excused: Easley.--1.

The bill passed.

HB 1474 was referred for engrossment.

GENERAL ORDER

HB 1581 by Coody et al of the House and Jolley of the Senate was called up for consideration.

Senator Jolley moved that **HB 1581** be advanced, which motion was declared adopted.

THIRD READING

HB 1581 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, 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.--47.

Excused: Easley.--1.

The bill and emergency passed.

HB 1581 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 1591 by Coody et al of the House and Jolley of the Senate was called up for consideration.

Senator Johnson (Constance) asked to coauthor **HB 1591**, which was the order.

Senator Jolley moved that **HB 1591** be advanced, which motion was declared adopted.

THIRD READING

HB 1591 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, 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, Sweden, Sykes, Wilson and Wyrick.--47.

Excused: Easley.--1.

The bill and emergency passed.

HB 1591 was referred for engrossment.

MOTION TO RECONSIDER VOTE

Senator Lamb moved to reconsider the vote whereby **SB 609** passed.

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

House amendments were properly signed and the above-numbered bill was referred for enrollment.

GENERAL ORDER

HB 1756 by Martin (Scott) et al of the House and Jolley et al of the Senate was called up for consideration.

Senators Brogdon, Newberry and Russell asked to coauthor **HB 1756**, which was the order.

Senator Jolley moved that **HB 1756** be advanced, which motion was declared adopted.

THIRD READING

HB 1756 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, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Russell, Schulz, Sparks, Stanislawski, Sykes and Wyrick.--40.

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

Excused: Easley.--1.

The bill and emergency passed.

HB 1756 was properly signed and ordered returned to the Honorable House.

**MESSAGE FROM THE HOUSE
HAS TO SENATE BILLS**

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

SB 285 - coauthored by McDaniel (Jeannie), Cannaday and Cooksey

SB 292

SB 299

SB 300

SB 339 - coauthored by Nelson

SB 384

SB 478 - coauthored by Tibbs

SB 490 - coauthored by Cooksey

SB 614

SB 635

SB 653 - coauthored by Tibbs

SB 661 - coauthored by Billy, Roan, Shelton, Walker and Kern

SB 783 - coauthored by Reynolds and Wright (John)

SB 826 - coauthored by Reynolds, Kern and Peterson of the House and Ivester of the

Senate

SB 830

SB 854 - coauthored by Walker and Roan

SB 901 - coauthored by Faught, Moore and Tibbs

SB 953 - coauthored by Sullivan and Scott

SB 957 - coauthored by Fields

SB 987 – coauthored by Cannaday, Sherrer, McAffrey, Roan and Walker

SB 1073

SB 1105 – coauthored by Ivester of the Senate

SB 1115

SB 1126 - coauthored by Wright (John), Kern and Ortega

SB 1127

House amendments were read on the above-numbered bills.

MESSAGE FROM THE HOUSE

Advising passage of and transmitting for consideration Engrossed **HCR 1020**.

HCR 1020 – By Roan of the House and Barrington of the Senate.

A Concurrent Resolution offering gratitude and commendation to public safety telecommunications personnel in the State of Oklahoma; proclaiming April 14, 2009, as Public Safety Telecommunications Day.

The above-numbered measure was read the first time.

GENERAL ORDER

HJR 1003 by Key et al of the House and Brogdon of the Senate was called up for consideration.

Senators Newberry and Russell asked to coauthor **HJR 1003**, which was the order.

Senator Brogdon moved to amend **HJR 1003**, Page 1, by restoring the title, which motion was declared adopted.

The above amendment restores **HJR 1003** to the engrossed version of the resolution.

Senator Brogdon moved that **HJR 1003** be advanced, which motion was declared adopted.

THIRD READING

HJR 1003 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, Corn, Crain, Ford, Halligan, Ivester, Johnson (M), Jolley, Justice, Lamb, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Russell, Schulz, Stanislawski and Sykes.--29.

Nay: Adelson, Ballenger, Bass, Burrage, Crutchfield, Eason McIntyre, Ellis, Garrison, Gumm, Johnson (C), Laster, Leftwich, Lerblance, Rice, Sparks, Sweeden, Wilson and Wyrick.--18.

Excused: Easley.--1.

The resolution passed.

HJR 1003 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 2032 by Steele et al of the House and Justice of the Senate was called up for consideration.

Senator Justice moved that **HB 2032** be advanced, which motion was declared adopted.

THIRD READING

HB 2032 was read for the third time at length.

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

Aye: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Corn, Crain, Crutchfield, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), 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.

Excused: Coffee and Easley.--2.

The bill passed.

HB 2032 was properly signed and ordered returned to the Honorable House.

MOTION TO RECONSIDER VOTE

Senator Reynolds moved to reconsider the vote whereby **HJR 1016** passed.

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

HJR 1016 was referred for engrossment.

GENERAL ORDER

HB 1786 by Shannon et al of the House and Barrington of the Senate was called up for consideration.

Senator Barrington moved that **HB 1786** be advanced, which motion was declared adopted.

THIRD READING

HB 1786 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, Barrington, Bass, Bingman, Branan, 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 and Wyrick.--43.

Nay: Ballenger, Johnson (C) and Wilson.--3.

Excused: Brogdon and Easley.--2.

The bill and emergency passed.

HB 1786 was referred for engrossment.

MOTION TO RECONSIDER VOTE

Senator Jolley moved to reconsider the vote whereby **HB 1600** passed.

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

HB 1600 was referred for engrossment.

MOTION TO RECONSIDER VOTE

Senator Jolley moved to reconsider the vote whereby **HB 1676** passed.

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

HB 1676 was referred for engrossment.

REPORT OF ENGROSSED AND ENROLLED MEASURE

SB 609 was correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

MESSAGE FROM THE HOUSE

Advising passage of and returning the following Engrossed bills:

SB 397 - coauthored by Tibbs

SB 981 -

SCR 17 - coauthored by all other House Members

The above-numbered measures were referred for enrollment.

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 Aldridge presiding.

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

GENERAL ORDER

HB 1599 by Sullivan et al of the House and Newberry of the Senate was called up for consideration.

Senator Newberry moved that **HB 1599** be advanced, which motion was declared adopted.

THIRD READING

HB 1599 was read for the third time at length.

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

Aye: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crutchfield, Eason McIntyre, Ellis, Ford, Garrison, Halligan, Ivester, Johnson (C), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--43.

Nay: Crain, Gumm, Johnson (M) and Marlatt.--4.

Excused: Easley.--1.

The bill passed.

HB 1599 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 1999 by Wright (Harold) of the House and Schulz of the Senate was called up for consideration.

Senator Schulz moved to amend **HB 1999**, Page 1, Line 24 and Page 2, Line 17, by inserting after the word "authority" and before the word "to" the language ", by a majority vote," which amendment was declared adopted.

Senator Schulz moved to amend **HB 1999**, Page 1, by restoring the title, which amendment was declared adopted.

Senator Schulz moved that **HB 1999** be advanced, which motion was declared adopted.

THIRD READING

HB 1999 was read for the third time at length.

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

Aye: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Corn, Crain, Crutchfield, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), 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.

Excused: Coffee and Easley.--2.

The bill passed.

HB 1999 was referred for engrossment.

GENERAL ORDER

HB 1598 by Sullivan et al of the House and Sykes and Ford of the Senate was called up for consideration.

Senator Marlatt asked to coauthor **HB 1598**, which was the order.

Senator Sykes moved to amend **HB 1598**, Page 1, by restoring the title, which amendment was declared adopted.

The above amendment restores **HB 1598** to the engrossed version of the bill.

Senator Sykes moved that **HB 1598** be advanced, which motion was declared adopted.

THIRD READING

HB 1598 was read for the third time at length.

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

Aye: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Corn, Crain, Crutchfield, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--45.

Nay: Johnson (C).--1.

Excused: Coffee and Easley.--2.

The bill passed.

HB 1598 was properly signed and ordered returned to the Honorable House.

MESSAGE FROM THE HOUSE

Advising fourth reading of and returning Enrolled:

SB 54
SB 525
SB 580
SB 609
SB 655
SB 677
SB 899
SB 1129
SB 1206

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

GENERAL ORDER

HB 1592 by Coody et al of the House and Barrington of the Senate was called up for consideration.

Senator Barrington moved that **HB 1592** be advanced, which motion was declared adopted.

THIRD READING

HB 1592 was read for the third time at length.

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

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

Excused: Coffee and Easley.--2.

The bill and emergency passed.

HB 1592 was referred for engrossment.

Senator Jolley presiding.

MOTION TO RECONSIDER VOTE

Senator Paddack moved to reconsider the vote whereby **HB 1402** passed, which motion was declared adopted upon roll call as follows:

Aye: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brown, Burrage, Coates, Corn, Crain, Crutchfield, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--45.

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

THIRD READING

Senator Paddack moved to reconsider the vote whereby **HB 1402** was advanced, which motion was declared adopted.

GENERAL ORDER

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

Senator Paddack asked unanimous consent, which was granted, to suspend Senate Rules and to amend **HB 1402**, Page 1, by restoring the title.

The above amendment restores **HB 1402** to the engrossed version of the bill.

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

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

The bill passed.

HB 1402 was properly signed and ordered returned to the Honorable House.

MOTION TO RECONSIDER VOTE

Senator Paddack moved to reconsider the vote whereby **HB 1570** passed, which motion was declared adopted upon roll call as follows:

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

Excused: Aldridge, Coffee, Easley, Halligan, Johnson (M), Leftwich and Reynolds.--7.

THIRD READING

Senator Paddack moved to reconsider the vote whereby **HB 1570** was advanced, which motion was declared adopted.

GENERAL ORDER

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

Senator Paddack asked unanimous consent, which was granted, to suspend Senate Rules and to amend **HB 1570**, Page 1, by restoring the title.

The above amendment restores **HB 1570** to the engrossed version of the bill.

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

Excused: Coffee, Crain, Easley, Leftwich and Reynolds.--5.

The bill passed.

HB 1570 was properly signed and ordered returned to the Honorable House.

REPORT OF ENGROSSED AND ENROLLED MEASURE

HB 1934 was correctly engrossed and, together with engrossed **SAs**, properly signed and ordered returned to the Honorable House.

MESSAGE FROM THE HOUSE

Advising passage of and returning the following Engrossed bill:

SB 582 - coauthored by Fields

The above-numbered measure was referred for enrollment.

GENERAL ORDER

HB 1595 by Sullivan et al of the House and Lamb et al of the Senate was called up for consideration.

Senators Sykes, Brogdon, Aldridge, Russell, Schulz and Marlatt asked to coauthor **HB 1595**, which was the order.

Senator Anderson moved to amend **HB 1595**, Page 6, Line 4 through Page 40, Line 22, by deleting all language in Sections 3 through 12, and by renumbering subsequent section.

Senator Lamb raised a point of order that pursuant to Senate Rule 5-7 the Anderson amendment was out of order.

The Chair ruled that pursuant to Senate Rule 5-7 the Anderson amendment was out of order.

Senator Laster offered a substitute ruling that based on the amendments on file, that Senate Rule 5-7 does not apply and the amendment should go forward, which substitute ruling failed of adoption upon roll call as follows:

Aye: Adelson, Anderson, Ballenger, Crutchfield, Eason McIntyre, Ellis, Garrison, Gumm, Johnson (C), Laster, Leftwich, Lerblance, Paddack, Rice, Sparks, Sweeden, Wilson and Wyrick.--18.

Nay: Aldridge, Barrington, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Ford, Halligan, Ivester, Johnson (M), Jolley, Justice, Lamb, Marlatt, Mazzei, Myers, Newberry, Nichols, Reynolds, Russell, Schulz, Stanislawski and Sykes.--28.

Excused: Bass and Easley.--2.

Senator Wilson moved to amend **HB 1595**, Page1, Line 15 through Page 40, Line 22, by deleting Sections 1 through 12 and by inserting a new Section 1 to read as follows:

“SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 862.1 of Title 21, unless there is created a duplication in numbering, reads as follows:

Notwithstanding any other provisions of law, no person shall perform or receive an abortion in this state.”

Senator Lamb raised a point of order that pursuant to Senate Rule 5-7 the Wilson amendment was out of order.

The Chair ruled that pursuant to Senate Rule 5-7 the Wilson amendment was out of order.

Senator Wilson moved to suspend Senate Rule 5-7 as it pertains to **HB 1595**, which motion failed of adoption upon roll call as follows:

Aye: Adelson, Ballenger, Crutchfield, Eason McIntyre, Garrison, Gumm, Johnson (C), Laster, Leftwich, Lerblance, Rice, Sparks, Sweeden, Wilson and Wyrick.--15.

Nay: Aldridge, Anderson, Barrington, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Ellis, Ford, Halligan, Ivester, Johnson (M), Jolley, Justice, Lamb, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Russell, Schulz, Stanislawski and Sykes.--31.

Excused: Bass and Easley.--2.

Senator Adelson moved that the President Pro Tempore approve the Wilson amendment for floor consideration pursuant to Senate Rule 5-7.

The Chair ruled that the Adelson motion was not a proper motion and was out of order.

Senator Adelson requested that pursuant to Senate Rule 5-7 that the President Pro Tempore approve the Wilson amendment for floor consideration.

The Chair ruled that there was not such approval received from the President Pro Tempore and the amendment was out of order.

Senator Lamb moved that **HB 1595** be advanced, which motion was declared adopted.

THIRD READING

HB 1595 was read for the third time at length.

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

Aye: Aldridge, Anderson, Ballenger, Barrington, Bingman, Branan, Brown, Burrage, Coffee, Corn, Crain, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (M), Jolley, Justice, Lamb, Laster, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Russell, Schulz, Stanislawski, Sykes and Wyrick.--34.

Nay: Adelson, Crutchfield, Eason McIntyre, Johnson (C), Leftwich, Lerblance, Rice, Sparks, Sweeden and Wilson.--10.

Excused: Bass, Brogdon, Coates and Easley.--4.

The bill passed.

Pursuant to Rule 12-21, Senator Lamb served notice that the vote be reconsidered whereby **HB 1595** passed.

Senator Lamb moved that the Senate recess to the call of the Chair, which motion was declared adopted.

*

The Senate reconvened with Senator Jolley presiding.

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

GENERAL ORDER

HB 1597 by Sullivan of the House and Crain of the Senate was called up for consideration.

Senator Crain moved that **HB 1597** be advanced, which motion was declared adopted.

THIRD READING

HB 1597 was read for the third time at length.

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

Aye: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bingman, Branan, Brown, Burrage, Coffee, Corn, Crain, Crutchfield, 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, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--41.

Excused: Bass, Brogdon, Coates, Easley, Mazzei, Nichols and Sparks.--7.

The bill passed.

HB 1597 was referred for engrossment.

GENERAL ORDER

HB 1074 by Cooksey et al of the House and Sykes of the Senate was called up for consideration.

Senator Sykes moved that **HB 1074** be advanced, which motion was declared adopted.

THIRD READING

HB 1074 was read for the third time at length.

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

Aye: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bingman, Branan, Brown, Burrage, Coffee, Corn, Crain, Crutchfield, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Paddack, Reynolds, Rice, Russell, Schulz, Stanislawski, Sweeden, Sykes and Wyrick.--39.

Nay: Wilson.--1.

Excused: Bass, Brogdon, Coates, Easley, Johnson (C), Mazzei, Nichols and Sparks.--8.

The bill passed.

HB 1074 was referred for engrossment.

GENERAL ORDER

HB 1698 by Billy et al of the House and Sykes of the Senate was called up for consideration.

Senator Sykes moved that **HB 1698** be advanced, which motion was declared adopted.

THIRD READING

HB 1698 was read for the third time at length.

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

Aye: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bingman, Branan, Brown, Burrage, Coffee, Corn, Crain, Crutchfield, 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, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--41.

Excused: Bass, Brogdon, Coates, Easley, Mazzei, Nichols and Sparks.--7.

The bill passed.

HB 1698 was referred for engrossment.

Senator Sykes presiding.

GENERAL ORDER

HB 2071 by McNeil and McMullen of the House and Wyrick of the Senate was called up for consideration.

Senator Marlatt asked to coauthor **HB 2071**, which was the order.

Senator Wyrick moved that **HB 2071** be advanced, which motion was declared adopted.

THIRD READING

HB 2071 was read for the third time at length.

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

Aye: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bingman, Branan, Brown, Burrage, Coffee, Corn, Crain, Crutchfield, 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, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--41.

Excused: Bass, Brogdon, Coates, Easley, Mazzei, Nichols and Sparks.--7.

The bill passed.

HB 2071 was referred for engrossment.

GENERAL ORDER

HB 1780 by Jones of the House and Jolley of the Senate was called up for consideration.

Senator Gumm moved to amend **HB 1780**, Page 25, Line 7 ½, by inserting a new Section 11 to read as follows:

"SECTION 11. AMENDATORY 74 O.S. 2001, Section 85.12, as last amended by Section 77, Chapter 1, O.S.L. 2007 (74 O.S. Supp. 2008, Section 85.12), is amended to read as follows :

Section 85.12 A. The provisions of this section shall not be construed to affect any law relating to fiscal or accounting procedure except as they may be directly in conflict herewith; and all claims, warrants, and bonds shall be examined, inspected, and approved as now provided by law.

B. Except as otherwise provided by this section, the acquisitions specified in this subsection shall be made in compliance with Section 85.39 of this title but are not subject to other provisions of The Oklahoma Central Purchasing Act:

1. Food and other products produced by state institutions and agencies;
2. The printing or duplication of publications or forms of whatsoever kind or character by state agencies if the work is performed upon their own equipment by their own employees. Pursuant to this paragraph, the state agency may only use equipment owned or leased by the agency and may only utilize that equipment for printing services required by the agency in performing duties imposed upon the agency or functions authorized to be performed by the agency. Any use of the equipment by the agency pursuant to an agreement or contract with any other entity resulting in delivery of intermediate or finished products to the entity purchasing or using the products shall be subject to the provisions of The Oklahoma Central Purchasing Act;
3. Department of Transportation and Transportation Commission contractual services or right-of-way purchases; contracts awarded pursuant to bids let by the Transportation Commission for the maintenance or construction of streets, roads, highways, bridges, underpasses, or any other transportation facilities under the control of the Department of Transportation, the acquisitions of equipment or materials accruing to the Department of Transportation required in Federal-Aid contracts; and contracts for public service type announcements initiated by the Department of Transportation; but not contractual services for advertising or public relations or employment services;
4. Utility services where rates therefor are regulated by a state or federal regulatory commission, or by municipal ordinance, or by an Indian Tribal Council for use by the Department of Corrections only;
5. Acquisitions by the University Hospitals Authority. The Authority shall develop standards for the acquisition of products and services and may elect to utilize the Purchasing Division. The standards shall foster economy and short response time and shall include appropriate safeguards and record-keeping requirements to ensure appropriate competition and economical and efficient purchasing;
6. Contracts for custom harvesting by the Department of Corrections for the Department or its institutions;
7. Contracts with private prison contractors which are subject to the contracting procedures of Section 561 of Title 57 of the Oklahoma Statutes;
8. Acquisitions by the Oklahoma Municipal Power Authority;
9. Acquisitions by the Grand River Dam Authority;
10. Acquisitions by rural water, sewer, gas, or solid waste management districts created pursuant to the Rural Water, Sewer, Gas and Solid Waste Management Districts Act;
11. Acquisitions by the Oklahoma Ordnance Works Authority, the Northeast Oklahoma Public Facilities Authority, or the Midwestern Oklahoma Development Authority;
12. Contracts entered into by the Oklahoma Industrial Finance Authority for the services of an appraiser or for acquisition of insurance when the Authority's Board of Directors determines that an emergency exists, and contracts for the services of legal counsel when approved by the Attorney General;

13. Expenditure of monies appropriated to the State Board of Education for Local and State Supported Financial Support of Public Schools, except monies allocated therefrom for the Administrative and Support Functions of the State Department of Education;

14. Expenditure of monies appropriated to the State Department of Rehabilitation Services for educational programs or educational materials for the Oklahoma School for the Blind and the Oklahoma School for the Deaf;

15. Contracts entered into by the Oklahoma Department of Career and Technology Education for the development, revision, or updating of vocational curriculum materials, and contracts entered into by the Oklahoma Department of Career and Technology Education for training and supportive services that address the needs of new or expanding industries;

16. Contracts entered into by the Oklahoma Center for the Advancement of Science and Technology for professional services;

17. Contracts entered into by the Oklahoma Department of Commerce pursuant to the provisions of Section 5066.4 of this title;

18. Acquisitions made by the Oklahoma Historical Society from monies used to administer the White Hair Memorial;

19. Acquisitions available to an agency through a General Services Administration (GSA) contract or other federal contract if the acquisition is on current statewide contract and the terms of the GSA or other federal contract, as determined by the State Purchasing Director, are more favorable to the agency than the terms of a statewide contract for the same products;

20. Purchases of pharmaceuticals available through a multistate or multigovernmental contract if such pharmaceuticals are or have been on state contract within the last fiscal year, and the terms of such contract are more favorable to the state or agency than the terms of a state contract for the same products, as determined by the State Purchasing Director. The state entity designated by law, as specified in Section 1010.3 of Title 56 of the Oklahoma Statutes, shall participate in the purchase of pharmaceuticals available through such contracts;

21. Contracts for managed health care services entered into by the state entity designated by law or the Department of Human Services, as specified in paragraph 1 of subsection A of Section 1010.3 of Title 56 of the Oklahoma Statutes;

22. Acquisitions by the Forestry Service of the Oklahoma Department of Agriculture, Food, and Forestry as authorized by the federal General Services Administration through a General Services Administration contract or other federal contract if the acquisitions are not on current statewide contract or the terms of the federal contract are more favorable to the agency than the terms of a statewide contract for the same products;

23. Acquisitions of clothing for clients of the Department of Human Services and acquisitions of food for group homes operated by the Department of Human Services;

24. Acquisitions by the Oklahoma Energy Resources Board;

25. Acquisitions of clothing for juveniles in the custody of the Office of Juvenile Affairs and acquisitions of food for group homes operated by the Office of Juvenile Affairs;

26. State contracts for flexible benefits plans pursuant to the Oklahoma State Employees Benefits Act, Section 1361 et seq. of this title;

27. Acquisitions by the Department of Securities to investigate, initiate, or pursue administrative, civil, or criminal proceedings involving potential violations of the acts under the Department's jurisdiction;

28. Acquisitions by the Native America Cultural and Educational Authority and acquisitions by the Oklahoma Department of Commerce to assist the Native American Cultural and Educational Authority pursuant to Section 5017 of this title;

29. Acquisitions for resale in and through canteens operated pursuant to Section 537 of Title 57 of the Oklahoma Statutes;

30. Acquisitions by the Oklahoma Boll Weevil Eradication Organization for employment and personnel services, and for acquiring sprayers, blowers, traps, and attractants related to the eradication of boll weevils in this state or as part of a national or regional boll weevil eradication program;

31. Contracts entered into by the Oklahoma Indigent Defense System for expert services pursuant to the provisions of subsection D of Section 1355.4 of Title 22 of the Oklahoma Statutes;

32. Acquisitions by the Oklahoma Correctional Industries and the Agri-Services programs of the Department of Corrections of raw materials, component parts and other products, any equipment excluding vehicles, and any services excluding computer consultant services used to ~~produce~~ provide goods or services for resale and for the production of agricultural products;

33. Contracts entered into by the Department of Human Services for provision of supported living services to members of the plaintiff class in *Homeward Bound, Inc., et. al., v. The Hissom Memorial Center, et. al.*, Case Number 85-C-437-E, United States District Court for the Northern District of Oklahoma; and

34. Contracts negotiated by the Office of Juvenile Affairs with designated Youth Services Agencies and the Oklahoma Association of Youth Services, or another Oklahoma nonprofit corporation whose membership consists solely of Youth Services Agencies and of whom at least a majority of Youth Services Agencies are members, pursuant to the provisions of Section 7302-3.6a of Title 10 of the Oklahoma Statutes.

C. Pursuant to the terms of a contract the State Purchasing Director enters into or awards, a state agency, common school, municipality, rural fire protection district, county officer, or any program contract, purchase, acquisition or expenditure that is not subject to the provisions of The Oklahoma Central Purchasing Act, may, unless acting pursuant to a contract with the state that specifies otherwise, make use of statewide contracts and the services of the Purchasing Division and the State Purchasing Director. Any political subdivision or rural fire protection district may designate the State Purchasing Director as its agent for any acquisition from a statewide contract or otherwise available to the state.

D. The State Purchasing Director shall make periodic audits of the purchasing procedures of the Oklahoma Ordnance Works Authority, the Northeast Oklahoma Public Facilities Authority, the University Hospitals Authority, and the Midwestern Oklahoma Development Authority to ensure that the procedures are being followed.”, and by renumbering subsequent sections, which amendment was declared adopted.

Senator Jolley moved that **HB 1780** be advanced, which motion was declared adopted.

THIRD READING

HB 1780 was read for the third time at length.

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

Aye: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bingman, Branan, Brown, Burrage, Coffee, Corn, Crain, Crutchfield, 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, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--41.

Excused: Bass, Brogdon, Coates, Easley, Mazzei, Nichols and Sparks.--7.

The bill and emergency passed.

HB 1780 was referred for engrossment.

PENDING CONSIDERATION OF HAS

HAs to SBs 269 and 718 were rejected upon motion of Senator Lamb, conference requested, and Senate conferees to be named later.

PENDING CONSIDERATION OF HAS

HAs to SB 135 were rejected upon motion of Senator Lamb, conference requested, and Senate conferees appointed as follows: Coffee, Justice, Lamb and Garrison.

Senator Lamb moved that when the clerk's desk is clear, the Senate stand adjourned to convene Thursday, April 16, 2009, at 9:00 a.m., which motion prevailed.

FIRST READING

The following were introduced and read the first time:

SCR 19 – By Leftwich of the Senate and Christian of the House.

A Concurrent Resolution commending the individuals elected into the Oklahoma Sports Hall of Fame; declaring Monday, August 3, 2009, "Oklahoma Sports Hall of Fame Day"; and directing distribution.

SR 39 – By Eason McIntyre.

A Resolution recognizing the importance of breast cancer awareness; designating April 21, 2009, “Breast Cancer Awareness Day”; and directing distribution.

SR 40 – By Russell.

A Resolution disagreeing with the Obama Administration's characterization of returning military veterans and other supporters of traditional American values; and directing distribution.

SR 41 – By Coates, Barrington and Bass.

A Resolution commending Colonel William J. Finley for his humanitarian efforts to aid the families of deployed soldiers and needy children and families in Iraq; thanking him for an opportunity for the Oklahoma State Senate to participate; and directing distribution.

SR 42 – By Russell.

A Resolution disagreeing with President Obama's Administration's characterization of returning military veterans and other supporters of traditional American values; and directing distribution.

SECOND READING

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

SR 42 – Direct to Calendar

MESSAGE FROM THE HOUSE

Advising fourth reading of and returning Enrolled **SJR 12**.

The above-numbered enrolled measure was referred to the Secretary of State.

Pursuant to the Lamb motion, the Senate adjourned at 5:05 p.m. to meet Thursday, April 16, 2009, at 9:00 a.m.