

Senate Journal

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

Forty-fourth Legislative Day, Thursday, April 16, 2009

The Senate was called to order by Senator Bingman.

Roll Call:

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

Excused: Easley and Mazzei.—2.

Senator Bingman 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 1004, 1057, 1074, 1474, 1591, 1592, 1597, 1600, 1676, 1698, 1780, 1786, 1999, 2067 and 2071 and HJR 1016 were each correctly engrossed and, together with engrossed **SAs**, properly signed and ordered returned to the Honorable House.

SBs 397, 582 and 981 and SCR 17 were each correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

SR 37 was correctly enrolled, properly signed and ordered transmitted to the Secretary of State.

GENERAL ORDER

HB 2176 by Nelson and Hickman of the House and Aldridge of the Senate was called up for consideration.

Senator Aldridge moved that **HB 2176** be advanced, which motion was declared adopted.

THIRD READING

HB 2176 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, 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, Nichols, Paddock, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--45.

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

The bill and emergency passed.

HB 2176 was referred for engrossment.

GENERAL ORDER

HB 1963 by Benge of the House and Aldridge of the Senate was called up for consideration.

Senator Aldridge moved that **HB 1963** be advanced, which motion was declared adopted.

THIRD READING

HB 1963 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 (M), Jolley, Justice, Lamb, Laster,

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

Nay: Johnson (C).--1.

Excused: Easley and Mazzei.--2.

The bill and emergency passed.

HB 1963 was referred for engrossment.

GENERAL ORDER

HB 1736 by Peters and Tibbs of the House and Ford of the Senate was called up for consideration.

Senator Ford moved that **HB 1736** be advanced, which motion was declared adopted.

THIRD READING

HB 1736 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, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--44.

Nay: Crutchfield and Paddack.--2.

Excused: Easley and Mazzei.--2.

The bill passed.

HB 1736 was referred for engrossment.

GENERAL ORDER

HB 2158 by Armes of the House and Schulz of the Senate was called up for consideration.

Senator Schulz moved that **HB 2158** be advanced, which motion was declared adopted.

THIRD READING

HB 2158 was read for the third time at length.

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

Aye: Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (M), Jolley, Justice, Lamb, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Russell, Schulz, Sparks, Stanislawski, Sweeden and Sykes.--37.

Nay: Adelson, Eason McIntyre, Johnson (C), Laster, Leftwich, Lerblance, Rice, Wilson and Wyrick.--9.

Excused: Easley and Mazzei.--2.

The bill passed.

Pursuant to Rule 12-21, Senator Schulz served notice that the vote be reconsidered whereby **HB 2158** passed.

GENERAL ORDER

HB 1467 by Sanders et al of the House and Barrington of the Senate was called up for consideration.

Senator Barrington asked unanimous consent, which was granted, to suspend Senate Rules and to amend **HB 1467**, Page 1, by restoring the title.

The above amendment restores **HB 1467** to the engrossed version of the bill.

Senator Barrington moved that **HB 1467** be advanced, which motion was declared adopted.

THIRD READING

HB 1467 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), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--45.

Excused: Easley, Johnson (M) and Mazzei.--3.

The bill and emergency passed.

HB 1467 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 1025 by Duncan et al of the House and Sykes of the Senate was called up for consideration.

Senators Gumm and Russell asked to coauthor **HB 1025**, which was the order.

Senator Sykes moved to amend **HB 1025**, Page 1, Lines 23 through 25, by deleting all language after the language “(\$1,000.00)” on Line 23 and before the period on Line 25, which amendment was declared adopted.

Senator Gumm moved to amend **HB 1025**, Page 2, Line 19 ½, by inserting new Sections 2, 3 and 4 to read as follows:

“SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2100 of Title 21, unless there is created a duplication in numbering, reads as follows:

- A. For purposes of this act:
1. "Ice cream" means any frozen dairy or water-based food product;
 2. "Ice cream truck" means any motor vehicle used for selling, displaying or offering to sell ice cream or any other frozen dairy or frozen water-based food product; and
 3. "Ice cream truck vending" means the selling, displaying or offering to sell ice cream, water-based food product or any other prepackaged food product from an ice cream truck.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2100.1 of Title 21, unless there is created a duplication in numbering, reads as follows:

Any sex offender required to be registered pursuant to the Oklahoma Sex Offenders Registration Act who engages in ice cream truck vending, whether or not licensed in this state as a mobile food unit, shall be, upon conviction, punished by imprisonment in the custody of the Department of Corrections for a term up to two and one-half (2 1/2) years, or by a fine in an amount not exceeding One Thousand Dollars (\$1,000.00), or by both such

fine and imprisonment. A sheriff or police officer may arrest without a warrant any person who the officer has probable cause to believe has violated the provisions of this section.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2100.2 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Any company engaged in the business of ice cream truck vending shall conduct an annual name search against the Oklahoma Sex Offender Registry for each ice cream truck operator prior to allowing such person to engage in the business of ice cream truck vending in this state. Each business shall maintain records or other proof that a name search was conducted on each ice cream truck operator, and each person searched has no requirement to register as a sex offender. Any business entity discovering that a person has operated, or has attempted to operate, an ice cream truck shall report such information to the district attorney. Any person who fails to report information of violations or to comply with records or name search requirements shall be guilty, upon conviction, of a misdemeanor.

B. Individuals engaged in the business of ice cream truck vending who are sole proprietors shall be required to sign, and have in the person's possession while operating an ice cream truck, a notarized statement signed under oath stating that the person is not required to register as a sex offender. The statement shall be renewed annually. Any person who fails to comply with the requirement to have a signed and notarized statement in the person's possession while operating an ice cream truck shall be guilty, upon conviction, of a misdemeanor.”, and by renumbering subsequent sections, which amendment was declared adopted.

Senator Sykes moved to amend **HB 1025**, Page 1, by restoring the title, which amendment was declared adopted.

Senator Sykes moved that **HB 1025** be advanced, which motion was declared adopted.

THIRD READING

HB 1025 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, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes and Wyrick.--44.

Nay: Eason McIntyre and Wilson.--2.

Excused: Easley and Mazzei.--2.

The bill and emergency passed.

HB 1025 was referred for engrossment.

MESSAGES FROM THE HOUSE

Advising conference granted on Engrossed **SB** and naming House conferees as follows:

SB 135 - Steele, Sullivan and Miller

Advising rejection of **SAs** to the following bill, requesting conference and naming House conferees as follows:

HB 1934 - Jackson, Steele, Wright (John) and Rousselot.

GENERAL ORDER

HB 2057 by Thompson et al of the House and Sykes of the Senate was called up for consideration.

Senator Sykes moved to amend **HB 2057**, Page 1, by restoring the title, which amendment was declared adopted.

The above amendment restores **HB 2057** to the engrossed version of the bill.

Senator Sykes moved that **HB 2057** be advanced, which motion was declared adopted.

THIRD READING

HB 2057 was read for the third time at length.

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

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

Nay: Adelson, Aldridge and Garrison.--3.

Excused: Easley and Mazzei.--2.

The bill passed.

HB 2057 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 1579 by Joyner and Smithson of the House and Barrington of the Senate was called up for consideration.

Senator Barrington asked unanimous consent to suspend Senate Rules and to amend **HB 1579**, Page 1, by restoring the title, which amendment was withdrawn upon request of Senator Barrington.

Senator Barrington moved that **HB 1579** be advanced, which motion was declared adopted.

THIRD READING

HB 1579 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, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--46.

Excused: Easley and Mazzei.--2.

The bill passed.

HB 1579 was referred for engrossment.

GENERAL ORDER

HB 1527 by Liebmann and Tibbs of the House and Branan of the Senate was called up for consideration.

Senator Branan moved that **HB 1527** be advanced, which motion was declared adopted.

THIRD READING

HB 1527 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, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--46.

Excused: Easley and Mazzei.--2.

The bill passed.

HB 1527 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 1564 by Schwartz of the House and Branan of the Senate was called up for consideration.

Senator Branan moved that **HB 1564** be advanced, which motion was declared adopted.

THIRD READING

HB 1564 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, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--46.

Excused: Easley and Mazzei.--2.

The bill and emergency passed.

HB 1564 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 1813 by Shannon and Cox of the House and Branan of the Senate was called up for consideration.

Senator Branan moved that **HB 1813** be advanced, which motion was declared adopted.

THIRD READING

HB 1813 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, Myers, Newberry, Nichols, Paddock, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--46.

Excused: Easley and Mazzei.--2.

The bill passed.

HB 1813 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 1081 by Buck and Dorman of the House and Gumm of the Senate was called up for consideration.

Senator Leftwich moved to amend **HB 1081**, Page 2, Line 21 ½, by inserting new Sections 2 and 3 to read as follows:

“SECTION 2. AMENDATORY 26 O.S. 2001, Section 6-106, is amended to read as follows:

Section 6-106. A. The official ballot card for the General Election shall be printed so that the nominees of the various political parties and nonpartisan candidates will appear in columns. For each ballot for which there are partisan candidates, the candidates of the recognized parties shall be printed in the first position in lot order followed by candidates of unrecognized parties in lot order followed by independent candidates in lot order. Candidates of recognized and unrecognized parties shall be printed in the lot order of their respective party. The official ballot card for the General Election shall not be printed in

such a manner that will allow a voter to vote for all candidates of a party other than by so marking the ballot for each such candidate.

B. Each political party shall have the right to select an emblem to be used in designating its candidates on the ballot; provided, however, that no party shall be allowed to use the coat of arms or seal of Oklahoma or of the United States, or the respective flags thereof. Until changed by resolution of a political party, in state convention, the emblem of the Democratic party shall be a rooster and that of the Republican party an eagle. Change in a party emblem shall be authorized by the Secretary of the State Election Board only after receipt of written notice of said change by said Secretary from the state central committee of a party.

C. At the top of each ballot on which there are partisan candidates shall appear the name of each recognized party with the emblem of said party in lot order as prescribed by the Secretary of the State Election Board. Below said name and emblems shall be a line extending across the entire ballot. The name of the office entitled to the first place in the column, preceded by the word "for," shall appear in bold type, as "For Governor". Immediately after same shall be the names of the nominees for such office printed with the name of the nominee's party followed by candidates who file as Independents for such office printed with the word "Independent". The list shall be continued down each column, naming the officers in the order in which they are set out by the Constitution and statutes, until all the nominees are given space. The columns shall be set off with well defined lines.

SECTION 3. AMENDATORY 26 O.S. 2001, Section 7-127, is amended to read as follows:

Section 7-127. The following ~~rules~~ provisions shall govern the counting and recounting of votes:

1. If the name of any person is written on a ballot, said name shall not be counted;
2. Any mark prescribed by the Secretary of the State Election Board made by voters indicating the voter's choice of party, candidate or issue on a ballot shall be valid. Such marking shall be hereinafter referred to as "valid markings". Such valid markings located otherwise on the ballot shall not be counted;
3. Marks used to designate the intention of the voter, other than those herein defined as valid markings, shall not be counted;
4. Failure to properly mark a ballot as to one or more candidates or questions shall not of itself invalidate the entire ballot if the same has been properly marked as to other candidates or questions; and
5. ~~A valid marking marked for a political party shall be counted as a vote for each of said political party's candidates on that ballot, except that a valid marking marked for a candidate's name shall take precedence, for that office, over a valid marking for a political party. Provided, further, that if valid markings are marked for more than one political party on a ballot, said ballot shall not be counted for any party offices thereon; and~~
6. Any ballot or part of a ballot on which it is impossible to determine the voter's choice of candidate shall be void as to the candidate or candidates thereby affected.”, and by renumbering subsequent section, which amendment was declared adopted.

Senator Gumm moved that **HB 1081** be advanced, which motion was declared adopted.

THIRD READING

HB 1081 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, Brown, Burrage, Coates, Corn, Crain, Crutchfield, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Justice, Laster, Leftwich, Lerblance, Marlatt, Myers, Paddack, Rice, Schulz, Sparks, Stanislawski, Sweeden, Wilson and Wyrick.--35.

Nay: Aldridge, Branan, Brogdon, Coffee, Jolley, Lamb, Newberry, Nichols, Reynolds, Russell and Sykes.--11.

Excused: Easley and Mazzei.--2.

The bill passed.

HB 1081 was referred for engrossment.

GENERAL ORDER

HB 1741 by Peters et al of the House and Burrage et al of the Senate was called up for consideration.

Senators Garrison and Sparks asked to coauthor **HB 1741**, which was the order.

Senator Burrage moved that **HB 1741** be advanced, which motion was declared adopted.

THIRD READING

HB 1741 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, Myers, Newberry, Nichols, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--45.

Excused: Easley, Mazzei and Paddack.--3.

The bill passed.

HB 1741 was referred for engrossment.

**PENDING SENATE ACTION
HOUSE REQUEST FOR CONFERENCE**

Upon motion of Senator Lamb, the request of the Honorable House for conference on **HB 1934** was ordered granted and Senate conferees appointed as follows: Myers, Justice, Halligan and Garrison.

GENERAL ORDER

HB 1837 by Hamilton et al of the House and Eason McIntyre of the Senate was called up for consideration.

Senator Eason McIntyre asked unanimous consent, which was granted, to suspend Senate Rules and to amend **HB 1837**, Page 1, by restoring the title and the enacting clause.

Senator Eason McIntyre moved that **HB 1837** be advanced, which motion was declared adopted.

THIRD READING

HB 1837 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, Myers, Newberry, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--45.

Excused: Easley, Mazzei and Nichols.--3.

The bill and emergency passed.

HB 1837 was referred for engrossment.

GENERAL ORDER

HB 1885 by Richardson of the House and Justice of the Senate was called up for consideration.

Senator Justice moved that **HB 1885** be advanced, which motion was declared adopted.

THIRD READING

HB 1885 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, Myers, Newberry, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--45.

Excused: Easley, Mazzei and Nichols.--3.

The bill and emergency passed.

HB 1885 was referred for engrossment.

Senator Aldridge presiding.

GENERAL ORDER

HB 1050 by Carey et al of the House and Sparks of the Senate was called up for consideration.

Senator Leftwich asked to coauthor **HB 1050**, which was the order.

Senator Sparks moved that **HB 1050** be advanced, which motion was declared adopted.

THIRD READING

HB 1050 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 (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--44.

Nay: Johnson (C).--1.

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

The bill and emergency passed.

HB 1050 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 1360 by Cooksey et al of the House and Sparks and Gumm of the Senate was called up for consideration.

Senator Leftwich asked to coauthor **HB 1360**, which was the order.

Senator Sparks moved that **HB 1360** be advanced, which motion was declared adopted.

THIRD READING

HB 1360 was read for the third time at length.

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

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

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

The bill and emergency passed.

HB 1360 was referred for engrossment.

GENERAL ORDER

HB 1413 by Nelson and Pittman of the House and Sparks of the Senate was called up for consideration.

Senator Sparks moved that **HB 1413** be advanced, which motion was declared adopted.

THIRD READING

HB 1413 was read for the third time at length.

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

Aye: Adelson, Aldridge, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Corn, Crain, Crutchfield, 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.--44.

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

The bill passed.

HB 1413 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 1803 by Martin (Steve) et al of the House and Barrington of the Senate was called up for consideration.

Senator Barrington moved that **HB 1803** be advanced, which motion was declared adopted.

THIRD READING

HB 1803 was read for the third time at length.

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

Aye: Adelson, Aldridge, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Corn, Crain, Crutchfield, 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.--44.

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

The bill passed.

HB 1803 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 1489 by DeWitt et al of the House and Bingman of the Senate was called up for consideration.

Senator Johnson (Constance) asked to coauthor **HB 1489**, which was the order.

Senator Bingman moved that **HB 1489** be advanced, which motion was declared adopted.

THIRD READING

HB 1489 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, Corn, Crain, Crutchfield, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Nichols, Paddack, Reynolds, Rice, Schulz, Sparks, Stanislawski, Sweeden, Wilson and Wyrick.--40.

Nay: Branan, Brogdon, Newberry, Russell and Sykes.--5.

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

The bill and emergency passed.

HB 1489 was referred for engrossment.

GENERAL ORDER

HB 1890 by Richardson et al of the House and Barrington of the Senate was called up for consideration.

Senator Garrison asked to coauthor **HB 1890**, which was the order.

Senator Barrington moved that **HB 1890** be advanced, which motion was declared adopted.

THIRD READING

HB 1890 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, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--46.

Excused: Easley and Mazzei.--2.

The bill and emergency passed.

HB 1890 was referred for engrossment.

PENDING CONSIDERATION OF HAS

HAs to **SB 413** were rejected upon motion of Senator Lamb, conference requested, and Senate conferees to be named later.

GENERAL ORDER

HJR 1017 by Banz of the House and Paddack of the Senate was called up for consideration.

Senator Paddack moved that **HJR 1017** be advanced, which motion was declared adopted.

THIRD READING

HJR 1017 was read for the third time at length.

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

Aye: Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Brogdon, Brown, Burrage, Coates, Corn, Crain, Crutchfield, Eason McIntyre, Ellis, Ford, Garrison, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski and Sweeden.--38.

Nay: Adelson, Branan, Coffee, Gumm, Myers, Sykes, Wilson and Wyrick.--8.

Excused: Easley and Mazzei.--2.

The resolution passed.

HJR 1017 was referred for engrossment.

GENERAL ORDER

HB 1424 by Proctor et al of the House and Brogdon of the Senate was called up for consideration.

Senator Brogdon moved to amend **HB 1424**, 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 Brogdon moved that **HB 1424** be advanced, which motion was declared adopted.

THIRD READING

HB 1424 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, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--45.

Nay: Johnson (C).--1.

Excused: Easley and Mazzei.--2.

The bill passed.

HB 1424 was referred for engrossment.

GENERAL ORDER

HJR 1029 by Scott et al of the House and Brogdon of the Senate was called up for consideration.

Senator Russell asked to coauthor **HJR 1029**, which was the order.

Senator Brogdon moved that **HJR 1029** be advanced, which motion was declared adopted.

THIRD READING

HJR 1029 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, 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, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--46.

Excused: Easley and Mazzei.--2.

The resolution passed.

HJR 1029 was referred for engrossment.

GENERAL ORDER

HB 2264 by Christian of the House and Russell of the Senate was called up for consideration.

Senator Russell moved to amend **HB 2264**, Page 1, by restoring the title, which amendment was declared adopted.

Senator Russell moved that **HB 2264** be advanced, which motion was declared adopted.

THIRD READING

HB 2264 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, 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.--42.

Nay: Corn, Eason McIntyre, Johnson (C) and Sweeden.--4.

Excused: Easley and Mazzei.--2.

The bill passed.

HB 2264 was referred for engrossment.

GENERAL ORDER

HB 2174 by Nelson et al of the House and Russell of the Senate was called up for consideration.

Senator Russell moved to amend **HB 2174**, Page 1, by restoring the title, which amendment was declared adopted.

The above amendment restores **HB 2174** to the engrossed version of the bill.

Senator Russell moved that **HB 2174** be advanced, which motion was declared adopted.

THIRD READING

HB 2174 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, 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.--44.

Nay: Eason McIntyre and Johnson (C).--2.

Excused: Easley and Mazzei.--2.

The bill passed.

HB 2174 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 239 - coauthored by Sullivan and Liebmann

SB 275 - coauthored by Denney

SB 353 - coauthored by McDaniel (Jeannie), Ritze, Lamons and Walker

SB 394 - coauthored by Duncan

SB 479

SB 487 - coauthored by Peterson and Walker

SB 586 - coauthored by McDaniel (Jeannie)

SB 610

SB 702 - coauthored by Ortega and Ownbey

SB 749

SB 828 - coauthored by Ortega and Walker

SB 834 - coauthored by Marlatt and Russell of the Senate

SB 1118 - coauthored by Tibbs

SB 1137 - coauthored by McMullen

SB 1152

SB 1185 - coauthored by Tibbs and Shelton

House amendments were read on the above-numbered bills.

MESSAGES FROM THE HOUSE

Advising fourth reading of and returning Enrolled **SBs 397, 582 and 981**.

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

Advising the signing of and returning Enrolled **SCR 17**.

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

Advising fourth reading of and transmitting for signature Enrolled **HBs 1031, 1052, 1326, 1333, 1518, 1601, 1674, 1761, 1763** and **1892**.

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

Advising the signing of and transmitting for signature Enrolled **HCR 1012**.

The above-numbered enrolled measure was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 1864 by Hickman et al of the House and Brown of the Senate was called up for consideration.

Senator Stanislawski asked to coauthor **HB 1864**, which was the order.

Senator Brown asked unanimous consent, which was granted, to suspend Senate Rules and to amend **HB 1864**, Page 1, by restoring the title.

The above amendment restores **HB 1864** to the engrossed version of the bill.

Senator Brown moved that **HB 1864** be advanced, which motion was declared adopted.

THIRD READING

HB 1864 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 (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Paddock, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--44.

Nay: Johnson (C).--1.

Excused: Easley, Mazzei and Nichols.--3.

The bill and emergency passed.

HB 1864 was properly signed and ordered returned to the Honorable House.

FIRST READING

The following was introduced and read the first time:

SR 43 – By Rice.

A Resolution declaring April 16, 2009, “One Day Without Shoes” in the State of Oklahoma; asking Senate members and staff to go without shoes for at least ten minutes on April 16, 2009; and directing distribution.

UNANIMOUS CONSENT REQUEST DIRECT TO CALENDAR

Senator Rice asked unanimous consent to refer **SR 43** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SR 43 by Rice was called up for consideration.

SR 43 was adopted upon motion of Senator Rice and referred for enrollment.

UNANIMOUS CONSENT REQUEST DIRECT TO CALENDAR

Senator Leftwich asked unanimous consent to refer **SCR 19** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SCR 19 by Leftwich of the Senate and Christian of the House was called up for consideration.

SCR 19 was adopted upon motion of Senator Leftwich and referred for engrossment.

GENERAL ORDER

HB 2026 by Steele et al of the House and Crain of the Senate was called up for consideration.

Senator Crain moved that **HB 2026** 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, Marlatt, Myers, Newberry, Nichols, Reynolds, Russell, Schulz, Stanislawski and Sykes.--25.

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, Mazzei and Sweeden.--3.

THIRD READING

HB 2026 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, Ellis, Ford, Garrison, Halligan, Ivester, Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sykes and Wyrick.--41.

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

Excused: Easley, Mazzei and Sweeden.--3.

The bill passed.

Pursuant to Rule 12-21, Senator Adelson served notice that the vote be reconsidered whereby **HB 2026** passed.

MESSAGES FROM THE HOUSE

Advising rejection of **SAs** to the following bill, requesting conference and naming House conferees as follows:

HB 1949 - Benge, Thompson, Martin (Scott), Armes, Watson, Dorman, Shumate and Walker.

Advising passage of and returning the following Engrossed bill:

SB 684

The above-numbered measure was referred for enrollment.

EXECUTIVE NOMINATIONS

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

Anglin, Harold Francis, Pryor, as a member of the State Board of Career and Technology Education - Education

Austin, Jerry, Oklahoma City, as a member of the Oklahoma Capital Investment Board - Finance

Chastain, LeAnn, Norman, as a member of the State Textbook Committee - Education

Gault, Jeannie K., Elgin, as a member of the Oklahoma State Board of Examiners for Long-Term Care Administrators - Health and Human Services

Glanz, Stanley D., Tulsa, as a member of the Oklahoma State Bureau of Investigation Commission - Judiciary

Gregory, Edward, Oklahoma City, as a member of the Construction Industries Board - Business and Labor

Lassiter, John Douglas, Moore, as a member of the Board of Pharmacy - Health and Human Services

Leonard, Larry D., Tulsa, as a member of the Board of Regents of the Tulsa Community College - Education

Lowrance, Dan, Duncan, as a member of the Oklahoma Conservation Commission - Energy and Environment

McGill, Jean, Tulsa, as a member of the Oklahoma Capital Investment Board - Finance

Meredith, Samonia, Oklahoma City, as a member of the Capitol-Medical Center Improvement and Zoning Commission - General Government

Mittasch, Glenda, Morrison, as a member of the Oklahoma Abstractors Board - Business and Labor

Morgan, Michael L., Shawnee, as a member of the State Board of Health - Health and Human Services

Pierce, Paul, M.D., Oklahoma City, as a member of the Board of Mental Health and Substance Abuse Services - Health and Human Services

Ridley, Gary, Yukon, as Cabinet Secretary of Transportation - Transportation

Rubenstein, Michael, Edmond, as a member of the Oklahoma Human Rights Commission - Health and Human Services

Rubenstein, Michael, Edmond, as a member of the Oklahoma Human Rights Commission - Health and Human Services

Sullivan, J. Andy, M.D., Oklahoma City, as a member of the Board of Mental Health and Substance Abuse Services - Health and Human Services

Vaughan, Vicki, Oklahoma City, as a member of the State Textbook Committee - Education

Senator Lamb moved that when the clerk's desk is clear, the Senate stand adjourned to convene Monday, April 20, 2009, at 1:30 p.m., which motion prevailed.

CONFERENCE COMMITTEE REPORT SUBMITTED

Conference committee report was read on the following bill:

SB 135 - remove Johnson (Mike) and substitute Justice as principal Senate author; remove Myers as coauthor; remove Miller and substitute Steele as principal House author; remove Martin (Scott) as coauthor

Pursuant to the Lamb motion, the Senate adjourned at 12:15 p.m. to meet Monday, April 20, 2009, at 1:30 p.m.