

# HOUSE JOURNAL

**First Regular Session of the Fifty-second Legislature**

**of the State of Oklahoma**

**Thirty-sixth Legislative Day, Wednesday, April 1, 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

**HCR 1016** was reported correctly engrossed, properly signed, in open session, and ordered transmitted to the Honorable Senate.

**HAs to SBs 248, 337, 413, 564, 592, 894 and 964** were reported correctly engrossed, properly signed, in open session, and the measures, as amended, were ordered returned to the Honorable Senate.

## RESOLUTIONS

The following were introduced and read:

**HR 1030** – By Billy.

A Resolution recognizing the service, valor, and dedication of the Choctaw Code Talkers of World War I; distribution.

**HR 1031** – By Billy.

A Resolution recognizing the service, valor, and dedication of the Choctaw Code Talkers of World War I; distribution.

**SECOND READING**

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

**HJR 1050** – Administrative Rules and Agency Oversight

**GENERAL ORDER**

**SB 388** by Burrage of the Senate and Sherrer of the House was read and considered.

Coauthored by Representative(s) Hoskin

Representative Sherrer moved that **SB 388** be advanced from General Order, which motion was declared adopted.

**THIRD READING**

**SB 388** 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, Harrison, Hickman, Hilliard, Holland, Hoskin, Inman, Jackson, Jett, Johnson, Jones, Jordan, Joyner, Kern, Kiesel, Kirby, Kouplun, 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, Richardson, Roan, Rousselot, Sanders, Schwartz, Scott, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wright (Harold), Mr. Speaker.--94.

Nay: Reynolds, Ritze, Wesselhoft, Wright (John).--4.

Excused: Derby, Key, Williams.--3.

The measure passed.

**SB 388** was referred for engrossment.

## GENERAL ORDER

**SB 473** by Ford of the Senate and Banz of the House was read and considered.

Representative Banz moved that **SB 473** be advanced from General Order, which motion was declared adopted.

## THIRD READING

**SB 473** 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, 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, 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, Wright (Harold), Wright (John), Mr. Speaker.--99.

Excused: Derby, Williams.--2.

The measure and emergency passed.

**SB 473** was referred for engrossment.

## RESOLUTION FOR CONSIDERATION

**HR 1031** was called up for consideration.

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

Upon motion of Representative Billy, **HR 1031** was considered and adopted.

**HR 1031** was referred for enrollment.

**GENERAL ORDER**

**SB 497** by Paddack et al of the Senate and McNiel et al of the House was read and considered.

Representative McNiel moved that **SB 497** be advanced from General Order, which motion was declared adopted.

**THIRD READING**

**SB 497** 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, 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, Kiesel, Kirby, Kouplun, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCullough, McDaniel (Jeannie), McDaniel (Randy), McMullen, McNiel, McPeak, Miller, Moore, Morgan, Morrissette, 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, Williams, Wright (Harold), Mr. Speaker.--92.

Nay: Key, Murphey, Nelson, Reynolds, Ritze, Wesselhoft, Wright (John).--7.

Excused: Christian, Nations.--2.

The measure passed.

**SB 497** was referred for engrossment.

**GENERAL ORDER**

**SB 4** by Ford et al of the Senate and Tibbs et al of the House was read and considered.

Coauthored by Representative(s) Reynolds, Martin (Steve), Nelson, Derby, Ortega, Wright (Harold), Moore

Representative Morrissette moved to amend **SB 4** by striking the title, the enacting clause and the entire measure and inserting in lieu thereof a floor substitute.

Representative Reynolds moved to table the Morrisette amendment, which tabling motion prevailed upon roll call as follows:

Aye: Armes, Banz, Billy, Blackwell, Christian, Coody, Cooksey, Dank, Denney, Derby, DeWitt, Duncan, Enns, Faught, Fields, Hickman, Holland, Jackson, Jett, Johnson, Jones, Jordan, Joyner, Kern, Kirby, Liebmann, Martin (Scott), Martin (Steve), McCullough, McDaniel (Randy), McNiel, Moore, Murphey, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson, Reynolds, Richardson, Ritze, Sanders, Sears, Shannon, Shumate, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Watson, Wesselhoft, Wright (Harold), Mr. Speaker.--57.

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

Excused: Cox, Miller, Nations, Schwartz.--4.

Representative Hamilton moved that **SB 4** be advanced from General Order, which motion was declared adopted upon a division of the question.

### **THIRD READING**

**SB 4** was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Armes, Banz, Billy, Blackwell, Carey, Christian, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Duncan, Enns, Faught, Fields, Hickman, Holland, Hoskin, Inman, Jackson, Jett, Johnson, Jones, Jordan, Joyner, Kern, Key, Kirby, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McCullough, McDaniel (Jeannie), McDaniel (Randy), McNiel, Miller, Moore, Murphey, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson, Proctor, Pruett, Reynolds, Richardson, Ritze, Sanders, Schwartz, Sears, Shannon, Sherrer, Steele, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Watson, Wesselhoft, Williams, Wright (Harold), Wright (John), Mr. Speaker.--71.

Nay: Auffet, Bailey, Brannon, Brown, Buck, Cannaday, Collins, Glenn, Hamilton, Harrison, Kiesel, Kouplen, McAffrey, McMullen, McPeak, Morgan, Morrisette, Pittman, Renegar, Roan, Rousselot, Scott, Shelton, Shoemake, Shumate, Smithson, Walker.--27.

Excused: Hilliard, Nations, Sullivan.--3.

The measure passed.

The Presiding Officer signed, in open session, Engrossed **SB 4** and ordered same returned to the Honorable Senate.

**GENERAL ORDER**

**SB 718** by Barrington et al of the Senate and Holland of the House was read and considered.

Representative Reynolds moved to amend **SB 718** by deleting Section 2, and by renumbering subsequent sections, which amendment was declared adopted.

Representative Reynolds moved to amend **SB 718** by deleting Section 3, and by renumbering subsequent sections, which amendment was declared adopted.

Representative Holland moved that **SB 718** be advanced from General Order, which motion was declared adopted.

**THIRD READING**

**SB 718** 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), 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.

Nay: McMullen.--1.

Excused: Nations.--1.

The measure and emergency passed.

**SB 718** was referred for engrossment.

## GENERAL ORDER

**SB 794** by Jolley of the Senate and Murphey of the House was read and considered.

Coauthored by Representative(s) Derby

Representative Murphey moved to amend **SB 794**, Page 1, Section 1, Line 7 by deleting the language “within one (1) calendar year from the date they are finalized” and by inserting in lieu thereof the language “after the adoption is finalized and prior to the time the adopted child reaches eighteen (18) years of age”, which amendment was declared adopted.

Representative Murphey moved that **SB 794** be advanced from General Order, which motion was declared adopted.

## THIRD READING

**SB 794** was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Armes, Bailey, Banz, Billy, Blackwell, Brannon, Carey, Christian, Collins, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Duncan, Enns, Faught, Fields, Glenn, Harrison, Hickman, Hilliard, Holland, Inman, Jackson, Jett, Johnson, Jones, Jordan, Joyner, Kern, Key, Kiesel, Kirby, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCullough, McDaniel (Jeannie), McDaniel (Randy), McMullen, McNiel, 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, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wesselhoft, Wright (Harold), Wright (John), Mr. Speaker.--90.

Nay: Auffet, Brown, Buck, Cannaday, Hamilton, Hoskin, Kouplen, McPeak, Williams.--9.

Excused: Nations, Thompson.--2.

The measure passed.

**SB 794** was referred for engrossment.

**GENERAL ORDER**

**SB 1146** by Jolley of the Senate and Jackson of the House was read and considered.

Representative Jackson moved that **SB 1146** be advanced from General Order, which motion was declared adopted.

**THIRD READING**

**SB 1146** 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, Buck, Cannaday, Carey, Collins, Coody, Cooksey, 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, Richardson, Roan, Rousselot, Sanders, Schwartz, Scott, Sears, Shannon, Sherrer, Shoemake, Shumate, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Williams, Wright (Harold), Wright (John), Mr. Speaker.--92.

Nay: Blackwell, Brown, Cox, Reynolds, Ritze, Shelton, Wesselhoft.--7.

Excused: Christian, Nations.--2.

The measure and emergency passed.

**SB 1146** was referred for engrossment.

**GENERAL ORDER**

**SB 527** by Ballenger et al of the Senate and Proctor of the House was read and considered.

Representative Proctor moved that **SB 527** be advanced from General Order, which motion was declared adopted.

### THIRD READING

**SB 527** 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, Collins, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Duncan, Enns, Faught, Fields, Glenn, Harrison, Hickman, Hilliard, Holland, Hoskin, Inman, Jackson, Jett, 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.--97.

Nay: Johnson.--1.

Excused: Christian, Hamilton, Nations.--3.

The measure passed.

**SB 527** was referred for engrossment.

### GENERAL ORDER

**SB 553** by Justice of the Senate and Osborn of the House was read and considered.

Representative Osborn moved that **SB 553** be advanced from General Order, which motion was declared adopted.

### THIRD READING

**SB 553** was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Armes, Blackwell, Christian, Coody, Cooksey, Cox, DeWitt, Enns, Faught, Fields, Hamilton, Hickman, Holland, Jackson, Jett, Jones, Jordan, Joyner, Kirby, Liebmann, Martin (Scott), Martin (Steve), McCullough, McDaniel (Jeannie), McDaniel (Randy), McNiel, Miller, Nelson, Ortega, Osborn, Ownbey, Peterson, Richardson, Sanders, Sears, Sherrer, Shumate, Steele, Sullivan, Thomsen, Tibbs, Watson, Wright (Harold), Mr. Speaker.--44.

Nay: Auffet, Bailey, Banz, Billy, Brannon, Brown, Buck, Cannaday, Carey, Collins, Dank, Denney, Derby, Dorman, Duncan, Glenn, Harrison, Hilliard, Hoskin, Inman, Johnson, Kern, Key, Kiesel, Kouplen, Lamons, Luttrell, McAffrey, McMullen, Morgan, Morrissette, Murphey, Peters, Pittman, Proctor, Pruett, Renegar, Reynolds, Ritze, Roan, Rousselot, Schwartz, Scott, Shannon, Shoemake, Smithson, Terrill, Thompson, Trebilcock, Walker, Wesselhoft, Williams, Wright (John).--53.

Excused: McPeak, Moore, Nations, Shelton.--4.

The measure failed.

Representative Osborn served notice to reconsider the vote whereby **SB 553** failed.

### **GENERAL ORDER**

**SB 585** by Ford of the Senate and Coody of the House was read and considered.

Representative Coody moved that **SB 585** be advanced from General Order, which motion was declared adopted.

### **THIRD READING**

**SB 585** 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, Kouplen, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCullough, McDaniel (Jeannie), McDaniel (Randy), McMullen, McNiel, Miller, 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.--98.

Excused: McPeak, Moore, Nations.--3.

The measure and emergency passed.

**SB 585** was referred for engrossment.

## MESSAGES FROM THE SENATE

Announcing the passage of **HB 1347**.

The above-numbered measure was referred for enrollment.

### Transmitting enrolled measure

Advising fourth reading of and transmitting for signature Enrolled **SB 533**.

The above-numbered enrolled measure was, after fourth reading, 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 269** – General Government

**SB 348** – General Government

**SB 432** – Agriculture and Rural Development

**SB 505** – General Government

**SB 582** – Common Education

**SB 668** – General Government, Coauthored by Representative(s) Scott

**SB 694** – Agriculture and Rural Development

DO PASS, As Amended:

**CS** for **HJR 1047** – Administrative Rules and Agency Oversight, Authored by Senator Burrage (principal Senate author)

**CS** for **SB 572** – Public Health, Coauthored by Representative(s) Cox

**SB 665** – Economic Development and Financial Services

**CS** for **SB 741** – Public Health

**CS** for **SB 817** – Administrative Rules and Agency Oversight

**CS** for **SB 934** – Public Health, Coauthored by Representative(s) Derby

**SB 1123** – Economic Development and Financial Services

**SB 1127** – Economic Development and Financial Services

**CS** for **SB 1133** – Public Health, Coauthored by Representative(s) Derby, Ritze

**SB 1182** – Economic Development and Financial Services

**RESOLUTION**

The following was introduced and read:

**HR 1032** – By Kiesel.

A Resolution opposing certain legislative practices by the leadership of the Oklahoma State Legislature.

**MESSAGE FROM THE GOVERNOR**

Advising of his approval of **HB 1618** on March 31, 2009.

Representative Thomsen moved that when the clerk's desk is clear, the House stand adjourned to reconvene at 9:00 a.m., Thursday, April 2, 2009, which was the order.

Pursuant to the motion of Representative Thomsen, the House was adjourned at 3:45 p.m., to reconvene Thursday, April 2, 2009, at 9:00 a.m.