

Senate Journal

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

Sixth Legislative Day, Monday, February 12, 2007

The Senate was called to order by Senator Corn.

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 Corn declared a quorum present.

The prayer was offered by Father Stephen Vincent Hamilton, Saints Peter and Paul Catholic Church, Kingfisher, the guest of Senator Mike Johnson.

INTRODUCTION

Senator Mike Johnson introduced his wife, Judy, to the Senate.

UNANIMOUS CONSENT REQUEST DIRECT TO CALENDAR

Senator Leftwich asked unanimous consent to suspend Rule 6-4 and refer **SR 5** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SR 5 by Leftwich was called up for consideration.

All other members of the Senate asked to coauthor **SR 5**, which was the order.

SR 5 was adopted upon motion of Senator Leftwich and referred for enrollment.

COMMITTEE ASSIGNMENTS

The following were referred to committee as indicated:

- SB 19** – Rules
- SB 465** – Rules
- SB 559** – Appropriations
- SB 699** – Appropriations
- SB 1067** – Retirement and Insurance

CHANGE IN COMMITTEE ASSIGNMENTS

Senator Laughlin asked unanimous consent, which was granted, that the following bills be reassigned as follows:

- SB 105** – Withdrawn from Criminal Jurisprudence Committee and referred to Rules.
- SB 146** – Withdrawn from Public Safety and Homeland Security Committee and referred to Rules.
- SB 452** – Withdrawn from Public Safety and Homeland Security Committee and referred to Retirement and Insurance.
- SB 732** – Withdrawn from Finance Committee and referred to Rules.

MESSAGE FROM THE HOUSE

Advising passage of and transmitting for consideration Engrossed **HBs 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142** and **2195**.

HB 1123 – By Bengé and Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.

(State Election Board - appropriation - effective date - emergency)

HB 1124 – By Bengé and Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.

(State Election Board – appropriation – effective date – emergency)

HB 1125 – By Bengé and Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.

(Ethics Commission – appropriation - effective date – emergency)

HB 1126 – By Bengé and Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.
(Ethics Commission – appropriation – effective date – emergency)

HB 1127 – By Bengé and Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.
(Oklahoma Arts Council – appropriation – effective date – emergency)

HB 1128 – By Bengé and Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.
(Oklahoma Arts Council – appropriation - effective date – emergency)

HB 1129 – By Bengé and Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.
(Oklahoma Capitol Complex and Centennial Commemoration Commission – appropriation – effective date – emergency)

HB 1130 – By Bengé and Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.
(Oklahoma Capitol Complex and Centennial Commemoration Commission – appropriation - effective date – emergency)

HB 1131 – By Bengé and Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.
(State Board of Career and Technology Education - appropriation - effective date – emergency)

HB 1132 – By Bengé and Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.
(State Board of Career and Technology Education – appropriation - effective date – emergency)

HB 1133 – By Bengé and Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.
(education – appropriations – Teachers’ Retirement System Dedicated Revenue Revolving Fund – effective date – emergency)

HB 1134 – By Bengé and Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.
(education - appropriations – School Consolidation Assistance Fund - effective date – emergency)

HB 1135 – By Bengé and Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.
(Oklahoma Educational Television Authority - appropriation - effective date – emergency)

HB 1136 – By Bengé and Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.

(Oklahoma Educational Television Authority – appropriation – effective date – emergency)

HB 1137 – 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 1138 – 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 1139 – By Bengé and Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.

(Oklahoma Historical Society – appropriation - effective date – emergency)

HB 1140 – By Bengé and Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.

(Oklahoma Historical Society - appropriation - effective date – emergency)

HB 1141 – By Bengé and Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.

(J.M. Davis Memorial Commission – appropriation – effective date – emergency)

HB 1142 – By Bengé and Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.

(J.M. Davis Memorial Commission – appropriation - effective date – emergency)

HB 2195 – By Duncan of the House and Lerblance and Williamson of the Senate.

An Act relating to duplicate sections; amending, merging, consolidating, and repealing duplicate sections; amending 3A O.S. 2001, Section 200.1, as last amended by Section 1, Chapter 274, O.S.L. 2006 (3A O.S. Supp. 2006, Section 200.1); repealing 3A O.S. 2001, Section 200.1, as last amended by Section 1, Chapter 177, O.S.L. 2006 (3A O.S. Supp. 2006, Section 200.1); amending 10 O.S. 2001, Section 7003-3.7, as amended by Section 3, Chapter 205, O.S.L. 2006 (10 O.S. Supp. 2006, Section 7003-3.7); repealing 10 O.S. 2001, Section 7003-3.7, as amended by Section 1, Chapter 136, O.S.L. 2006 (10 O.S. Supp. 2006, Section 7003-3.7); amending 10 O.S. 2001, Section 7302-3.1, as amended by Section 5, Chapter 320, O.S.L. 2006 (10 O.S. Supp. 2006, Section 7302-3.1); repealing 10 O.S. 2001, Section 7302-3.1, as amended by Section 2, Chapter 124, O.S.L. 2006 (10 O.S. Supp. 2006, Section 7302-3.1); amending 10 O.S. 2001, Section 7302-6.3, as amended by Section 16, Chapter 320, O.S.L. 2006 (10 O.S. Supp. 2006, Section 7302-6.3); repealing 10 O.S. 2001, Section 7302-6.3, as amended by Section 4, Chapter 124, O.S.L. 2006 (10 O.S. Supp. 2006, Section 7302-6.3); amending 10 O.S. 2001, Section 7306-2.2, as amended by Section 2,

Chapter 286, O.S.L. 2006 (10 O.S. Supp. 2006, Section 7306-2.2); repealing 10 O.S. 2001, Section 7306-2.2, as amended by Section 1, Chapter 285, O.S.L. 2006 (10 O.S. Supp. 2006, Section 7306-2.2); amending 10 O.S. 2001, Section 7306-2.5, as amended by Section 4, Chapter 286, O.S.L. 2006 (10 O.S. Supp. 2006, Section 7306-2.5); repealing 10 O.S. 2001, Section 7306-2.5, as amended by Section 2, Chapter 285, O.S.L. 2006 (10 O.S. Supp. 2006, Section 7306-2.5); repealing 10 O.S. 2001, Section 7306-2.10, as amended by Section 1, Chapter 239, O.S.L. 2006 (10 O.S. Supp. 2006, Section 7306-2.10); amending 11 O.S. 2001, Section 28-102, as last amended by Section 4, Chapter 61, O.S.L. 2006 (11 O.S. Supp. 2006, Section 28-102); repealing 11 O.S. 2001, Section 28-102, as last amended by Section 2, Chapter 38, O.S.L. 2006 (11 O.S. Supp. 2006, Section 28-102); amending 22 O.S. 2001, Section 991a, as last amended by Section 1, Chapter 294, O.S.L. 2006 (22 O.S. Supp. 2006, Section 991a); repealing 22 O.S. 2001, Section 991a, as last amended by Section 6, Chapter 284, O.S.L. 2006 (22 O.S. Supp. 2006, Section 991a); amending 28 O.S. 2001, Section 153, as last amended by Section 2, Chapter 195, O.S.L. 2006 (28 O.S. Supp. 2006, Section 153); repealing 28 O.S. 2001, Section 153, as last amended by Section 6, Chapter 61, O.S.L. 2006 (28 O.S. Supp. 2006, Section 153); amending 36 O.S. 2001, Section 1204, as last amended by Section 1, Chapter 180, O.S.L. 2006 (36 O.S. Supp. 2006, Section 1204); repealing 36 O.S. 2001, Section 1204, as last amended by Section 43, Chapter 264, O.S.L. 2006 (36 O.S. Supp. 2006, Section 1204); repealing 36 O.S. 2001, Section 2813, as amended by Section 58, Chapter 264, O.S.L. 2006 (36 O.S. Supp. 2006, Section 2813); amending 43 O.S. 2001, Section 112, as last amended by Section 1, Chapter 127, O.S.L. 2006 (43 O.S. Supp. 2006, Section 112); repealing 43 O.S. 2001, Section 112, as last amended by Section 1, Chapter 74, O.S.L. 2006 (43 O.S. Supp. 2006, Section 112); amending 43 O.S. 2001, Section 118, as last amended by Section 2, Chapter 127, O.S.L. 2006 (43 O.S. Supp. 2006, Section 118); repealing 43 O.S. 2001, Section 118, as last amended by Section 2, Chapter 74, O.S.L. 2006 (43 O.S. Supp. 2006, Section 118); amending Section 4, Chapter 457, O.S.L. 2005, as amended by Section 2, Chapter 294, O.S.L. 2006 (47 O.S. Supp. 2006, Section 6-105.3); repealing Section 4, Chapter 457, O.S.L. 2005, as amended by Section 10, Chapter 311, O.S.L. 2006 (47 O.S. Supp. 2006, Section 6-105.3); amending 47 O.S. 2001, Section 156, as last amended by Section 1, Chapter 213, O.S.L. 2006 (47 O.S. Supp. 2006, Section 156); repealing 47 O.S. 2001, Section 156, as last amended by Section 22, Chapter 211, O.S.L. 2006 (47 O.S. Supp. 2006, Section 156); amending Section 11, Chapter 504, O.S.L. 2004, as last amended by Section 5, Chapter 272, O.S.L. 2006 (47 O.S. Supp. 2006, Section 1135.2); repealing Section 11, Chapter 504, O.S.L. 2004, as last amended by Section 1, Chapter 275, O.S.L. 2006 (47 O.S. Supp. 2006, Section 1135.2); repealing Section 11, Chapter 504, O.S.L. 2004, as last amended by Section 23, Chapter 311, O.S.L. 2006 (47 O.S. Supp. 2006, Section 1135.2); repealing Section 11, Chapter 504, O.S.L. 2004, as last amended by Section 22, Chapter 44, 2nd Extraordinary Session, O.S.L. 2006 (47 O.S. Supp. 2006, Section 1135.2); amending Section 12, Chapter 504, O.S.L. 2004, as last amended by Section 24, Chapter 311, O.S.L. 2006 (47 O.S. Supp. 2006, Section 1135.3); repealing Section 12, Chapter 504, O.S.L. 2004, as last amended by Section 2, Chapter 275, O.S.L. 2006 (47 O.S. Supp. 2006, Section 1135.3); amending 47 O.S. 2001, Section 1151, as last amended by Section 26, Chapter 311, O.S.L. 2006 (47 O.S. Supp. 2006, Section 1151); repealing 47 O.S. 2001, Section 1151, as last amended by Section 9, Chapter 238, O.S.L. 2006 (47 O.S. Supp. 2006, Section 1151); amending 57 O.S. 2001, Section 549.1, as last amended by Section 1, Chapter 267,

O.S.L. 2006 (57 O.S. Supp. 2006, Section 549.1); repealing 57 O.S. 2001, Section 549.1, as last amended by Section 9, Chapter 294, O.S.L. 2006 (57 O.S. Supp. 2006, Section 549.1); amending 57 O.S. 2001, Section 583, as last amended by Section 8, Chapter 284, O.S.L. 2006 (57 O.S. Supp. 2006, Section 583); repealing 57 O.S. 2001, Section 583, as last amended by Section 12, Chapter 294, O.S.L. 2006 (57 O.S. Supp. 2006, Section 583); repealing Section 1, Chapter 223, O.S.L. 2003, as amended by Section 13, Chapter 294, O.S.L. 2006 (57 O.S. Supp. 2006, Section 590); repealing 59 O.S. 2001, Section 328.3, as last amended by Section 1, Chapter 21, O.S.L. 2006 (59 O.S. Supp. 2006, Section 328.3); amending 60 O.S. 2001, Section 180.1, as last amended by Section 2, Chapter 325, O.S.L. 2006 (60 O.S. Supp. 2006, Section 180.1); repealing 60 O.S. 2001, Section 180.1, as last amended by Section 6, Chapter 314, O.S.L. 2006 (60 O.S. Supp. 2006, Section 180.1); amending 62 O.S. 2001, Section 275.1, as last amended by Section 4, Chapter 233, O.S.L. 2006 (62 O.S. Supp. 2006, Section 275.1); repealing 62 O.S. 2001, Section 275.1, as last amended by Section 1, Chapter 20, O.S.L. 2006 (62 O.S. Supp. 2006, Section 275.1); amending 63 O.S. 2001, Section 1-2503, as last amended by Section 1, Chapter 171, O.S.L. 2006 (63 O.S. Supp. 2006, Section 1-2503); repealing 63 O.S. 2001, Section 1-2503, as last amended by Section 1, Chapter 155, O.S.L. 2006 (63 O.S. Supp. 2006, Section 1-2503); amending 63 O.S. 2001, Section 2-103, as last amended by Section 5, Chapter 79, 2nd Extraordinary Session, O.S.L. 2006 (63 O.S. Supp. 2006, Section 2-103); repealing 63 O.S. 2001, Section 2-103, as last amended by Section 7, Chapter 83, 2nd Extraordinary Session, O.S.L. 2006 (63 O.S. Supp. 2006, Section 2-103); repealing 63 O.S. 2001, Section 91, as amended by Section 1, Chapter 54, O.S.L. 2006 (63 O.S. Supp. 2006, Section 91); repealing 63 O.S. 2001, Section 4021, as last amended by Section 48, Chapter 16, O.S.L. 2006 (63 O.S. Supp. 2006, Section 4021); amending 68 O.S. 2001, Section 1004, as last amended by Section 1, Chapter 43, 2nd Extraordinary Session, O.S.L. 2006 (68 O.S. Supp. 2006, Section 1004); repealing 68 O.S. 2001, Section 1004, as last amended by Section 5, Chapter 45, 2nd Extraordinary Session, O.S.L. 2006 (68 O.S. Supp. 2006, Section 1004); amending 68 O.S. 2001, Section 2358, as last amended by Section 21, Chapter 44, 2nd Extraordinary Session, O.S.L. 2006 (68 O.S. Supp. 2006, Section 2358); repealing 68 O.S. 2001, Section 2358, as last amended by Section 1, Chapter 178, O.S.L. 2006 (68 O.S. Supp. 2006, Section 2358); repealing 68 O.S. 2001, Section 2358, as last amended by Section 17, Chapter 272, O.S.L. 2006 (68 O.S. Supp. 2006, Section 2358); repealing 68 O.S. 2001, Section 2358, as last amended by Section 5, Chapter 42, 2nd Extraordinary Session, O.S.L. 2006 (68 O.S. Supp. 2006, Section 2358); amending 68 O.S. 2001, Section 3603, as last amended by Section 31, Chapter 281, O.S.L. 2006 (68 O.S. Supp. 2006, Section 3603); repealing 68 O.S. 2001, Section 3603, as last amended by Section 74, Chapter 16, O.S.L. 2006 (68 O.S. Supp. 2006, Section 3603); amending 68 O.S. 2001, Section 3604, as last amended by Section 1, Chapter 282, O.S.L. 2006 (68 O.S. Supp. 2006, Section 3604); repealing 68 O.S. 2001, Section 3604, as last amended by Section 32, Chapter 281, O.S.L. 2006 (68 O.S. Supp. 2006, Section 3604); amending 68 O.S. 2001, Section 3606, as last amended by Section 2, Chapter 282, O.S.L. 2006 (68 O.S. Supp. 2006, Section 3606); repealing 68 O.S. 2001, Section 3606, as last amended by Section 33, Chapter 281, O.S.L. 2006 (68 O.S. Supp. 2006, Section 3606); amending 68 O.S. 2001, Section 3904, as last amended by Section 1, Chapter 256, O.S.L. 2006 (68 O.S. Supp. 2006, Section 3904); repealing 68 O.S. 2001, Section 3904, as last amended by Section 35, Chapter 281, O.S.L. 2006 (68 O.S. Supp. 2006, Section 3904); amending 70 O.S. 2001, Section 6-194, as last

amended by Section 3, Chapter 227, O.S.L. 2006 (70 O.S. Supp. 2006, Section 6-194); repealing 70 O.S. 2001, Section 6-194, as last amended by Section 1, Chapter 192, O.S.L. 2006 (70 O.S. Supp. 2006, Section 6-194); repealing 70 O.S. 2001, Section 6-194, as last amended by Section 3, Chapter 278, O.S.L. 2006 (70 O.S. Supp. 2006, Section 6-194); amending 70 O.S. 2001, Section 17-108.1, as amended by Section 4, Chapter 46, 2nd Extraordinary Session, O.S.L. 2006 (70 O.S. Supp. 2006, Section 17-108.1); repealing 70 O.S. 2001, Section 17-108.1, as amended by Section 32, Chapter 46, 2nd Extraordinary Session, O.S.L. 2006 (70 O.S. Supp. 2006, Section 17-108.1); amending 70 O.S. 2001, Section 3311, as last amended by Section 1, Chapter 225, O.S.L. 2006 (70 O.S. Supp. 2006, Section 3311); repealing 70 O.S. 2001, Section 3311, as last amended by Section 1, Chapter 26, O.S.L. 2006 (70 O.S. Supp. 2006, Section 3311); repealing 70 O.S. 2001, Section 3311, as last amended by Section 2, Chapter 33, O.S.L. 2006 (70 O.S. Supp. 2006, Section 3311); amending 74 O.S. 2001, Section 85.12, as last amended by Section 17, Chapter 320, O.S.L. 2006 (74 O.S. Supp. 2006, Section 85.12); repealing 74 O.S. 2001, Section 85.12, as last amended by Section 1, Chapter 80, O.S.L. 2006 (74 O.S. Supp. 2006, Section 85.12); amending 74 O.S. 2001, Section 5060.4, as last amended by Section 2, Chapter 263, O.S.L. 2006 (74 O.S. Supp. 2006, Section 5060.4); repealing 74 O.S. 2001, Section 5060.4, as last amended by Section 1, Chapter 297, O.S.L. 2006 (74 O.S. Supp. 2006, Section 5060.4); providing an effective date; and declaring an emergency.

The above-numbered measures were read the first time.

Senator Laughlin moved that when the clerk's desk is clear, the Senate stand adjourned to convene Tuesday, February 13, 2007, at 1:30 p.m., which motion prevailed.

COMMITTEE REPORTS

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

DO PASS:

SB 499 – Health and Human Resources, coauthored by Steele (principal House author)
Ayes: Anderson, Crain, Johnson (Constance), Lamb, Leftwich, Rice, Wilcoxson, Wilson

SB 620 – Health and Human Resources, coauthored by Steele (principal House author)
Ayes: Anderson, Johnson (Constance), Lamb, Leftwich, Rice, Wilcoxson, Wilson

DO PASS, As Amended:

SB 42 – Health and Human Resources, coauthored by Cargill (principal House author), and coauthored by Blackwell of the House

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

SB 46 – Health and Human Resources, coauthored by Cox (principal House author)

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

Nays: Johnson (Constance), Leftwich

SB 451 – Health and Human Resources, coauthored by Rousselot (principal House author)

Ayes: Anderson, Crain, Johnson (Constance), Rice, Wilson

Nays: Lamb, Leftwich, Wilcoxson

CS for SB 473 – Health and Human Resources, coauthored by Cox (principal House author)

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

SB 488 – Health and Human Resources, coauthored by Nations (principal House author)

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

Nays: Wilcoxson

SB 594 – Retirement and Insurance, coauthored by Enns (principal House author)

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

SB 618 – Health and Human Resources, coauthored by Pittman (principal House author)

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

SB 690 – Retirement and Insurance, coauthored by Hickman (principal House author)

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

BILLS THAT FAILED IN COMMITTEE

SB 29 – Education

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

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

SB 640 – Business and Labor

Ayes: Coates

Nays: Adelson, Brogdon, Burrage, Leftwich, Myers, Rice

SB 651 – Retirement and Insurance

Ayes: Adelson, Bass, Corn, Riley, Sparks

Nays: Aldridge, Brown, Jolley, Mazzei, Sykes

SB 807 – Business and Labor

Ayes: Adelson, Coates, Leftwich, Rice

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

FIRST READING

The following were introduced and read the first time:

SCR 7 – By Wilson of the Senate and Brown of the House.

A Concurrent Resolution commending the public service of the late Ted Risenhoover; mourning the loss of this outstanding public servant; and directing distribution.

SCR 8 – By Ivester and Reynolds of the Senate and Wesselhoft of the House.

A Resolution supporting our troops and their mission; pledging full support to secure victory; expressing gratitude; designating February 17, 2007, “Vets for Victory Day” in the State of Oklahoma; and directing distribution.

Pursuant to the Laughlin motion, the Senate adjourned at 1:45 p.m. to meet Tuesday, February 13, 2007, at 1:30 p.m.