

Senate Journal

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

Eighth Legislative Day, Thursday, February 11, 2010

The Senate was called to order by Senator Sykes.

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 Sykes 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 MEASURES

SCRs 39 and **41** were each correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

UNANIMOUS CONSENT REQUEST WITHDRAWN FROM CALENDAR

Senator Lamb, on behalf of Senator Crain, asked unanimous consent, which was granted, that **SB 543** be stricken from the Calendar.

COMMITTEE ASSIGNMENT

Upon request of Senator Myers, Senator Lamb, moved that **SB 1622** be rereferred to the committee on Energy and Environment, which was the order.

CHANGE IN COMMITTEE ASSIGNMENTS

The following bills will be reassigned as follows:

- SB 499** – Withdrawn Appropriations and referred to Judiciary
- SB 847** – Withdrawn from Rules and referred to Judiciary
- SB 1334** – Withdrawn from Rules and referred to Agriculture and Rural Development
- SB 1656** – Withdrawn from Rules and referred to General Government
- SB 1752** – Withdrawn from Rules and referred to Appropriations
- SB 1876** – Withdrawn from Education and referred to Health and Human Services
- SB 1920** – Withdrawn from Judiciary and referred to Appropriations
- SB 1985** – Withdrawn from Rules and referred to Health and Human Services
- SB 2024** – Withdrawn from Rules and referred to Energy and Environment
- SB 2088** – Withdrawn from Rules and referred to Appropriations
- SB 2099** – Withdrawn from Rules and referred to Business and Labor
- SB 2219** – Withdrawn from Appropriations and referred to Judiciary
- SB 2290** – Withdrawn from Appropriations and referred to Judiciary
- SB 2298** – Withdrawn from Appropriations and referred to Judiciary

MESSAGE FROM THE HOUSE

Advising passage of and transmitting for consideration Engrossed **HBs 2292, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2365, 2366** and **2837**.

HB 2292 – By Duncan of the House and Russell of the Senate.

An Act relating to the militia; authorizing Adjutant General to receive certain donated or appropriated funds; authorizing the expenditure of certain funds for certain purposes; amending 44 O.S. 2001, Section 232.7, as amended by Section 5, Chapter 254, O.S.L. 2006 (44 O.S. Supp. 2009, Section 232.7), which relates to the management of armory board funds; providing authority for Adjutant General to expend certain funds for furnishings; adding certain facilities to locations under board control; providing for codification; and declaring an emergency.

HB 2350 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

(Constitutional Reserve Fund – appropriation – effective date – emergency)

HB 2351 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

(Constitutional Reserve Fund – appropriation – effective date – emergency)

HB 2352 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

(Constitutional Reserve Fund – appropriation - effective date - emergency)

HB 2353 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

(Oklahoma Health Care Authority – appropriations - effective date - emergency)

HB 2354 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

(education - appropriations - State Board of Education - effective date – emergency)

HB 2355 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

(Oklahoma State Regents for Higher Education – appropriations – effective date – emergency)

HB 2356 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

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

HB 2357 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

(public retirement systems – amending sections in various titles - Oklahoma Police Pension and Retirement Board - Legislative Service Bureau - effective date - emergency)

HB 2365 – By Miller, Martin (Scott) and Ritze of the House and Johnson (Mike) and Myers of the Senate.

(general appropriations - various agencies of the executive, legislative and judicial departments - Office of State Finance – expenditures - effective date)

HB 2366 – By Miller and Martin (Scott) of the House and Johnson (Mike) and Myers of the Senate.

(general appropriations - agencies of the executive, legislative and judicial departments - Legislative Service Bureau – expenditures - effective date)

HB 2837 – By Sears and Martin (Steve) of the House and Ford of the Senate.

An Act relating to crime stoppers; amending Section 1, Chapter 323, O.S.L. 2002 (12 O.S. Supp. 2009, Section 2510.1), which relates to privileged communications; clarifying definitions; adding definitions; amending 22 O.S. 2001, Section 991a, as last amended by Section 132, Chapter 234, O.S.L. 2009 (22 O.S. Supp. 2009, Section 991a), which relates to sentencing powers of the court; clarifying certain power of the court; adding definitions; amending 22 O.S. 2001, Section 1517, as last amended by Section 6, Chapter 178, O.S.L.

2009 (22 O.S. Supp. 2009, Section 1517), which relates to duties of the Oklahoma State Bureau of Investigation; clarifying certain duty; amending 74 O.S. 2001, Section 18b, which relates to duties of the Attorney General; deleting certification duty of the Attorney General; and providing an effective date.

The above-numbered measures were read the first time.

MESSAGE FROM THE HOUSE

Advising the Honorable Senate that the House of Representatives is ready to convene in Joint Session.

Senator Lamb moved that the Senate meet with the House in Joint Session, and that when the clerk's desk is clear, the Senate stand adjourned to convene Monday, February 15, 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 1394 – Transportation, coauthored by McDaniel (Randy) (principal House author)

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

SB 1697 – General Government, coauthored by Murphey (principal House author)

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

SB 1713 – Transportation, coauthored by Buck (principal House author)

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

SB 1785 – Transportation, coauthored by McCullough (principal House author)

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

SB 2008 – Judiciary, coauthored by Benge (principal House author)

Ayes: Anderson, Crain, Laster, Paddock, Sykes

DO PASS, As Amended:

SB 1396 – Finance, coauthored by Stanislawski of the Senate, and coauthored by Hickman (principal House author)

Ayes: Adelson, Aldridge, Crutchfield, Ford, Gumm, Ivester, Jolley, Nichols, Reynolds, Rice, Sparks, Stanislawski, Wilson

SB 1764 – Transportation, coauthored by Benge (principal House author)

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

SB 1816 – Finance, coauthored by Aldridge and Gumm of the Senate, and coauthored by Ownbey (principal House author)

Ayes: Adelson, Aldridge, Ford, Gumm, Ivester, Johnson (Mike), Jolley, Nichols, Reynolds, Stanislawski, Wilson

SB 2111 – Business and Labor, coauthored by Jones (principal House author)

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

SB 2196 – Judiciary, coauthored by Banz (principal House author)

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

FAILED:

SB 1931 – Business and Labor

Ayes: Adelson, Burrage, Leftwich, Rice

Nays: Coates, Myers, Newberry, Russell

SB 2185 – Business and Labor

Ayes: Burrage, Coates, Leftwich, Rice

Nays: Adelson, Myers, Newberry, Russell

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

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JOINT SESSION

The Second Joint Session of the Second Regular Session of the Fifty-second Legislature was called to order by the President of the Senate, Lieutenant Governor Jari Askins.

Senator Lamb moved that the attendance roll call of the Senate be considered the attendance roll call of the Senate in Joint Session, which motion was declared adopted.

Representative Jones moved that the attendance roll call of the House of Representatives be considered the attendance roll call of the House in Joint Session, which motion was declared adopted.

President Askins declared quorums of the Senate and House present and Joint Session duly assembled.

The invocation was offered by Veteran Jerry Riley.

The Pledge of Allegiance was lead by Sergeant at Arms Richard Devine.

Speaker Bengé, President Pro Tempore Coffee and Lieutenant Governor Askins addressed the Joint Session.

Pete Peterson, Veterans Council Chairman, addressed the Joint Session.

Senator Reynolds introduced the members of the Senate Veterans and Military Affairs committee. Representative Banz introduced the members of the House Veterans and Military Affairs committee.

The benediction was offered by Veteran Jerry Riley.

Upon motion of Representative Jones, the Joint Session was ordered dissolved at the hour of 10:20 a.m.