

Senate Journal

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

Tenth Legislative Day, Monday, February 16, 2009

The Senate was called to order by Senator Bingman.

Roll Call:

Present: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.—47.

Excused: Mazzei.—1.

Senator Bingman declared a quorum present.

The prayer was offered by Pastor Tony Lambert, First Southern Baptist Church, Oklahoma City, the guest of Senator Russell.

REPORT OF ENGROSSED AND ENROLLED MEASURES

SR 11 was correctly enrolled, properly signed and ordered transmitted to the Secretary of State.

SBs 476 and **764** were each correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

INTRODUCTIONS

President Pro Tempore Coffee introduced his daughters, Kate and Anna, and his Honorary Page for the Day, Savannah Spear; Senator Sykes introduced his father, David; Senator Brogdon introduced his wife, Donna; Senator Bass introduced his wife, Kelley, and

their daughter, Remi; Senator Adelson introduced Senator Barrington's sister, Willmann; and Senator Anderson introduced his daughter, Lauren and their guest, Ayumi Matsumoto.

GENERAL ORDER

SB 248 by Ford and Sweeden of the Senate and Sears of the House was called up for consideration.

Senator Ford moved that **SB 248** be advanced, which motion was declared adopted.

THIRD READING

SB 248 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, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddock, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--47.

Excused: Mazzei.--1.

The bill and emergency passed.

SB 248 was referred for engrossment.

GENERAL ORDER

SB 357 by Crutchfield of the Senate and Hilliard of the House was called up for consideration.

Senator Ellis asked to coauthor **SB 357**, which was the order.

Senator Crutchfield moved that **SB 357** be advanced, which motion was declared adopted.

THIRD READING

SB 357 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, Anderson, Ballenger, Barrington, Bass, Bingman, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--45.

Nay: Aldridge and Branan.--2.

Excused: Mazzei.--1.

The bill and emergency passed.

SB 357 was referred for engrossment.

GENERAL ORDER

SB 473 by Ford of the Senate and Banz of the House was called up for consideration.

Senator Ford moved that **SB 473** be advanced, which motion was declared adopted.

THIRD READING

SB 473 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, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--47.

Excused: Mazzei.--1.

The bill and emergency passed.

SB 473 was referred for engrossment.

MESSAGE FROM THE HOUSE

Advising passage of and transmitting for consideration Engrossed **HBs 1070** and **2027**.

HB 1070 – By Banz and Sullivan of the House and Ford of the Senate.

An Act relating to schools; amending 70 O.S. 2001, Section 6-101.23, which relates to the application of the Teacher Due Process Act of 1990; adding an exemption to the limitation on temporary contracts for certain teachers; amending 70 O.S. 2001, Section 6-195, as amended by Section 11, Chapter 434, O.S.L. 2003 (70 O.S. Supp. 2008, Section 6-195), which relates to the residency program; clarifying the types of contracts for resident teachers; providing an effective date; and declaring an emergency.

HB 2027 – By Steele, Sullivan, McDaniel (Randy), Brown, Faight, Reynolds, Ownbey, Wesselhoft, Jones, Terrill, McNeil, Nelson, Walker, Martin (Steve), Sears, Martin (Scott), McDaniel (Jeannie), Cooksey and Bailey of the House and Justice of the Senate.
(autism – directing funds – codification – effective date)

The above-numbered measures were read the first time.

CHANGE IN COMMITTEE ASSIGNMENTS

The following bills will be reassigned as follows:

- SB 640** – Withdrawn from Rules Committee and referred to Finance
- SB 694** – Withdrawn from Rules Committee and referred to Business and Labor
- SB 913** – Withdrawn from Rules Committee and referred to Finance
- SB 956** – Withdrawn from Rules Committee and referred to Judiciary
- SB 997** – Withdrawn from Judiciary Committee and referred to Appropriations
- SB 1069** – Withdrawn from Appropriations Committee and referred to Rules
- SB 1153** – Withdrawn from Appropriations Committee and referred to Public Safety and Homeland Security
- SB 1192** – Withdrawn from Appropriations Committee and referred to Public Safety and Homeland Security
- SB 1212** – Withdrawn from Rules Committee and referred to Retirement and Insurance
- SB 1214** – Withdrawn from Public Safety and Homeland Security and referred to Energy and Environment

Senator Lamb moved that when the clerk's desk is clear, the Senate stand adjourned to convene Tuesday, February 17, 2009, at 1:00 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 277 – Tourism and Wildlife, coauthored by Armes (principal House author)
Ayes: Barrington, Ellis, Garrison, Paddack, Reynolds, Schulz, Sweeden, Wyrick

SB 303 – Energy and Environment, coauthored by Thompson (principal House author)
Ayes: Bingman, Branan, Brogdon, Coates, Crutchfield, Easley, Gumm, Ivester, Johnson (Mike), Myers, Rice

SB 402 – Public Safety and Homeland Security, coauthored by Enns (principal House author)
Ayes: Ballenger, Barrington, Easley, Ellis, Halligan, Russell

SB 794 – Health and Human Services, coauthored by Murphey (principal House author)
Ayes: Burrage, Crain, Halligan, Johnson (Constance), Jolley, Newberry, Wilson

DO PASS, As Amended:

CS for SB 52 – Health and Human Services, coauthored by Ortega (principal House author)
Ayes: Burrage, Crain, Halligan, Johnson (Constance), Jolley, Newberry, Wilson

SB 59 – Appropriations, coauthored by Garrison, Gumm, Bass of the Senate, and coauthored by Kiesel (principal House author)
Ayes: Anderson, Bass, Bingman, Ford, Gumm, Halligan, Johnson (Mike), Justice, Laster, Leftwich, Lerblance, Myers, Reynolds, Stanislawski, Sykes, Wilson

SB 256 – Appropriations, coauthored by Shumate (principal House author)
Ayes: Anderson, Bass, Bingman, Brogdon, Corn, Crutchfield, Easley, Ford, Gumm, Halligan, Johnson (Mike), Justice, Laster, Leftwich, Lerblance, Myers, Paddack, Reynolds, Stanislawski, Sykes, Wilson
Nays: Crain

SB 257 – Appropriations, coauthored by Denney (principal House author)
Ayes: Anderson, Bass, Bingman, Brogdon, Corn, Crain, Crutchfield, Gumm, Halligan, Johnson (Mike), Justice, Laster, Leftwich, Lerblance, Myers, Paddack, Reynolds, Stanislawski, Sykes, Wilson

SB 267 – Appropriations, coauthored by Cox (principal House author)

Ayes: Anderson, Bass, Bingman, Brogdon, Corn, Crain, Crutchfield, Gumm, Halligan, Johnson (Mike), Justice, Laster, Leftwich, Lerblance, Myers, Paddack, Reynolds, Stanislawski, Sykes

Nays: Wilson

SB 293 – Appropriations, coauthored by Schwartz (principal House author)

Ayes: Anderson, Bass, Bingman, Brogdon, Crain, Crutchfield, Easley, Ford, Gumm, Halligan, Johnson (Mike), Justice, Laster, Leftwich, Lerblance, Myers, Paddack, Reynolds, Stanislawski, Sykes, Wilson

SB 299 – Appropriations, coauthored by Thompson (principal House author)

Ayes: Anderson, Bass, Bingman, Brogdon, Corn, Crain, Crutchfield, Easley, Gumm, Halligan, Johnson (Mike), Justice, Laster, Lerblance, Myers, Paddack, Reynolds, Stanislawski, Sykes, Wilson

SB 300 – Energy and Environment, coauthored by Thompson (principal House author)

Ayes: Bingman, Branan, Brogdon, Coates, Crutchfield, Easley, Gumm, Ivester, Johnson (Mike), Myers, Rice

SB 309 – Appropriations, coauthored by Hilliard (principal House author)

Ayes: Anderson, Bass, Bingman, Brogdon, Corn, Crain, Crutchfield, Easley, Gumm, Halligan, Johnson (Mike), Justice, Laster, Lerblance, Myers, Paddack, Reynolds, Stanislawski

Nays: Wilson

SB 310 – Appropriations, coauthored by Cox (principal House author)

Ayes: Anderson, Bass, Bingman, Brogdon, Corn, Crain, Crutchfield, Easley, Gumm, Halligan, Johnson (Mike), Justice, Laster, Leftwich, Lerblance, Myers, Paddack, Reynolds, Stanislawski, Sykes, Wilson

SB 321 – Appropriations, coauthored by Peterson (principal House author)

Ayes: Anderson, Bass, Bingman, Brogdon, Corn, Crain, Crutchfield, Easley, Gumm, Halligan, Johnson (Mike), Justice, Laster, Leftwich, Lerblance, Myers, Paddack, Reynolds, Stanislawski, Sykes, Wilson

SB 328 – Appropriations, coauthored by Sullivan (principal House author)

Ayes: Anderson, Bass, Bingman, Brogdon, Crain, Easley, Gumm, Halligan, Johnson (Mike), Justice, Leftwich, Myers, Paddack, Reynolds, Stanislawski, Sykes, Wilson

Nays: Corn, Crutchfield, Laster, Lerblance

SB 337 – Appropriations, coauthored by Lamons (principal House author)

Ayes: Bingman, Brogdon, Corn, Crain, Crutchfield, Easley, Ford, Johnson (Mike), Laster, Leftwich, Lerblance, Myers, Paddack, Reynolds, Stanislawski, Sykes, Wilson

SB 354 – Appropriations, coauthored by DeWitt (principal House author)

Ayes: Anderson, Bass, Bingman, Brogdon, Corn, Crain, Crutchfield, Easley, Ford, Halligan, Johnson (Mike), Justice, Laster, Leftwich, Lerblance, Myers, Paddack, Reynolds, Stanislawski, Sykes

SB 382 – Appropriations, coauthored by Morgan (principal House author)

Ayes: Anderson, Bass, Bingman, Brogdon, Corn, Crain, Crutchfield, Easley, Ford, Gumm, Justice, Laster, Leftwich, Lerblance, Myers, Paddack, Reynolds, Stanislawski, Wilson

SB 383 – Business and Labor, coauthored by Hickman (principal House author)

Ayes: Adelson, Burrage, Coates, Leftwich, Myers, Newberry, Rice, Russell
Nays: Brogdon

CS for SB 390 – Appropriations, coauthored by Rousselot (principal House author)

Ayes: Bass, Bingman, Brogdon, Corn, Crain, Crutchfield, Easley, Ford, Gumm, Halligan, Johnson (Mike), Justice, Laster, Leftwich, Lerblance, Myers, Paddack, Reynolds, Stanislawski, Sykes, Wilson

SB 391 – Appropriations, coauthored by Sullivan (principal House author)

Ayes: Anderson, Bass, Bingman, Brogdon, Corn, Crain, Crutchfield, Easley, Ford, Gumm, Halligan, Johnson (Mike), Justice, Laster, Leftwich, Lerblance, Myers, Paddack, Reynolds, Stanislawski, Sykes, Wilson

SB 405 – Appropriations, coauthored by Corn and Gumm of the Senate, and coauthored by Peters (principal House author)

Ayes: Anderson, Bass, Bingman, Corn, Crutchfield, Easley, Ford, Gumm, Halligan, Justice, Laster, Leftwich, Lerblance, Paddack, Reynolds, Stanislawski, Sykes, Wilson
Nays: Brogdon, Crain, Johnson (Mike), Myers

SB 406 – Business and Labor, coauthored by Terrill (principal House author)

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

SB 409 – Appropriations, coauthored by Jackson (principal House author)

Ayes: Anderson, Bingman, Corn, Crain, Crutchfield, Easley, Ford, Gumm, Halligan, Johnson (Mike), Justice, Laster, Leftwich, Lerblance, Myers, Paddack, Reynolds, Stanislawski, Wilson
Nays: Bass, Brogdon, Sykes

SB 434 – Appropriations, coauthored by Cox (principal House author)

Ayes: Anderson, Bass, Bingman, Brogdon, Corn, Crain, Crutchfield, Easley, Ford, Gumm, Halligan, Johnson (Mike), Justice, Laster, Leftwich, Lerblance, Myers, Paddack, Reynolds, Sykes, Wilson
Nays: Stanislawski

SB 449 – Appropriations, coauthored by Armes (principal House author)

Ayes: Anderson, Bass, Bingman, Corn, Crain, Crutchfield, Easley, Ford, Gumm, Halligan, Johnson (Mike), Justice, Laster, Leftwich, Lerblance, Myers, Paddack, Reynolds, Stanislawski, Sykes, Wilson

SB 469 – Appropriations, coauthored by Stanislawski of the Senate, and coauthored by Shumate (principal House author)

Ayes: Anderson, Bass, Bingman, Brogdon, Corn, Crain, Crutchfield, Easley, Gumm, Halligan, Johnson (Mike), Justice, Laster, Leftwich, Lerblance, Myers, Reynolds, Stanislawski, Sykes, Wilson

SB 474 – Energy and Environment, coauthored by Thompson (principal House author)

Ayes: Bingman, Branan, Brogdon, Coates, Crutchfield, Easley, Gumm, Ivester, Johnson (Mike), Myers, Nichols, Rice

SB 489 – Finance, coauthored by Gumm of the Senate, and coauthored by Coody (principal House author)

Ayes: Adelson, Aldridge, Crutchfield, Ford, Gumm, Ivester, Johnson (Mike), Jolley, Lamb, Mazzei, Nichols, Reynolds, Rice, Sparks, Stanislawski, Wilson

SB 493 – Education, coauthored by Denney (principal House author)

Ayes: Branan, Brown, Easley, Ford, Gumm, Halligan, Jolley, Lerblance, Paddack, Reynolds, Sparks, Stanislawski

CS for SB 511 – Energy and Environment, coauthored by Wesselhoft (principal House author)

Ayes: Bingman, Branan, Brogdon, Coates, Crutchfield, Easley, Gumm, Ivester, Myers, Rice, Sykes

SB 521 – Appropriations, coauthored by Peters (principal House author)

Ayes: Anderson, Bass, Bingman, Corn, Crain, Crutchfield, Easley, Ford, Gumm, Halligan, Johnson (Mike), Justice, Laster, Leftwich, Lerblance, Myers, Paddack, Reynolds, Stanislawski, Wilson

Nays: Sykes

SB 527 – Business and Labor, coauthored by Proctor (principal House author)

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

SB 564 – Appropriations, coauthored by Glenn (principal House author)

Ayes: Anderson, Bass, Bingman, Brogdon, Corn, Crutchfield, Ford, Gumm, Halligan, Johnson (Mike), Justice, Laster, Leftwich, Lerblance, Myers, Paddack, Reynolds, Stanislawski, Sykes, Wilson

SB 572 – Health and Human Services, coauthored by Peters (principal House author)

Ayes: Burrage, Crain, Halligan, Johnson (Constance), Jolley, Newberry, Wilson

SB 573 – Business and Labor, coauthored by Leftwich, Myers, Rice of the Senate, and coauthored by Sullivan (principal House author)

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

SB 580 – Health and Human Services, coauthored by Cox (principal House author)

Ayes: Burrage, Crain, Halligan, Johnson (Constance), Jolley, Newberry, Wilson

SB 602 – Business and Labor, coauthored by Martin (Steve) (principal House author)

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

SB 611 – Judiciary, coauthored by Duncan (principal House author)

Ayes: Anderson, Corn, Crain, Laster, Newberry, Paddack, Sykes

SB 612 – Judiciary, coauthored by Duncan (principal House author)

Ayes: Anderson, Corn, Crain, Laster, Newberry, Paddack, Sykes

SB 613 – Judiciary, coauthored by Duncan (principal House author)

Ayes: Anderson, Crain, Newberry, Paddack

Nays: Corn, Laster, Sykes

SB 618 – Finance, coauthored by Thomsen (principal House author)

Ayes: Adelson, Aldridge, Crutchfield, Ford, Gumm, Johnson (Mike), Jolley, Mazzei, Nichols, Reynolds, Rice, Sparks, Stanislawski, Wilson

SB 620 – Finance, coauthored by Shannon (principal House author)

Ayes: Adelson, Aldridge, Crutchfield, Ford, Gumm, Johnson (Mike), Jolley, Lamb, Mazzei, Nichols, Reynolds, Rice, Sparks, Stanislawski, Wilson

SB 907 – Appropriations, coauthored by Benge (principal House author)

Ayes: Bass, Bingman, Coffee, Corn, Crain, Ford, Gumm, Johnson (Mike), Justice, Laster, Leftwich, Lerblance, Paddack, Stanislawski, Sykes

Nays: Anderson, Brogdon, Halligan, Myers, Reynolds, Wilson

SB 967 – Energy and Environment, coauthored by Ortega (principal House author)

Ayes: Bingman, Branan, Brogdon, Coates, Crutchfield, Easley, Gumm, Ivester, Johnson (Mike), Myers, Nichols, Rice, Sykes

SB 980 – Appropriations, coauthored by Murphey (principal House author)

Ayes: Anderson, Bingman, Brogdon, Coffee, Crain, Ford, Gumm, Halligan, Johnson (Mike), Justice, Laster, Leftwich, Lerblance, Myers, Reynolds, Stanislawski, Sykes, Wilson

SB 1033 – Appropriations, coauthored by Armes (principal House author)

Ayes: Anderson, Bass, Bingman, Corn, Crutchfield, Ford, Gumm, Halligan, Johnson (Mike), Justice, Laster, Leftwich, Lerblance, Myers, Stanislawski, Sykes

Nays: Reynolds, Wilson

CS for SB 1181 – Health and Human Services, coauthored by Cox (principal House author)

Ayes: Burrage, Crain, Halligan, Johnson (Constance), Jolley, Newberry, Wilson

FAILED:

SB 949 – Appropriations

Ayes: Crutchfield, Easley, Halligan

Nays: Bass, Bingman, Brogdon, Corn, Crain, Ford, Gumm, Johnson (Mike), Justice, Laster, Leftwich, Lerblance, Myers, Paddack, Reynolds, Stanislawski, Sykes, Wilson

SB 1151 – Appropriations

Ayes: Anderson, Bass, Bingman, Corn, Crutchfield, Easley, Lerblance

Nays: Brogdon, Crain, Ford, Gumm, Halligan, Johnson (Mike), Justice, Laster, Leftwich, Myers, Paddack, Reynolds, Stanislawski, Sykes, Wilson

SECOND READING

The following were read for the second time and referred to committee as indicated:

SB 745 – Judiciary

SB 902 – Appropriations

SB 992 – Judiciary

FIRST READING

The following were introduced and read the first time:

SCR 5 – By Corn and Ellis of the Senate and Pruett and Bailey of the House.

A Concurrent Resolution thanking W. David Smith for his 41 years of service to the State of Oklahoma; wishing him the best in his retirement; and directing distribution.

SR 10 – By Corn.

A Resolution acknowledging the leadership of Franklin D. Roosevelt; designating March 4, 2009, "Franklin D. Roosevelt Appreciation and Remembrance Day" in the State of Oklahoma; and directing distribution.

Pursuant to the Lamb motion, the Senate adjourned at 2:10 p.m. to meet Tuesday, February 17, 2009, at 1:00 p.m.