

# Senate Journal

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

Ninth Legislative Day, Thursday, February 15, 2007

The Senate was called to order by Senator Brogdon.

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, Wilson and Wyrick.—47.

Excused: Williamson.—1.

Senator Brogdon 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.

### GENERAL ORDER

**SB 693** by Gumm of the Senate and Carey of the House was called up for consideration.

Senator Easley asked to coauthor **SB 693**, which was the order.

Senator Gumm moved to amend **SB 693**, Page 1, Lines 21 through 23, by deleting all language after the period on Line 21 through the period on Line 23 and by inserting in lieu thereof the language “The lender may pursue collection of the principal by making a claim against the estate of the debtor as provided for in Section 331 et seq. of Title 58.”; Page 2, Lines 7 through 9, by striking all new language and restoring the stricken language; and Page 2, Line 9, by inserting after the period and before the word “The” the following language “For any violation of the provisions of Section 3106a of this title, the Administrator of Consumer Credit shall order and impose a civil penalty in an amount not

less than Five Thousand Dollars (\$5,000.00) and not to exceed Ten Thousand Dollars (\$10,000.00) per violation.”, which amendment was declared adopted.

Senator Gumm moved that **SB 693** be advanced, which motion was declared adopted.

### THIRD READING

**SB 693** 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, Wilson and Wyrick.--47.

Excused: Williamson.--1.

The bill passed.

**SB 693** was referred for engrossment.

### GENERAL ORDER

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

Senator Bass moved to amend **SB 158**, Page 1, by restoring the title, which amendment was withdrawn upon request of the author.

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 modify 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.”

Senator Bass asked unanimous consent, which was granted, to suspend Senate Rule 13-4(2) to amend his amendment to **SB 158**.

Senator Bass asked that **SB 158** be laid over for this legislative day, which was the order.

**SB 158** remains on General Order pending consideration of the Bass amendment.

## **GENERAL ORDER**

**SB 539** by Bass of the Senate and Liebmann of the House was called up for consideration.

Senator Bass moved to amend **SB 539**, Page 1, by restoring the title, which amendment was withdrawn upon request of the author.

Senator Bass moved that **SB 539** be advanced, which motion was declared adopted.

## **THIRD READING**

**SB 539** was read for the third time at length.

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

Aye: Adelson, Anderson, Ballenger, Barrington, Bass, Bingman, Burrage, Coates, Corn, Crutchfield, Easley, Eason McIntyre, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Laster, Laughlin, Leftwich, Lerblance, Morgan, Paddack, Rabon, Rice, Riley, Sparks, Sweeden, Wilson and Wyrick.--30.

Nay: Aldridge, Branan, Brogdon, Brown, Coffee, Crain, Ford, Jolley, Justice, Lamb, Mazzei, Myers, Nichols, Reynolds, Schulz, Sykes and Wilcoxson.--17.

Excused: Williamson.--1.

The bill passed.

**SB 539** was referred for engrossment.

## MESSAGE FROM THE HOUSE

Advising passage of and transmitting for consideration Engrossed **HBs 1027, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1297, 1303, 1374, 1399, 1429, 1555, 1593, 1612 and 1714.**

**HB 1027** – By Smithson of the House and Corn of the Senate.

An Act relating to crimes and punishments; amending 21 O.S. 2001, Sections 1283, as last amended by Section 2, Chapter 190, O.S.L. 2005 and 1287, as amended by Section 2, Chapter 62, O.S.L. 2006 (21 O.S. Supp. 2006, Sections 1283 and 1287), which relate to possession and use of weapons; prohibiting possession and use of certain weapons; defining terms; and providing an effective date.

**HB 1188** – By Bengé and Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.

( Pardon and Parole Board – appropriation – effective date – emergency )

**HB 1189** – By Bengé and Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.

( Department of Public Safety – appropriations - effective date – emergency )

**HB 1190** – By Bengé and Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.

( Department of Public Safety - appropriations - effective date – emergency )

**HB 1191** – By Bengé and Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.

( Oklahoma Supreme Court – appropriations - effective date – emergency )

**HB 1192** – By Bengé and Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.

( Oklahoma Supreme Court - appropriations – effective date – emergency )

**HB 1193** – By Bengé and Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.

( Workers' Compensation Court – appropriation - effective date - emergency )

**HB 1194** – By Bengé and Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.

( Workers' Compensation Court – appropriation – effective date – emergency )

**HB 1195** – By Bengé and Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.  
( State Auditor and Inspector – appropriations - effective date – emergency )

**HB 1196** – By Bengé and Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.  
( State Auditor and Inspector – appropriations – effective date – emergency )

**HB 1197** – By Bengé and Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.  
( State Bond Advisor - appropriation - effective date – emergency )

**HB 1198** – By Bengé and Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.  
( State Bond Advisor – appropriation – effective date – emergency )

**HB 1199** – By Bengé and Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.  
( Department of Central Services – appropriations - effective date – emergency )

**HB 1200** – By Bengé and Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.  
( Department of Central Services – appropriations - effective date – emergency )

**HB 1201** – By Bengé and Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.  
( Office of State Finance – appropriation – effective date – emergency )

**HB 1202** – By Bengé and Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.  
( Office of State Finance – appropriation - effective date – emergency )

**HB 1203** – By Bengé and Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.  
( Office of the Governor – appropriation - effective date – emergency )

**HB 1204** – By Bengé and Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.  
( Office of the Governor – appropriation - effective date – emergency )

**HB 1205** – By Bengé and Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.  
( Oklahoma House of Representatives – appropriation - effective date – emergency )

**HB 1206** – By Bengé and Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.  
( Oklahoma House of Representatives - appropriation - effective date – emergency )

**HB 1207** – By Bengé and Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.  
( Legislative Service Bureau – appropriations - effective date – emergency )

**HB 1208** – By Bengé and Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.  
( Legislative Service Bureau - appropriations - effective date – emergency )

**HB 1209** – By Bengé and Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.  
( Office of the Lieutenant Governor – appropriation - effective date – emergency )

**HB 1210** – By Bengé and Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.  
( Office of the Lieutenant Governor – appropriation - effective date – emergency )

**HB 1211** – By Bengé and Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.  
( Merit Protection Commission – appropriation – effective date – emergency )

**HB 1212** – By Bengé and Miller of the House and Crutchfield, Johnson (Mike), Adelson and Myers of the Senate.  
( Merit Protection Commission – appropriation – effective date – emergency )

**HB 1297** – By Derby of the House and Crain of the Senate.

An Act relating to public health and safety; amending 63 O.S. 2001, Sections 2-206, as amended by Section 2, Chapter 283, O.S.L. 2005 and 2-210, as amended by Section 1, Chapter 52, O.S.L. 2002 (63 O.S. Supp. 2006, Sections 2-206 and 2-210), which relate to Schedules II and IV controlled substances; expanding list of certain controlled substance; modifying name of certain substance; and providing an effective date.

**HB 1303** – By Enns and Shelton of the House and Adelson of the Senate.

An Act relating to public health and safety; amending 63 O.S. 2001, Section 5051.2, which relates to reimbursement for medical services; providing limitation on certain billing practices; providing exceptions; and providing an effective date.

**HB 1374** – By Schwartz of the House and Bingman of the Senate.

An Act relating to Corporation Commission; amending 17 O.S. 2001, Sections 39 and 39.2, which relate to administration of the Corporation Commission; deleting maximum amount of the petty cash fund; directing the Corporation Commission and Director of State Finance to establish maximum amount; requiring the Office of State Finance to establish procedures for administering the petty cash fund; specifying types of payment accepted for

taxes and fees; authorizing the Commission to charge a service fee for credit or debit card payments; defining nationally recognized credit or debit card; directing the Commission to promulgate rules; updating statutory language; and declaring an emergency.

**HB 1399** – By Liebmann, Smithson, Shelton and Wesselhoft of the House and Branam of the Senate.

An Act relating to crimes and punishments; amending 21 O.S. 2001, Sections 1041, 1042, 1044, 1045, 1046 and 1047, which relate to record keeping, registration and purchases by junk dealers; modifying record-keeping requirements; increasing and adding penalties for certain prohibited acts; modifying registration requirements; amending 59 O.S. 2001, Section 1408, which relates to penalties for junk dealers; increasing penalty for certain prohibited act; and providing an effective date.

**HB 1429** – By Hilliard, Jones, Dorman, Braddock, Covey, Lindley, Luttrell, McAffrey, McCarter, Peters, Renegar, Reynolds, Roan, Sears, Turner, Walker, Wesselhoft and Winchester of the House and Sparks of the Senate.

An Act relating to elections; amending 26 O.S. 2001, Section 14-115, as last amended by Section 12, Chapter 485, O.S.L. 2003 (26 O.S. Supp. 2006, Section 14-115), which relates to absentee ballots; providing procedure for absentee ballots for persons confined to veterans centers; and providing an effective date.

**HB 1555** – By Denney, Shumate, McCarter, Braddock, Covey, DeWitt, Kern, McAffrey, McMullen and Walker of the House and Bingman of the Senate.

( schools - Oklahoma School of Science and Mathematics regional programs - effective date – emergency )

**HB 1593** – By Jones, Kern, Denney, Shumate, Banz, McCarter, Cooksey and Tibbs of the House and Williamson of the Senate.

( schools - Academic Achievement Award (AAA) program - effective date – emergency )

**HB 1612** – By Roan of the House and Barrington of the Senate.

An Act relating to criminal procedure; 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), which relates to sentencing powers of the court; authorizing collection of DNA samples by peace officers; clarifying persons responsible for collection of DNA samples and fees; and providing an effective date.

**HB 1714** – By Wesselhoft, Inman, Braddock, Duncan, Kiesel, Harrison, Shannon, Armes, Kern, McCullough, Peterson (Pam), Pittman, Proctor, Renegar, Reynolds, Terrill, Thompson, Trebilcock and Walker of the House and Nichols of the Senate.

An Act relating to criminal procedure; 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), which relates to sentencing powers of the court; proscribing use of certain web sites by sex offenders; and providing an effective date.

The above-numbered measures were read the first time.

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

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

**SCR 8** - Coauthored by Adkins, Armes, Auffet, Banz, Benge, BigHorse, Blackwell, Braddock, Brannon, Brown, Cannaday, Carey, Cargill, Collins, Coody, Cooksey, Covey, Dank, Denney, Derby, Dorman, Duncan, Ellis, Enns, Faught, Glenn, Hamilton, Harrison, Hickman, Hilliard, Hoskin, Hyman, Ingmire, Inman, Jackson, Jett, Johnson (Dennis), Johnson, (Rob), Jones, Jordan, Joyner, Kern, Key, Lamons, Liebmann, Lindley, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCarter, McCullough, McDaniel (Jeannie), McDaniel (Randy), McNiel, McPeak, Miller, Morgan, Murphey, Nations, Peters, Peterson (Pam), Peterson (Ron), Piatt, Pittman, Proctor, Pruett, Renegar, Richardson, Roan, Rousselot, Schwartz, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Turner, Walker, Watson, Winchester, and Worthen of the House.

House amendments were read on the above-numbered resolution.

**CHANGE IN COMMITTEE ASSIGNMENTS**

The following bills will be reassigned as follows:

**SB 1004** – Withdrawn from Rules Committee and referred to Health and Human Resources.

**SB 1119** – Withdrawn from Retirement and Insurance Committee and referred to Finance.

**COMMITTEE REPORTS**

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

DO PASS:

**SB 32** – Veterans and Military Affairs, coauthored by Sherrer (principal House author)  
Ayes: Aldridge, Ballenger, Bingman, Coates, Ivester, Reynolds, Sparks

**SB 45** – Business and Labor, coauthored by Sears (principal House author)  
Ayes: Adelson, Brogdon, Burrage, Coates, Johnson (Mike), Leftwich, Myers, Rice

**SB 149** – Finance, coauthored by Peters (principal House author)

Ayes: Aldridge, Corn, Gumm, Ivester, Mazzei, Nichols, Paddack, Reynolds, Wilcoxson, Wilson

**SB 166** – Public Safety and Homeland Security, coauthored by Lamons (principal House author)

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

**SB 399** – Public Safety and Homeland Security, coauthored by Cox (principal House author)

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

**SB 423** – Public Safety and Homeland Security, coauthored by Roan (principal House author)

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

**SB 464** – Public Safety and Homeland Security, coauthored by Key (principal House author)

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

**SB 633** – Public Safety and Homeland Security, coauthored by Duncan (principal House author)

Ayes: Ballenger, Barrington, Bingman, Brown, Burrage, Jolley, Rice, Schulz

Nays: Easley, Johnson (Constance)

**SB 809** – Business and Labor, coauthored by McDaniel (Randy) (principal House author)

Ayes: Adelson, Brogdon, Burrage, Coates, Leftwich, Myers, Rice

DO PASS, As Amended:

**SB 17** – Veterans and Military Affairs, coauthored by Coody (principal House author)

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

**SB 44** – Finance, coauthored by Harrison (principal House author)

Ayes: Aldridge, Gumm, Ivester, Mazzei, Nichols, Reynolds, Wilcoxson, Wilson

**SB 55** – Finance, coauthored by Covey (principal House author)

Ayes: Aldridge, Corn, Gumm, Ivester, Mazzei, Nichols, Paddack, Reynolds, Sparks, Wilcoxson, Wilson

**SB 71** – Finance, coauthored by Reynolds (principal House author)  
Ayes: Aldridge, Corn, Gumm, Ivester, Johnson (Mike), Mazzei, Nichols, Paddack, Reynolds, Sparks, Wilcoxson, Wilson

**SB 72** – Finance, coauthored by Jordan (principal House author)  
Ayes: Aldridge, Corn, Gumm, Ivester, Mazzei, Nichols, Paddack, Reynolds, Wilcoxson, Wilson

**SB 118** – Finance, coauthored by Terrill (principal House author)  
Ayes: Aldridge, Corn, Mazzei, Nichols, Paddack, Reynolds, Sparks, Wilson  
Nays: Gumm, Ivester, Johnson (Mike), Wilcoxson

**SB 129** – Public Safety and Homeland Security, coauthored by Peterson (Ron) (principal House author)  
Ayes: Ballenger, Barrington, Bingman, Brown, Burrage, Easley, Johnson (Constance), Jolley, Rice, Schulz

**SB 368** – Finance, coauthored by Liebmann (principal House author)  
Ayes: Aldridge, Corn, Gumm, Ivester, Johnson (Mike), Mazzei, Nichols, Paddack, Reynolds, Sparks, Wilcoxson, Wilson

**SB 421** – Public Safety and Homeland Security, coauthored by Ellis (principal House author)  
Ayes: Ballenger, Bingman, Burrage, Easley, Johnson (Constance), Rice  
Nays: Barrington, Brown, Jolley, Schulz

**SB 527** – Finance, coauthored by Armes (principal House author)  
Ayes: Aldridge, Corn, Gumm, Ivester, Mazzei, Nichols, Paddack, Reynolds, Sparks, Wilcoxson, Wilson

**SB 572** – Finance, coauthored by Pittman (principal House author)  
Ayes: Aldridge, Corn, Gumm, Ivester, Mazzei, Nichols, Paddack, Reynolds, Wilcoxson, Wilson

**SB 623** – Finance, coauthored by Armes (principal House author)  
Ayes: Aldridge, Corn, Gumm, Ivester, Mazzei, Nichols, Paddack, Reynolds, Wilcoxson, Wilson

**SB 685** – Finance, coauthored by Terrill (principal House author)  
Ayes: Aldridge, Corn, Gumm, Ivester, Johnson (Mike), Mazzei, Nichols, Paddack, Reynolds, Sparks, Wilcoxson, Wilson

**SB 995** – Business and Labor, coauthored by Morgan (principal House author)  
Ayes: Adelson, Burrage, Coates, Leftwich, Rice  
Nays: Brogdon, Johnson (Mike), Myers

**CS for SB 1028** – Business and Labor, coauthored by Steele (principal House author)  
Ayes: Adelson, Brogdon, Burrage, Coates, Johnson (Mike), Leftwich, Myers, Rice

## **EXECUTIVE NOMINATIONS**

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

Ashton, Mark, Lawton, as a member of the Oklahoma Science and Technology Research and Development Board - Energy and Environment

Edwards, Marc, Oklahoma City, as a member of the Oklahoma State Board of Examiners for Long-Term Care Administrators - Health and Human Resources

Hutchison, Tony, Oklahoma City, as Director of State Finance - Finance

Johnson, D.V.M., Gary, Checotah, as a member of the State Board of Veterinary Medical Examiners - Agriculture and Rural Development

Locust, Charles, Stilwell, as a member of the Oklahoma Indian Affairs Commission - Health and Human Resources

McElderry, Jr., Neil, Purcell, as a member of the Oklahoma Human Rights Commission - Health and Human Resources

Riley, Tom, Stillwater, as a member of the Oklahoma Lottery Commission Board of Trustees - Finance

Tolbert, Miles, Oklahoma City, as a member of the Cabinet Secretary of Environment - Energy and Environment

Tolbert, Mary "Molly", Oklahoma City, as a member of the Board of Regents of the University of Science and Arts of Oklahoma - Education

Wallace, Terry, Haworth, as a member of the Oklahoma Board of Licensed Alcohol and Drug Counselors - Health and Human Resources

Senator Laster moved that when the clerk's desk is clear, the Senate stand adjourned to convene Monday, February 19, 2007, at 1:30 p.m., which motion prevailed.

**SECOND READINGS**

The following were read for the second time:

**HB 1146**

**HBs 1163 through 1187**

**HCR 1013**

Pursuant to the Laster motion, the Senate adjourned at 10:20 a.m. to meet Monday, February 19, 2007, at 1:30 p.m.