

# Senate Journal

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

Tenth Legislative Day, Tuesday, February 16, 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, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.—47.

Excused: Mazzei.—1.

Senator Aldridge declared a quorum present.

The prayer was offered by Pastor Roger Nix, Believers Church, Tulsa, the guest of Senator Mazzei.

### REPORT OF ENGROSSED AND ENROLLED MEASURES

**SBs 1354, 1840, 1898 and 2113** were each correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

### MESSAGES FROM THE HOUSE

Advising passage of and transmitting for consideration Engrossed **HBs 2287, 2288, 2297, 2306, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2367, 2369, 2370, 2593, 2631, 2654, 2733 and 2791** and **HJR 1055** and **HCR 1045**.

**HB 2287** – By Wright (John) of the House and Aldridge of the Senate.

An Act relating to sunset; amending 52 O.S. 2001, Section 700, as amended by Section 1, Chapter 23, O.S.L. 2004 (52 O.S. Supp. 2009, Section 700), which relates to the

Commission on Marginally Producing Oil and Gas Wells; re-creating the Commission; and modifying termination date.

**HB 2288** – By Wright (John) of the House and Aldridge of the Senate.

An Act relating to sunset; amending 59 O.S. 2001, Section 396, as last amended by Section 1, Chapter 28, O.S.L. 2004 (59 O.S. Supp. 2009, Section 396), which relates to the Oklahoma Funeral Board; re-creating the Board; and modifying termination date.

**HB 2297** – By Duncan, Osborn, Kirby, Kern, Ritze, Faught and Luttrell of the House and Brown of the Senate.

An Act relating to intoxicating liquors; amending Section 1, Chapter 312, O.S.L. 2006, as amended by Section 2, Chapter 365, O.S.L. 2007 (37 O.S. Supp. 2009, Section 8.2), which relates to underage drinking; increasing penalties; and providing an effective date.

**HB 2306** – By Murphey of the House and Anderson of the Senate.

An Act relating to counties and county officers; amending 19 O.S. 2001, Section 902.8, which relates to rural road improvement districts; clarifying powers and duties; providing an effective date; and declaring an emergency.

**HB 2358** – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

( public finance - amending 62 O.S., Section 178 – fund - effective date )

**HB 2359** – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

( revenue and taxation - amending 68 O.S., Section 2355.1B - apportionment - effective date )

**HB 2360** – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

( transportation – amending 69 O.S., Section 1101 – highway contracts – effective date – emergency )

**HB 2361** – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

( schools - amending 70 O.S., Section 1210.569 – assessments - effective date – emergency )

**HB 2362** – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

(State Capitol Building – amending 73 O.S., Section 22 – defacement – effective date )

**HB 2363** – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

( state government - amending 74 O.S., Section 85.43 - Oklahoma Central Purchasing Act - effective date )

**HB 2364** – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

( state government - amending 74 O.S., Section 78d - Fleet Management Division - effective date )

**HB 2367** – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

( appropriations – stating purpose – emergency )

**HB 2369** – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

( appropriations – stating purpose – emergency )

**HB 2370** – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

( government personnel - amending 74 O.S., Section 3601.1 - employees - effective date - emergency )

**HB 2593** – By Kirby of the House and Burrage of the Senate.

An Act relating to professions and occupations; amending 59 O.S. 2001, Section 328.36, which relates to the State Dental Act; modifying permit to operate a dental laboratory; allowing the Board of Dentistry to inspect laboratory prior to the issuance of a permit; requiring laboratory to make certain information available to designated parties; providing exceptions for required permit; and providing an effective date.

**HB 2631** – By Johnson, Collins, Roan, Ritze and McAffrey of the House and Sykes of the Senate.

An Act relating to schools; amending 70 O.S. 2001, Section 3311.4, as last amended by Section 2, Chapter 143, O.S.L. 2008 (70 O.S. Supp. 2009, Section 3311.4), which relates to continuing law enforcement training; modifying continuing law enforcement training requirements; requiring reserve peace officers to obtain certain amount of continuing law enforcement training; and providing an effective date.

**HB 2654** – By Sullivan, Johnson, Ritze and Wright (John) of the House and Crain of the Senate.

An Act relating to counties and county officers; amending 19 O.S. 2001, Section 547, as amended by Section 1, Chapter 366, O.S.L. 2008 (19 O.S. Supp. 2009, Section 547), which relates to deputizing certain persons; clarifying scope of mutual aid agreements; and providing an effective date.

**HB 2733** – By Rousselot, Luttrell, Kern, Johnson, Nelson and McAffrey of the House and Garrison of the Senate.

An Act relating to guardians and wards; amending 10 O.S. 2001, Section 7103, as renumbered by Section 212, Chapter 233, O.S.L. 2009, and as last amended by Section 10, Chapter 338, O.S.L. 2009 (10A O.S. Supp. 2009, Section 1-2-101), which relates to child abuse reporting requirements; providing exception; amending 30 O.S. 2001, Section 2-109,

which relates to conditions of appointment for guardians; specifying requirements for certain custody determinations; requiring review of placement within one year; providing discretion to court to require certain periodic reviews; authorizing court to close certain guardianship cases; requiring the inclusion of certain conditions; establishing criteria for guardianships by abandonment in certain circumstances; defining term; specifying the rights of certain guardians; providing limitations of guardianship; specifying content of petition for custody by abandonment; requiring that certain petitions be notarized; specifying that notice is not required in certain circumstances; providing for filing fees; providing for the issuance of letters of custody by abandonment; specifying that custody by abandonment is effective upon taking of oath; prohibiting return of certain minors to parent or person having legal custody absent certain conditions; providing the procedure and requirements for determination of custody in certain circumstances; providing that certain children shall remain in the home of potential guardian throughout proceedings; authorizing court to impose transition period for return of certain children to parents; providing grounds upon which custody by abandonment ceases; providing that certain abandonment circumstances shall not be reported to the Department of Human Services; amending 30 O.S. 2001, Section 4-404, which relates to costs in certain guardianship proceedings; establishing filing fee for guardianship by abandonment cases; providing for codification; and providing an effective date.

**HB 2791** – By Kouplen of the House and Garrison of the Senate.

An Act relating to agriculture; amending 2 O.S. 2001, Section 5-82, as amended by Section 1, Chapter 262, O.S.L. 2009 (2 O.S. Supp. 2009, Section 5-82), which relates to the Oklahoma Agricultural Linked Deposit Program; setting maximum loan amount for certain eligible agricultural businesses; and providing an effective date.

**HJR 1055** – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

( Joint Resolution - Section 23 of Article X - procedures - ballot title – filing )

**HCR 1045** – By Shoemake and Richardson of the House and Ballenger of the Senate.

A Concurrent Resolution memorializing Congress to oppose certain federal legislation relating to domestic horses; and providing for distribution.

The above-numbered measures were read the first time.

Advising passage of and returning the following Engrossed resolution:

**SCR 35**

The above-numbered measure was referred for enrollment.

Advising the naming of House conferees on Engrossed:

**HB 1072** - GCCA

**HB 1802** - Martin (Steve), Jones, Miller, Jackson

Advising further conference granted and naming same House conferees on Engrossed:

**HB 1281** - GCCA

### **CHANGE IN COMMITTEE ASSIGNMENTS**

The following bills will be reassigned as follows:

**SB 1340** – Withdrawn from Appropriations committee and referred to Tourism and Wildlife

**SB 1615** – Withdrawn from Rules committee and referred to Energy and Environment

**SB 1790** – Withdrawn from Rules committee and referred to Energy and Environment

**SB 2043** – Withdrawn from Rules committee and referred to Retirement and Insurance

**SB 2044** – Withdrawn from Rules committee and referred to Retirement and Insurance

**SB 2163** – Withdrawn from Rules committee and referred to Judiciary

**SB 2190** – Withdrawn from Rules committee and referred to Appropriations

**SB 2290** – Withdrawn from Judiciary committee and referred to Appropriations

### **INTRODUCTION**

Senator Lerblance introduced his wife, Frances, to the Senate.

### **PENDING CONSIDERATION OF HAS**

**HAs** to **SB 956** were rejected upon motion of Senator Lamb, conference requested, and Senate conferees to be named later.

### **GENERAL ORDER**

**HB 2350** by Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate was called up for consideration.

Senator Johnson (Mike) asked unanimous consent to amend **HB 2350** Page 1, by striking the enacting title, which was the order.

Senator Johnson (Mike) moved that **HB 2350** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 2350** 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, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--42.

Nay: Brogdon, Eason McIntyre, Leftwich, Lerblance and Rice.--5.

Excused: Mazzei.--1.

The bill and emergency passed.

**HB 2350** was referred for engrossment.

### **GENERAL ORDER**

**HB 2351** by Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate was called up for consideration.

Senator Johnson (Mike) asked unanimous consent to amend **HB 2351** Page 1, by striking the enacting title, which was the order.

Senator Johnson (Mike) moved that **HB 2351** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 2351** 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, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Marlatt,

Myers, Newberry, Nichols, Paddack, Reynolds, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--42.

Nay: Brogdon, Eason McIntyre, Leftwich, Lerblance and Rice.--5.

Excused: Mazzei.--1.

The bill and emergency passed.

**HB 2351** was referred for engrossment.

### **GENERAL ORDER**

**HB 2352** by Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate was called up for consideration.

Senator Johnson (Mike) asked unanimous consent to amend **HB 2352** Page 1, by striking the enacting title, which was the order.

Senator Johnson (Mike) moved that **HB 2352** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 2352** 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, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--42.

Nay: Brogdon, Eason McIntyre, Leftwich, Lerblance and Rice.--5.

Excused: Mazzei.--1.

The bill and emergency passed.

**HB 2352** was referred for engrossment.

**GENERAL ORDER**

**HB 2353** by Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate was called up for consideration.

Senator Johnson (Mike) asked unanimous consent to amend **HB 2353** Page 1, by striking the enacting title, which was the order.

Senator Johnson (Mike) moved that **HB 2353** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 2353** 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, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--43.

Nay: Brogdon, Eason McIntyre, Leftwich and Lerblance.--4.

Excused: Mazzei.--1.

The bill and emergency passed.

**HB 2353** was referred for engrossment.

**GENERAL ORDER**

**HB 2354** by Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate was called up for consideration.

Senator Johnson (Mike) asked unanimous consent to amend **HB 2354** Page 1, by striking the enacting title, which was the order.

Senator Johnson (Mike) moved that **HB 2354** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 2354** 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, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Marlatt, Myers, Newberry, Nichols, Paddack, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--40.

Nay: Brogdon, Eason McIntyre, Leftwich, Lerblance, Reynolds, Rice and Russell.--7.

Excused: Mazzei.--1.

The bill and emergency passed.

**HB 2354** was referred for engrossment.

**GENERAL ORDER**

**HB 2355** by Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate was called up for consideration.

Senator Johnson (Mike) asked unanimous consent to amend **HB 2355** Page 1, by striking the enacting title, which was the order.

Senator Johnson (Mike) moved that **HB 2355** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 2355** 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, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Marlatt, Myers, Newberry, Nichols, Paddack, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--40.

Nay: Brogdon, Eason McIntyre, Leftwich, Lerblance, Reynolds, Rice and Russell.--7.

Excused: Mazzei.--1.

The bill and emergency passed.

**HB 2355** was referred for engrossment.

### **GENERAL ORDER**

**HB 2356** by Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate was called up for consideration.

Senator Johnson (Mike) asked unanimous consent to amend **HB 2356** Page 1, by striking the enacting title, which was the order.

Senator Johnson (Mike) moved that **HB 2356** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 2356** 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, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--42.

Nay: Brogdon, Eason McIntyre, Leftwich, Lerblance and Rice.--5.

Excused: Mazzei.--1.

The bill and emergency passed.

**HB 2356** was referred for engrossment.

### **GENERAL ORDER**

**HB 2381** by Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate was called up for consideration.

Senator Johnson (Mike) asked unanimous consent to amend **HB 2381** Page 1, by striking the enacting title, which was the order.

Senator Johnson (Mike) moved that **HB 2381** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 2381** 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, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Marlatt, Myers, Newberry, Nichols, Paddack, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--41.

Nay: Brogdon, Eason McIntyre, Leftwich, Lerblance, Reynolds and Rice.--6.

Excused: Mazzei.--1.

The bill and emergency passed.

**HB 2381** was referred for engrossment.

### **GENERAL ORDER**

**HB 2401** by Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate was called up for consideration.

Senator Johnson (Mike) asked unanimous consent to amend **HB 2401** Page 1, by striking the enacting title, which was the order.

Senator Johnson (Mike) moved that **HB 2401** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 2401** 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, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Marlatt, Myers, Newberry, Nichols, Paddack, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--41.

Nay: Brogdon, Eason McIntyre, Leftwich, Lerblance, Reynolds and Rice.--6.

Excused: Mazzei.--1.

The bill and emergency passed.

**HB 2401** was referred for engrossment.

### **GENERAL ORDER**

**HB 2411** by Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate was called up for consideration.

Senator Johnson (Mike) asked unanimous consent to amend **HB 2411** Page 1, by striking the enacting title, which was the order.

Senator Johnson (Mike) moved that **HB 2411** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 2411** 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, Burrage, Coates, Coffee, Crain, Crutchfield, Easley, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Marlatt, Myers, Newberry, Nichols, Paddack, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--39.

Nay: Brogdon, Brown, Corn, Eason McIntyre, Leftwich, Lerblance, Reynolds and Rice.--8.

Excused: Mazzei.--1.

The bill and emergency passed.

**HB 2411** was referred for engrossment.

### **GENERAL ORDER**

**HB 2421** by Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate was called up for consideration.

Senator Johnson (Mike) asked unanimous consent to amend **HB 2421** Page 1, by striking the enacting title, which was the order.

Senator Johnson (Mike) moved that **HB 2421** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 2421** 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, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--42.

Nay: Brogdon, Eason McIntyre, Leftwich, Lerblance and Rice.--5.

Excused: Mazzei.--1.

The bill and emergency passed.

**HB 2421** was referred for engrossment.

### **GENERAL ORDER**

**HB 2431** by Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate was called up for consideration.

Senator Johnson (Mike) asked unanimous consent to amend **HB 2431** Page 1, by striking the enacting title, which was the order.

Senator Johnson (Mike) moved that **HB 2431** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 2431** 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, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--42.

Nay: Brogdon, Eason McIntyre, Leftwich, Lerblance and Rice.--5.

Excused: Mazzei.--1.

The bill and emergency passed.

**HB 2431** was referred for engrossment.

**GENERAL ORDER**

**HB 2433** by Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate was called up for consideration.

Senator Johnson (Mike) asked unanimous consent to amend **HB 2433** Page 1, by striking the enacting title, which was the order.

Senator Johnson (Mike) moved that **HB 2433** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 2433** 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, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--42.

Nay: Brogdon, Eason McIntyre, Leftwich, Lerblance and Rice.--5.

Excused: Mazzei.--1.

The bill and emergency passed.

**HB 2433** was referred for engrossment.

### **GENERAL ORDER**

**HB 2435** by Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate was called up for consideration.

Senator Johnson (Mike) asked unanimous consent to amend **HB 2435** Page 1, by striking the enacting title, which was the order.

Senator Johnson (Mike) moved that **HB 2435** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 2435** 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, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Ellis, Ford, Garrison, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--41.

Nay: Brogdon, Eason McIntyre, Gumm, Leftwich, Lerblance and Rice.--6.

Excused: Mazzei.--1.

The bill and emergency passed.

**HB 2435** was referred for engrossment.

### **GENERAL ORDER**

**HB 2445** by Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate was called up for consideration.

Senator Johnson (Mike) asked unanimous consent to amend **HB 2445** Page 1, by striking the enacting title, which was the order.

Senator Johnson (Mike) moved that **HB 2445** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 2445** 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, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--42.

Nay: Brogdon, Eason McIntyre, Leftwich, Lerblance and Rice.--5.

Excused: Mazzei.--1.

The bill and emergency passed.

**HB 2445** was referred for engrossment.

### **GENERAL ORDER**

**HB 2455** by Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate was called up for consideration.

Senator Johnson (Mike) asked unanimous consent to amend **HB 2455** Page 1, by striking the enacting title, which was the order.

Senator Johnson (Mike) moved that **HB 2455** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 2455** was read for the third time at length.

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

Aye: Aldridge, Anderson, Ballenger, Barrington, Bingman, Branan, Brown, Burrage, Coates, Coffee, Crain, Crutchfield, Ellis, Ford, Garrison, Halligan, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Marlatt, Myers, Newberry, Nichols, Russell, Schulz, Stanislawski and Sykes.--29.

Nay: Adelson, Bass, Brogdon, Corn, Easley, Eason McIntyre, Gumm, Ivester, Laster, Leftwich, Lerblance, Paddack, Reynolds, Rice, Sparks, Sweeden, Wilson and Wyrick.--18.

Excused: Mazzei.--1.

The bill passed and the emergency failed.

**HB 2455** was referred for engrossment.

### **GENERAL ORDER**

**HB 2461** by Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate was called up for consideration.

Senator Johnson (Mike) asked unanimous consent to amend **HB 2461** Page 1, by striking the enacting title, which was the order.

Senator Johnson (Mike) moved that **HB 2461** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 2461** 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, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--42.

Nay: Brogdon, Eason McIntyre, Leftwich, Lerblance and Rice.--5.

Excused: Mazzei.--1.

The bill and emergency passed.

**HB 2461** was referred for engrossment.

**GENERAL ORDER**

**HB 2491** by Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate was called up for consideration.

Senator Johnson (Mike) asked unanimous consent to amend **HB 2491** Page 1, by striking the enacting title, which was the order.

Senator Johnson (Mike) moved that **HB 2491** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 2491** 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, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--42.

Nay: Brogdon, Eason McIntyre, Leftwich, Lerblance and Rice.--5.

Excused: Mazzei.--1.

The bill and emergency passed.

**HB 2491** was referred for engrossment.

**GENERAL ORDER**

**HB 2497** by Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate was called up for consideration.

Senator Johnson (Mike) asked unanimous consent to amend **HB 2497** Page 1, by striking the enacting title, which was the order.

Senator Johnson (Mike) moved that **HB 2497** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 2497** 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, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--42.

Nay: Brogdon, Eason McIntyre, Leftwich, Lerblance and Rice.--5.

Excused: Mazzei.--1.

The bill and emergency passed.

**HB 2497** was referred for engrossment.

**GENERAL ORDER**

**HB 2499** by Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate was called up for consideration.

Senator Johnson (Mike) asked unanimous consent to amend **HB 2499** Page 1, by striking the enacting title, which was the order.

Senator Johnson (Mike) moved that **HB 2499** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 2499** 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, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Schulz, Sparks, Stanislawski, Sweeden, Wilson and Wyrick.--40.

Nay: Brogdon, Eason McIntyre, Leftwich, Lerblance, Rice, Russell and Sykes.--7.

Excused: Mazzei.--1.

The bill and emergency passed.

**HB 2499** was referred for engrossment.

### **GENERAL ORDER**

**HB 2501** by Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate was called up for consideration.

Senator Johnson (Mike) asked unanimous consent to amend **HB 2501** Page 1, by striking the enacting title, which was the order.

Senator Johnson (Mike) moved that **HB 2501** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 2501** 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, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Marlatt, Myers, Newberry, Nichols, Paddack, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--41.

Nay: Brogdon, Eason McIntyre, Leftwich, Lerblance, Reynolds and Rice.--6.

Excused: Mazzei.--1.

The bill and emergency passed.

**HB 2501** was referred for engrossment.

### **GENERAL ORDER**

**HB 2505** by Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate was called up for consideration.

Senator Johnson (Mike) asked unanimous consent to amend **HB 2505** Page 1, by striking the enacting title, which was the order.

Senator Johnson (Mike) moved that **HB 2505** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 2505** 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, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--42.

Nay: Brogdon, Eason McIntyre, Leftwich, Lerblance and Rice.--5.

Excused: Mazzei.--1.

The bill and emergency passed.

**HB 2505** was referred for engrossment.

### **GENERAL ORDER**

**HB 2511** by Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate was called up for consideration.

Senator Johnson (Mike) asked unanimous consent to amend **HB 2511** Page 1, by striking the enacting title, which was the order.

Senator Johnson (Mike) moved that **HB 2511** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 2511** 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, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Marlatt, Myers, Newberry, Nichols, Paddack, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--41.

Nay: Brogdon, Eason McIntyre, Leftwich, Lerblance, Reynolds and Rice.--6.

Excused: Mazzei.--1.

The bill and emergency passed.

**HB 2511** was referred for engrossment.

### **PENDING CONSIDERATION OF HAS**

**HAs to SB 723** were rejected upon motion of Senator Lamb, conference requested, and Senate conferees to be named later.

### **GENERAL ORDER**

**SB 1287** by Burrage of the Senate and Sherrer of the House was called up for consideration.

Senator Burrage moved that **SB 1287** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 1287** 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, 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 passed.

**SB 1287** was referred for engrossment.

### **GENERAL ORDER**

**SB 1779** by Burrage of the Senate and Sherrer of the House was called up for consideration.

Senator Burrage moved that **SB 1779** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 1779** 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, 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 passed.

**SB 1779** was referred for engrossment.

### **GENERAL ORDER**

**SB 1679** by Jolley of the Senate and Murphey of the House was called up for consideration.

Senator Jolley moved that **SB 1679** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 1679** 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, 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 passed.

**SB 1679** was referred for engrossment.

### **GENERAL ORDER**

**SB 1762** by Leftwich of the Senate and Terrill of the House was called up for consideration.

Senator Leftwich moved that **SB 1762** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 1762** 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, 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 passed.

**SB 1762** was referred for engrossment.

## **GENERAL ORDER**

**SB 1678** by Myers of the Senate and Richardson of the House was called up for consideration.

Senator Myers asked unanimous consent, which was granted, to suspend Senate Rule 12-4 as it pertains to **SB 1678**.

Senator Myers moved to amend **SB 1678**, Page 1, by restoring the title, which amendment was declared adopted.

Senator Myers moved that **SB 1678** be advanced, which motion was declared adopted.

## **THIRD READING**

**SB 1678** 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 1678** was referred for engrossment.

## **REPORT OF ENGROSSED AND ENROLLED MEASURES**

**HBs 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2381, 2401, 2411, 2421, 2431, 2433, 2435, 2445, 2455, 2461, 2491, 2497, 2499, 2501, 2505 and 2511** were each correctly engrossed and, together with engrossed **SAs**, properly signed and ordered returned to the Honorable House.

Senator Lamb moved that when the clerk's desk is clear, the Senate stand adjourned to convene Wednesday, February 17, 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 1635** – Transportation, coauthored by Billy (principal House author)

Ayes: Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Eason McIntyre, Garrison, Johnson (Constance), Justice, Leftwich, Marlatt, Myers, Schulz, Sweeden, Wyrick

**SB 1636** – Transportation, coauthored by Osborn (principal House author)

Ayes: Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Eason McIntyre, Garrison, Johnson (Constance), Justice, Leftwich, Marlatt, Myers, Schulz, Sweeden, Wyrick

**SB 1715** – Veterans and Military Affairs, coauthored by Osborn (principal House author)

Ayes: Barrington, Bass, Burrage, Reynolds, Russell

**SB 1812** – General Government, coauthored by Jackson (principal House author)

Ayes: Aldridge, Ballenger, Bass, Bingman, Crain, Johnson (Constance), Nichols, Sweeden, Wilson

**SB 1956** – Agriculture and Rural Development, coauthored by Armes (principal House author)

Ayes: Barrington, Crutchfield, Ellis, Garrison, Ivester, Justice, Schulz, Sykes, Wyrick

**SB 1989** – Retirement and Insurance, coauthored by Sullivan (principal House author)

Ayes: Aldridge, Ballenger, Bass, Brown, Corn, Leftwich, Russell, Sparks, Stanislawski

**SB 2042** – Retirement and Insurance, coauthored by Sullivan (principal House author)

Ayes: Aldridge, Ballenger, Bass, Brown, Corn, Leftwich, Russell, Sparks, Stanislawski

**SB 2045** – Retirement and Insurance, coauthored by Sullivan (principal House author)

Ayes: Aldridge, Ballenger, Bass, Brown, Leftwich, Russell, Sparks, Stanislawski

**SB 2074** – Retirement and Insurance, coauthored by Sullivan (principal House author)

Ayes: Ballenger, Bass, Brown, Corn, Russell, Sparks, Stanislawski

**SB 2137** – Transportation, coauthored by Billy (principal House author)

Ayes: Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Eason McIntyre, Garrison, Johnson (Constance), Justice, Leftwich, Marlatt, Myers, Schulz, Sweeden, Wyrick

DO PASS, As Amended:

**CS for SB 1365** – Tourism and Wildlife, coauthored by Russ (principal House author)  
Ayes: Anderson, Barrington, Eason McIntyre, Ellis, Ford, Garrison, Justice, Marlatt, Reynolds, Schulz, Sweeden, Wyrick

**CS for SB 1637** – Retirement and Insurance, coauthored by Billy (principal House author)  
Ayes: Aldridge, Ballenger, Bass, Brown, Corn, Russell, Sparks, Stanislawski

**SB 1857** – Agriculture and Rural Development, coauthored by Barrington and Burrage of the Senate, and coauthored by Sullivan (principal House author)  
Ayes: Barrington, Crutchfield, Ellis, Garrison, Ivester, Justice, Schulz, Sykes, Wyrick

**SB 1888** – Energy and Environment, coauthored by Thompson (principal House author)  
Ayes: Bingman, Branan, Brogdon, Coates, Crutchfield, Easley, Gumm, Ivester, Johnson (Mike), Myers, Rice, Sykes

**SB 1889** – Retirement and Insurance, coauthored by Sullivan (principal House author)  
Ayes: Aldridge, Ballenger, Bass, Brown, Corn, Russell, Sparks, Stanislawski

**SB 1903** – Retirement and Insurance, coauthored by Sullivan (principal House author)  
Ayes: Aldridge, Ballenger, Bass, Brown, Corn, Russell, Sparks, Stanislawski

**SB 1905** – Business and Labor, coauthored by Leftwich of the Senate, and coauthored by Armes (principal House author)  
Ayes: Adelson, Burrage, Coates, Leftwich, Myers, Newberry, Rice, Russell

**SB 1913** – Finance, coauthored by Peters (principal House author)  
Ayes: Adelson, Crutchfield, Ford, Gumm, Ivester, Johnson (Mike), Jolley, Nichols, Reynolds, Rice, Sparks, Stanislawski, Wilson  
Nays: Aldridge

**SB 1917** – Finance, coauthored by Banz (principal House author)  
Ayes: Adelson, Aldridge, Crutchfield, Ford, Gumm, Ivester, Johnson (Mike), Jolley, Nichols, Reynolds, Rice, Sparks, Stanislawski, Wilson

**SB 2130** – Retirement and Insurance, coauthored by Armes (principal House author)  
Ayes: Aldridge, Ballenger, Bass, Brown, Corn, Russell, Sparks, Stanislawski

**SB 2142** – Veterans and Military Affairs, coauthored by Banz (principal House author)  
Ayes: Barrington, Bass, Burrage, Ivester, Reynolds, Russell

FAILED:

**SB 1946** – Business and Labor

Ayes: Burrage, Leftwich, Myers, Rice

Nays: Adelson, Brogdon, Newberry, Russell

**SJR 62** – Business and Labor

Ayes: Adelson, Coates, Rice, Russell

Nays: Brogdon, Burrage, Leftwich, Myers, Newberry

Pursuant to the Lamb motion, the Senate adjourned at 2:40 p.m. to meet Wednesday, February 17, 2010, at 1:30 p.m.

#### **JOURNAL CORRECTION**

Page 327, 2<sup>nd</sup> line from the bottom: Deleting language “**SBs**” and inserting in lieu thereof the language “**HBs**”.