

Senate Journal

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

Fifth Legislative Day, Monday, February 8, 2010

The Senate was called to order by Senator Aldridge.

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, Paddock, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweden, Sykes, Wilson and Wyrick.—46.

Excused: Mazzei and Nichols.—2.

Senator Aldridge declared a quorum present.

The prayer was offered by Pastor Mike Seabaugh, First Baptist Church, Ponca City, the guest of Senator Myers.

REPORT OF ENGROSSED AND ENROLLED MEASURE

SR 83 was correctly enrolled, properly signed and ordered transmitted to the Secretary of State.

INTRODUCTION

Senator Sykes introduced his father, David Sykes, to the Senate.

SUSPEND SENATE RULE

Senator Lamb moved to suspend Senate Rule 9-1 for consideration of Executive Nominations of Rod Carver and Paul Sells, which was the order.

EXECUTIVE NOMINATIONS

The following executive nominations have been approved by the committees named:

Carver, Rod, Willow, to the State Board of Agriculture, to serve a four year term ending April 26, 2013, succeeding himself. (Agriculture and Rural Development Committee) Motion to confirm made by Senator Tom Ivester.

Sells, Paul, D.V.M., McAlester, to the State Board of Veterinary Medical Examiners, to serve an unexpired term ending May 9, 2011, succeeding Gary Johnson, D.V.M.. (Agriculture and Rural Development Committee) Motion to confirm made by Senator Richard Lerblance.

Motions to confirm the above named executive nominations were declared adopted upon roll call as follows:

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

Excused: Easley, Mazzei and Nichols.—3.

DEDICATION

Former Senator Charles Ford presented the painting “Te Ata, Chickasaw Storyteller”. Senator Ford introduced Chickasaw Nation Governor Bill Anoatubby. Governor Anoatubby addressed the Senate. Senator Ford introduced Congressman Tom Cole. Congressman Cole addressed that Senate.

Congressman Cole and the Chickasaw Nation presented the painting to the Senate as a gift.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 1281** was rejected upon motion of Senator Lamb, further conference requested, and same Senate conferees appointed as follows: GCCA.

CHANGE IN COMMITTEE ASSIGNMENTS

The following bills will be reassigned as follows:

- SB 1329** – Withdrawn from Public Safety and Homeland Security and referred to Appropriations
- SB 1795** – Withdrawn from Judiciary and referred to Appropriations
- SB 1973** – Withdrawn from Rules and referred to Judiciary

MESSAGES FROM THE HOUSE

Advising passage of and returning the following Engrossed resolution:

SCR 37 - coauthored by Jolley

The above-numbered measure was referred for enrollment.

Advising passage of and transmitting for consideration Engrossed **HBs 2430, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527 and 2528.**

HB 2430 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

(Oklahoma Space Industry Development Authority –appropriation)

HB 2441 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

(J.D. McCarty Center for Children with Developmental Disabilities – appropriation - effective date – emergency)

HB 2442 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

(J. D. McCarty Center for Children with Developmental Disabilities – appropriation – effective date – emergency)

HB 2443 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

(Department of Mental Health and Substance Abuse Services – appropriation - effective date – emergency)

HB 2444 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

(Department of Mental Health and Substance Abuse Services – appropriation - effective date – emergency)

HB 2445 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

(University Hospitals Authority – appropriation - effective date – emergency)

HB 2446 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

(University Hospitals Authority - appropriation - effective date – emergency)

HB 2447 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

(Oklahoma Department of Veterans Affairs - appropriation - effective date – emergency)

HB 2448 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

(Oklahoma Department of Veterans Affairs – appropriation - effective date – emergency)

HB 2449 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

(Oklahoma Commission on Children and Youth – appropriation – effective date – emergency)

HB 2450 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

(Oklahoma Commission on Children and Youth – appropriation – effective date – emergency)

HB 2451 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

(Office of Disability Concerns – appropriation – effective date – emergency)

HB 2452 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

(Office of Disability Concerns – appropriation – effective date – emergency)

HB 2453 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

(Oklahoma Human Rights Commission – appropriation – budgetary limitations)

HB 2454 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

(Oklahoma Human Rights Commission – appropriation – budgetary limitations)

HB 2455 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

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

HB 2456 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

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

HB 2457 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

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

HB 2458 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

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

HB 2459 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

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

HB 2460 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

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

HB 2461 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

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

HB 2462 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

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

HB 2463 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

(Alcoholic Beverage Laws Enforcement Commission – appropriation – effective date – emergency)

HB 2464 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

(Alcoholic Beverage Laws Enforcement Commission – appropriation – effective date – emergency)

HB 2465 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

(Office of the Attorney General – appropriation - effective date – emergency)

HB 2466 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

(Office of the Attorney General – appropriation - effective date – emergency)

HB 2467 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

(Department of Corrections – appropriation - effective date – emergency)

HB 2468 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

(Department of Corrections - appropriation - effective date – emergency)

HB 2469 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

(Court of Criminal Appeals – appropriation – effective date – emergency)

HB 2470 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

(Court of Criminal Appeals – appropriation – effective date – emergency)

HB 2471 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

(District Attorneys Council – appropriation - effective date - emergency)

HB 2472 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

(District Attorneys Council - appropriation - effective date – emergency)

HB 2473 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

(district courts - State Judicial Revolving Fund - appropriation - effective date – emergency)

HB 2474 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

(district courts - State Judicial Revolving Fund – appropriation - effective date – emergency)

HB 2475 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

(Office of the State Fire Marshal – appropriation - effective date – emergency)

HB 2476 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

(Office of the State Fire Marshal – appropriation - effective date – emergency)

HB 2477 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

(Oklahoma Indigent Defense System - appropriation - effective date – emergency)

HB 2478 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

(Oklahoma Indigent Defense System – appropriation - effective date - emergency)

HB 2479 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

(Oklahoma State Bureau of Investigation – appropriation - effective date - emergency)

HB 2480 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

(Oklahoma State Bureau of Investigation - appropriation - effective date – emergency)

HB 2481 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

(Council on Judicial Complaints – appropriation – effective date – emergency)

HB 2482 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

(Council on Judicial Complaints – appropriation – effective date – emergency)

HB 2483 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

(Council on Law Enforcement Education and Training – appropriations - effective date - emergency)

HB 2484 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

(Council on Law Enforcement Education and Training - appropriations - effective date – emergency)

HB 2485 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

(Board of Medicolegal Investigations – appropriation - effective date – emergency)

HB 2486 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

(Board of Medicolegal Investigations – appropriation - effective date – emergency)

HB 2487 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

(Oklahoma State Bureau of Narcotics and Dangerous Drugs Control - appropriation - effective date – emergency)

HB 2488 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

(Oklahoma State Bureau of Narcotics and Dangerous Drugs Control – appropriation - effective date – emergency)

HB 2489 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

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

HB 2490 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

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

HB 2491 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

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

HB 2492 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

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

HB 2493 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

(Supreme Court – appropriations – effective date – emergency)

HB 2494 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

(Supreme Court – appropriations – effective date – emergency)

HB 2495 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

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

HB 2496 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

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

HB 2497 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

(Oklahoma Department of Agriculture, Food, and Forestry – appropriations – effective date – emergency)

HB 2498 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

(Oklahoma Department of Agriculture, Food, and Forestry – appropriations – effective date – emergency)

HB 2499 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

(Oklahoma Department of Commerce – appropriations - effective date - emergency)

HB 2500 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

(Oklahoma Department of Commerce - appropriations - effective date – emergency)

HB 2501 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

(Oklahoma Conservation Commission – appropriation - effective date - emergency)

HB 2502 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

(Oklahoma Conservation Commission - appropriation - effective date – emergency)

HB 2503 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

(Commission on Consumer Credit – appropriation - effective date - emergency)

HB 2504 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

(Commission on Consumer Credit – appropriation – effective date – emergency)

HB 2505 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

(Corporation Commission – appropriation - effective date – emergency)

HB 2506 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

(Corporation Commission – appropriation - effective date – emergency)

HB 2507 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

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

HB 2508 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

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

HB 2509 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

(Department of Environmental Quality - appropriation - effective date - emergency)

HB 2510 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

(Department of Environmental Quality – appropriation - effective date – emergency)

HB 2511 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

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

HB 2512 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

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

HB 2513 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

(Oklahoma Horse Racing Commission – appropriation – effective date – emergency)

HB 2514 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

(Oklahoma Horse Racing Commission – appropriation – effective date – emergency)

HB 2515 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

(Insurance Department – appropriation - effective date – emergency)

HB 2516 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

(Insurance Department – appropriation - effective date – emergency)

HB 2517 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

(Department of Labor – appropriation - effective date – emergency)

HB 2518 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

(Department of Labor – appropriation - effective date – emergency)

HB 2519 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

(Department of Mines – appropriation – effective date – emergency)

HB 2520 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

(Department of Mines – appropriation – effective date – emergency)

HB 2521 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

(Scenic Rivers Commission – appropriation - effective date - emergency)

HB 2522 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

(Scenic Rivers Commission - appropriation - effective date – emergency)

HB 2523 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

(Oklahoma Tourism and Recreation Department – appropriation - effective date – emergency)

HB 2524 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

(Oklahoma Tourism and Recreation Department – appropriation - effective date - emergency)

HB 2525 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

(Oklahoma Water Resources Board - appropriation - effective date – emergency)

HB 2526 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

(Oklahoma Water Resources Board – appropriation - effective date - emergency)

HB 2527 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

(Will Rogers Memorial Commission – appropriation – effective date – emergency)

HB 2528 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

(Will Rogers Memorial Commission – appropriation – effective date – emergency)

The above-numbered measures were read the first time.

Senator Lamb moved that when the clerk's desk is clear, the Senate stand adjourned to convene Tuesday, February 9, 2010, 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 1311 – Health and Human Services, coauthored by Cox (principal House author)
Ayes: Adelson, Burrage, Halligan, Johnson (Constance), Jolley, Newberry, Wilson

SB 1331 – Education
Ayes: Branan, Brown, Eason McIntyre, Ford, Gumm, Halligan, Jolley, Lerblance, Paddack, Reynolds, Stanislawski
Nays: Corn

SB 1679 – Health and Human Services, coauthored by Murphey (principal House author)
Ayes: Adelson, Burrage, Crain, Halligan, Johnson (Constance), Jolley, Newberry, Wilson

DO PASS, As Amended:

SB 1326 – Energy and Environment, coauthored by Watson (principal House author)
Ayes: Bingman, Branan, Brogdon, Coates, Crutchfield, Easley, Gumm, Ivester, Myers, Rice, Sykes

SB 1389 – Health and Human Services, coauthored by Cox (principal House author)
Ayes: Adelson, Burrage, Crain, Halligan, Johnson (Constance), Jolley, Newberry, Wilson

SB 1622 – Energy and Environment, coauthored by Watson (principal House author)
Ayes: Bingman, Branan, Coates, Crutchfield, Easley, Gumm, Ivester, Myers, Rice, Sykes
Nays: Brogdon

SB 1668 – Energy and Environment
Ayes: Bingman, Brogdon, Coates, Crutchfield, Easley, Gumm, Myers, Sykes
Nays: Branan, Ivester, Rice

SB 2213 – Education, coauthored by Jones (principal House author)
Ayes: Branan, Brown, Corn, Eason McIntyre, Ford, Gumm, Halligan, Jolley,
Lerblance, Paddack, Reynolds, Sparks, Stanislawski

FIRST READING

The following was introduced and read the first time:

SCR 40 – By Brogdon of the Senate and Key of the House.

A Concurrent Resolution expressing the disapproval of the appointment of Governor Henry to Presidential Council of Governors; requesting Governor Henry to decline appointment; and directing distribution.

MESSAGE FROM THE GOVERNOR

Advising his approval February 5, 2010, of Enrolled **SB 749**.

Pursuant to the Lamb motion, the Senate adjourned at 2:15 p.m. to meet Tuesday, February 9, 2010, at 1:30 p.m.