

Senate Journal

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

Tenth Legislative Day, Monday, February 19, 2007

The Senate was called to order by Senator Leftwich.

Roll Call:

Present: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason, McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.—48.

Senator Leftwich declared a quorum present.

The prayer was offered by Pastor Eric Cox, Living Word Fellowship, Woodward, the guest of Senator Laughlin.

REPORT OF ENGROSSED AND ENROLLED MEASURES

SBs 539 and **693** were each correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

INTRODUCTIONS

Senator Anderson introduced his daughters, Katlyn and Lauren, to the Senate.

UNANIMOUS CONSENT REQUEST DIRECT TO CALENDAR

Senator Branan asked unanimous consent to suspend Rule 6-4 and refer **SR 2** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SR 2 by Branán was called up for consideration.

All other members of the Senate asked to coauthor **SR 2**, which was the order.

SR 2 was adopted upon motion of Senator Branán and referred for enrollment.

INTRODUCTIONS

Senator Barrington introduced his wife, Jennifer; his daughter-in-law, Vicki Barrington; and his grandchildren, Emma, Cole and Kate Barrington, to the Senate.

GENERAL ORDER

SB 158 by Bass of the Senate and Jordan of the House was called up for further consideration.

Senator Bass asked unanimous consent, which was granted, that his prior amendment be withdrawn.

Senator Bass moved to amend **SB 158**, Page 4, Lines 1 through 5, by deleting all new language and inserting in lieu thereof the following language:

“Notwithstanding any custody determination made pursuant to the Oklahoma Children’s Code, Section 7001-1.1 et seq. of Title 10 of the Oklahoma Statutes, when a custodial parent of a child is required to be separated from a child due to military service, a court shall not enter a final order modifying an existing custody order until such time as the custodial parent has completed the term of duty requiring separation. For purposes of this paragraph:

- a. In the case of a parent who is a member of the Army, Navy, Air Force, Marine Corps or Coast Guard, the term “military service” means a combat deployment, contingency operation, or natural disaster requiring the use of orders that do not permit any family member to accompany the member; and
- b. In the case of a parent who is a member of the National Guard, the term “military service” means service under a call to active service authorized by the President of the United States or the Secretary of Defense for a period of more than thirty (30) consecutive days under 32 U.S.C. 502(f) for purposes of responding to a national emergency declared by the President and supported by federal funds. “Military service” shall include any period during which a member is absent from duty on account of sickness, wounds, leave or other lawful cause.”, which amendment was declared adopted.

Senator Bass moved to amend **SB 158**, Page 1, by restoring the title, which amendment was declared adopted.

Senator Bass moved that **SB 158** be advanced, which motion was declared adopted.

THIRD READING

SB 158 was read for the third time at length.

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

Aye: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--46.

Excused: Corn and Sweeden.--2.

The bill passed.

The Presiding Officer recognized Senator Sweeden who advised the Chair of an apparent malfunction in his voting machine. Senator Sweeden asked that the record reflect a vote of Aye on **SB 158**, as provided in Rule 15-1E. The Chair directed the clerk to correct the roll call vote on **SB 158** as Aye: 47; Excused: 1.

Senator Corn desired to vote Aye on the emergency.

On the question of passage of the emergency, the vote resulted as follows: Aye: 48.

The emergency passed.

SB 158 was referred for engrossment.

UNANIMOUS CONSENT REQUEST WITHDRAWN FROM CALENDAR

Senator Riley asked unanimous consent, which was granted, that **SB 421** be stricken from the Calendar.

MESSAGE FROM THE HOUSE

Advising passage of and transmitting for consideration Engrossed **HBs 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1505, 1556, 1650, 1802, 1818 and 1931.**

HB 1213 – By Bengé and Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.
(Office of Personnel Management – appropriation - effective date – emergency)

HB 1214 – By Bengé and Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.
(Office of Personnel Management – appropriation - effective date – emergency)

HB 1215 – By Bengé and Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.
(Office of the Secretary of State – appropriation - effective date – emergency)

HB 1216 – By Bengé and Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.
(Office of the Secretary of State - appropriation - effective date – emergency)

HB 1217 – By Bengé and Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.
(Oklahoma State Senate – appropriation - effective date – emergency)

HB 1218 – By Bengé and Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.
(Oklahoma State Senate – appropriation - effective date – emergency)

HB 1219 – By Bengé and Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.
(Oklahoma Tax Commission - appropriation – effective date – emergency)

HB 1220 – By Bengé and Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.
(Oklahoma Tax Commission – appropriation - effective date - emergency)

HB 1221 – By Bengé and Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.
(Department of Transportation – appropriation – effective date – emergency)

HB 1222 – By Bengé and Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.
(Department of Transportation - appropriation -effective date – emergency)

HB 1223 – By Bengé and Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.
(Office of the State Treasurer – appropriations - effective date – emergency)

HB 1224 – By Bengé and Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.
(Office of the State Treasurer – appropriations - effective date – emergency)

HB 1225 – By Bengé and Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.
(Oklahoma Health Care Authority – appropriation - effective date – emergency)

HB 1226 – By Bengé and Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.
(Oklahoma Health Care Authority - appropriation - effective date - emergency)

HB 1227 – By Bengé and Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.
(State Department of Health – appropriation – effective date – emergency)

HB 1228 – By Bengé and Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.
(State Department of Health – appropriation - effective date – emergency)

HB 1229 – By Bengé and Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.
(J.D. McCarty Center for Children with Developmental Disabilities – appropriation – effective date – emergency)

HB 1230 – By Bengé and Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.
(J.D. McCarty Center for Children with Developmental Disabilities – appropriation - effective date - emergency)

HB 1231 – By Bengé and Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.
(Department of Mental Health and Substance Abuse Services – appropriation - effective date – emergency)

HB 1232 – By Bengé and Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.
(Department of Mental Health and Substance Abuse Services – appropriation - effective date – emergency)

HB 1233 – By Bengé and Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.
(University Hospitals Authority – appropriation -effective date - emergency)

HB 1234 – By Bengé and Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.
(University Hospitals Authority – appropriation – effective date – emergency)

HB 1235 – By Bengé and Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.
(Oklahoma Department of Veterans Affairs – appropriation - effective date – emergency)

HB 1236 – By Bengé and Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.
(Oklahoma Department of Veterans Affairs – appropriation - effective date – emergency)

HB 1237 – By Bengé and Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.
(Oklahoma Commission on Children and Youth - appropriation - effective date – emergency)

HB 1238 – By Bengé and Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.
(Oklahoma Commission on Children and Youth - appropriation - effective date – emergency)

HB 1239 – By Bengé and Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.
(Office of Handicapped Concerns – appropriation – effective date – emergency)

HB 1240 – By Bengé and Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.
(Office of Handicapped Concerns – appropriation - effective date – emergency)

HB 1505 – By Faught and Reynolds of the House and Corn of the Senate.
An Act relating to prisons and reformatories; repealing 57 O.S. 2001, Section 567, which relates to the issuance of obligations for bus renovation facilities; providing an effective date; and declaring an emergency.

HB 1556 – By Denney of the House and Bingman of the Senate.
An Act relating to state government; amending 74 O.S. 2001, Section 360.16, which relates to the Oklahoma Campus Security Act; adding definition; and providing an effective date.

HB 1650 – By Peterson (Pam), Wesselhoft, Tibbs and Inman of the House and Paddack of the Senate.

(schools – Council on Law Enforcement Education and Training - sexual assault and sexual violence training - effective date)

HB 1802 – By Terrill of the House and Jolley of the Senate.

An Act relating to criminal procedure; amending 22 O.S. 2001, Section 18, as last amended by Section 1, Chapter 406, O.S.L. 2004 (22 O.S. Supp. 2006, Section 18), which relates to expungement of criminal records; clarifying expungement categories; and providing an effective date.

HB 1818 – By Martin (Scott) of the House and Leftwich of the Senate.

An Act relating to public health and safety; creating the Task Force on Health Care Information Technology; providing for membership; providing for appointment of cochairs; providing for travel reimbursement; providing for administrative support; providing for duties; requiring certain reports; providing for noncodification; providing an effective date; and declaring an emergency.

HB 1931 – By Steele of the House and Adelson of the Senate.

An Act relating to public health and safety; amending 63 O.S. 2001, Section 5007, as amended by Section 13, Chapter 375, O.S.L. 2002 (63 O.S. Supp. 2006, Section 5007), which relates to the Oklahoma Health Care Authority Board; modifying membership of Board; specifying representation of the Board; modifying term of membership; and providing an effective date.

The above-numbered measures were read the first time.

CHANGE IN COMMITTEE ASSIGNMENTS

The following bills will be reassigned as follows:

SB 411 – Withdrawn from Finance Committee and referred to Public Safety and Homeland Security.

SB 437 – Withdrawn from Rules Committee and referred to General Government.

SB 868 – Withdrawn from Rules Committee and referred to Criminal Jurisprudence.

COMMITTEE ASSIGNMENT

The following was referred as indicated:

HB 2195 - Direct to Calendar

COMMITTEE REPORTS

The following were reported by the committees named, ordered printed and placed on the Calendar:

DO PASS:

SB 8 – Transportation, coauthored by Sherrer (principal House author)

Ayes: Anderson, Branan, Brogdon, Coates, Crutchfield, Ford, Garrison, Justice, Leftwich, Myers, Rabon, Riley, Sweeden, Wyrick

SB 37 – Energy and Environment, coauthored by Blackwell (principal House author)

Ayes: Bingman, Branan, Brogdon, Burrage, Crutchfield, Easley, Gumm, Ivester, Johnson (Mike), Lerblance, Myers, Nichols, Paddack

SB 102 – Energy and Environment, coauthored by DeWitt (principal House author)

Ayes: Bingman, Branan, Brogdon, Burrage, Crutchfield, Easley, Gumm, Ivester, Johnson (Mike), Lerblance, Myers, Nichols, Paddack, Williamson

SB 109 – Judiciary, coauthored by Winchester (principal House author)

Ayes: Adelson, Bass, Crain, Eason McIntyre, Lamb, Lerblance, Sykes, Williamson

SB 127 – Energy and Environment, coauthored by Renegar (principal House author)

Ayes: Bingman, Branan, Brogdon, Burrage, Crutchfield, Easley, Gumm, Ivester, Johnson (Mike), Lerblance, Myers, Nichols, Paddack

SB 425 – Criminal Jurisprudence, coauthored by Blackwell (principal House author)

Ayes: Brown, Corn, Eason McIntyre, Justice, Lamb, Leftwich, Mazzei, Nichols, Rice, Sykes, Wilcoxson, Wyrick

SB 533 – Transportation, coauthored by Rousselot (principal House author)

Ayes: Anderson, Branan, Brogdon, Coates, Crutchfield, Ford, Garrison, Justice, Leftwich, Myers, Rabon, Riley, Sweeden, Wyrick

SB 567 – Criminal Jurisprudence, coauthored by Ingmire (principal House author)

Ayes: Brown, Corn, Eason McIntyre, Johnson (Constance), Justice, Lamb, Leftwich, Mazzei, Nichols, Rice, Sykes, Wilcoxson, Wyrick

SB 590 – General Government, coauthored by Hickman (principal House author)

Ayes: Aldridge, Anderson, Ballenger, Bass, Bingman, Brown, Crain, Easley, Johnson (Constance), Sweeden

SB 698 – Judiciary, coauthored by Sullivan (principal House author)

Ayes: Bass, Crain, Eason McIntyre, Lamb, Lerblance, Sykes, Williamson
Nays: Adelson

SB 734 – Energy and Environment, coauthored by Gumm of the Senate
Ayes: Bingman, Branan, Brogdon, Burrage, Crutchfield, Easley, Gumm, Ivester, Johnson (Mike), Lerblance, Myers, Nichols, Paddack

SB 756 – Judiciary, coauthored by Carey (principal House author)
Ayes: Adelson, Bass, Crain, Eason McIntyre, Lamb, Lerblance, Sykes, Williamson

SB 938 – Health and Human Resources, coauthored by Jett (principal House author)
Ayes: Crain, Johnson (Constance), Lamb, Leftwich, Rice, Wilcoxson, Wilson

DO PASS, As Amended:

SB 14 – Retirement and Insurance, coauthored by Coates, Crutchfield of the Senate, and coauthored by Coody (principal House author), and coauthored by Cooksey, Denney, Hilliard of the House

Ayes: Adelson, Aldridge, Bass, Corn, Riley, Sparks
Nays: Brown, Jolley, Mazzei, Sykes

SB 16 – Rules, coauthored by Brannon (principal House author)
Ayes: Branan, Burrage, Ford, Garrison, Schulz, Sweeden, Williamson, Wilson

SB 57 – Retirement and Insurance, coauthored by Hickman (principal House author)
Ayes: Aldridge, Bass, Brown, Corn, Jolley, Mazzei, Riley, Sparks, Sykes

SB 63 – Retirement and Insurance, coauthored by Hickman (principal House author)
Ayes: Aldridge, Bass, Brown, Corn, Jolley, Mazzei, Riley, Sparks, Sykes

SB 64 – Retirement and Insurance, coauthored by Hickman (principal House author)
Ayes: Aldridge, Bass, Brown, Corn, Jolley, Mazzei, Riley, Sparks, Sykes

SB 75 – Energy and Environment, coauthored by Easley of the Senate, and coauthored by Adkins (principal House author)

Ayes: Bingman, Branan, Brogdon, Burrage, Crutchfield, Easley, Gumm, Ivester, Johnson (Mike), Lerblance, Myers, Nichols, Paddack

SB 85 – Retirement and Insurance, coauthored by Hickman (principal House author)
Ayes: Aldridge, Bass, Brown, Corn, Jolley, Riley, Sykes

SB 460 – Business and Labor, coauthored by Liebmann (principal House author)
Ayes: Adelson, Brogdon, Burrage, Coates, Leftwich, Myers, Rice

SB 503 – Energy and Environment, coauthored by DeWitt (principal House author)
Ayes: Bingman, Branan, Brogdon, Burrage, Crutchfield, Easley, Gumm, Ivester, Johnson (Mike), Lerblance, Myers, Nichols, Paddack, Williamson

CS for SB 551 – Public Safety and Homeland Security, coauthored by Hyman (principal House author)

Ayes: Ballenger, Barrington, Bingman, Brown, Burrage, Easley, Johnson (Constance), Jolley, Rice, Schulz

CS for SB 609 – Energy and Environment, coauthored by Adkins (principal House author)

Ayes: Bingman, Brogdon, Burrage, Crutchfield, Easley, Gumm, Ivester, Johnson (Mike), Lerblance, Myers, Paddack

SB 630 – Energy and Environment, coauthored by Easley of the Senate, and coauthored by Liebmann (principal House author)

Ayes: Bingman, Branan, Brogdon, Burrage, Crutchfield, Easley, Gumm, Ivester, Johnson (Mike), Lerblance, Myers, Nichols, Paddack

CS for SB 634 – Judiciary, coauthored by Sullivan (principal House author)

Ayes: Adelson, Bass, Crain, Eason McIntyre, Lamb, Lerblance, Sykes, Williamson

SB 695 – Retirement and Insurance, coauthored by Hickman (principal House author)

Ayes: Adelson, Aldridge, Bass, Brown, Corn, Jolley, Mazzei, Riley, Sparks, Sykes

CS for SB 700 – Tourism and Wildlife, coauthored by Steele (principal House author), and coauthored by Morrissette of the House

Ayes: Ballenger, Barrington, Coates, Eason McIntyre, Ford, Garrison, Justice, Rabon, Reynolds, Schulz, Sweeden

Nays: Wyrick

SB 738 – Health and Human Resources, coauthored by Blackwell (principal House author)

Ayes: Crain, Johnson (Constance), Lamb, Leftwich, Rice, Wilcoxson, Wilson

SB 858 – Health and Human Resources, coauthored by Sherrer (principal House author)

Ayes: Crain, Johnson (Constance), Lamb, Leftwich, Rice, Wilcoxson, Wilson

SB 890 – Judiciary, coauthored by Sullivan (principal House author)

Ayes: Adelson, Bass, Crain, Eason McIntyre, Lamb, Lerblance, Sykes, Williamson

SB 903 – Health and Human Resources, coauthored by Cox (principal House author)

Ayes: Crain, Lamb, Leftwich, Rice, Wilcoxson, Wilson

Nays: Johnson (Constance)

SB 907 – Judiciary, coauthored by Roan (principal House author)

Ayes: Adelson, Bass, Crain, Eason McIntyre, Lamb, Lerblance, Sykes, Williamson

MEASURES THAT FAILED IN COMMITTEE

SB 97 – Rules

Ayes: Branan, Ford, Schulz, Williamson

Nays: Burrage, Garrison, Sweeden, Wilson

SB 652 – Business and Labor

Ayes: Adelson, Leftwich, Rice

Nays: Brogdon, Burrage, Coates, Johnson (Mike), Myers

SB 904 – Health and Human Resources

Ayes: Rice, Wilson

Nays: Crain, Johnson (Constance), Lamb, Leftwich, Wilcoxson

Senator Laughlin moved that when the clerk's desk is clear, the Senate stand adjourned to convene Tuesday, February 20, 2007, at 1:30 p.m., which motion prevailed.

SECOND READINGS

The following were read for the second time:

HB 1027, HBs 1188 through 1212, HB 1297, HB 1303, HB 1374, HB 1399, HB 1429, HB 1555, HB 1593, HB 1612 and HB 1714

FIRST READING

The following were introduced and read the first time:

SCR 10 – By Brogdon.

A Concurrent Resolution urging the United States to withdraw from the Security and Prosperity Partnership of North America and any other activity which seeks to create a North American Union; and directing distribution.

SR 7 – By Schulz.

A Resolution commending and welcoming emergency managers; designating February 20, 2007, "Oklahoma Emergency Management Day" at the State Capitol; and directing distribution.

SR 8 – By Rabon.

A Resolution commending B.J. Thomas; designating February 21, 2007, "B.J. Thomas Day" in the State of Oklahoma; and directing distribution.

Pursuant to the Laughlin motion, the Senate adjourned at 1:55 p.m. to meet Tuesday, February 20, 2007, at 1:30 p.m.