

HOUSE JOURNAL

First Regular Session of the Fifty-second Legislature

of the State of Oklahoma

Thirty-fifth Legislative Day, Tuesday, March 31, 2009

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

The roll was called with 101 Members present.

The Speaker Pro Tempore declared a quorum present.

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

The Journal for the last legislative day was approved.

ENGROSSED AND ENROLLED MEASURES

HAs to SBs 406, 418, 757 and 1103 were reported correctly engrossed, properly signed, in open session, and the measures, as amended, were ordered returned to the Honorable Senate.

FIRST READING

The following was introduced and read for the first time:

HJR 1050 – By Dorman.

A Joint Resolution disapproving permanent rules of the Oklahoma Department of Labor; and directing distribution.

RESOLUTIONS

The following were introduced and read:

HCR 1018 – By Jones of the House and Burrage of the Senate.

A Concurrent Resolution recognizing the centennial of Rogers State University; extending commendation and appreciation to faculty, administrators, and staff; challenging Rogers State University to continue to enrich the lives of students; and directing distribution.

HCR 1019 – By Benge.

A Concurrent Resolution urging the United States Environmental Protection Agency to take regulatory steps that will encourage the use of natural gas vehicles; and directing distribution.

GENERAL ORDER

SB 413 by Brown of the Senate and Wright (John) of the House was read and considered.

Representative Wright (John) moved that **SB 413** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 413 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, DeWitt, Dorman, Duncan, Enns, Faught, Fields, Glenn, Hickman, Hilliard, Holland, Hoskin, Inman, Jackson, Johnson, Jones, Jordan, Joyner, Kern, Kiesel, Kirby, Kouplen, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCullough, McDaniel (Jeannie), McDaniel (Randy), McMullen, McPeak, Miller, Moore, Morgan, Morrissette, Murphey, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson, Proctor, Pruett, Renegar, Reynolds, Richardson, Ritze, Roan, Rousselot, Sanders, Schwartz, Sears, Shelton, Sherrer, Shoemake, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Walker, Watson, Wesselhoft, Williams, Wright (Harold), Wright (John), Mr. Speaker.--89.

Excused: Derby, Hamilton, Harrison, Jett, Key, McNiel, Nations, Pittman, Scott, Shannon, Shumate, Trebilcock.--12.

The measure passed.

SB 413 was referred for engrossment.

GENERAL ORDER

SB 248 by Ford et al of the Senate and Sears of the House was read and considered.

Coauthored by Representative(s) Fields

Representative Sears moved that **SB 248** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 248 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, Billy, Blackwell, Brannon, Brown, Buck, Cannaday, Carey, Christian, Collins, Coody, Cooksey, Cox, Dank, Denney, DeWitt, Dorman, Duncan, Enns, Faught, Fields, Glenn, Hamilton, Harrison, Hickman, Hilliard, Holland, Hoskin, Inman, Jackson, 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, Nations, Nelson, Ortega, Osborn, Peters, Peterson, 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.--95.

Excused: Banz, Derby, Jett, Ownbey, Pittman, Scott.--6.

The measure and emergency passed.

SB 248 was referred for engrossment.

GENERAL ORDER

SB 894 by Coffee et al of the Senate and Miller et al of the House was read and considered.

Representative Cooksey moved that **SB 894** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 894 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, Dank, Denney, DeWitt, Dorman, Duncan, Enns, Faught, Fields, Glenn, Hamilton, Harrison, Hickman, Hilliard, Holland, Hoskin, Inman, Jackson, 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, Nations, 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.--97.

Excused: Cox, Derby, Jett, Scott.--4.

The measure passed.

SB 894 was referred for engrossment.

RESOLUTION FOR CONSIDERATION

HCR 1016 was called up for consideration.

Coauthored by Representative(s) Faught

Authored by Senator Crain (principal Senate author)

Representative Morrissette raised a point of inquiry as to whether the Chair would extend the question and answer period prior to the House proceeding to debate on the adoption of the resolution.

The Presiding Officer stated that it is within the prerogative of the Chair to decide how much time is allowed for the question and answer period.

Representative Kiesel 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: Armes, Banz, Billy, Christian, Coody, Cooksey, Cox, Dank, Denney, DeWitt, Duncan, Enns, Faught, Fields, Hickman, Holland, Jackson, Jett, Johnson, Jones, Jordan, Joyner, Kern, Key, Kirby, Liebmann, Martin (Scott), Martin (Steve), McCullough, McDaniel (Randy), McNeil, Miller, Moore, Murphey, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson, Reynolds, Richardson, Ritze, Sanders, Schwartz, Sears, Shannon, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Watson, Wright (Harold), Wright (John), Mr. Speaker.--58.

Nay: Auffet, Bailey, Brannon, Brown, Buck, Cannaday, Carey, Collins, Dorman, Glenn, Hamilton, Harrison, Hilliard, Hoskin, Inman, Kiesel, Kouplen, Lamons, Luttrell, McAffrey, McDaniel (Jeannie), McMullen, McPeak, Morgan, Morrissette, Nations, Pittman, Proctor, Pruett, Renegar, Roan, Rousselot, Scott, Shelton, Sherrer, Shoemake, Shumate, Smithson, Walker, Williams.--40.

Excused: Blackwell, Derby, Wesselhoft.--3.

Representative Peters Presiding

Upon motion of Representative Wright (John), **HCR 1016** was considered and adopted upon a division of the question.

HCR 1016 was referred for engrossment.

GENERAL ORDER

SB 337 by Adelson of the Senate and Lamons of the House was read and considered.

Coauthored by Representative(s) Tibbs

Representative Lamons moved that **SB 337** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 337 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, DeWitt, Dorman, Duncan, Enns, Faught, Fields, Glenn, Hamilton, 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, Nations, 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: Derby, Harrison.--2.

The measure passed.

SB 337 was referred for engrossment.

GENERAL ORDER

SB 533 by Aldridge et al of the Senate and Sullivan of the House was read and considered.

Representative Sullivan moved that **SB 533** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 533 was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Auffet, Banz, Billy, Blackwell, Brannon, Brown, Cannaday, Carey, Christian, Collins, Coody, Cooksey, Cox, Dank, Denney, DeWitt, Duncan, Enns, Faught, Fields, Glenn, Hickman, Hilliard, Holland, Hoskin, Inman, Jackson, Jett, Johnson, Jones, Jordan, Joyner, Kern, Key, Kirby, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCullough, McDaniel (Jeannie), McDaniel (Randy), McMullen, McNiel, McPeak, Moore, Morgan, Murphey, Nations, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Renegar, Reynolds, Richardson, Ritze, Roan, Rousselot, Sanders, Schwartz, Scott, Sears, Shannon, Sherrer, Shoemake, Shumate, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wesselhoft, Williams, Wright (Harold), Wright (John), Mr. Speaker.--89.

Nay: Buck, Hamilton, Kiesel, Morrisette, Shelton.--5.

Excused: Armes, Bailey, Derby, Dorman, Harrison, Kouplen, Miller.--7.

The measure passed.

The Presiding Officer signed, in open session, Engrossed **SB 533** and ordered same returned to the Honorable Senate.

GENERAL ORDER

SB 564 by Wyrick of the Senate and Glenn of the House was read and considered.

Coauthored by Representative(s) Hoskin

Representative Glenn moved that **SB 564** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 564 was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Armes, Auffet, Banz, Billy, Brannon, Brown, Buck, Cannaday, Carey, Collins, Coody, Cooksey, Cox, Dank, Denney, DeWitt, Dorman, Duncan, Enns, Faught, Fields, Glenn, Hamilton, Hickman, Hilliard, Holland, Hoskin, Inman, Jackson, Jett, Johnson, Jones, Jordan, 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, Nations, 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, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wesselhoft, Williams, Wright (Harold), Wright (John), Mr. Speaker.--94.

Excused: Bailey, Blackwell, Christian, Derby, Harrison, Joyner, Sullivan.--7.

The measure passed.

SB 564 was referred for engrossment.

GENERAL ORDER

SB 592 by Ford of the Senate and Sears of the House was read and considered.

Representative Sears moved that **SB 592** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 592 was read at length for the third time. On passage of the measure and emergency, the roll call was as follows:

Aye: Armes, Auffet, Banz, Billy, Blackwell, Brannon, Brown, Buck, Cannaday, Carey, Christian, Collins, Coody, Cooksey, Cox, Dank, Denney, DeWitt, Dorman, Duncan, Enns, Faught, Fields, Glenn, Hamilton, 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, Nations, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Renegar, Reynolds, Richardson, Roan, Rousselot, Sanders, Schwartz, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Smithson, Steele, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wesselhoft, Williams, Wright (John), Mr. Speaker.--94.

Excused: Bailey, Derby, Harrison, Ritze, Scott, Sullivan, Wright (Harold).--7.

The measure and emergency passed.

SB 592 was referred for engrossment.

GENERAL ORDER

SB 964 by Paddock of the Senate and Cox et al of the House was read and considered.

Representative Cox moved that **SB 964** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 964 was read at length for the third time. On passage of the measure and emergency, the roll call was as follows:

Aye: Armes, Auffet, Banz, Billy, Blackwell, Brannon, Brown, Buck, Cannaday, Carey, Collins, Coody, Cooksey, Cox, Dank, Denney, DeWitt, Dorman, Duncan, Enns, Faught, Fields, Glenn, Hamilton, 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, Nations, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Reynolds, Richardson, Roan, Rousselot, Sanders, Schwartz, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Smithson, Steele, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wesselhoft, Williams, Wright (Harold), Wright (John), Mr. Speaker.--93.

Excused: Bailey, Christian, Derby, Harrison, Renegar, Ritze, Scott, Sullivan.--8.

The measure and emergency passed.

SB 964 was referred for engrossment.

MESSAGES FROM THE SENATE

Advising fourth reading of and transmitting for signature Enrolled **SBs 349, 428, 636, 712, 1134 and 1178**.

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

Transmitting enrolled measure

Advising the signing of and transmitting for signature Enrolled **SCR 16**.

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:

SB 303 – Energy and Utility Regulation, Remove Representative Thompson as principal House author and substitute with Representative Watson, and Coauthored by Representative(s) Thompson

SB 401 – Judiciary

SB 446 – Energy and Utility Regulation

SB 476 – Government Modernization

SB 699 – Judiciary

SB 745 – Judiciary, Coauthored by Representative(s) Cooksey

SB 871 – Government Modernization

DO PASS, As Amended:

CS for SB 342 – Judiciary

CS for SB 390 – Human Services, Coauthored by Representative(s) Nelson, McCullough

SB 411 – Human Services

SB 474 – Energy and Utility Regulation
SB 490 – Judiciary
CS for SB 518 – Judiciary, Coauthored by Representative(s) Nelson, Morgan
SB 546 – Public Health
CS for SB 615 – Judiciary
CS for SB 659 – Judiciary
CS for SB 672 – Judiciary
SB 887 – Judiciary
SB 889 – Judiciary
CS for SB 980 – Government Modernization
SB 989 – Judiciary
SB 990 – Government Modernization, Coauthored by Representative(s) Pittman
SB 1020 – Judiciary, Coauthored by Representative(s) Cooksey, McCullough
CS for SB 1029 – Human Services
CS for SB 1033 – Judiciary
CS for SB 1076 – Human Services
CS for SB 1125 – Judiciary
SB 1231 – Government Modernization

APPOINTMENTS

The Speaker announced the following appointments:

March 31, 2009 – Representative Nelson appointed as a Member and Co Chair of the Adoption Review Task Force, replacing Representative Cooksey. (**HB 2749**, Section 1, 2008)

March 31, 2009 – Representative McDaniel (Randy) appointed as a Member of the Oklahoma Suicide Prevention Council, replacing Representative Cooksey. (43A O. S. 12-104)

Representative Jones moved that when the clerk's desk is clear, the House stand adjourned to reconvene at 1:30 p.m., Wednesday, April 1, 2009, which was the order.

Pursuant to the motion of Representative Jones, the House was adjourned at 10:45 a.m., to reconvene Wednesday, April 1, 2009, at 1:30 p.m.