

Senate Journal

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

Forty-fifth Legislative Day, Monday, April 20, 2009

The Senate was called to order by Senator Sykes.

Roll Call:

Present: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.—47.

Excused: Russell.—1.

Senator Sykes declared a quorum present.

The prayer was offered by Pastor Joe Thompson, Elk City Church of God, Elk City, the guest of Senator Ivester.

REPORT OF ENGROSSED AND ENROLLED MEASURES

HBs 1025, 1081, 1360, 1424, 1489, 1579, 1736, 1741, 1837, 1885, 1890, 1963, 2176 and **2264** and **HJR 1017** and **1029** were each correctly engrossed and, together with engrossed **SAs**, properly signed and ordered returned to the Honorable House.

SCR 19 was correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

SB 684 was correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

SR 43 was correctly enrolled, properly signed and ordered transmitted to the Secretary of State.

MESSAGES FROM THE HOUSE

Advising fourth reading of and transmitting for signature Enrolled **HBs 1050, 1402, 1413, 1467, 1527, 1564, 1570, 1581, 1598, 1599, 1756, 1803, 1813, 1864, 2032, 2057, 2093 and 2174 and HJR 1003.**

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

Advising passage of and returning the following Engrossed bill:

SB 270

The above-numbered measure was referred for enrollment.

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

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

SB 11 - coauthored by Sherrer, Cox, Reynolds, Wright (Harold) and Tibbs

SB 267 - coauthored by Ritze

SB 268 - coauthored by Hickman

SB 313 - coauthored by Tibbs

SB 314 - coauthored by Trebilcock

SB 597

SB 605 - coauthored by Wright (John)

SB 658

SB 695

SB 1029 - coauthored by Cooksey

SB 1138 - coauthored by Osborn, McCullough, Kern and Ortega

SB 1153 - remove Steele as coauthor and add Roan and Tibbs coauthors

SB 1166

SB 1169

House amendments were read on the above-numbered bills.

PENDING CONSIDERATION OF HAs

HAs to SB 987 were rejected upon motion of Senator Lamb, conference requested, and Senate conferees to be named later.

GENERAL ORDER

HB 1449 by McMullen et al of the House and Ellis et al of the Senate was called up for consideration.

Senator Stanislawski asked to coauthor **HB 1449**, which was the order.

Senator Ellis moved that **HB 1449** be advanced, which motion was declared adopted.

THIRD READING

HB 1449 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 (C), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--45.

Excused: Coffee, Johnson (M) and Russell.--3.

The bill passed.

HB 1449 was referred for engrossment.

GENERAL ORDER

HB 1935 by Watson and Cannaday of the House and Stanislawski of the Senate was called up for consideration.

Senator Stanislawski moved that **HB 1935** be advanced, which motion was declared adopted.

THIRD READING

HB 1935 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), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--46.

Excused: Johnson (M) and Russell.--2.

The bill and emergency passed.

HB 1935 was referred for engrossment.

GENERAL ORDER

HB 1913 by Billy et al of the House and Nichols and Russell of the Senate was called up for consideration.

Senator Sparks asked to coauthor **HB 1913**, which was the order.

Senator Nichols moved that **HB 1913** be advanced, which motion was declared adopted.

THIRD READING

HB 1913 was read for the third time at length.

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

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

Excused: Anderson, Johnson (M) and Russell.--3.

The bill and emergency passed.

HB 1913 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 1738 by Peters et al of the House and Stanislawski of the Senate was called up for consideration.

Senator Leftwich asked to coauthor **HB 1738**, which was the order.

Senator Stanislawski moved to amend **HB 1738**, Page 3, Line 15, by inserting after the word “provide” and before the word “copies” the language “, upon request,”.

Senator Stanislawski moved to amend his amendment to **HB 1738**, Page 6, Line 5 ½, by deleting Section 2 and inserting a new Section 2 to read as follows:

“SECTION 2. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.”, which amendment was declared adopted.

Senator Stanislawski pressed adoption of his prior amendment to **HB 1738**, as amended, which amendment was declared adopted.

Senator Stanislawski moved to amend **HB 1738**, Page 1, by restoring the title, which amendment was declared adopted

Senator Stanislawski moved that **HB 1738** be advanced, which motion was declared adopted.

THIRD READING

HB 1738 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), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddock, Reynolds, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--45.

Excused: Johnson (M), Rice and Russell.--3.

The bill and emergency passed.

HB 1738 was referred for engrossment.

GENERAL ORDER

HB 1483 by DeWitt et al of the House and Justice and Ivester of the Senate was called up for consideration.

Senator Justice moved that **HB 1483** be advanced, which motion was declared adopted.

THIRD READING

HB 1483 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), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--46.

Excused: Johnson (M) and Russell.--2.

The bill and emergency passed.

HB 1483 was referred for engrossment.

GENERAL ORDER

HB 1884 by Richardson and Wright (John) of the House and Justice and Ivester of the Senate was called up for consideration.

Senator Justice moved that **HB 1884** be advanced, which motion was declared adopted.

THIRD READING

HB 1884 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, Gumm, Halligan, Ivester, Johnson (C), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--45.

Excused: Garrison, Johnson (M) and Russell.--3.

The bill and emergency passed.

HB 1884 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 2149 by Armes of the House and Anderson of the Senate was called up for consideration.

Senator Bass moved to amend **HB 2149**, 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 that **HB 2149** be advanced, which motion was declared adopted.

THIRD READING

HB 2149 was read for the third time at length.

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

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

Nay: Crain.--1.

Excused: Coffee, Garrison, Mazzei and Russell.--4.

The bill passed.

HB 2149 was referred for engrossment.

GENERAL ORDER

HB 1462 by Trebilcock of the House and Nichols of the Senate was called up for consideration.

Senator Nichols moved that **HB 1462** be advanced, which motion was declared adopted.

THIRD READING

HB 1462 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, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--44.

Excused: Coffee, Garrison, Mazzei and Russell.--4.

The bill passed.

HB 1462 was properly signed and ordered returned to the Honorable House.

MOTION TO RECONSIDER VOTE

Senator Schulz moved to reconsider the vote whereby **HB 2158** passed.

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

HB 2158 was referred for engrossment.

GENERAL ORDER

HB 1888 by Richardson et al of the House and Sparks of the Senate was called up for consideration.

Senator Sparks moved to amend **HB 1888**, 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 Sparks moved that **HB 1888** be advanced, which motion was declared adopted.

THIRD READING

HB 1888 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, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--44.

Excused: Coffee, Garrison, Mazzei and Russell.--4.

The bill passed.

HB 1888 was referred for engrossment.

GENERAL ORDER

HB 1753 by Martin (Scott) of the House and Barrington of the Senate was called up for consideration.

Senator Barrington moved that **HB 1753** be advanced, which motion was declared adopted.

THIRD READING

HB 1753 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, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--45.

Excused: Garrison, Mazzei and Russell.--3.

The bill passed.

HB 1753 was referred for engrossment.

MESSAGE FROM THE HOUSE

Advising passage of and returning the following Engrossed bill:

SB 476

The above-numbered measure was referred for enrollment.

GENERAL ORDER

HB 1509 by Blackwell of the House and Bass of the Senate was called up for consideration.

Senator Bass moved that **HB 1509** be advanced, which motion was declared adopted.

THIRD READING

HB 1509 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, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--45.

Excused: Garrison, Mazzei and Russell.--3.

The bill passed.

HB 1509 was referred for engrossment.

MOTION TO RECONSIDER VOTE

Senator Lamb moved to reconsider the vote whereby **HB 1595** passed.

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

HB 1595 was referred for engrossment.

GENERAL ORDER

HB 1790 by Shannon of the House and Barrington of the Senate was called up for consideration.

Senator Barrington moved that **HB 1790** be advanced, which motion was declared adopted.

THIRD READING

HB 1790 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, Gumm, Halligan, Ivester, Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Schulz, Sparks, Stanislawski, Sweeden, Sykes and Wyrick.--39.

Nay: Easley, Eason McIntyre, Johnson (C), Rice and Wilson.--5.

Excused: Corn, Garrison, Mazzei and Russell.--4.

The bill passed.

HB 1790 was referred for engrossment.

GENERAL ORDER

HB 1032 by Murphey et al of the House and Brogdon and Ivester of the Senate was called up for consideration.

Senator Gumm asked to coauthor **HB 1032**, which was the order.

Senator Gumm moved to amend **HB 1032**, Page 1, Line 12 ½, by inserting new Sections 1 and 2 to read as follows:

“SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 10.4a of Title 74, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created the Children’s Cabinet to develop, recommend and implement coordinated state policies to improve the health and welfare of children and families.

- B. The Children's Cabinet shall be composed of fifteen (15) members as follows:
1. The Lieutenant Governor, who shall serve as chair of the Children's Cabinet;
 2. The Director of the Department of Human Services;
 3. The Executive Director of the Office of Juvenile Affairs;
 4. The State Commissioner of Health;
 5. The Commissioner of Mental Health and Substance Abuse Services;
 6. The State Superintendent of Public Instruction;
 7. The Director of the Oklahoma Commission on Children and Youth;
 8. The Commissioner of Labor;
 9. The State Treasurer;
 10. The Commissioner of Public Safety;
 11. The Director of the Oklahoma Indian Affairs Commission;
 12. The Director of the State Department of Rehabilitation Services;
 13. The Commissioner of Insurance;
 14. The Administrator of the Oklahoma Health Care Authority; and
 15. The executive director of a child advocacy organization in the state, to be appointed by the Lieutenant Governor, who shall serve as vice-chair of the Children's Cabinet.
- C. The Children's Cabinet shall:
1. Promote a stable, safe, and healthy environment for children and families;
 2. Provide a regular forum for state agencies to meet and develop coordinated policy recommendations; and
 3. Develop, no later than July 1, 2010, a strategic plan that shall provide a long-term children's policy for the state. The plan shall:
 - a. identify the major issues facing children and youth under the age of twenty-one (21) in the state,
 - b. outline potential long-term strategies and goals that the state can implement to address the issues and improve the overall quality of life for Oklahoma children,
 - c. provide recommendations for policies that will maximize the success and opportunities for Oklahoma children to become self-sufficient and productive adults. Issue areas may include academics, health and well-being, safety, job training and job access,
 - d. provide recommendations for the design of a coordinated system to maximize outcomes among children and youth under age twenty-one (21), particularly those living in disadvantaged situations,
 - e. establish priorities and strategies for the coordinated delivery of state interagency services for children and families,
 - f. provide recommendations on streamlining the delivery of services to children, eliminating duplication of costs and services in existing agencies,
 - g. provide measurable outcomes for each department, agency and program in the state that are consistent with the plan, and
 - h. be coordinated with any other approved state plans relating to services for children and families.

D. The Children's Cabinet may consult with the Youth Advisory Alliance. The Youth Advisory Alliance shall be composed of youth ages fourteen (14) to twenty-one (21). Each member of the Oklahoma Legislature may select one youth from their district to serve on the Youth Advisory Alliance. Each Youth Advisory Alliance member shall serve for a two (2) year term. The Youth Advisory Alliance shall meet at least twice each year and shall:

1. Identify and examine issues of importance to youth;
2. Identify recommendations on potential solutions to issues facing youth; and
3. Provide a report to the Children's Cabinet on the issues and recommendations determined to be of importance to the Youth Advisory Alliance.

E. The Children's Cabinet shall meet at least four (4) times per year.

F. Staff support for the Children's Cabinet shall be provided by the Office of Planning and Coordination in the Oklahoma Commission on Children and Youth.

G. The Children's Cabinet is authorized to solicit, receive and pool funds from the federal government, any political subdivision of the state or any individual, foundation or corporation, and may expend those funds for purposes that are consistent with this section.

H. The Children's Cabinet may make use of any resources, both public and private, that will provide information and analysis that assists in executing its statutory mission.

I. Each member of the Children's Cabinet shall name an employee to serve as a liaison to ensure coordination and communication among agencies and to address cross-jurisdictional issues in an efficient, effective and expeditious manner.

SECTION 2. Section 1 of this act shall become effective January 1, 2010.", and by renumbering subsequent sections, which amendment was declared adopted.

Senator Brogdon moved that **HB 1032** be advanced, which motion was declared adopted.

THIRD READING

HB 1032 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, Ellis, Ford, Gumm, Halligan, Ivester, Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Schulz, Sparks, Stanislawski, Sykes, Wilson and Wyrick.--42.

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

Excused: Garrison and Russell.--2.

The bill passed.

HB 1032 was referred for engrossment.

GENERAL ORDER

HJR 1005 by Lamons and Sullivan of the House and Adelson of the Senate was called up for consideration.

Senator Adelson moved that **HJR 1005** be advanced, which motion was declared adopted.

THIRD READING

HJR 1005 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, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--45.

Excused: Branan, Garrison and Russell.--3.

The resolution passed.

HJR 1005 was referred for engrossment.

GENERAL ORDER

HB 1707 by Derby of the House and Crain of the Senate was called up for consideration.

Senator Leftwich moved to amend **HB 1707**, Page 11, Line 20 ½, by inserting new Sections 2, 3 and 4 to read as follows:

"SECTION 2. AMENDATORY 21 O.S. 2001, Section 858.3, is amended to read as follows:

Section 858.3 A. Any ~~Any~~ It shall be unlawful for any person who to knowingly and willfully:

1. ~~Causes, aids, abets or encourages~~ Cause, aid, abet or encourage a minor to be, to remain or to become delinquent, in need of supervision or dependent and neglected, ~~or;~~

2. ~~Omits~~ Omit the performance of any duty, which act or omission causes or tends to cause, aid, abet, or encourage any minor to be delinquent, in need of supervision or dependent and neglected, within the purview of the Oklahoma Children's Code or the Oklahoma Juvenile Code; or

3. Permit, aid, abet or encourage or omit the performance of any duty to deter any person under twenty-one (21) years of age to unlawfully possess or consume any alcoholic beverage as defined by Section 506 of Title 37 of the Oklahoma Statutes, any low-point beer as defined by Section 163.2 of Title 37 of the Oklahoma Statutes, any controlled dangerous substance as defined by the Uniform Controlled Dangerous Substances Act, or any combination thereof, while upon the premises owned, occupied, or controlled by such person.

B. Any person violating any provision of this section, upon conviction, shall be guilty of a misdemeanor and, as applicable, shall be punished pursuant punishable by imprisonment in the county jail for a term of not more than one (1) year, or by a fine not exceeding One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment. Any person convicted of a second or subsequent violation of this section shall be guilty of a misdemeanor punishable by imprisonment in the county jail for a term of not more than one (1) year, or by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment. The penalties provided in this section shall be in addition to the provisions of Section 856, 858.1 or 858.2 of Title 21 of the Oklahoma Statutes.

SECTION 3. AMENDATORY 21 O.S. 2001, Section 1215, as amended by Section 5, Chapter 61, O.S.L. 2006 (21 O.S. Supp. 2008, Section 1215), is amended to read as follows:

Section 1215. It shall be unlawful for any person under the age of twenty-one (21) years to be in the possession of any intoxicating beverage containing more than three and two-tenths percent (3.2%) alcohol by weight or any low-point beer as defined by Section 163.2 of Title 37 of the Oklahoma Statutes while such person is upon any public street, road, or highway, or in any public building or place, or upon any private premises without the knowledge and consent of such person's parent or legal guardian or without other lawful authority.

SECTION 4. AMENDATORY 21 O.S. 2001, Section 1216, is amended to read as follows:

Section 1216. Any person violating the provisions of Section 1215 of this act title shall be guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment in the county jail not to exceed thirty (30) days or by payment of a fine not to exceed One Hundred Dollars (\$100.00) exceeding Five Hundred Dollars (\$500.00), or by both such fine and imprisonment."

Senator Leftwich moved to amend her amendment to **HB 1707**, by striking all language in the amendment and by inserting new Sections 2, 3, and 4 to read as follows:

"SECTION 2. AMENDATORY 21 O.S. 2001, Section 858.3, is amended to read as follows:

Section 858.3 ~~Any~~ A. It shall be unlawful for any person who to knowingly and willfully:

1. ~~Causes, aids, abets or encourages~~ Cause, aid, abet or encourage a minor to be, to remain or to become delinquent, in need of supervision or dependent and neglected, ~~or;~~
2. ~~Omits~~ Omit the performance of any duty, which act or omission causes or tends to cause, aid, abet, or encourage any minor to be delinquent, in need of supervision or dependent and neglected, within the purview of the Oklahoma Children's Code or the Oklahoma Juvenile Code; ~~;~~ or
3. Permit, aid, abet or encourage or omit the performance of any duty to deter any person under twenty-one (21) years of age to unlawfully possess or consume any alcoholic beverage as defined by Section 506 of Title 37 of the Oklahoma Statutes, any low-point beer as defined by Section 163.2 of Title 37 of the Oklahoma Statutes, any controlled dangerous substance as defined by the Uniform Controlled Dangerous Substances Act, or any combination thereof, while upon the premises owned, occupied, or controlled by such person.

B. Any person violating any provision of this section, upon conviction, shall be guilty of a misdemeanor and, as applicable, shall be punished pursuant punishable by imprisonment in the county jail for a term of not more than one (1) year, or by a fine not exceeding One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment. Any person convicted of a second or subsequent violation of this section shall be guilty of a misdemeanor punishable by imprisonment in the county jail for a term of not more than one (1) year, or by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment. The penalties provided in this section shall be in addition to the provisions of Section 856, 858.1 or 858.2 of Title 21 of the Oklahoma Statutes.

SECTION 3. AMENDATORY 21 O.S. 2001, Section 1215, as amended by Section 5, Chapter 61, O.S.L. 2006 (21 O.S. Supp. 2008, Section 1215), is amended to read as follows:

Section 1215. It shall be unlawful for any person under the age of twenty-one (21) years to be in the possession of any intoxicating beverage containing more than three and two-tenths percent (3.2%) alcohol by weight or any low-point beer as defined by Section 163.2 of Title 37 of the Oklahoma Statutes while such person is upon any public street, road, or highway, or in any public building or place, or upon any private premises without lawful authority pursuant to Section 537 of Title 37 of the Oklahoma Statutes or other provision of law.

SECTION 4. AMENDATORY 21 O.S. 2001, Section 1216, is amended to read as follows:

Section 1216. Any person violating the provisions of Section ~~+~~ 1215 of this ~~aet~~ title shall be guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment in the county jail not to exceed thirty (30) days or by ~~payment~~ of a fine not to exceed One Hundred Dollars (\$100.00) exceeding Five Hundred Dollars (\$500.00), or by both such fine and imprisonment.", which amendment was declared adopted.

Senator Leftwich pressed adoption of her previous amendment to **HB 1707**, as amended, which amendment was declared adopted.

Senator Crain moved that **HB 1707** be advanced, which motion was declared adopted.

THIRD READING

HB 1707 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, Ford, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--45.

Excused: Ellis, Garrison and Russell.--3.

The bill passed.

HB 1707 was referred for engrossment.

GENERAL ORDER

HB 2087 by Joyner et al of the House and Barrington of the Senate was called up for consideration.

Senator Justice asked to coauthor **HB 2087**, which was the order.

Senator Barrington moved that **HB 2087** be advanced, which motion was declared adopted.

THIRD READING

HB 2087 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, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--46.

Excused: Garrison and Russell.--2.

The bill passed.

HB 2087 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 1661 by Williams and Dorman of the House and Leftwich of the Senate was called up for consideration.

Senator Leftwich moved that **HB 1661** be advanced, which motion was declared adopted.

THIRD READING

HB 1661 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, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--46.

Excused: Garrison and Russell.--2.

The bill passed.

HB 1661 was referred for engrossment.

GENERAL ORDER

HJR 1026 by Schwartz et al of the House and Sparks of the Senate was called up for consideration.

Senator Sparks moved that **HJR 1026** be advanced, which motion was declared adopted.

THIRD READING

HJR 1026 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, Easley, Eason McIntyre, Ellis, Ford, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--46.

Excused: Garrison and Russell.--2.

The resolution passed.

HJR 1026 was referred for engrossment.

GENERAL ORDER

HB 1003 by Kern et al of the House and Brown of the Senate was called up for consideration.

Senator Brown moved that **HB 1003** 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, Mazzei, Myers, Newberry, Nichols, Reynolds, Schulz, Stanislawski and Sykes.--25.

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

Excused: Garrison and Russell.--2.

THIRD READING

HB 1003 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, Ellis, Ford, Gumm, Halligan, Ivester, Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--44.

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

Excused: Garrison and Russell.--2.

The bill passed.

HB 1003 was referred for engrossment.

GENERAL ORDER

HB 1055 by Cox et al of the House and Brown of the Senate was called up for consideration.

Senator Corn moved to amend **HB 1055**, Page 7, Line 19 ½, by inserting a new Section 4 to read as follows:

“SECTION 4. AMENDATORY 36 O.S. 2001, Section 6515, is amended to read as follows:

Section 6515.

A. Premium rates for health benefit plans subject to the Small Employer Health Insurance Reform Act shall be subject to the following provisions:

1. The rate manual developed for use by a small employer carrier shall be filed and approved by the Insurance Commissioner prior to use. Any changes to the rate manual shall be filed and approved by the Insurance Commissioner prior to use. Every filing shall be made not less than thirty (30) days prior to the date the small employer carrier intends to implement the rates. The rate manual so filed shall be deemed approved upon expiration of the thirty-day waiting period unless, prior to the end of the period, it has been affirmatively approved or disapproved by order of the Commissioner. Approval of a rate manual by the Commissioner shall constitute a waiver of any unexpired portion of the thirty-day waiting period. The Commissioner may extend the period to approve or disapprove a rate manual by not more than an additional thirty (30) days by giving notice of such extension before expiration of the initial thirty-day period. At the expiration of an extended period, the rate filing shall be deemed approved unless otherwise approved or disapproved by the Commissioner. The Commissioner may at any time, after notice and for cause shown, withdraw approval of a filed rate;

2. A small employer health benefit plan shall not be delivered or issued for delivery unless the policy form or certificate form can be expected to return to policyholders and certificate holders in the form of aggregate benefits provided under the policy form or certificate form at least ~~sixty~~ seventy-five percent ~~(60%)~~ (75%) of the aggregate amount of premiums earned. The rate of return shall be estimated for the entire period for which rates are computed to provide coverage. The rate of return shall be calculated on the basis of incurred claims experience or incurred health care expenses where coverage is provided by a health maintenance organization on a service rather than reimbursement basis and earned premiums for the period in accordance with accepted actuarial principles and practices;

3. The index rate for a rating period for any class of business shall not exceed the index rate for any other class of business by more than twenty percent (20%);

4. For a class of business, the premium rates charged during a rating period to small employers with similar case characteristics for the same or similar coverage, or the rates that could be charged to such employers under the rating system for that class of business, shall not vary from the index rate by more than twenty-five percent (25%) of the index rate;

5. The percentage increase in the premium rate charged to a small employer for a new rating period may not exceed the sum of the following:

- a. the percentage change in the new business premium rate measured from the first day of the prior rating period to the first day of the new rating period. In the case of a health benefit plan into which the small employer carrier is no longer enrolling new small employers, the small employer carrier shall use the percentage change in the base premium rate, provided that such change does not exceed, on a percentage basis, the change in the new business premium rate for the most similar health benefit plan into which the small employer carrier is actively enrolling new small employers,
- b. any adjustment, not to exceed fifteen percent (15%) annually and adjusted pro rata for rating periods of less than one year, due to the claim experience, health status or duration of coverage of the employees or dependents of the small employer as determined from the small employer carrier's rate manual for the class of business, and
- c. any adjustment due to change in coverage or change in the case characteristics of the small employer, as determined from the small employer carrier's rate manual for the class of business;

6. Adjustments in rates for claim experience, health status and duration of coverage shall not be charged to individual employees or dependents. Any such adjustment shall be applied uniformly to the rates charged for all employees and dependents of the small employer;

7. Premium rates for health benefit plans shall comply with the requirements of this section notwithstanding any assessments paid or payable by small employer carriers pursuant to Section 6523 of this title;

8. A small employer carrier may utilize industry as a case characteristic in establishing premium rates; provided, the highest rate factor associated with any industry classification shall not exceed the lowest rate factor associated with any industry classification by more than fifteen percent (15%);

9. In the case of health benefit plans issued prior to the effective date of the Small Employer Health Insurance Reform Act, a premium rate for a rating period may exceed the ranges set forth in paragraphs 3 and 4 of this subsection for a period of three (3) years following the effective date of the Small Employer Health Insurance Reform Act. In such case, the percentage increase in the premium rate charged to a small employer for a new rating period shall not exceed the sum of the following:

- a. the percentage change in the new business premium rate measured from the first day of the prior rating period to the first day of the new rating period. In the case of a health benefit plan into which the small employer carrier is no longer enrolling new small employers, the small employer carrier shall use the percentage change in the base premium rate, provided that such change does not exceed, on a percentage basis,

the change in the new business premium rate for the most similar health benefit plan into which the small employer carrier is actively enrolling new small employers, and

- b. any adjustment due to change in coverage or change in the case characteristics of the small employer, as determined from the carrier's rate manual for the class of business;

10. Small employer carriers shall:

- a. apply rating factors, including case characteristics, consistently with respect to all small employers in a class of business. Rating factors shall produce premiums for identical groups within the same class of business which differ only by amounts attributable to plan design and do not reflect differences due to claims experience, health status and duration of coverage,
- b. treat all health benefit plans issued or renewed in the same calendar month as having the same rating period;

11. For the purposes of this subsection, a health benefit plan that utilizes a restricted provider network shall not be considered similar coverage to a health benefit plan that does not utilize such a network, provided that utilization of the restricted provider network results in substantial differences in claims costs;

12. The Insurance Commissioner may establish rules to implement the provisions of this section and to assure that rating practices used by small employer carriers are consistent with the purposes of the Small Employer Health Insurance Reform Act, including:

- a. assuring that differences in rates charged for health benefit plans by small employer carriers are reasonable and reflect objective differences in plan design, not including differences due to claims experience, health status or duration of coverage, and
- b. prescribing the manner in which case characteristics may be used by small employer carriers.

B. A small employer carrier shall not transfer a small employer involuntarily into or out of a class of business. A small employer carrier shall not offer to transfer a small employer into or out of a class of business unless such offer is made to transfer all small employers in the class of business without regard to case characteristics, claim experience, health status or duration of coverage.

C. The Commissioner may suspend for a specified period the application of paragraph 3 of subsection A of this section as to the premium rates applicable to one or more small employers included within a class of business of a small employer carrier for one or more rating periods upon a filing by the small employer carrier and a finding by the Commissioner either that the suspension is reasonably necessary in light of the financial condition of the small employer carrier or that the suspension would enhance the efficiency and fairness of the marketplace for small employer health insurance.”, and by renumbering subsequent section, which amendment was declared adopted.

Senator Brown moved to amend **HB 1055**, Page 7, Line 14 through 19, by deleting Section 3, and by renumbering subsequent section.

Senator Corn moved to table the Brown amendment, which tabling motion failed of adoption upon roll call as follows:

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

Nay: Aldridge, Anderson, Barrington, Bingman, Branan, Brogdon, Brown, Crain, Easley, Ford, Halligan, Johnson (M), Jolley, Justice, Lamb, Marlatt, Mazzei, Myers, Newberry, Nichols, Reynolds, Schulz, Stanislawski and Sykes.--24.

Excused: Coffee, Garrison and Russell.--3.

Senator Brown asked that **HB 1055** be laid over for this legislative day, which was the order.

HB 1055 remains on General Order pending consideration of the Brown amendment.

MESSAGE FROM THE HOUSE

Advising fourth reading of and returning Enrolled **SB 684**.

The above-numbered enrolled measure was referred to the Governor.

GENERAL ORDER

HB 2047 by Morgan and Shelton of the House and Eason McIntyre of the Senate was called up for consideration.

Senator Johnson (Constance) asked to coauthor **HB 2047**, which was the order.

Senator Eason McIntyre moved that **HB 2047** be advanced, which motion was declared adopted.

THIRD READING

HB 2047 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, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice,

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

Excused: Garrison, Rice and Russell.--3.

The bill passed.

HB 2047 was referred for engrossment.

PENDING CONSIDERATION OF HAs

HAs to **SB 239** were concurred in upon motion of Senator Mazzei.

Senator Johnson (Mike) asked to be removed and Senator Mazzei asked to be named principal Senate author on **SB 239**, which was the order.

SB 239, as amended by the Honorable House, was read at length.

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

Aye: Adelson, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Gumm, Halligan, Ivester, Johnson (C), Jolley, Lamb, Laster, Leftwich, Lerblance, Mazzei, Newberry, Nichols, Paddack, Rice, Sparks, Stanislawski, Sweeden, Wilson and Wyrick.--36.

Nay: Aldridge, Brogdon, Brown, Johnson (M), Justice, Marlatt, Myers, Reynolds, Schulz and Sykes.--10.

Excused: Garrison and Russell.--2.

The bill passed.

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

PENDING CONSIDERATION OF HAs

HAs to **SB 238** were concurred in upon motion of Senator Myers.

Representatives Fields and DeWitt asked to coauthor **SB 238**, which was the order.

SB 238, as amended by the Honorable House, was read at length.

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

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

Nay: Brogdon and Reynolds.--2.

Excused: Garrison and Russell.--2.

The bill and emergency passed.

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

GENERAL ORDER

HB 1072 by Key et al of the House and Brogdon of the Senate was called up for consideration.

Senator Brogdon moved that **HB 1072** be advanced, which motion was declared adopted.

THIRD READING

HB 1072 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, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--46.

Excused: Garrison and Russell.--2.

The bill passed.

HB 1072 was referred for engrossment.

Senator Jolley presiding.

GENERAL ORDER

HB 1330 by Ritze et al of the House and Brogdon of the Senate was called up for consideration.

Senators Schulz, Marlatt, Lamb, Justice, Bingman, Nichols, Barrington, Brown, Crain, Halligan, Ford, Aldridge, Mazzei, Myers, Newberry, Johnson (Mike), Coffee and Reynolds asked to coauthor **HB 1330**, which was the order.

Senator Brogdon moved that **HB 1330** be advanced, which motion was declared adopted.

THIRD READING

HB 1330 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, Corn, Crain, Easley, Ellis, Ford, Gumm, Halligan, Ivester, Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Schulz, Stanislawski, Sykes and Wyrick.--37.

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

Excused: Garrison and Russell.--2.

The bill passed.

HB 1330 was referred for engrossment.

GENERAL ORDER

HB 1465 by Pruett of the House and Corn of the Senate was called up for consideration.

Senator Corn moved that **HB 1465** be advanced, which motion was declared adopted.

THIRD READING

HB 1465 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, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--45.

Excused: Coffee, Garrison and Russell.--3.

The bill passed.

HB 1465 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 1030 by Wright (John) of the House and Sykes of the Senate was called up for consideration.

Senator Sykes moved that **HB 1030** be advanced, which motion was declared adopted.

THIRD READING

HB 1030 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, Gumm, Halligan, Ivester, Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--44.

Nay: Johnson (C).--1.

Excused: Garrison, Mazzei and Russell.--3.

The bill passed.

HB 1030 was referred for engrossment.

Senator Lamb moved that when the clerk's desk is clear, the Senate stand adjourned to convene Tuesday, April 21, 2009, at 9:30 a.m., which motion prevailed.

MESSAGE FROM THE GOVERNOR

Advising his approval April 17, 2009, of Enrolled **SBs 662, 1103 and 1161.**

Advising his approval April 20, 2009, of Enrolled **SBs 399, 745 and 894.**

Pursuant to the Lamb motion, the Senate adjourned at 4:30 p.m. to meet Tuesday, April 21, 2009, at 9:30 a.m.