

Senate Journal

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

Twelfth Legislative Day, Wednesday, February 21, 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

SR 7 was correctly enrolled, properly signed and ordered transmitted to the Secretary of State.

SCR 8 was correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

SBs 42, 99, 499 and **597** and **SCR 9** were each correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

GENERAL ORDER

HB 2195 by Duncan of the House and Lerblance and Williamson of the Senate was called up for consideration.

Senator Lerblance moved that **HB 2195** be advanced, which motion was declared adopted.

THIRD READING

HB 2195 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, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--45.

Excused: Adelson, Aldridge and Rabon.--3.

The bill passed.

Senator Adelson desired to vote Aye on the emergency.

On the question of passage of the emergency, the vote resulted as follows: Aye: 46; Excused: 2.

The emergency passed.

HB 2195 was properly signed and ordered returned to the Honorable House.

UNANIMOUS CONSENT REQUEST DIRECT TO CALENDAR

Senator Lerblance asked unanimous consent to suspend Rule 6-4 and refer **SR 9** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SR 9 by Lerblance was called up for consideration.

All other members of the Senate asked to coauthor **SR 9**, which was the order.

SR 9 was adopted upon motion of Senator Lerblance and referred for enrollment.

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

Senator Rabon asked unanimous consent to suspend Rule 6-4 and refer **SR 8** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SR 8 by Rabon was called up for consideration.

All other members of the Senate asked to coauthor **SR 8**, which was the order.

SR 8 was adopted upon motion of Senator Rabon and referred for enrollment.

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

Senator Jolley asked unanimous consent to suspend Rule 6-4 and refer **SR 10** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SR 10 by Jolley et al was called up for consideration.

All other members of the Senate asked to coauthor **SR 10**, which was the order.

Senator Jolley moved to amend **SR 10**, Page 1, Line 8 ½ and Line 3, Line 3, by deleting the word “loss” and inserting in lieu thereof the word “passing”, which amendment was declared adopted.

SR 10 was adopted upon motion of Senator Jolley and referred for enrollment.

MESSAGES FROM THE HOUSE

Advising the signing of and returning Enrolled **SCR 8**.

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

Advising passage of and transmitting for consideration Engrossed **HBs 1021, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1253, 1254, 1255 and 1256.**

HB 1021 – By Cooksey, Blackwell, Smithson, Inman, Shannon, Kiesel, Pittman, Sears, Kern, Terrill, Hamilton, Key, Sullivan and Denney of the House and Crain of the Senate.

An Act relating to crimes and punishments; defining terms; prohibiting certain unlawful acts; providing penalties; providing affirmative defense; establishing guidelines for treatment of human trafficking victims; allowing victims to file certain action; authorizing court to award damages, fees and costs; amending 21 O.S. 2001, Section 1738, as amended by Section 13, Chapter 460, O.S.L. 2002 (21 O.S. Supp. 2005, Section 1738), which relates to seizure and forfeiture proceedings; authorizing forfeiture of property for violation of certain crime; providing for codification; and providing an effective date.

HB 1095 – By Bengé and Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.

(Constitutional Reserve Fund – appropriation - effective date – emergency)

HB 1096 – By Bengé and Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.

(Department of Corrections - appropriation - emergency)

HB 1097 – 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 1098 – By Bengé and Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.

(education - appropriations - effective date – emergency)

HB 1099 – By Bengé and Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.

(Oklahoma State Regents for Higher Education – appropriations – effective date – emergency)

HB 1100 – 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 1101 – By Bengé and Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.

(Office of Juvenile Affairs – appropriation – effective date – emergency)

HB 1102 – By Bengé and Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.

(Department of Human Services – appropriation - effective date – emergency)

HB 1103 – By Bengé and Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.

(Department of Public Safety - appropriation – emergency)

HB 1241 – By Bengé and Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.

(Oklahoma Human Rights Commission – appropriation – effective date – emergency)

HB 1242 – By Bengé and Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.

(Oklahoma Human Rights Commission – appropriation - effective date – emergency)

HB 1243 – By Bengé and Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.

(Department of Human Services - effective date – emergency)

HB 1244 – By Bengé and Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.

(Department of Human Services - appropriating - effective date – emergency)

HB 1245 – By Bengé and Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.

(Oklahoma Indian Affairs Commission – appropriation - effective date – emergency)

HB 1246 – By Bengé and Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.

(Oklahoma Indian Affairs Commission - appropriation - effective date – emergency)

HB 1247 – By Bengé and Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.

(Office of Juvenile Affairs - budgetary limitations - effective date – emergency)

HB 1248 – By Bengé and Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.

(Office of Juvenile Affairs - budgetary limitations - effective date – emergency)

HB 1249 – By Bengé and Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.

(State Department of Rehabilitation Services – appropriation - effective date - emergency)

HB 1250 – By Bengé and Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.

(State Department of Rehabilitation Services – appropriation – effective date – emergency)

HB 1251 – By Bengé and Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.

(Corporation Commission – appropriation - effective date – emergency)

HB 1252 – By Bengé and Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.

(Corporation Commission – appropriation – effective date – emergency)

HB 1253 – By Bengé and Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.

(Oklahoma Center for the Advancement of Science and Technology - appropriation - effective date – emergency)

HB 1254 – By Bengé and Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.

(Oklahoma Center for the Advancement of Science and Technology - appropriation – effective date – emergency)

HB 1255 – By Bengé and Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.

(Oklahoma Space Industry Development Authority - appropriation - effective date – emergency)

HB 1256 – By Bengé and Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.

(Oklahoma Space Industry Development Authority – appropriation – effective date – emergency)

The above-numbered measures were read the first time.

COMMITTEE REPORTS

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

DO PASS:

SB 426 – General Government, coauthored by Martin (Steve) (principal House author)
Ayes: Aldridge, Anderson, Ballenger, Bass, Bingman, Brown, Crain, Easley, Johnson (Constance), Sweden

SB 436 – Criminal Jurisprudence, coauthored by Tibbs (principal House author)
Ayes: Brown, Corn, Eason McIntyre, Justice, Lamb, Leftwich, Mazzei, Nichols, Rice, Sykes, Wilcoxson, Wyrick

SB 777 – Education, coauthored by Terrill (principal House author), and coauthored by Hamilton, Lindley, Morrissette, Reynolds of the House
Ayes: Branan, Corn, Eason McIntyre, Gumm, Jolley, Lerblance, Mazzei, Nichols, Paddack, Reynolds, Riley, Sparks, Wilcoxson, Williamson

SB 812 – Judiciary, coauthored by Sullivan (principal House author)
Ayes: Bass, Crain, Eason McIntyre, Lerblance, Williamson
Nays: Adelson, Lamb, Sykes

SB 829 – Education, coauthored by Kern (principal House author)
Ayes: Branan, Eason McIntyre, Jolley, Lerblance, Mazzei, Nichols, Paddack, Reynolds, Wilcoxson, Williamson

SB 872 – Judiciary, coauthored by Smithson (principal House author)
Ayes: Adelson, Bass, Crain, Eason McIntyre, Lamb, Lerblance, Sykes, Williamson

SB 889 – Judiciary, coauthored by Cox (principal House author)
Ayes: Adelson, Bass, Crain, Eason McIntyre, Lamb, Lerblance, Sykes, Williamson

SB 899 – General Government, coauthored by Billy (principal House author)
Ayes: Aldridge, Anderson, Ballenger, Bass, Bingman, Brown, Crain, Easley, Johnson (Constance), Sweden

SB 902 – General Government, coauthored by Carey (principal House author)
Ayes: Aldridge, Anderson, Ballenger, Bass, Bingman, Brown, Crain, Easley, Johnson (Constance), Sweden

SB 906 – Judiciary, coauthored by Winchester (principal House author)
Ayes: Adelson, Bass, Eason McIntyre, Lamb, Lerblance, Sykes, Williamson

SB 926 – Education, coauthored by Pittman (principal House author)
Ayes: Branan, Eason McIntyre, Jolley, Lerblance, Mazzei, Paddack, Reynolds, Wilcoxson, Williamson

SB 994 – General Government, coauthored by Benge (principal House author)
Ayes: Aldridge, Anderson, Ballenger, Bass, Bingman, Brown, Crain, Easley, Johnson (Constance), Sweden

SJR 1 – Education, coauthored by Ballenger, Barrington, Bass, Brown, Burrage, Coates, Corn, Crutchfield, Easley, Garrison, Ivester, Justice, Lerblance, Rabon, Wilson of the Senate, and coauthored by Billy (principal House author), and coauthored by Richardson, Armes, Auffet, BigHorse, Braddock, Brannon, Cannaday, Carey, Covey,

Denney, DeWitt, Dorman, Glenn, Ellis, Enns, Hilliard, Hyman, Kiesel, Luttrell, McCarter, McMullen, Morgan, Pruett, Renegar, Roan, Rousselot, Sherrer, Shoemake, Smithson, Turner, Walker, McPeak, Harrison of the House

Ayes: Branan, Corn, Eason McIntyre, Gumm, Jolley, Lerblance, Mazzei, Nichols, Paddack, Reynolds, Riley, Wilcoxson, Williamson

DO PASS, As Amended:

CS for SB 69 – Veterans and Military Affairs, coauthored by Ballenger, Bingman of the Senate, and coauthored by Blackwell (principal House author)

Ayes: Aldridge, Ballenger, Barrington, Bingman, Coates, Ivester, Reynolds

SB 74 – Judiciary, coauthored by McDaniel (Jeannie) (principal House author)

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

SB 78 – Education, coauthored by Eason McIntyre of the Senate, and coauthored by Jones (principal House author)

Ayes: Branan, Eason McIntyre, Jolley, Mazzei, Nichols, Reynolds, Wilcoxson, Williamson

Nays: Lerblance, Paddack

CS for SB 95 – Agriculture and Rural Development, coauthored by Richardson (principal House author)

Ayes: Barrington, Crutchfield, Ford, Garrison, Justice, Rabon, Schulz, Sykes, Wyrick

SB 400 – General Government, coauthored by Liebmann (principal House author)

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

Nays: Bass

SB 430 – Judiciary, coauthored by Cargill (principal House author)

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

CS for SB 437 – General Government, coauthored by Joyner (principal House author)

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

SB 469 – Judiciary, coauthored by Peters (principal House author)

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

SB 483 – Education, coauthored by Coody (principal House author)

Ayes: Branan, Corn, Eason McIntyre, Gumm, Jolley, Lerblance, Mazzei, Nichols, Paddack, Reynolds, Wilcoxson, Williamson

Nays: Riley

CS for SB 553 – Judiciary, coauthored by Peters (principal House author)

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

SB 605 – General Government, coauthored by Peters (principal House author) and coauthored by Armes of the House

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

CS for SB 619 – Judiciary, coauthored by Adkins (principal House author)

Ayes: Adelson, Bass, Eason McIntyre, Sykes, Williamson

CS for SB 622 – Transportation, coauthored by Jackson (principal House author)

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

SB 672 – Retirement and Insurance, coauthored by Paddack of the Senate, and coauthored by Brannon (principal House author)

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

SB 691 – General Government, coauthored by Peterson (Ron) (principal House author)

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

SB 757 – Judiciary, coauthored by Sherrer (principal House author)

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

Nays: Adelson

SB 776 – Education, coauthored by Terrill (principal House author)

Ayes: Branam, Corn, Eason McIntyre, Gumm, Jolley, Lerblance, Mazzei, Nichols, Paddack, Reynolds, Riley, Sparks, Wilcoxson, Williamson

CS for SB 790 – Judiciary, coauthored by Steele (principal House author)

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

SB 833 – Health and Human Resources, coauthored by Steele (principal House author)

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

SB 921 – Education, coauthored by Jones (principal House author)

Ayes: Branam, Corn, Eason McIntyre, Jolley, Lerblance, Mazzei, Reynolds, Riley, Wilcoxson, Williamson

SB 924 – Education, coauthored by Thomsen (principal House author)

Ayes: Branam, Corn, Eason McIntyre, Jolley, Lerblance, Mazzei, Paddack, Reynolds, Wilcoxson, Williamson

SB 943 – Judiciary, coauthored by Duncan (principal House author)

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

SB 951 – Business and Labor, coauthored by Cox (principal House author)

Ayes: Adelson, Brogdon, Burrage, Coates, Johnson (Mike), Leftwich, Myers, Rice

SB 985 – Education, coauthored by Coody (principal House author)

Ayes: Branan, Corn, Eason McIntyre, Gumm, Jolley, Lerblance, Mazzei, Paddack, Reynolds, Riley, Wilcoxson, Williamson

SB 990 – Rules, coauthored by Worthen (principal House author)

Ayes: Branan, Burrage, Ford, Garrison, Schulz, Sweeden, Williamson, Wilson

SB 1021 – General Government, coauthored by McCullough (principal House author)

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

CS for SB 1024 – Education, Remove Wilcoxson and substitute Laughlin as principal Senate author, and coauthored by Brogdon of the Senate, and coauthored by Trebilcock (principal House author)

Ayes: Branan, Jolley, Mazzei, Nichols, Paddack, Reynolds, Riley, Wilcoxson, Williamson

Nays: Corn, Eason McIntyre, Gumm, Lerblance, Sparks

CS for SB 1026 – Judiciary, coauthored by Duncan (principal House author)

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

SB 1054 – Judiciary, coauthored by Peters (principal House author)

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

EXECUTIVE NOMINATION

The following executive nomination was read and referred to committee as indicated:

Hartwell, David, Bethany, as a member of the Crime Victims Compensation Board - Criminal Jurisprudence

Senator Laughlin moved that when the clerk's desk is clear, the Senate stand adjourned to convene Thursday, February 22, 2007, at 9:30 a.m., which motion prevailed.

SECOND READING

The following were read for the second time:

HBs 1026, 1345, 1496 and 1559

Pursuant to the Laughlin motion, the Senate adjourned at 2:15 p.m. to meet Thursday, February 22, 2007, at 9:30 a.m.

JOURNAL CORRECTION

Page 393, Line 3 ½, by inserting the following:

“CHANGE IN COMMITTEE ASSIGNMENT

The following bill will be reassigned as follows:

SB 722 – Withdrawn from Appropriations Committee and referred to Tourism and Wildlife.”