

HOUSE JOURNAL

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

Fortieth Legislative Day, Monday, April 14, 2008

The House was called to order by Representative Armes.

The roll was called with 100 Members present.

The following Member was excused: Cargill.—1.

Representative Armes declared a quorum present.

Prayer was offered by Reverend Jason Elmore, Friday Nite Church, Bartlesville.
Reverend Elmore was sponsored by Representatives Martin (Steve) and Sears.

Upon motion of Representative Thompson, Reverend Elmore was confirmed as House Chaplain for this legislative day.

The Journal for the last legislative day was approved.

ENGROSSED AND ENROLLED MEASURES

HAs to SBs 1190, 1404, 1452 and 1494 were reported correctly engrossed, properly signed, in open session, and the measures, as amended, were ordered returned to the Honorable Senate.

HBs 2522, 2606, 2765 and 3354 were reported correctly enrolled and, after fourth reading, properly signed, in open session, and ordered transmitted to the Honorable Senate.

SECOND READING

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

HJR 1106 – Direct To Calendar

RESOLUTION

The following was introduced and read:

HCR 1075 – By Derby.

A Concurrent Resolution designating Carroll Shelby Day; recognizing achievements; and directing distribution.

CONFEREES NAMED

The Speaker named the following conferees:

HB 1379 – Ingmire, Peters, DeWitt, Sullivan, Peterson (Ron), Dorman, McCarter, Adkins, Watson, Martin (Scott), Jackson

CONFERENCE GRANTED

Upon motion of Representative Piatt, the House granted the request of the Honorable Senate for conference on the following measure and the Speaker named conferees:

SB 47 – Tibbs, Reynolds, Key, Kern, Peterson (Pam), Brannon, Ellis, Wright, Shoemake

GENERAL ORDER

SB 1381 by Wilson of the Senate and Auffet of the House was read and considered.

Representative Auffet moved that **SB 1381** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 1381 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, Collins, Coody, Cooksey, Covey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Duncan, Ellis, Enns, Faught, Gilbert, Glenn, Harrison, Hickman, Hilliard, Hoskin, Hyman, Ingmire, Inman, Jackson, Jett, Johnson (Dennis), Johnson (Rob), Jones, Jordan, Joyner, Key, Kiesel, Lamons, Liebmann, Lindley, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCarter, McCullough, McDaniel (Jeannie), McDaniel (Randy), McMullen, McNiel, McPeak, Miller, Morrisette, Murphey, Peters, Peterson (Pam), Piatt, Pittman, Proctor, Pruett, Renegar, Richardson, Roan, Schwartz, Sears, Shannon, Shelton,

Sherrer, Shoemake, Shumate, Smithson, Steele, Thompson, Thomsen, Tibbs, Trebilcock, Turner, Walker, Watson, Winchester, Wright, Mr. Speaker.--89.

Nay: Hamilton, Kern, Reynolds, Wesselhoft.--4.

Excused: Cargill, Morgan, Nations, Peterson (Ron), Rousselot, Sullivan, Terrill, Worthen.--8.

The measure and emergency passed.

SB 1381 was referred for engrossment.

GENERAL ORDER

SB 1856 by Branan of the Senate and Liebmann of the House as read and considered on Page 1136 was considered further.

Coauthored by Representative(s) Reynolds, Shelton

Representative Liebmann moved that **SB 1856** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 1856 was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Adkins, Armes, Banz, Billy, Blackwell, Braddock, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Duncan, Faught, Ingmire, Inman, Jackson, Johnson (Dennis), Johnson (Rob), Jones, Jordan, Joyner, Kern, Key, Kiesel, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McCullough, McDaniel (Randy), McMullen, McNiel, Miller, Morrissette, Murphey, Nations, Peters, Peterson (Pam), Peterson (Ron), Piatt, Proctor, Pruett, Reynolds, Richardson, Schwartz, Sears, Shannon, Shelton, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Watson, Wesselhoft, Winchester, Worthen, Wright, Mr. Speaker.--63.

Nay: Auffet, BigHorse, Brannon, Brown, Cannaday, Carey, Collins, Covey, Dorman, Ellis, Gilbert, Glenn, Hamilton, Harrison, Hickman, Hilliard, Hoskin, Hyman, Jett, Lamons, Lindley, McAffrey, McCarter, McDaniel (Jeannie), McPeak, Morgan, Pittman, Renegar, Roan, Rousselot, Shoemake, Shumate, Smithson, Turner, Walker.--35.

Excused: Cargill, Enns, Sherrer.--3.

The measure passed.

On passage of the emergency, the roll call was as follows:

Aye: Adkins, Armes, Banz, Billy, Blackwell, Coody, Cooksey, Cox, Denney, Derby, DeWitt, Duncan, Enns, Faught, Hickman, Inman, Jackson, Johnson (Dennis), Johnson (Rob), Jones, Jordan, Joyner, Kern, Key, Liebmann, Martin (Scott), Martin (Steve), McCullough, McDaniel (Randy), McMullen, McNiel, McPeak, Miller, Morgan, Murphey, Nations, Peters, Peterson (Pam), Peterson (Ron), Piatt, Reynolds, Richardson, Schwartz, Sears, Shannon, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Watson, Wesselhoft, Winchester, Worthen, Wright, Mr. Speaker.--58.

Nay: Auffet, BigHorse, Braddock, Brannon, Brown, Cannaday, Carey, Collins, Covey, Dorman, Ellis, Gilbert, Glenn, Hamilton, Harrison, Hilliard, Hoskin, Hyman, Ingmire, Jett, Kiesel, Lamons, McAffrey, McCarter, McDaniel (Jeannie), Morrissette, Pittman, Proctor, Pruett, Renegar, Roan, Rousselot, Shelton, Sherrer, Shoemake, Shumate, Smithson, Turner, Walker.--39.

Excused: Cargill, Dank, Lindley, Luttrell.--4.

The emergency failed.

SB 1856 was referred for engrossment.

GENERAL ORDER

SB 1822 by Eason McIntyre of the Senate and Blackwell of the House was read and considered.

Representative Blackwell moved that **SB 1822** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 1822 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, Collins, Coody, Cooksey, Covey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Duncan, Ellis, Enns, Faught, 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, Morgan, Morrissette, 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, Winchester, Worthen, Wright, Mr. Speaker.--97.

Excused: Cargill, Gilbert, Lindley, Peterson (Ron).--4.

The measure passed.

SB 1822 was referred for engrossment.

GENERAL ORDER

SB 1889 by Lamb of the Senate and Blackwell of the House was read and considered.

Representative Blackwell moved that **SB 1889** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 1889 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, Collins, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Duncan, Ellis, Enns, Faught, 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, Morgan, Murphey, Nations, Peters, Peterson (Pam), Peterson (Ron), Piatt, Pittman, Proctor, Pruett, Renegar, Reynolds, Richardson, Roan, Rousselot, Schwartz, Sears, Shannon, Sherrer, Shoemake, Shumate, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Turner, Walker, Watson, Wesselhoft, Winchester, Worthen, Wright, Mr. Speaker.--95.

Nay: Covey, Gilbert, Lindley, Morrissette, Shelton.--5.

Excused: Cargill.--1.

The measure passed.

SB 1889 was referred for engrossment.

GENERAL ORDER

SB 1662 by Barrington of the Senate and Jett of the House was read and considered.

Coauthored by Representative(s) Blackwell

Representative Jett moved that **SB 1662** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 1662 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, Collins, Coody, Cooksey, Covey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Duncan, Ellis, Enns, Faught, Glenn, Harrison, Hickman, Hilliard, Hoskin, Hyman, Ingmire, Inman, Jackson, Jett, Johnson (Dennis), Johnson (Rob), 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, 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, Walker, Watson, Wesselhoft, Winchester, Worthen, Wright, Mr. Speaker.--96.

Nay: Gilbert, Hamilton, Morrissette.--3.

Excused: Cargill, Jones.--2.

The measure passed.

SB 1662 was referred for engrossment.

GENERAL ORDER

SB 1663 by Sykes of the Senate and Reynolds et al of the House was read and considered.

Coauthored by Representative(s) McDaniel (Jeannie)

Representative Reynolds moved that **SB 1663** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 1663 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, Collins, Coody, Cooksey, Covey, Cox, Denney, Derby, DeWitt, Dorman, Duncan, Ellis, Enns, Faught, 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, Morgan, Morrissette, Murphey, Nations, Peters, Peterson (Pam), Peterson (Ron), Piatt, Pittman, Proctor, Pruett, Renegar, Reynolds, Richardson, Roan, Rousselot, Schwartz, Sears, Shannon, Sherrer, Shoemake, Shumate, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Turner, Walker, Watson, Wesselhoft, Winchester, Worthen, Wright, Mr. Speaker.--96.

Nay: Gilbert, Lindley, Shelton.--3.

Excused: Cargill, Dank.--2.

The measure passed.

The Presiding Officer signed, in open session, Engrossed **SB 1663** and ordered same returned to the Honorable Senate.

GENERAL ORDER

SB 1150 by Ford of the Senate and Tibbs of the House was read and considered.

Coauthored by Representative(s) Kern, Martin (Steve), Sears, Terrill

Representative Kiesel moved to amend **SB 1150** by striking the title, the enacting clause and the entire measure and inserting in lieu thereof a floor substitute.

Representative Worthen moved to table the Kiesel amendment, which tabling motion was declared adopted upon roll call as follows:

Aye: Adkins, Armes, Banz, Billy, Blackwell, Coody, Cox, Dank, Denney, Derby, DeWitt, Duncan, Enns, Faught, Hickman, Ingmire, Jackson, Jett, Johnson (Rob), Jones, Jordan, Joyner, Kern, Key, Liebmann, Martin (Scott), Martin (Steve), McCullough, McDaniel (Randy), McNiel, Miller, Murphey, Peters, Peterson (Pam), Peterson (Ron), Piatt, Reynolds, Richardson, Schwartz, Sears, Shannon, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Watson, Wesselhoft, Winchester, Worthen, Wright, Mr. Speaker.--54.

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, Morrisette, Nations, Pittman, Proctor, Pruett, Renegar, Roan, Rousselot, Shelton, Sherrer, Shoemake, Shumate, Smithson, Turner, Walker.--44.

Excused: Cargill, Cooksey, Johnson (Dennis).--3.

Representative Reynolds moved to amend **SB 1150** by striking the title, the enacting clause and the entire measure and inserting in lieu thereof a floor substitute.

Representative Worthen moved to table the Reynolds amendment, which tabling motion failed of adoption upon roll call as follows:

Aye: Adkins, Armes, Billy, Blackwell, Coody, Cooksey, Denney, DeWitt, Duncan, Hickman, Ingmire, Jones, Jordan, Liebmann, Martin (Scott), Martin (Steve), McCullough, McNiel, Murphey, Peters, Peterson (Pam), Peterson (Ron), Piatt, Richardson, Schwartz, Sears, Shannon, Steele, Sullivan, Thompson, Thomsen, Tibbs, Watson, Winchester, Worthen, Mr. Speaker.--36.

Nay: Auffet, Banz, BigHorse, Braddock, Brannon, Brown, Cannaday, Carey, Collins, Covey, Cox, Dank, Dorman, Ellis, Enns, Faught, Gilbert, Glenn, Hamilton, Harrison, Hilliard, Hoskin, Hyman, Inman, Joyner, Kern, Key, Kiesel, Lamons, Lindley, Luttrell, McAffrey, McCarter, McDaniel (Jeannie), McDaniel (Randy), McMullen, McPeak, Morgan, Morrisette, Pittman, Proctor, Pruett, Renegar, Reynolds, Roan, Rousselot, Shelton, Sherrer, Shoemake, Shumate, Smithson, Terrill, Trebilcock, Turner, Walker, Wesselhoft, Wright.--57.

Excused: Cargill, Derby, Jackson, Jett, Johnson (Dennis), Johnson (Rob), Miller, Nations.--8.

Representative Reynolds pressed adoption of the amendment, which amendment failed of adoption upon a division of the question.

Representative Tibbs moved that **SB 1150** be advanced from General Order, which motion was declared adopted.

Speaker Pro Tempore Blackwell Presiding

THIRD READING

SB 1150 was read at length for the third time. On passage of the measure, the roll call was 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), McNiell, Murphey, Peters, Peterson (Pam), Peterson (Ron), Piatt, Reynolds, Richardson, Schwartz, Sears, Shannon, Sherrer, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Watson, Wesselhoft, Winchester, Worthen, Wright, Mr. Speaker.--56.

Nay: Auffet, BigHorse, Braddock, Brannon, Brown, Cannaday, Carey, Collins, Covey, Dorman, Ellis, Gilbert, Glenn, Hamilton, Harrison, Hoskin, Hyman, Inman, Kiesel, Lamons, Lindley, Luttrell, McAffrey, McCarter, McDaniel (Jeannie), McMullen, McPeak, Morgan, Morrisette, Nations, Pittman, Proctor, Pruett, Renegar, Roan, Rousselot, Shelton, Shoemake, Shumate, Smithson, Turner, Walker.--42.

Excused: Cargill, Hilliard, Miller.--3.

The measure passed.

SB 1150 was referred for engrossment.

GENERAL ORDER

HJR 1105 by Piatt et al of the House was read and considered.

Authored by Senator Justice (principal Senate author)

Representative Johnson (Dennis) moved that **HJR 1105** be advanced from General Order, which motion was declared adopted.

THIRD READING

HJR 1105 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, Collins, Coody, Cooksey, Covey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Duncan, Ellis, Enns, Faught, Gilbert, Glenn, 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, McNiell, McPeak, Morgan, Morrisette, 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, Walker, Watson, Wesselhoft, Winchester, Wright, Mr. Speaker.--96.

Nay: Hamilton.--1.

Excused: Cargill, Hilliard, Miller, Worthen.--4.

The measure passed.

HJR 1105 was referred for engrossment.

GENERAL ORDER

SB 1421 by Sparks of the Senate and Peters et al of the House was read and considered.

Representative Peters moved that **SB 1421** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 1421 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, 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, Morgan, 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, Walker, Watson, Wesselhoft, Winchester, Worthen, Wright, Mr. Speaker.--98.

Excused: Cargill, Hilliard, Miller.--3.

The measure and emergency passed.

SB 1421 was referred for engrossment.

GENERAL ORDER

SB 1442 by Ballenger of the Senate and Shoemake et al of the House was read and considered.

Representative Shoemake moved that **SB 1442** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 1442 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, 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, Morgan, 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, Walker, Watson, Wesselhoft, Winchester, Mr. Speaker.--96.

Nay: Wright.--1.

Excused: Cargill, Hilliard, Miller, Worthen.--4.

The measure and emergency passed.

The Presiding Officer signed, in open session, Engrossed **SB 1442** and ordered same returned to the Honorable Senate.

GENERAL ORDER

SB 1567 by Branam of the Senate and Joyner of the House was read and considered.

Representative Reynolds moved to amend **SB 1567**, Page 2, Section 1, Line 14 by deleting after the word "person" and before the word "appointed" the words "elected or", which amendment was declared adopted.

Representative Joyner moved that **SB 1567** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 1567 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, 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, Morgan, 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, Walker, Watson, Wesselhoft, Winchester, Worthen, Wright, Mr. Speaker.--98.

Excused: Cargill, Hilliard, Miller.--3.

The measure passed.

SB 1567 was referred for engrossment.

GENERAL ORDER

SB 1673 by Barrington of the Senate and Ingmire of the House was read and considered.

Representative Ingmire moved to amend **SB 1673** by striking the title, the enacting clause and the entire measure and inserting in lieu thereof a floor substitute, which amendment was declared adopted.

Representative Ingmire moved that **SB 1673** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 1673 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, 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 (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, Morgan, Morrissette, Murphey, Nations, Peters, Peterson (Pam), Peterson (Ron), Piatt, Pittman, Proctor, Pruett, Renegar, Reynolds, Richardson, Roan, Rousselot, Schwartz, Sears, Shannon, Shelton, Sherrer, Shumate, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Turner, Walker, Watson, Wesselhoft, Winchester, Worthen, Wright, Mr. Speaker.--96.

Excused: Cargill, Hilliard, Johnson (Dennis), Miller, Shoemake.--5.

The measure and emergency passed.

SB 1673 was referred for engrossment.

GENERAL ORDER

SB 995 by Coates of the Senate and Morgan of the House was read and considered.

Coauthored by Representative(s) Cannaday, Collins

Representative Morgan moved that **SB 995** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 995 was read at length for the third time. On passage of the measure, the roll call was as follows:

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

Nay: Banz, Blackwell, Coody, Faught, Hyman, Kern, McCullough, Piatt, Reynolds, Shannon, Shelton, Thompson, Wesselhoft, Worthen, Wright.--15.

Excused: Cargill, Hilliard, Miller.--3.

The measure passed.

SB 995 was referred for engrossment.

GENERAL ORDER

SJR 29 by Ivester of the Senate and Morgan et al of the House was read and considered.

Coauthored by Representative(s) Collins

Representative Jones moved to suspend House Rules 8.5(d) and 8.6 for the purpose of offering a floor amendment, which motion was declared adopted upon roll call as follows:

Aye: Auffet, Banz, BigHorse, Blackwell, Braddock, Brannon, Cannaday, Carey, Collins, Coody, Cooksey, Covey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Duncan, Ellis, Enns, Gilbert, Glenn, Hamilton, Harrison, Hoskin, Hyman, Ingmire, Inman, Jackson, Jett, Johnson (Dennis), Jones, Jordan, Joyner, Key, Kiesel, Lamons, Liebmann, Lindley, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCarter, McDaniel (Jeannie), McDaniel (Randy), McMullen, McNiel, McPeak, Morgan, Morrissette, Murphey, Nations, Peters, Peterson (Pam), Peterson (Ron), Piatt, Pittman, Proctor, Pruett, Renegar, Roan, Rousselot, Schwartz, Sears, Shannon, Sherrer, Shoemake, Smithson, Steele, Sullivan, Terrill, Thomsen, Tibbs, Trebilcock, Turner, Walker, Watson, Winchester, Mr. Speaker.--81.

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

Excused: Adkins, Armes, Billy, Brown, Cargill, Faught, Hickman, Hilliard, Johnson (Rob), Kern, Miller, Richardson, Shelton, Shumate, Thompson, Wesselhoft, Worthen.--17.

Representative Morgan moved to amend **SJR 29** by striking the title, the enacting clause and the entire measure and inserting in lieu thereof a floor substitute.

Representative Jones moved to suspend House Rules 8.5(d) and 8.6 for the purpose of offering a floor amendment to the amendment, which motion was declared adopted upon roll call as follows:

Aye: Auffet, BigHorse, Billy, Blackwell, Braddock, Brannon, Cannaday, Carey, Collins, Cooksey, Covey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Duncan, Ellis, Enns, Gilbert, Glenn, Hamilton, Harrison, Hoskin, Hyman, Ingmire, Inman, Jackson, Johnson (Dennis), Johnson (Rob), Jones, Joyner, Key, Kiesel, Lamons, Liebmann, Lindley, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCarter, McDaniel (Jeannie), McDaniel (Randy), McMullen, McNiel, McPeak, Morgan, Morrissette, Murphey, Nations, Peters, Peterson (Pam), Peterson (Ron), Piatt, Pittman, Proctor, Pruett, Renegar, Roan, Rousselot, Schwartz, Sears, Shannon, Sherrer, Shoemake, Shumate, Smithson, Steele, Sullivan, Terrill, Thomsen, Tibbs, Trebilcock, Turner, Walker, Watson, Winchester, Wright, Mr. Speaker.--81.

Nay: Faught, Jett, McCullough, Wesselhoft, Worthen.--5.

Excused: Adkins, Armes, Banz, Brown, Cargill, Coody, Hickman, Hilliard, Jordan, Kern, Miller, Reynolds, Richardson, Shelton, Thompson.--15.

Representative Morgan moved to amend the floor substitute, Page 3, Section 1, Lines 11-13 by striking the language “The Legislature may establish volume limitations on the amount of wine that a winery may sell to package stores and restaurants.” and Line 17 by inserting after the word “that” the language “annually produces up to ten thousand (10,000) gallons of wine and”, which amendment was declared adopted.

Representative Morgan pressed adoption of the floor substitute, as amended, which amendment was declared adopted.

Representative Morgan moved that **SJR 29** be advanced from General Order, which motion was declared adopted.

THIRD READING

SJR 29 was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Armes, Auffet, Banz, BigHorse, Billy, Blackwell, Braddock, Brannon, Brown, Cannaday, Carey, Collins, Cooksey, Covey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Duncan, Ellis, Enns, Gilbert, Glenn, Hamilton, Harrison, Hickman, Hoskin, Hyman, Ingmire, Inman, Jackson, Jett, Johnson (Dennis), Johnson (Rob), Jones, Jordan, Joyner, 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), Pittman, Proctor, Pruett, Renegar, Richardson, Roan, Rousselot, Schwartz, Sears, Shannon, Sherrer, Shoemake, Shumate, Smithson, Steele, Sullivan, Terrill, Thomsen, Tibbs, Trebilcock, Turner, Walker, Watson, Winchester, Mr. Speaker.--87.

Nay: Coody, Faught, Kern, McCullough, Piatt, Reynolds, Shelton, Thompson, Wesselhoft, Worthen, Wright.--11.

Excused: Adkins, Cargill, Hilliard.--3.

The measure passed.

SJR 29 was referred for engrossment.

GENERAL ORDER

SB 1839 by Corn of the Senate and Sullivan of the House was read and considered.

Representative Sullivan moved that **SB 1839** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 1839 was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Auffet, Banz, BigHorse, Billy, Blackwell, Braddock, Brannon, Brown, Cannaday, Carey, Collins, Coody, Cooksey, Covey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Duncan, Ellis, Enns, Faught, Glenn, Harrison, 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, 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, Walker, Watson, Wesselhoft, Winchester, Worthen, Wright, Mr. Speaker.--94.

Nay: Hamilton.--1.

Excused: Adkins, Armes, Cargill, Gilbert, Hickman, Hilliard.--6.

The measure passed.

SB 1839 was referred for engrossment.

GENERAL ORDER

SB 1926 by Crain of the Senate and Winchester of the House was read and considered.

Representative Winchester moved that **SB 1926** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 1926 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, Collins, Coody, Cooksey, Covey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Duncan, Ellis, Enns, Faught, Glenn, Hamilton, Harrison, 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, Morrissette, Murphey, Nations, Peters, Peterson (Pam), Peterson (Ron), Piatt, Pittman, Proctor, Pruett, Renegar, Reynolds, Richardson, Roan, Rousselot, Schwartz, Sears, Shannon, Sherrer, Shoemake, Shumate, Smithson, Steele,

Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Turner, Walker, Watson, Wesselhoft, Winchester, Worthen, Wright, Mr. Speaker.--96.

Nay: Shelton.--1.

Excused: Cargill, Gilbert, Hickman, Hilliard.--4.

The measure passed.

SB 1926 was referred for engrossment.

GENERAL ORDER

SB 1553 by Gumm of the Senate and Jackson of the House was read and considered.

Representative Martin (Scott) moved to amend **SB 1553** by inserting new Sections 4-12 to read as follows:

“SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3316 of Title 74, unless there is created a duplication in numbering, reads as follows:

The Governor may, by executive order, designate a state agency as an enterprise agency. The designation of an enterprise agency shall be for a period of five (5) years. The purpose of designating an enterprise agency is to grant the agency relief from certain statutory provisions or agency rules as provided by this act upon a prior showing of projected savings resulting from such relief.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3317 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. Prior to each fiscal year, or as soon thereafter as possible, the Governor and each director of a designated enterprise agency shall enter into an annual enterprise agreement which shall set forth measurable organizational and budgetary goals for the director in key operational areas of the agency. The annual performance agreement shall be made public and a copy of the agreement shall be submitted to the House of Representatives and the Senate.

B. Except when contrary to the Oklahoma Constitution, the Governor may authorize the payment of a bonus to a director of an enterprise agency in an amount not in excess of fifteen percent (15%) of the director's annual rate of pay, based upon the Governor's evaluation of the director's performance in relation to the goals set forth in the annual performance agreement.

C. A director of an enterprise agency may authorize the payment of bonuses to employees of the enterprise agency in a total amount not in excess of fifteen percent (15%) of the individual employee's annual rate of pay, based upon the director's evaluation of the employees' performance.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3318 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. Except as otherwise provided by law, proceeds from the sale or lease of capital assets that are under the control of an enterprise agency shall be retained by the enterprise agency and used for such purposes within the scope of the responsibilities of the enterprise agency.

B. Notwithstanding any provision of law to the contrary, one-half (1/2) of all unencumbered or unobligated balances of appropriations made for each fiscal year of that fiscal period to the enterprise agency shall not revert to the State Treasury or to the credit of the funds from which the appropriations were made.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3319 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. Notwithstanding any provision of law to the contrary, an enterprise agency shall not be subject to any limitation relating to the number of or pay grade assigned to its employees, including any limitation on the number of full-time-equivalent positions.

B. An enterprise agency may waive personnel rules relating to hiring and may exercise the authority granted to the Office of Personnel Management concerning employees of the enterprise agency. The waiver of any statute or rule pursuant to this subsection shall be filed with the Office of Personnel Management and shall be available for public inspection.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3320 of Title 74, unless there is created a duplication in numbering, reads as follows:

An enterprise agency may waive any provision of the Oklahoma Central Purchasing Act and any administrative rule of the Department of Central Services regarding procurement, fleet management, printing and copying, or maintenance of buildings and grounds, and may exercise the authority of the Department of Central Services as it relates to the physical resources of the state. A waiver of a statute or rule pursuant to this subsection shall be filed with the Department of Central Services and made available for public inspection.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3321 of Title 74, unless there is created a duplication in numbering, reads as follows:

An enterprise agency may waive any provision of the Oklahoma Central Purchasing Act, any provision of Section 41.5a et seq. of Title 62 of the Oklahoma Statutes, and any administrative rule regarding the acquisition and use of information technology and may exercise the powers of the Department of Central Services and the Information Services Division of the Office of State Finance as it relates to information technology, except that the enterprise agency shall comply with Section 41.5e of Title 62 of the Oklahoma Statutes. A waiver of any statute or rule pursuant to this subsection shall be filed with the Department of Central Services and made available for public inspection.

SECTION 10. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3322 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. An enterprise agency may temporarily waive or suspend the provisions of any administrative rule if strict compliance with the rule impacts the ability of the enterprise agency to perform its duties in a more cost-efficient manner and the requirements of this subsection are met.

B. The procedure for granting a temporary waiver or suspension of any administrative rule shall be as follows:

1. The enterprise agency may waive or suspend a rule if the agency finds, based on clear and convincing evidence, all of the following:

a. the application of the rule poses an undue financial hardship on the agency,

b. the waiver or suspension from the requirements of a rule in the specific case would not prejudice the substantial legal rights of any person,

c. substantially equal protection of public health, safety, and welfare will be afforded by a means other than that prescribed in the particular rule for which the waiver or suspension is requested, and

d. the waiver or suspension would not result in a violation of due process, a violation of state or federal law, or a violation of the state or federal constitution;

2. If an enterprise agency proposes to grant a waiver or suspension, the enterprise agency shall draft the waiver or suspension so as to provide the narrowest exception possible to the provisions of the rule and may place any condition on the waiver or suspension that the enterprise agency finds desirable to protect the public health, safety, and welfare. The enterprise agency shall then submit the waiver or suspension to the Governor;

3. The Governor shall review the proposed waiver or suspension and may either take no action, affirmatively approve the waiver or suspension, delay the effective date of the waiver or suspension or reject the waiver or suspension.

a. The waiver or suspension shall become effective within ninety (90) days from the date of submission if the Governor approves or takes no action concerning the proposed waiver or suspension.

b. If the Governor delays the effective date of the waiver or suspension, but takes no further action to rescind the waiver or suspension, the proposed waiver or suspension shall become effective on the date to which the waiver or suspension was delayed.

c. The Governor shall notify the enterprise agency in writing of the action concerning the proposed waiver or suspension.

d. Rejection of the waiver or suspension by the Governor shall require that the enterprise agency fully comply with the rule; and

4. Copies of the grant or denial of a waiver or suspension under this subsection shall be filed and made available to the public by the agency.

C. A waiver or suspension granted pursuant to this section shall be for a period of time not to exceed twelve (12) months, and as determined by the applicable enterprise agency. A renewal of a temporary waiver or suspension granted pursuant to this section shall be granted or denied in the same manner as the initial waiver or suspension.

SECTION 11. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3323 of Title 74, unless there is created a duplication in numbering, reads as follows:

Each enterprise agency shall submit a written report to the Governor and the Legislature by December 31 of each year summarizing the activities of the enterprise agency for the preceding fiscal year. The report shall include information concerning the expenditures of the agency and the number of filled full-time-equivalent positions during the preceding fiscal year. The report shall include information relating to the actions taken by the agency pursuant to the authority granted by this act.

SECTION 12. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3324 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. An enterprise agency grant fund is created in the State Treasury under the control of the State Treasurer for the purpose of providing funding to support innovation by those state agencies designated as enterprise agencies in accordance with this act. Innovation purposes shall include but are not limited to training, development of outcome measurement systems, management system modifications, and other modifications associated with transition of operations to enterprise agency status. Moneys in the fund are appropriated to the Office of State Finance for the purposes described in this subsection.

B. An enterprise agency requesting a grant from the fund shall complete an application process designated by the Director of the Office of State Finance.

C. Notwithstanding any provision of law to the contrary, interest or earnings on moneys deposited in the enterprise agency grant fund shall be credited to the enterprise agency grant fund. Notwithstanding any provision of law to the contrary, moneys credited to the enterprise agency grant fund shall not revert to the fund from which they were appropriated at the close of a fiscal year.”

which amendment was declared adopted upon roll call as follows:

Aye: Adkins, Armes, Banz, Billy, Blackwell, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Enns, Faught, Hickman, Ingmire, Jackson, Jett, Johnson (Dennis), Johnson (Rob), Jones, Jordan, Joyner, 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, Watson, Wesselhoft, Winchester, Worthen, Mr. Speaker.--50.

Nay: Auffet, BigHorse, Braddock, Brannon, Brown, Cannaday, Carey, Collins, Covey, Dorman, Duncan, Ellis, Gilbert, Glenn, Hamilton, Harrison, Hoskin, Hyman, Inman, Kern, Key, Kiesel, Lamons, Lindley, Luttrell, McAffrey, McCarter, McDaniel (Jeannie), McMullen, McPeak, Morgan, Morrissette, Nations, Pittman, Proctor, Pruett, Renegar, Reynolds, Roan, Rousselot, Shelton, Sherrer, Shumate, Smithson, Trebilcock, Turner, Walker, Wright.--48.

Excused: Cargill, Hilliard, Shoemake.--3.

Representative Miller moved pursuant to House Rule 8.6(g) to amend **SB 1553** by striking the title, which amendment was declared adopted.

Representative Jackson moved that **SB 1553** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 1553 was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Adkins, Armes, Banz, Billy, Blackwell, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Enns, Faught, Hickman, Ingmire, Jackson, Jett, Johnson (Dennis), Johnson (Rob), Jones, Jordan, Joyner, Liebmann, Martin (Scott), Martin (Steve), McCullough, McDaniel (Randy), McNiel, Miller, Murphey, Peters, Peterson (Pam), Peterson (Ron), Piatt, Pruett, Richardson, Schwartz, Sears, Shannon, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Watson, Winchester, Worthen, Mr. Speaker.--51.

Nay: Auffet, BigHorse, Braddock, Brannon, Brown, Cannaday, Carey, Collins, Covey, Dorman, Duncan, Ellis, Gilbert, Glenn, Hamilton, Harrison, Hoskin, Hyman, Inman, Kern, Key, Kiesel, Lamons, Lindley, Luttrell, McAffrey, McCarter, McDaniel (Jeannie), McMullen, McPeak, Morgan, Morrissette, Nations, Pittman, Proctor, Renegar, Reynolds, Roan, Rousselot, Shelton, Sherrer, Shoemake, Shumate, Smithson, Turner, Walker, Wesselhoft, Wright.--48.

Excused: Cargill, Hilliard.--2.

The measure passed.

SB 1553 was referred for engrossment.

Representative Armes Presiding

GENERAL ORDER

SB 2086 by Laughlin of the Senate and Hickman of the House was read and considered.

Coauthored by Representative(s) Luttrell, Sherrer

Representative Hoskin moved to amend **SB 2086** by inserting a new Section 2 to read as follows, and renumbering subsequent section, which amendment was declared adopted:

“SECTION 2. AMENDATORY 47 O.S. 2001, Section 12-217, as amended by Section 34, Chapter 411, O.S.L. 2003 (47 O.S. Supp. 2007, Section 12-217), is amended to read as follows:

Section 12-217. A. As used in this article:

1. "Auxiliary driving lamp" means a lamp mounted to provide illumination to the front of a motor vehicle;

2. "Daytime running lamp" means a lamp mounted to provide illumination to the front of a motor vehicle that will assist to identify its presence to other vehicles and pedestrians at times other than those specified in subsection B of Section 12-201 of this title;

3. "Front fog lamp" means a lamp mounted to provide illumination to the front of a motor vehicle during conditions of rain, snow, fog, dust, or other atmospheric disturbances;

4. "Rear fog lamp" means a lamp mounted to provide illumination to the rear of a motor vehicle during conditions of rain, snow, fog, dust, or other atmospheric disturbances;

5. "Off-road lamp" means any lamp designed and manufactured solely for off-road use; and

6. "Spot lamp" means a movable lamp which emits a brilliant light with a focused beam for examining objects, street address numbers, and other things alongside the road.

B. Any motor vehicle may be equipped with not to exceed two spot lamps which shall not be used in substitution of headlamps.

C. The operator of any motor vehicle:

1. Which has in use a spot lamp shall, upon the approach of another vehicle from any direction within one thousand (1,000) feet, immediately turn said spot lamp off;

2. Shall not use or turn on a spot lamp when approaching or following another motor vehicle within one thousand (1,000) feet; and

3. Shall not use or turn on a spot lamp to cause a vehicle to yield right-of-way or stop.

The provisions of this subsection shall not apply to operators of authorized emergency vehicles.

D. 1. A motor vehicle may be equipped with not to exceed two front fog lamps or two rear fog lamps which shall only be used when visibility, as described in paragraphs 3 and 4 of subsection A of this section, is limited to one-half (1/2) mile or less.

2. Front fog lamps shall be mounted on the same level on opposite sides of the front of the vehicle at or below the level of the headlamps. Front fog lamps may be used with lower beam headlamps or switch controlled in conjunction with the headlamps and may be used, at the discretion of the driver, with either low or high beam headlamps. Front fog lamps shall not be used in substitution of headlamps, when headlamps are required.

E. A motor vehicle may be equipped with not to exceed two auxiliary driving lamps mounted at a height of more than forty-two (42) inches from the ground. ~~The auxiliary driving lamp or lamps shall only may be used in combination with and to supplement the lawful upper with lower beam of the headlamps and shall not be used alone or with the lawful lower beam of or switch controlled in conjunction with the headlamps and may be used, at the discretion of the driver, with either low or high beam headlamps.~~

F. Every fog lamp or auxiliary driving lamp used upon a motor vehicle shall be so adjusted and aimed that no part of the high intensity portion of the beam shall, at a distance of twenty-five (25) feet, rise above the horizontal plane passing through the center of the lamp.

G. Notwithstanding any other provision of law, a vehicle may be equipped with off-road lamps for use as headlamps while the vehicle is operated or driven off of a highway. The lamps shall be:

1. Mounted at a height of not less than forty-two (42) inches from the ground;

2. Wired independently of all other lighting; and

3. Turned off whenever the vehicle is operated or driven upon a highway.

- H. 1. A motor vehicle may be equipped with not to exceed two daytime running lamps which conform to 49 C.F.R., Section 571.108, S5.5.11.
2. Daytime running lamps shall not be used in substitution of headlamps.
 3. Daytime running lamps shall be mounted on the front of a motor vehicle and shall be wired to be:
 - a. automatically activated when the vehicle is started, and
 - b. automatically deactivated when the headlamp control is in any "on" position.”

Representative Hickman moved that **SB 2086** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 2086 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, 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, 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, Walker, Watson, Wesselhoft, Winchester, Worthen, Wright, Mr. Speaker.--99.

Excused: Cargill, Hilliard.--2.

The measure passed.

SB 2086 was referred for engrossment.

Speaker Pro Tempore Blackwell Presiding

GENERAL ORDER

SB 1819 by Coffee et al of the Senate and Bengé et al of the House was read and considered.

Remove as coauthor Representative Derby

Representative Sullivan moved to amend **SB 1819** by removing Sections 2 and 3, and renumbering subsequent sections, which amendment was declared adopted.

Representative Dorman moved to amend **SB 1819**, Page 8, Section 1 by inserting the following language, which amendment was declared adopted:

“(13) those explosives manufacturing businesses defined or classified in the NAICS Manual under Industry No. 32592,

(14) those search, detection, navigation, guidance, aeronautical and nautical system and instrument manufacturing businesses defined or classified in the NAICS Manual under Industry No. 334511,

(15) those guided missile and space vehicle manufacturing businesses classified in the NAICS Manual under Industry No. 336414,

(16) those guided missile and space vehicle propulsion unit and propulsion unit parts manufacturing businesses defined or classified in the NAICS Manual under Industry No. 336415,

(17) those military armored vehicle, tank and tank component manufacturing businesses defined or classified in the NAICS Manual under Industry No. 336992,

(18) those air transportation commercial air carrier businesses defined or classified in the NAICS Manual under Industry Group No. 481,

(19) those support activities for transportation defined or classified in the NAICS Manual under Industry Group No. 488, and

(20) those electronic and precision equipment repair and maintenance businesses defined or classified in the NAICS Manual under Industry No. 8112”

Representative Hickman moved to amend **SB 1819** by inserting new Sections 1 and 2, and renumbering subsequent sections.

Representative Hickman moved to amend his amendment, by deleting on Page 50 Section 1, Line 5 the word “all” and adding in lieu thereof the language “a maximum of One Hundred Thousand Dollars (\$100,000.00) of”; by deleting on Page 50, Section 1, Line 14 the language “sixty (60)” and adding in lieu thereof the language “thirty-six (36)”; Page 58, Section 2, Lines 3-6 by deleting Paragraph 2 in its entirety and inserting in lieu thereof a new Paragraph 2 to read as follows:

“2. “Tier 1 qualified employees” means a physician:

a. whose primary residence is in a qualifying rural area and who is employed as a physician in a qualifying rural area and whose compensation is equal to or in excess of the Tier 1 qualified compensation amount, and

b. whose primary residence for the year preceding the effective date of this section was not in a qualifying rural area and who was not employed as a physician in a qualifying rural area during the year preceding the effective date of this section; and”; by deleting on Page 58, Section 2, Line 13 the language “the amount of one hundred percent (100%) of” and inserting in lieu thereof the language “an amount not to exceed One Hundred Thousand Dollars (\$100,000.00) per taxable year for”; and by deleting on Page 58, Section 2, Line 15 the language “five (5)” and inserting in lieu thereof the language “three (3)”.

Representative Wright asked a ruling of the Presiding Officer whether the Hickman amendment to the amendment was in order without a fiscal impact statement, pursuant to House Rule 8.10(a).

The Presiding Officer ruled that the fiscal impact statement applicable to the Benge floor substitute was sufficient pursuant to the House Rule.

Representative Wright asked a ruling of the Presiding Officer if the Hickman amendment to the amendment was in order since it was the principal substance of **HB 1678**.

The Presiding Officer ruled that **HB 1678** had passed the House previously this session and therefore the point not well taken.

Representative Wright asked a ruling of the Presiding Officer whether the Hickman amendment to the amendment is germane to **SB 1819**.

The Presiding Officer ruled the point not well taken and the amendment to the amendment germane.

Representative Hickman pressed adoption of the amendment to the amendment, which amendment was declared adopted.

Representative Hickman moved adoption of the amendment, as amended, which amendment was declared adopted.

Representative Brown moved to amend **SB 1819** by adding new Sections 4 and 5, and by renumbering subsequent sections, which amendment was declared adopted.

Speaker Benge moved to amend **SB 1819** by striking the title, the enacting clause and the entire measure and inserting in lieu thereof a floor substitute, which amendment was withdrawn.

Representative Reynolds moved to amend **SB 1819** by striking the title, the enacting clause and the entire measure and inserting in lieu thereof a floor substitute.

Speaker Benge moved to table the Reynolds amendment, which tabling motion was declared adopted.

Representative Terrill moved to amend **SB 1819** pursuant to House Rule 8.6(g) by striking the title, which amendment was declared adopted upon roll call as follows:

Aye: Banz, Billy, Blackwell, Coody, Cooksey, Cox, Dank, Denney, Duncan, Enns, Faught, Hamilton, Harrison, Hoskin, Jackson, Jett, Johnson (Dennis), Johnson (Rob), Jones, Jordan, Kern, Key, Kiesel, Liebmann, Martin (Scott), McCullough, McDaniel (Randy), McMullen, Miller, Murphey, Nations, Peters, Peterson (Pam), Peterson (Ron), Piatt, Renegar, Reynolds, Rousselot, Schwartz, Sears, Shelton, Steele, Sullivan, Terrill, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wesselhoft, Worthen, Mr. Speaker.--52.

Nay: Adkins, Armes, Auffet, BigHorse, Braddock, Brannon, Brown, Cannaday, Carey, Collins, Covey, DeWitt, Dorman, Gilbert, Glenn, Hickman, Hyman, Ingmire, Inman, Joyner, Lindley, Martin (Steve), McAffrey, McCarter, McDaniel (Jeannie), McNiel, McPeak, Morgan, Proctor, Pruett, Richardson, Roan, Shannon, Shoemake, Smithson, Turner, Winchester, Wright.--38.

Excused: Cargill, Derby, Ellis, Hilliard, Lamons, Luttrell, Morrissette, Pittman, Sherrer, Shumate, Thompson.--11.

Representative Peters moved that **SB 1819** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 1819 was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Adkins, Armes, Auffet, Billy, Blackwell, Braddock, Brannon, Brown, Cannaday, Carey, Collins, Coody, Covey, Cox, Dank, Denney, DeWitt, Dorman, Enns, Glenn, Hickman, Hyman, Inman, Jackson, Jett, Johnson (Rob), Jones, Jordan, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McCarter, McCullough, McDaniel (Jeannie), McDaniel (Randy), McNiel, Miller, Morgan, Nations, Peterson (Ron), Piatt, Pittman, Proctor, Pruett, Richardson, Roan, Rousselot, Schwartz, Sears, Shoemake, Shumate, Smithson, Steele, Sullivan, Thompson, Thomsen, Tibbs, Trebilcock, Turner, Walker, Watson, Winchester, Worthen, Mr. Speaker.--66.

Nay: Banz, BigHorse, Cooksey, Derby, Duncan, Ellis, Faught, Gilbert, Hamilton, Harrison, Hoskin, Ingmire, Johnson (Dennis), Joyner, Kern, Key, Kiesel, Lindley, McAffrey, McMullen, McPeak, Morrissette, Murphey, Peters, Peterson (Pam), Renegar, Reynolds, Shannon, Shelton, Terrill, Wesselhoft, Wright.--32.

Excused: Cargill, Hilliard, Sherrer.--3.

The measure passed.

On passage of the emergency, the roll call was as follows:

Aye: Adkins, Armes, Auffet, Billy, Blackwell, Braddock, Brannon, Brown, Carey, Collins, Coody, Covey, Dank, Denney, DeWitt, Dorman, Enns, Gilbert, Glenn, Hickman, Hyman, Inman, Jackson, Jett, Johnson (Rob), Jones, Jordan, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCarter, McCullough, McDaniel (Jeannie), McDaniel (Randy), McNiel, Miller, Morgan, Morrissette, Nations, Peterson (Ron), Piatt, Pittman, Proctor, Pruett, Richardson, Roan, Rousselot, Schwartz, Sears, Shoemake, Shumate, Smithson, Steele, Sullivan, Thompson, Thomsen, Tibbs, Trebilcock, Turner, Walker, Watson, Winchester, Worthen, Mr. Speaker.--67.

Nay: Banz, BigHorse, Cannaday, Cooksey, Cox, Derby, Duncan, Ellis, Faught, Hamilton, Harrison, Hoskin, Ingmire, Johnson (Dennis), Joyner, Kern, Key, Kiesel, Lindley, McMullen, McPeak, Murphey, Peters, Peterson (Pam), Renegar, Reynolds, Shannon, Shelton, Terrill, Wesselhoft, Wright.--31.

Excused: Cargill, Hilliard, Sherrer.--3.

The emergency failed.

SB 1819 was referred for engrossment.

PENDING CONSIDERATION OF SAs

SAs to HB 2279 were called up for consideration.

Upon motion of Representative Miller, the House concurred in the **SAs to HB 2279**.

HB 2279, as amended by the Honorable Senate, was read at length for the fourth time and the roll was called on the measure and emergency as follows:

Aye: Adkins, Armes, Auffet, Banz, BigHorse, Billy, Blackwell, Braddock, Brannon, Brown, Cannaday, Carey, 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), 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), Peterson (Ron), Piatt, Pittman, Proctor, Pruett, Renegar, Reynolds, Richardson, Roan, Rousselot, Schwartz, Sears, Shannon, Shelton, Shoemake, Shumate, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Turner, Walker, Watson, Wesselhoft, Winchester, Worthen, Wright, Mr. Speaker.--97.

Excused: Cargill, Hilliard, Johnson (Rob), Sherrer.--4.

The measure and emergency passed.

Senate amendments were properly signed, in open session, and the above-numbered measure was referred for enrollment.

MESSAGES FROM THE SENATE

Announcing the passage of and returning engrossed measures as amended: **HBs 2470, 2474**, Coauthored by Senator Garrison, **2819, 3162** and **3239**, Coauthored by Senator Johnson (Constance) and Sparks.

Senate amendments were read on the above numbered measures.

Returning engrossed measures, as amended

Announcing the passage of **HBs 2641, 2667, 2693**, Coauthored by Senator(s) Sweeden, Gumm, Johnson (Constance) Garrison, **2749, 2969**, Coauthored by Senator(s) Rice, Easley, Adelson, Bass, Burrage, Corn, Crutchfield, Eason McIntyre, Garrison, Gumm, Ivester, Johnson (Constance), Laster, Leftwich, Lerblance, Morgan, Paddack, Riley, Rabon, Sparks, Sweeden, Wilson, Wyrick, **3031**, Coauthored by Senator(s) Crain, Sykes, Johnson (Constance), **3050, 3126**, Coauthored by Representative Shelton, **3164, 3198, 3303, 3365, 3397** and **HJR 1058**.

The above-numbered measures were referred for enrollment.

Returning enrolled measures

Announcing that Enrolled **HBs 2522, 2606** and **2765** 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.

Announcing that Enrolled **HB 3354** has been read at length for the fourth time and signed by the Presiding Officer of Senate, in open session.

The above measure was ordered transmitted to the Honorable Secretary of State.

Transmitting engrossed measure

Announcing the passage of the following engrossed measure.

The measure was introduced and read.

SCR 71 – By Morgan and Coffee of the Senate and Benge of the House.

A Concurrent Resolution relating to adjournment of the legislative session; modifying date on which the 2nd Session of the 51st Oklahoma Legislature will adjourn sine die.

Transmitting enrolled measure

Advising fourth reading of and transmitting for signature Enrolled **SB 1399**.

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

ENGROSSED AND ENROLLED MEASURES

HJR 1105 was reported correctly engrossed, properly signed, in open session, and ordered transmitted to the Honorable Senate.

COMMITTEE REPORTS

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

DO PASS:

SB 851 – Judiciary and Public Safety

DO PASS, As Amended:

CS for SB 74 – Judiciary and Public Safety

CS for SB 156 – Judiciary and Public Safety, Remove Representative Blackwell as principal House author and substitute with Representative Sullivan, and Coauthored by Representative(s) Cooksey, Derby

CS for SB 512 – Economic Development and Financial Services, Remove Representative Luttrell as principal House author and substitute with Representative Johnson (Rob), and Coauthored by Representative(s) Luttrell

CS for SB 1010 – Economic Development and Financial Services

CS for SB 1024 – Judiciary and Public Safety, Remove Representative Trebilcock as principal House author and substitute with Representative Sullivan, and Coauthored by Representative(s) Derby, Tibbs

CS for SB 1059 – Economic Development and Financial Services

CS for SB 1149 – Appropriations and Budget, Coauthored by Representative(s) Jett, Terrill

SB 1171 – Appropriations and Budget, Coauthored by Representative(s) Dorman

SB 1352 – Appropriations and Budget

SB 1364 – Appropriations and Budget

CS for SB 1396 – General Government and Transportation, Coauthored by Representative(s) Martin (Steve)

CS for SB 1406 – General Government and Transportation

CS for SB 1413 – Judiciary and Public Safety

CS for SB 1507 – Appropriations and Budget, Coauthored by Representative(s) Jett

SB 1511 – Appropriations and Budget, Coauthored by Representative(s) Dorman

CS for SB 1531 – Economic Development and Financial Services

CS for SB 1558 – Energy and Technology

CS for SB 1599 – General Government and Transportation

CS for SB 1604 – Energy and Technology
CS for SB 1618 – Appropriations and Budget
SB 1628 – Appropriations and Budget
CS for SB 1631 – Energy and Technology
CS for SB 1656 – Economic Development and Financial Services
CS for SB 1687 – Education, Coauthored by Representative(s) Shumate
SB 1714 – Energy and Technology
CS for SB 1738 – Education, Coauthored by Representative(s) Shumate
SB 1765 – Energy and Technology
CS for SB 1769 – Education
CS for SB 1789 – Economic Development and Financial Services
CS for SB 1807 – Energy and Technology
CS for SB 1865 – General Government and Transportation
CS for SB 1869 – Appropriations and Budget
CS for SB 1880 – Education, Coauthored by Representative(s) Kern
CS for SB 1881 – Education
CS for SB 1900 – General Government and Transportation
SB 1911 – Appropriations and Budget
CS for SB 1943 – Appropriations and Budget, Coauthored by Representative(s)

Dorman, Jett

CS for SB 1951 – Education
SB 1953 – Appropriations and Budget
CS for SB 1956 – Appropriations and Budget
CS for SB 1961 – Economic Development and Financial Services
SB 1968 – Appropriations and Budget
CS for SB 1985 – Energy and Technology, Coauthored by Representative(s)

McMullen

CS for SB 2007 – Judiciary and Public Safety
SB 2016 – Appropriations and Budget
SB 2034 – Appropriations and Budget
CS for SB 2037 – Education, Coauthored by Representative(s) Kern
CS for SB 2046 – General Government and Transportation
CS for SB 2070 – General Government and Transportation, Remove Representative

Collins as principal House author and substitute with Representative Hilliard, and Coauthored by Representative(s) Collins

CS for SB 2082 – Judiciary and Public Safety, Remove Representative Roan as principal House author and substitute with Representative Duncan

CS for SB 2093 – Appropriations and Budget
CS for SB 2100 – Education, Coauthored by Representative(s) Kern
CS for SB 2101 – Education, Coauthored by Representative(s) Shumate
CS for SB 2104 – Judiciary and Public Safety
CS for SB 2106 – Appropriations and Budget
CS for SB 2129 – Appropriations and Budget, Coauthored by Senator(s) Crain
CS for SB 2173 – General Government and Transportation

MESSAGES FROM THE GOVERNOR

Advising of his approval of **HBs 1647, 2533, 2539, 2557, 2674, 2691, 2760, 2958, 2974** and **3278** on April 11, 2008.

Representative Piatt moved that when the clerk's desk is clear, the House stand adjourned to reconvene at 9:30 a.m., Tuesday, April 15, 2008, which was the order.

Pursuant to the motion of Representative Piatt, the House was adjourned at 6:20 p.m., to reconvene Tuesday, April 15, 2008, at 9:30 a.m.