

HOUSE JOURNAL

Second Regular Session of the Fifty-first Legislature

of the State of Oklahoma

Thirty-ninth Legislative Day, Thursday, April 10, 2008

The House was called to order by Speaker Bengé.

The roll was called with 100 Members present.

The following Member was excused: Worthen.—1.

The Speaker declared a quorum present.

Prayer was offered by Dr. Andy Bowman, Keys Baptist Church, Park Hill.

The Journal for the last legislative day was approved.

ENGROSSED AND ENROLLED MEASURES

HAs to SBs 1139, 1587, 1672 and 1918 were reported correctly engrossed, properly signed, in open session, and the measures, as amended, were ordered returned to the Honorable Senate.

HBs 1647 and 2691 were reported correctly enrolled and, after fourth reading, properly signed, in open session, and ordered transmitted to the Honorable Senate.

HR 1065 was reported correctly enrolled, properly signed, in open session, and ordered transmitted to the Secretary of State.

SECOND READING

The following was read for the second time and referred to committee:

HJR 1105 – Direct To Calendar

GENERAL ORDER

SB 1399 by Sweeden of the Senate and Joyner of the House was read and considered.

Representative Joyner moved that **SB 1399** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 1399 was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Adkins, Armes, Auffet, Banz, BigHorse, Blackwell, Braddock, Brannon, Brown, Cannaday, Carey, Collins, Coody, Cooksey, Covey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Duncan, Ellis, Enns, Faught, Gilbert, Glenn, Hamilton, Hilliard, Hoskin, Hyman, Ingmire, Inman, Jackson, Jett, Johnson (Dennis), Jones, Jordan, Joyner, Kern, Kiesel, Lamons, Liebmann, Lindley, Luttrell, Martin (Steve), McAffrey, McCarter, McCullough, McDaniel (Jeannie), McDaniel (Randy), McMullen, McPeak, Miller, Morgan, Murphey, Nations, Peters, Peterson (Pam), Peterson (Ron), Piatt, Pittman, Proctor, Pruett, Renegar, Reynolds, Richardson, Roan, Rousselot, Schwartz, Sears, Shelton, Sherrer, Shoemake, Shumate, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Turner, Walker, Watson, Wesselhoft, Winchester, Wright, Mr. Speaker.--90.

Excused: Billy, Cargill, Harrison, Hickman, Johnson (Rob), Key, Martin (Scott), McNiel, Morrissette, Shannon, Worthen.--11.

The measure passed.

The Presiding Officer signed, in open session, Engrossed **SB 1399** and ordered same returned to the Honorable Senate.

GENERAL ORDER

SB 1404 by Brown et al of the Senate and Wright et al of the House was read and considered.

Coauthored by Representative(s) Hoskin, Kiesel, Carey, Sherrer

Representative Wright moved that **SB 1404** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 1404 was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Adkins, Armes, Auffet, Banz, BigHorse, Billy, Braddock, Brannon, Brown, Cannaday, Carey, Collins, Coody, Cooksey, Covey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Ellis, Enns, Faught, Gilbert, Glenn, Hamilton, Harrison, Hickman, Hilliard, Hoskin, Hyman, Ingmire, Inman, Jackson, Jett, Jones, Jordan, Kiesel, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCarter, McCullough, McDaniel (Jeannie), McDaniel (Randy), McMullen, McNiel, McPeak, Miller, Morgan, Nations, Peters, Peterson (Pam), Peterson (Ron), Piatt, Pittman, Proctor, Pruett, Renegar, Richardson, Roan, Rousselot, Schwartz, Sears, Shelton, Sherrer, Shumate, Smithson, Steele, Sullivan, Thomsen, Tibbs, Trebilcock, Turner, Walker, Watson, Winchester, Wright, Mr. Speaker.--83.

Nay: Duncan, Johnson (Dennis), Joyner, Kern, Key, Lindley, Murphey, Reynolds, Shannon, Terrill, Thompson, Wesselhoft.--12.

Excused: Blackwell, Cargill, Johnson (Rob), Morrissette, Shoemake, Worthen.--6.

The measure passed.

SB 1404 was referred for engrossment.

GENERAL ORDER

SB 1452 by Lamb of the Senate and Blackwell of the House was read and considered.

Representative Blackwell moved that **SB 1452** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 1452 was read at length for the third time. On passage of the measure and emergency, the roll call was as follows:

Aye: Adkins, Armes, Auffet, Banz, BigHorse, Billy, Blackwell, Braddock, Brannon, Brown, Cannaday, Carey, Cargill, Collins, Coody, Covey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Duncan, Ellis, Enns, Faught, Gilbert, Glenn, Hamilton, Harrison, Hickman, Hilliard, Hoskin, Hyman, Ingmire, Inman, Jackson, Jett, Johnson (Dennis), Johnson (Rob), Jones, Jordan, Joyner, Kern, Key, Kiesel, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCarter, McCullough, McDaniel (Jeannie), McDaniel (Randy), McMullen, McNiel, McPeak, Miller, Morrissette, Murphey, Nations, Peters, Peterson (Pam), Peterson (Ron), Piatt, Pittman, Proctor, Pruett, Renegar, Reynolds, Richardson, Roan, Rousselot, Schwartz, Sears, Shannon, Shelton, Sherrer, Shoemake,

Shumate, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Turner, Watson, Wesselhoft, Winchester, Wright, Mr. Speaker.--96.

Excused: Cooksey, Lindley, Morgan, Walker, Worthen.--5.

The measure and emergency passed.

SB 1452 was referred for engrossment.

POINT OF ORDER

Representative Covey raised a point of order pursuant to House Rule 8.11 that it is the duty of the Presiding Officer to rule on questions of germaneness for actions taken by a standing committee of the House.

The Presiding Officer ruled that pursuant to House Rule 7.4(b) it is the responsibility of the committee Chair to determine procedure in committee, including the authority of the Chair to make rulings on germaneness and therefore the point not well taken.

Representative Covey appealed the ruling of the Presiding Officer receiving the required 15 seconds.

"The question is, shall the decision of the Presiding Officer be the decision of the House? All those in favor signify by voting 'Aye'; those opposed 'Nay'. The vote is now in progress."

The decision of the Presiding Officer was upheld upon roll call as follows:

Aye: Adkins, Armes, Banz, Billy, Blackwell, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Duncan, Enns, Faught, Hickman, Ingmire, Jackson, Jett, Johnson (Dennis), Johnson (Rob), Jones, Jordan, Joyner, Kern, Key, Liebmann, Martin (Scott), Martin (Steve), McCullough, McDaniel (Randy), McNeil, Miller, Murphey, Peters, Peterson (Pam), Peterson (Ron), Piatt, Richardson, Schwartz, Sears, Shannon, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Watson, Wesselhoft, Wright, Mr. Speaker.--53.

Nay: Auffet, BigHorse, Braddock, Brannon, Brown, Cannaday, Carey, Collins, Covey, Dorman, Ellis, Gilbert, Glenn, Hamilton, Harrison, Hilliard, Hoskin, Hyman, Inman, Kiesel, Lamons, Lindley, Luttrell, McAffrey, McCarter, McDaniel (Jeannie), McMullen, McPeak, Morgan, Morrissette, Nations, Pittman, Proctor, Pruett, Renegar, Roan, Rousselot, Shelton, Sherrer, Shoemake, Shumate, Smithson, Turner, Walker.--44.

Excused: Cargill, Winchester, Worthen.--3.

Constitutional Priv: Reynolds.--1.

MOTION

Representative Piatt moved that the House stand at ease until 10:40 a.m., which was the order.

Speaker Pro Tempore Blackwell Presiding

MOTION

Representative Cox moved that the House stand at ease until 11:00 a.m., which was the order.

Speaker Pro Tempore Blackwell Presiding

GENERAL ORDER

SB 1190 by Wyrick of the Senate and Glenn of the House was read and considered.

Representative Glenn moved that **SB 1190** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 1190 was read at length for the third time. On passage of the measure and emergency, the roll call was as follows:

Aye: Adkins, Armes, Auffet, Banz, BigHorse, Billy, Blackwell, Braddock, Brannon, Brown, Cannaday, Carey, Cargill, Collins, Coody, Cooksey, Covey, Cox, Dank, Denney, DeWitt, Dorman, Duncan, Ellis, Enns, Faught, Gilbert, Glenn, Hamilton, Harrison, Hickman, Hilliard, Hoskin, Hyman, Ingmire, Inman, Jett, Johnson (Dennis), Johnson (Rob), Jones, Jordan, Joyner, Kiesel, Lamons, Liebmann, Lindley, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCarter, McCullough, McDaniel (Jeannie), McMullen, McNiel, McPeak, Miller, Morgan, Morrissette, Nations, Peters, Piatt, Pittman, Proctor, Pruett, Renegar, Richardson, Roan, Rousselot, Schwartz, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Turner, Walker, Watson, Mr. Speaker.--88.

Nay: Derby, Kern, Key, McDaniel (Randy), Murphey, Peterson (Pam), Reynolds, Wesselhoft, Wright.--9.

Excused: Jackson, Peterson (Ron), Winchester, Worthen.--4.

The measure and emergency passed.

SB 1190 was referred for engrossment.

RESOLUTION FOR CONSIDERATION

HCR 1073 was called up for consideration.

Authored by Senator Justice (principal Senate author)

Upon motion of Representative Johnson (Dennis), **HCR 1073** was considered and adopted.

HCR 1073 was referred for engrossment.

GENERAL ORDER

SB 1494 by Anderson et al of the Senate and Enns of the House was read and considered.

Coauthored by Representative(s) Sherrer, Dank

Representative Enns moved that **SB 1494** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 1494 was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Adkins, Armes, Auffet, Banz, BigHorse, Billy, Blackwell, Braddock, Brannon, Brown, Cannaday, Carey, Cargill, Collins, Coody, Cooksey, Covey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Duncan, Ellis, Enns, Faught, Gilbert, Glenn, Hamilton, Harrison, Hickman, Hoskin, Hyman, Ingmire, Inman, Jackson, Jett, Johnson (Dennis), Johnson (Rob), Jones, Jordan, Joyner, Kern, Key, Kiesel, Lamons, Liebmann, Lindley, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCarter, McCullough, McDaniel (Jeannie), McDaniel (Randy), McMullen, McNiel, McPeak, Miller, Morgan, Morrisette, Murphey, Nations, Peters, Peterson (Pam), Piatt, Pittman, Proctor, Pruett, Renegar, Reynolds, Richardson, Roan, Rousselot, Schwartz, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Turner, Walker, Watson, Wesselhoft, Wright, Mr. Speaker.--97.

Excused: Hilliard, Peterson (Ron), Winchester, Worthen.--4.

The measure passed.

SB 1494 was referred for engrossment.

GENERAL ORDER

SB 1435 by Sparks of the Senate and Peters of the House was read and considered.

Representative Peters moved that **SB 1435** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 1435 was read at length for the third time. On passage of the measure and emergency, the roll call was as follows:

Aye: Adkins, Armes, Auffet, Banz, BigHorse, Billy, Blackwell, Braddock, Brannon, Brown, Cannaday, Carey, Cargill, Collins, Coody, Cooksey, Covey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Duncan, Ellis, Enns, Faught, Gilbert, Glenn, Hamilton, Harrison, Hickman, Hoskin, Hyman, Ingmire, Inman, Jackson, Jett, Johnson (Dennis), Johnson (Rob), Jones, Jordan, Joyner, Kern, Key, Kiesel, Lamons, Liebmann, Lindley, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCarter, McDaniel (Jeannie), McDaniel (Randy), McMullen, McNiel, McPeak, Miller, Morgan, Morrissette, Murphey, Nations, Peters, Peterson (Pam), Peterson (Ron), Piatt, Pittman, Proctor, Pruett, Renegar, Richardson, Roan, Rousselot, Schwartz, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Turner, Walker, Watson, Wesselhoft, Mr. Speaker.--95.

Nay: McCullough, Reynolds, Wright.--3.

Excused: Hilliard, Winchester, Worthen.--3.

The measure and emergency passed.

The Presiding Officer signed, in open session, Engrossed **SB 1435** and ordered same returned to the Honorable Senate.

MOTION

Representative Martin (Scott) asked that the Journal reflect that had he been present in the Chamber, he would have voted aye on **SB 1399**, which was the order.

ENGROSSED AND ENROLLED MEASURE

HCR 1073 was reported correctly engrossed, properly signed, in open session, and ordered transmitted to the Honorable Senate.

MESSAGES FROM THE SENATE

Announcing the passage of **HBs 2522**, Coauthored by Senator(s) Garrison, Sparks, Johnson (Constance), Rice and Eason McIntyre, **2606, 2765** and **3354**.

The above-numbered measures were referred for enrollment.

Returning engrossed measures, as amended

Announcing the passage of and returning engrossed measures as amended – Remove Senator Crutchfield as (principal) Senate author and substitute with Senator Johnson (Mike), Coauthored by Senator Crutchfield and show Senator Myers as coauthor before Senator Adelson on the following bills: **HBs 2254, 2255, 2256, 2257, 2258, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2280, 2281, 2282, 2283, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438** and **2439**.

Senate amendments were read on the above numbered measures.

Returning engrossed measures, as amended

Announcing the passage of and returning engrossed measures as amended – Remove Senator Crutchfield as (principal) Senate author and substitute with Senator Johnson (Mike), Coauthored by Senator Crutchfield and show Senator Myers as coauthor before Senator Adelson and Coauthored by Representative Jones on the following bills: **HBs 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334** and **2335**.

Senate amendments were read on the above numbered measures.

Returning engrossed measures, as amended

Announcing the passage of and returning engrossed measures as amended – **HBs 2279**, Remove Senator Crutchfield as (principal) Senate author and substitute with Senator Johnson (Mike), Coauthored by Senator Crutchfield and show Senator Myers as coauthor before Senator Adelson, and Coauthored by Senator(s) Jolley, Bingman, Reynolds, Branan, Schulz, Aldridge, Barrington, Sykes, Lamb, Brown, Justice, Crain, Mazzei, Ford, Coates, Wilcoxson and Nichols, **2705** and **2758**, Coauthored by Senator Leftwich.

Senate amendments were read on the above numbered measures.

Returning enrolled measures

Announcing that Enrolled **HBs 1647** and **2691** have been read at length for the fourth time and signed by the Presiding Officer of Senate, in open session.

The above measures were ordered transmitted to the Honorable Governor.

Transmitting enrolled measures

Advising fourth reading of and transmitting for signature Enrolled **SBs 1435** and **1878**.

The above-numbered enrolled measures were, after fourth reading, properly signed and ordered returned to the Honorable Senate.

Transmitting enrolled measures

Advising the signing of and transmitting for signature Enrolled **SCRs 66** and **67**.

The above-numbered enrolled measures were properly signed and ordered returned to the Honorable Senate.

FIRST READING

The following was introduced and read for the first time:

HJR 1106 – By Tibbs.

A Joint Resolution disapproving permanent rules of the Oklahoma Used Motor Vehicle and Parts Commission; and directing distribution.

COMMITTEE REPORTS

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

DO PASS:

SB 1468 – Judiciary and Public Safety

SB 1575 – Economic Development and Financial Services

SB 2004 – Judiciary and Public Safety, Coauthored by Representative(s) Derby, McCullough, Tibbs

SB 2111 – Judiciary and Public Safety, Coauthored by Representative(s) Derby, Duncan

SJR 41 – Rules, Coauthored by Representative(s) Kiesel

DO PASS, As Amended:

CS for SB 906 – Judiciary and Public Safety

CS for SB 1392 – Appropriations and Budget

CS for SB 1440 – Judiciary and Public Safety

CS for SB 1600 – Judiciary and Public Safety, Coauthored by Representative(s) Inman

CS for SB 1625 – Judiciary and Public Safety

CS for SB 1842 – Appropriations and Budget

SB 1891 – Economic Development and Financial Services

CS for SB 1921 – Judiciary and Public Safety, Coauthored by Representative(s) Tibbs

SB 1960 – Judiciary and Public Safety

CS for SB 1980 – Economic Development and Financial Services, Coauthored by Representative(s) Derby

CS for SB 1994 – Judiciary and Public Safety

CS for SB 2001 – Judiciary and Public Safety, Remove Representative Blackwell as principal House author and substitute with Representative Johnson (Dennis), and Coauthored by Representative(s) Sullivan, Blackwell, Tibbs

CS for SB 2041 – Judiciary and Public Safety, Coauthored by Representative(s) Derby, Roan

CS for SB 2066 – Judiciary and Public Safety

SB 2131 – Economic Development and Financial Services, Remove Representative Sears as principal House author and substitute with Representative Peterson (Ron)

CS for SJR 36 – Rules, Remove Representative Sears as principal House author and substitute with Representative Johnson (Rob), and Coauthored by Representative(s) Sears, and Remove Senator Ford as principal Senate author and substitute with Senator Crain

Representative Piatt moved that when the clerk's desk is clear, the House stand adjourned to reconvene at 1:30 p.m., Monday, April 14, 2008, which was the order.

Pursuant to the motion of Representative Piatt, the House was adjourned at 11:40 a.m., to reconvene Monday, April 14, 2008, at 1:30 p.m.