

# Senate Journal

## Second Regular Session of the Fifty-first Legislature of the State of Oklahoma

**Fourteenth Legislative Day, Tuesday, February 26, 2008**

The Senate was called to order by Senator Williamson.

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 Williamson declared a quorum present.

The prayer was offered by Dr. Dan Williams, First Baptist Church, Shawnee, the guest of Senator Laster.

### REPORT OF ENGROSSED AND ENROLLED MEASURES

**SBs 1178, 1405, 1468, 1609, 1645, 1674, 1685, 1793 and 1794 and SCR 54** were each correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

### GENERAL ORDER

**SB 1168** by Laughlin and Gumm of the Senate and Hickman of the House was called up for consideration.

Senator Laughlin moved that **SB 1168** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 1168** 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, Easley, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--45.

Excused: Coffee, Eason McIntyre and Schulz.--3.

The bill and emergency passed.

**SB 1168** was referred for engrossment.

**GENERAL ORDER**

**SB 1546** by Ballenger of the Senate and McPeak of the House was called up for consideration.

Senator Bingman asked to coauthor **SB 1546**, which was the order.

Senator Ballenger moved to amend **SB 1546**, Page 4, Line 1, by inserting a new Section 2 to read as follows:

“SECTION 2. AMENDATORY 63 O.S. 2001, Section 1058, is amended to read as follows:

Section 1058. A. When a housing authority is authorized to transact business and exercise powers hereunder, five (5) persons shall be appointed as commissioners of the authority as follows:

1. In the case of a city, by the mayor with the advice and consent of the governing body; or
2. In the case of a county, by the board of county commissioners, and at least one of the persons so appointed shall be a tenant in a housing project under the jurisdiction of such authority.

The term of office of each commissioner shall be for three (3) years, except that of the commissioners first appointed one shall serve for a term of one (1) year and two shall serve for terms of two (2) years. All vacancies shall be filled for the unexpired term. Each commissioner shall qualify by taking the official oath of office prescribed by statute or ordinance for elected officials of the county or city, as the case may be.

B. A commissioner shall receive no compensation for his services, but may be entitled to the necessary expenses, including traveling expenses, incurred in the discharge

of his duties or, except as otherwise provided in this subsection, receive a per diem payment of not to exceed Thirty-five Dollars (\$35.00) plus mileage as provided by the State Travel Reimbursement Act, Section 500.1 et seq. of Title 74, for expenses incurred in attending meetings of the housing authority. An Indian housing authority or the tribal government the authority serves may elect to set a different monetary amount for per diem and mileage payments than specified in this subsection for the commissioners of that Indian housing authority. Each commissioner shall hold office until his successor has been appointed and qualified. A certificate of appointment or reappointment of any commissioner shall be filed with the authority and this certificate shall be conclusive evidence of the due and proper appointment of the commissioner.

C. The powers of each authority shall be vested in the commissioners thereof in office from time to time. A majority of the commissioners of an authority shall constitute a quorum for the purpose of conducting its business and exercising its powers and for all other purposes, notwithstanding the existence of any vacancies. Action may be taken by the authority upon a vote of a majority of the commissioners present, unless in any case the bylaws of the authority shall require a larger number. Meetings of the commissioners of an authority may be held anywhere within the area of operation of the authority or within any additional area in which the authority is authorized to undertake a project. Such meetings shall be held pursuant to the provisions of the Open Meeting Act, Section 301 et seq. of Title 25 of the Oklahoma Statutes.

D. The commissioners of an authority shall elect a chairman and vice chairman from among the commissioners. An authority may employ an executive director, legal and technical experts and such other officers, agents and employees, permanent and temporary, as it may require, and shall determine their qualifications, duties and compensation. An authority may delegate to one or more of its agents or employees such powers or duties as it may deem proper.” and by renumbering subsequent section and amending the title to conform, which amendment was declared adopted.

Senator Ballenger moved that **SB 1546** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 1546** 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, Easley, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--45.

Excused: Coffee, Eason McIntyre and Schulz.--3.

The bill and emergency passed.

**SB 1546** was referred for engrossment.

### **GENERAL ORDER**

**SB 1636** by Aldridge of the Senate and Wesselhoft of the House was called up for consideration.

Senator Aldridge moved that **SB 1636** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 1636** 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, Bingman, Branan, Brogdon, Brown, Coates, Crain, Ford, Johnson (M), Jolley, Justice, Lamb, Laughlin, Mazzei, Myers, Nichols, Paddock, Reynolds, Sykes, Wilcoxson and Williamson.--23.

Nay: Adelson, Ballenger, Bass, Burrage, Corn, Crutchfield, Eason McIntyre, Garrison, Ivester, Johnson (C), Laster, Leftwich, Lerblance, Morgan, Rabon, Rice, Riley, Sparks, Sweeden, Wilson and Wyrick.--21.

Excused: Coffee, Easley, Gumm and Schulz.--4.

The bill failed.

Pursuant to Rule 13-22, Senator Aldridge served notice that the vote be reconsidered whereby **SB 1636** failed.

### **GENERAL ORDER**

**SB 1633** by Crutchfield of the Senate and Hyman of the House was called up for consideration.

Senator Crutchfield moved that **SB 1633** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 1633** 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, Ford, Garrison, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--44.

Excused: Coffee, Easley, Gumm and Schulz.--4.

The bill and emergency passed.

**SB 1633** was referred for engrossment.

**GENERAL ORDER**

**SB 1384** by Barrington of the Senate and Billy of the House was called up for consideration.

Senator Barrington moved that **SB 1384** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 1384** 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, Ford, Garrison, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--45.

Excused: Easley, Gumm and Schulz.--3.

The bill and emergency passed.

**SB 1384** was referred for engrossment.

**INTRODUCTION**

Senator Sykes introduced former Senator Carol Martin to the Senate.

**GENERAL ORDER**

**SB 1506** by Burrage of the Senate and Jones and Sherrer of the House was called up for consideration.

Senator Sweeden asked to coauthor **SB 1506**, which was the order.

Senator Burrage asked unanimous consent, which was granted, to suspend Senate Rule 13-5D as it pertains to **SB 1506**.

Senator Burrage moved to amend **SB 1506**, Page 1, by restoring the title, which amendment was declared adopted.

Senator Burrage moved that **SB 1506** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 1506** 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, Ford, Garrison, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--45.

Excused: Easley, Gumm and Schulz.--3.

The bill and emergency passed.

**SB 1506** was referred for engrossment.

**GENERAL ORDER**

**HB 2297** by Bengé et al of the House and Morgan et al of the Senate was called up for consideration.

Senator Jolley asked to coauthor **HB 2297**, which was the order.

Senator Myers asked unanimous consent, which was granted, to suspend Senate Rule 13-4 as it pertains to **HB 2297**.

Senator Myers moved that **HB 2297** be laid over temporarily, which was the order.

**HB 2297** remains on General Order.

### **GENERAL ORDER**

**SB 1440** by Corn of the Senate and Derby of the House was called up for consideration.

Senator Corn moved that **SB 1440** be laid over for this legislative day, which was the order.

**SB 1440** remains on General Order.

### **GENERAL ORDER**

**SB 1138** by Lamb et al of the Senate and McDaniel (Randy) of the House was called up for consideration.

Senators Mazzei, Adelson, Ballenger, Bass, Burrage, Crutchfield, Easley, Eason McIntyre, Garrison, Ivester, Johnson (Constance), Laster, Leftwich, Lerblance, Morgan, Paddack, Rice, Riley, Rabon, Wilson, Sweeden and Wyrick asked to coauthor **SB 1138**, which was the order.

Senator Lamb moved that **SB 1138** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 1138** 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, 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.

The bill passed.

**SB 1138** was referred for engrossment.

### **GENERAL ORDER**

**SB 1859** by Wyrick of the Senate and DeWitt of the House was called up for consideration.

Senator Wyrick moved that **SB 1859** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 1859** 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, 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.

The bill passed.

**SB 1859** was referred for engrossment.

### **GENERAL ORDER**

**SB 1675** by Barrington of the Senate and Denney of the House was called up for consideration.

Senator Barrington moved to amend **SB 1675**, Page 1, by striking the title, which amendment was declared adopted.

Senator Barrington moved that **SB 1675** be advanced, which motion was declared adopted.



**THIRD READING**

**SB 1675** 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, Garrison, Gumm, 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.--46.

Nay: Ivester and Rabon.--2.

The bill passed.

**SB 1675** was referred for engrossment.

**PENDING CONSIDERATION OF HAS**

**HAs** to **SB 926** were rejected upon motion of Senator Laster, conference requested, and Senate conferees to be named later.

**GENERAL ORDER**

**SB 1134** by Garrison et al of the Senate and Rousselot of the House was called up for consideration.

Senators Crain, Rice, Ford, Corn, Sweeden, Johnson (Constance) and Ballenger asked to coauthor **SB 1134**, which was the order.

Senator Garrison moved that **SB 1134** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 1134** 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, 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.--47.

Excused: Coffee.--1.

The bill passed.

**SB 1134** was referred for engrossment.

### **GENERAL ORDER**

**HB 2297** by Benge et al of the House and Morgan et al of the Senate was called up for further consideration.

Senator Sweeden asked to coauthor **HB 2297**, which was the order.

Senator Myers moved that **HB 2297** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 2297** 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, 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.

The bill and emergency passed.

**HB 2297** was properly signed and ordered returned to the Honorable House.

### **GENERAL ORDER**

**SB 1853** by Aldridge of the Senate and Joyner of the House was called up for consideration.

Senator Aldridge moved that **SB 1853** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 1853** 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, 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 and Wyrick.--47.

Nay: Wilson.--1.

The bill passed.

**SB 1853** was referred for engrossment.

**MESSAGE FROM THE HOUSE**

Returning following bill, together with conference committee report thereon, advising adoption of conference committee report and passage of measure as amended:

**SB 45 (2ND CCR)** - coauthored by Faught of the House

The above-numbered measure, as amended in conference, was referred for enrollment.

Advising passage of and transmitting for consideration Engrossed **HBs 2241, 2469, 2694, 2725, 2974** and **3124** and **HJR 1082** .

**HB 2241** – By Ingmire, Kern and Terrill of the House and Lamb of the Senate.

An Act relating to crimes and punishments; amending 21 O.S. 2001, Sections 142.13, as last amended by Section 5, Chapter 171, O.S.L. 2007 and 142.20, as amended by Section 6, Chapter 171, O.S.L. 2007 (21 O.S. Supp. 2007, Sections 142.13 and 142.20), which relate to the Oklahoma Crime Victims Compensation Act; modifying compensation amounts; authorizing additional sums for economic loss upon certain verification; providing limitation on certain compensation; deleting amount allowed to be transferred from certain fund; and providing an effective date.

**HB 2469** – By Rousselot, BigHorse, Pittman and Shumate of the House and Garrison of the Senate.

An Act relating to children; amending 10 O.S. 2001, Section 5, as last amended by Section 1, Chapter 102, O.S.L. 2007 (10 O.S. Supp. 2007, Section 5), which relates to

grandparent visitation; eliminating certain requirement before granting visitation; providing for certain order in adoption proceeding; and declaring an emergency.

**HB 2694** – By Roan of the House and Corn of the Senate.

An Act relating to criminal procedure; amending 22 O.S. 2001, Section 988.8, as amended by Section 2, Chapter 165, O.S.L. 2002 (22 O.S. Supp. 2007, Section 988.8), which relates to the Oklahoma Community Sentencing Act; authorizing stay of certain actions relating to driving privileges; prohibiting use of stay under certain circumstances; requiring proof of insurance prior to entering certain order; amending 22 O.S. 2001, Section 991a-4.1, which relates to the Community Service Sentencing Program; modifying scope of certain definition; modifying statutory references; and providing an effective date.

**HB 2725** – By Winchester of the House and Jolley of the Senate.

An Act relating to banks and trust companies; amending 6 O.S. 2001, Section 201, as amended by Section 2, Chapter 48, O.S.L. 2005 (6 O.S. Supp. 2007, Section 201), which relates to Banking Department organization and duties; requiring seniority status be addressed in employee manual; amending 6 O.S. 2001, Section 211, as last amended by Section 6, Chapter 57, O.S.L. 2006 (6 O.S. Supp. 2007, Section 211), which relates to fees for banks and trust companies; providing Banking Board authority to refund portion of certain assessments; amending 6 O.S. 2001, Section 304, as amended by Section 4, Chapter 67, O.S.L. 2002 (6 O.S. Supp. 2007, Section 304), which relates to incorporation requirements for banks and trust companies; modifying subscriber requirements; prohibiting payments from organizational expense fund for certain purpose; amending 6 O.S. 2001, Section 306.1, as amended by Section 6, Chapter 67, O.S.L. 2002 (6 O.S. Supp. 2007, Section 306.1), which relates to incorporation procedure of state banks and trust companies; requiring organizational expense fund to be fully funded before the Commissioner accepts applications for filing; amending 6 O.S. 2001, Section 501.2, as amended by Section 2, Chapter 80, O.S.L. 2007 (6 O.S. Supp. 2007, Section 501.2), which relates to branch banking; excluding temporary branches from certain rules; modifying definition of temporary branch; providing for fees for temporary branches; amending 8 O.S. 2001, Sections 162 and 163, as amended by Section 9, Chapter 80, O.S.L. 2007 (8 O.S. Supp. 2007, Section 163), which relate to the Perpetual Care Fund Act; modifying definitions; requiring certain contributions to the Perpetual Care Fund or establishment of nonrevocable trust account in a financial institution; amending 8 O.S. 2001, Section 305, which relates to the Cemetery Merchandise Trust Act; specifying fee payment requirements for expired permits; and providing an effective date.

**HB 2974** – By Hoskin, Pittman, Shumate and Shelton of the House and Burrage of the Senate.

An Act relating to marriage; amending Section 8, Chapter 400, O.S.L. 2002 (43 O.S. Supp. 2007, Section 112.3), which relates to notice of relocation of child; specifying notice requirements; and providing an effective date.

**HB 3124** – By Jones, Shumate and Shelton of the House and Eason McIntyre of the Senate.

An Act relating to schools; directing the State Board of Education to issue a license to teach to persons in the Teach for America Program; providing exemption from residency program; requiring certain coursework; directing State Board of Education to issue certificate to teachers who meet certain requirements; providing for codification; and providing an effective date.

**HJR 1082** – By Blackwell and Roan of the House and Nichols and Burrage of the Senate.

A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection a proposed amendment to Section 18 of Article II of the Constitution of the State of Oklahoma; authorizing the Attorney General to convene and conduct single-county and multicounty grand juries; specifying scope of crime subject to investigation; providing ballot title; and directing filing.

The above-numbered measures were read the first time.

Senator Laster moved that when the clerk's desk is clear, the Senate stand adjourned to convene Wednesday, February 27, 2008, at 9:30 a.m., which motion prevailed.

## **EXECUTIVE NOMINATIONS**

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

Atwood, Malcom John, Norman, as a member of the Oklahoma Professional Boxing Commission - Business and Labor

Bower, Mike, Choctaw, as a member of the Oklahoma Professional Boxing Commission - Business and Labor

Danner, Dan G., D.V.M., Broken Arrow, as a member of the State Board of Veterinary Medical Examiners - Agriculture and Rural Development

Hodge, Danny, Perry, as a member of the Oklahoma Professional Boxing Commission - Business and Labor

**FIRST READING**

The following was introduced and read the first time:

**SR 56** – By Branan.

A Resolution commending the life of the late Oklahoma civic leader and philanthropist Jeannine Rainbolt; offering condolences; and directing distribution.

Pursuant to the Laster motion, the Senate adjourned at 11:00 a.m. to meet Wednesday, February 27, 2008, at 9:30 a.m.