

HOUSE JOURNAL

First Regular Session of the Fifty-second Legislature

of the State of Oklahoma

Thirty-fourth Legislative Day, Monday, March 30, 2009

The House was called to order by Speaker Pro Tempore Steele.

The roll was called with 100 Members present.

The following Member was excused: Nations.—1.

The Speaker Pro Tempore declared a quorum present.

Prayer was offered by Reverend Bob Johns, First United Methodist Church, Vinita. Reverend Johns was sponsored by Representative Hoskin.

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

The Journal for the last legislative day was approved.

ENGROSSED AND ENROLLED MEASURES

HAs to SBs 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112 and 113 were reported correctly engrossed, properly signed, in open session, and the measures, as amended, were ordered returned to the Honorable Senate.

HR 1002 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 1049 – Administrative Rules and Agency Oversight

RESOLUTION

The following was introduced and read:

HCR 1017 – By Peters.

A Concurrent Resolution urging the Congress of the United States to support the Calling for 2-1-1 Act; and directing distribution.

GENERAL ORDER

SB 349 by Myers of the Senate and Richardson of the House was read and considered.

Representative Richardson moved that **SB 349** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 349 was read at length for the third time. On passage of the measure and emergency, the roll call was as follows:

Aye: Armes, Auffet, Bailey, Banz, Billy, Brannon, Brown, Buck, Cannaday, Carey, Christian, Collins, Coody, Cooksey, Dank, Denney, Derby, DeWitt, Dorman, Enns, Faught, Fields, Glenn, Hamilton, Harrison, Hickman, Holland, Hoskin, Inman, Jackson, Jett, Jones, Jordan, Joyner, Key, Kiesel, Kirby, Kouplen, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McDaniel (Jeannie), McDaniel (Randy), McMullen, McNiel, McPeak, Miller, Morgan, Morrissette, Murphey, Nations, Nelson, Osborn, Ownbey, Peters, Pittman, Proctor, Pruett, Renegar, Richardson, Roan, Rousselot, Sanders, Schwartz, Scott, Sears, Shannon, Sherrer, Shoemake, Shumate, Smithson, Steele, Sullivan, Terrill, Thompson, Tibbs, Walker, Watson, Wesselhoft, Williams, Wright (Harold), Mr. Speaker.--84.

Nay: Duncan, Kern, Peterson, Reynolds, Ritze, Wright (John).--6.

Excused: Blackwell, Cox, Hilliard, Johnson, McAffrey, McCullough, Moore, Ortega, Shelton, Thomsen, Trebilcock.--11.

The measure and emergency passed.

The Presiding Officer signed, in open session, Engrossed **SB 349** and ordered same returned to the Honorable Senate.

GENERAL ORDER

SB 1103 by Coffee et al of the Senate and Thompson et al of the House was read and considered.

Coauthored by Representative(s) Reynolds, Wright (Harold), Kern, Tibbs, McDaniel (Randy), Ownbey, Faught

Representative Thompson moved that **SB 1103** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 1103 was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Armes, Auffet, Bailey, Banz, Billy, Blackwell, Brannon, Brown, Buck, Cannaday, Carey, Christian, Collins, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Duncan, Enns, Faught, Fields, Glenn, Hamilton, Harrison, Hickman, Hilliard, Holland, Hoskin, Inman, Jackson, Jett, Johnson, Jones, Jordan, Joyner, Kern, Key, Kiesel, Kirby, Kouplen, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McCullough, McDaniel (Randy), McMullen, McNiel, Miller, Morgan, Morrissette, Murphey, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Renegar, Reynolds, Richardson, Ritze, Rousselot, Sanders, Schwartz, Scott, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wesselhoft, Williams, Wright (Harold), Wright (John), Mr. Speaker.--95.

Excused: McAffrey, McDaniel (Jeannie), McPeak, Moore, Nations, Roan.--6.

The measure passed.

SB 1103 was referred for engrossment.

GENERAL ORDER

SB 1134 by Jolley et al of the Senate and Duncan et al of the House was read and considered.

Coauthored by Representative(s) Kern

Representative Duncan moved that **SB 1134** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 1134 was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Armes, Auffet, Bailey, Banz, Billy, Blackwell, Brannon, Brown, Buck, Cannaday, Carey, Christian, Collins, Coody, Cooksey, Cox, Dank, Denney, Derby, Dorman, Duncan, Enns, Faught, Fields, Glenn, Hamilton, Harrison, Hickman, Hilliard, Holland, Hoskin, Inman, Jackson, Jett, Johnson, Jones, Jordan, Kern, Key, Kiesel, Kirby, Kouplen, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McCullough, McDaniel (Jeannie), McDaniel (Randy), McMullen, McPeak, Moore, Morgan, Morrisette, Murphey, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Renegar, Reynolds, Richardson, Ritze, Roan, Rousselot, Sanders, Schwartz, Scott, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wesselhoft, Williams, Wright (Harold), Wright (John), Mr. Speaker.--95.

Excused: DeWitt, Joyner, McAffrey, McNiell, Miller, Nations.--6.

The measure passed.

The Presiding Officer signed, in open session, Engrossed **SB 1134** and ordered same returned to the Honorable Senate.

GENERAL ORDER

SB 1178 by Nichols of the Senate and Terrill of the House was read and considered.

Representative Terrill moved that **SB 1178** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 1178 was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Armes, Auffet, Bailey, Banz, Billy, Blackwell, Brannon, Brown, Buck, Cannaday, Carey, Christian, Collins, Coody, Cooksey, Cox, Dank, Denney, Derby, Dorman, Duncan, Enns, Faught, Fields, Glenn, Hamilton, Harrison, Hickman, Hilliard, Holland, Hoskin, Inman, Jackson, Jett, Johnson, Jones, Jordan, Joyner, Kern, Key, Kiesel, Kirby, Kouplen, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCullough, McDaniel (Jeannie), McDaniel (Randy), McMullen, McNiell, McPeak, Miller, Moore, Morrisette, Murphey, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Renegar, Reynolds, Richardson, Ritze, Roan, Rousselot, Sanders, Schwartz, Scott, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Smithson, Steele, Sullivan,

Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wesselhoft, Williams, Wright (Harold), Wright (John), Mr. Speaker.--98.

Excused: DeWitt, Morgan, Nations.--3.

The measure passed.

The Presiding Officer signed, in open session, Engrossed **SB 1178** and ordered same returned to the Honorable Senate.

GENERAL ORDER

SB 406 by Crain of the Senate and Terrill of the House was read and considered.

Representative Terrill moved that **SB 406** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 406 was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Armes, Auffet, Bailey, Banz, Billy, Blackwell, Brannon, Brown, Buck, Cannaday, Carey, Christian, Collins, Coody, Cooksey, Cox, Dank, Denney, Derby, Dorman, Duncan, Enns, Faught, Fields, Glenn, Hamilton, Harrison, Hickman, Hilliard, Holland, Hoskin, Inman, Jackson, Jett, Johnson, Jones, Jordan, Joyner, Kern, Key, Kiesel, Kirby, Kouplen, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCullough, McDaniel (Jeannie), McDaniel (Randy), McMullen, McNiel, McPeak, Miller, Moore, Morgan, Morrissette, Murphey, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Renegar, Richardson, Roan, Rousselot, Sanders, Schwartz, Scott, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wesselhoft, Williams, Wright (Harold), Mr. Speaker.--96.

Nay: Reynolds, Ritze, Wright (John).--3.

Excused: DeWitt, Nations.--2.

The measure passed.

SB 406 was referred for engrossment.

GENERAL ORDER

SB 418 by Bass of the Senate and Armes of the House was read and considered.

Representative Armes moved that **SB 418** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 418 was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Armes, Auffet, Bailey, Banz, Billy, Blackwell, Brannon, Brown, Buck, Cannaday, Carey, Christian, Collins, Coody, Cooksey, Cox, Dank, Denney, Derby, Dorman, Duncan, Enns, Faught, Fields, Glenn, Hamilton, Harrison, Hickman, Hilliard, Holland, Hoskin, Inman, Jackson, Jett, Johnson, Jones, Jordan, Joyner, Kern, Key, Kirby, Kouplen, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCullough, McDaniel (Jeannie), McDaniel (Randy), McMullen, McNiel, McPeak, Miller, Moore, Morrissette, Murphey, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Renegar, Reynolds, Richardson, Ritze, Roan, Rousselot, Sanders, Schwartz, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wesselhoft, Williams, Wright (Harold), Wright (John), Mr. Speaker.--96.

Nay: Scott.--1.

Excused: DeWitt, Kiesel, Morgan, Nations.--4.

The measure passed.

SB 418 was referred for engrossment.

GENERAL ORDER

SB 636 by Justice of the Senate and Armes of the House was read and considered.

Representative Armes moved that **SB 636** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 636 was read at length for the third time. On passage of the measure and emergency, the roll call was as follows:

Aye: Armes, Auffet, Bailey, Banz, Billy, Blackwell, Brannon, Brown, Buck, Cannaday, Carey, Collins, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Duncan, Enns, Faught, Fields, Glenn, Hamilton, Harrison, Hickman, Hilliard, Holland, Hoskin, Inman, Jackson, Jett, Johnson, Jones, Jordan, Joyner, Kern, Key, Kiesel, Kirby, Kouplén, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCullough, McDaniel (Jeannie), McDaniel (Randy), McMullen, McNiel, McPeak, Miller, Moore, Morgan, Morrissette, Murphey, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Renegar, Reynolds, Richardson, Ritze, Roan, Rousselot, Sanders, Schwartz, Scott, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wesselhoft, Williams, Wright (Harold), Wright (John), Mr. Speaker.--99.

Excused: Christian, Nations.--2.

The measure and emergency passed.

The Presiding Officer signed, in open session, Engrossed **SB 636** and ordered same returned to the Honorable Senate.

GENERAL ORDER

SB 428 by Ellis of the Senate and Bailey of the House was read and considered.

Coauthored by Representative(s) Reynolds

Representative Bailey moved that **SB 428** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 428 was read at length for the third time. On passage of the measure and emergency, the roll call was as follows:

Aye: Armes, Auffet, Bailey, Banz, Billy, Blackwell, Brannon, Brown, Buck, Cannaday, Carey, Christian, Collins, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Duncan, Enns, Faught, Fields, Glenn, Hamilton, Harrison, Hickman, Hilliard, Holland, Hoskin, Inman, Jackson, Jett, Johnson, Jones, Jordan, Joyner, Kern, Key, Kiesel, Kirby, Kouplén, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCullough, McDaniel (Jeannie), McDaniel (Randy), McMullen, McNiel, McPeak, Miller, Moore, Morgan, Morrissette, Murphey, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Renegar, Reynolds, Richardson, Ritze, Roan, Rousselot, Sanders,

Schwartz, Scott, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wesselhoft, Williams, Wright (Harold), Wright (John), Mr. Speaker.--100.

Excused: Nations.--1.

The measure and emergency passed.

The Presiding Officer signed, in open session, Engrossed **SB 428** and ordered same returned to the Honorable Senate.

Representative Hickman Presiding

GENERAL ORDER

SB 611 by Anderson of the Senate and Duncan of the House was read and considered.

Representative Duncan moved that **SB 611** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 611 was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Armes, Billy, Blackwell, Coody, Cox, Dank, Denney, DeWitt, Duncan, Fields, Hickman, Holland, Jackson, Johnson, Jones, Jordan, Joyner, Liebmann, Luttrell, Martin (Steve), McCullough, McDaniel (Randy), McNiell, Murphey, Nelson, Osborn, Peters, Reynolds, Richardson, Roan, Rousselot, Schwartz, Shannon, Steele, Sullivan, Thomsen, Tibbs, Wesselhoft, Mr. Speaker.--39.

Nay: Auffet, Bailey, Banz, Brannon, Brown, Buck, Cannaday, Carey, Christian, Collins, Cooksey, Derby, Dorman, Enns, Faught, Glenn, Hamilton, Harrison, Hilliard, Hoskin, Inman, Jett, Kern, Key, Kiesel, Kirby, Kouplen, Lamons, Martin (Scott), McAffrey, McDaniel (Jeannie), McMullen, McPeak, Moore, Morgan, Morrissette, Ortega, Ownbey, Peterson, Pittman, Proctor, Pruett, Ritze, Sanders, Scott, Sears, Shelton, Sherrer, Shumate, Smithson, Terrill, Trebilcock, Watson, Williams, Wright (Harold), Wright (John).--56.

Excused: Miller, Nations, Renegar, Shoemake, Thompson, Walker.--6.

The measure failed.

Representative Duncan served notice to reconsider the vote whereby **SB 611** failed.

GENERAL ORDER

SB 757 by Burrage et al of the Senate and Steele of the House was read and considered.

Representative Steele moved that **SB 757** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 757 was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Armes, Auffet, Bailey, Banz, Billy, Blackwell, Brannon, Brown, Buck, Cannaday, Carey, Christian, Collins, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Duncan, Enns, Faught, Fields, Glenn, Hamilton, Harrison, Hickman, Hilliard, Holland, Hoskin, Inman, Jackson, Jett, Johnson, Jones, Jordan, Joyner, Kern, Key, Kiesel, Kirby, Kouplen, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCullough, McDaniel (Jeannie), McDaniel (Randy), McMullen, McNiel, McPeak, Miller, Moore, Morgan, Morrisette, Murphey, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Renegar, Reynolds, Richardson, Ritze, Roan, Rousselot, Sanders, Schwartz, Scott, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wesselhoft, Williams, Wright (Harold), Wright (John), Mr. Speaker.--100.

Excused: Nations.--1.

The measure passed.

SB 757 was referred for engrossment.

GENERAL ORDER

SB 712 by Gumm et al of the Senate and Roan et al of the House was read and considered.

Coauthored by Representative(s) Wright (John)

Representative Roan moved that **SB 712** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 712 was read at length for the third time. On passage of the measure and emergency, the roll call was as follows:

Aye: Armes, Auffet, Bailey, Banz, Billy, Blackwell, Brannon, Brown, Buck, Cannaday, Carey, Christian, Collins, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Duncan, Enns, Faught, Fields, Glenn, Hamilton, Harrison, Hickman, Hilliard, Holland, Hoskin, Inman, Jackson, Jett, Johnson, Jones, Jordan, Joyner, Kern, Key, Kiesel, Kouplen, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCullough, McDaniel (Jeannie), McDaniel (Randy), McMullen, McNiel, McPeak, Miller, Moore, Morgan, Morrissette, Murphey, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Renegar, Reynolds, Richardson, Ritze, Roan, Rousselot, Sanders, Schwartz, Scott, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wesselhoft, Williams, Wright (Harold), Wright (John), Mr. Speaker.--99.

Excused: Kirby, Nations.--2.

The measure and emergency passed.

The Presiding Officer signed, in open session, Engrossed **SB 712** and ordered same returned to the Honorable Senate.

RESOLUTION FOR CONSIDERATION

SCR 16 was called up for consideration.

Upon unanimous consent request of Representative Sullivan, all Members of the House were added as coauthors.

Upon motion of Representative Sullivan, **SCR 16** was considered and adopted.

SCR 16 was properly signed, in open session, by the Presiding Officer and ordered returned to the Honorable Senate.

MESSAGE FROM THE SENATE

Advising the signing of and transmitting for signature Enrolled **SCR 8**.

The above-numbered enrolled measure was properly signed and ordered returned 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, As Amended:

CS for SB 458 – Rules, Coauthored by Representative(s) Dorman

CS for SB 698 – Agriculture and Rural Development, Coauthored by Representative(s) McMullen

CS for SB 912 – Agriculture and Rural Development

APPOINTMENTS

March 23, 2009 – The Speaker announced the following appointments as Members of the Standing Committees of the National Conference of State Legislatures 2009-2010 term of the 52nd Oklahoma Legislature (Bylaws of the National Conference of State Legislatures):

Agriculture and Energy – Representatives Armes, DeWitt, Morgan, Osborn, Renegar, Thompson and Walker

Budgets and Revenue – Representatives Denney, Hickman, Hoskin, Martin (Scott) and Miller

Communications, Financial Services and Interstate Commerce – Representatives Carey, McDaniel (Randy), Moore, Ownbey and Shumate

Education – Representatives Brannon, Coody, Fields, Hilliard, Holland, Kern, Nations, Sears and Thomsen

Environment – Representatives Enns, Jett, Kouplen, McNeil, Richardson and Scott

Health – Representatives Buck, Cox, Nelson, Ritze and Steele

Human Services and Welfare – Representatives Bailey, Billy, Ortega, Peters, Peterson and Sherrer

Labor and Economic Development – Representatives Brown, Kirby, Shelton, Sullivan and Wright (Harold)

Law and Criminal Justice – Representatives Christian, Duncan, Inman, Jordan, Lamons, Martin (Steve), Roan and Smithson

Legislative Effectiveness – Representatives Auffet, Banz, Faught, Morrissette, Pruett and Wright (John)

Redistricting and Elections – Representatives Dorman, Jackson, Sanders, Terrill and Trebilcock

Transportation – Representatives Joyner, Liebmann, McMullen, Proctor, Schwartz and Shannon

Representative Jones moved that when the clerk's desk is clear, the House stand adjourned to reconvene at 9:00 a.m., Tuesday, March 31, 2009, which was the order.

Pursuant to the motion of Representative Jones, the House was adjourned at 3:25 p.m., to reconvene Tuesday, March 31, 2009, at 9:00 a.m.