

HOUSE JOURNAL

First Regular Session of the Fifty-second Legislature

of the State of Oklahoma

Thirty-seventh Legislative Day, Thursday, April 2, 2009

The House was called to order by Representative Peters.

The roll was called with 100 Members present.

The following Member was excused: McPeak.—1.

Representative Peters 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 388, 473, 497, 527, 585, 718, 794 and 1146 were reported correctly engrossed, properly signed, in open session, and the measures, as amended, were ordered returned to the Honorable Senate.

HB 1347 was reported correctly enrolled and, after fourth reading, properly signed, in open session, and ordered transmitted to the Honorable Senate.

HR 1031 was reported correctly enrolled, properly signed, in open session, and ordered transmitted to the Secretary of State.

GENERAL ORDER

SB 903 by Bass et al of the Senate and Roan of the House was read and considered.

Representative Roan moved that **SB 903** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 903 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, Brannon, Brown, Buck, Cannaday, Carey, Christian, Collins, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Duncan, Enns, Faught, Fields, Glenn, Hilliard, Holland, Hoskin, Inman, Jackson, Johnson, Jones, Jordan, Joyner, Kern, Key, Kirby, Kouplen, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCullough, McDaniel (Jeannie), McDaniel (Randy), McMullen, McNiel, Morgan, Morrisette, Murphey, Nations, Nelson, Ortega, Osborn, Ownbey, 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, Walker, Watson, Wesselhoft, Williams, Wright (Harold), Wright (John), Mr. Speaker.--89.

Excused: Blackwell, Hamilton, Harrison, Hickman, Jett, Kiesel, McPeak, Miller, Moore, Pittman, Scott, Trebilcock.--12.

The measure passed.

The Presiding Officer signed, in open session, Engrossed **SB 903** and ordered same returned to the Honorable Senate.

GENERAL ORDER

SB 670 by Aldridge of the Senate and Wright (John) of the House was read and considered.

Representative Wright (John) moved that **SB 670** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 670 was read at length for the third time. On passage of the measure and emergency, the roll call was as follows:

Aye: Armes, Bailey, Banz, Billy, Blackwell, Brannon, Cannaday, Carey, Christian, Collins, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Duncan, Enns, Faught, Fields, Glenn, Harrison, Hickman, Holland, Hoskin, Inman, Jackson, Jett, Johnson, Jones, Jordan, Joyner, Kern, Key, Kiesel, Kirby, Kouplen, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McCullough, McDaniel (Jeannie), McDaniel (Randy), McMullen, McNiell, Miller, Moore, Morgan, Nations, Nelson, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Renegar, Reynolds, Richardson, Ritze, 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: Auffet, Brown, Buck, Hamilton, Hilliard, McAffrey, Morrisette, Murphey, Roan, Shelton.--10.

Excused: McPeak, Ortega.--2.

The measure and emergency passed.

The Presiding Officer signed, in open session, Engrossed **SB 670** and ordered same returned to the Honorable Senate.

GENERAL ORDER

SB 609 by Lamb et al of the Senate and Sullivan et al of the House was read and considered.

Coauthored by Representative(s) Faught, Derby, Ritze

Representative Morrisette moved to suspend House Rule 8.6 for the purpose of allowing consideration of an untimely filed floor amendment, which motion failed of adoption upon roll call as follows:

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

Nay: Armes, Banz, Billy, Blackwell, Christian, Coody, Cooksey, Cox, Dank, Derby, DeWitt, Duncan, Enns, Faught, Fields, Hickman, Holland, Jackson, Jett, Johnson, Jordan, Joyner, Kern, Key, Martin (Scott), Martin (Steve), McCullough, McDaniel (Randy), McNiell, Moore, Murphey, Nelson, Osborn, Ownbey, Peters, Peterson, Reynolds,

Richardson, Ritze, Sanders, Schwartz, Sears, Shannon, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Watson, Wesselhoft, Wright (Harold), Wright (John), Mr. Speaker.--55.

Excused: Denney, Jones, Kirby, McPeak, Miller, Ortega.--6.

Representative Sullivan moved that **SB 609** be advanced from General Order, which motion was declared adopted.

During the course of debate Representative Sullivan raised a point of order stating that Representative Morrissette's debate was not on the merits of the bill.

The Presiding Officer ruled the point well taken.

Representative Kiesel moved to suspend House Rule 9.2(a) for purpose of allowing Representative Morrissette to debate an untimely amendment previously offered to the measure which was not considered by the House, which motion failed of adoption upon roll call as follows:

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

Nay: Armes, Banz, Billy, Blackwell, Christian, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Duncan, Enns, Faught, Fields, Hickman, Holland, Jackson, Jett, Johnson, Jones, Jordan, Joyner, Kern, Key, Liebmann, Martin (Scott), Martin (Steve), McCullough, McDaniel (Randy), McNiel, Miller, Moore, Murphey, Osborn, Ownbey, Peters, Peterson, Reynolds, Richardson, Ritze, Sanders, Schwartz, Sears, Shannon, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Watson, Wright (Harold), Mr. Speaker.--54.

Excused: Collins, Harrison, Kirby, McPeak, Ortega, Scott, Steele.--7.

During the course of Representative Inman's debate, Representative Reynolds raised a point of order stating that the suggestion of hypocrisy on the part of members who advocate adoption of other measures could be impugning the motives of the members.

The Presiding Officer ruled the point well taken and reminded members to exercise caution in their debate so as not to impugn the motives of members.

Representative Kiesel raised a point of clarification as to whether the Chair was ruling that use of the term "hypocrisy" constituted impugning.

The Presiding Officer stated that the Chair was only issuing a general reminder to members to be careful in their debate so as not to impugn the motives of the members.

THIRD READING

SB 609 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, Christian, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Duncan, Enns, Faught, Fields, Hickman, Holland, Jackson, Johnson, Jones, Jordan, Joyner, Kern, Key, Kirby, Lamons, Liebmann, Martin (Scott), Martin (Steve), McCullough, McDaniel (Randy), McNiel, Miller, Moore, Murphey, Nelson, Osborn, Ownbey, Peters, Peterson, Pruett, Reynolds, Richardson, Ritze, Rousselot, Sanders, Schwartz, Sears, Shannon, Shumate, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wesselhoft, Wright (Harold), Wright (John), Mr. Speaker.--65.

Nay: Auffet, Brannon, Brown, Buck, Cannaday, Carey, Collins, Dorman, Glenn, Hamilton, Harrison, Hilliard, Hoskin, Inman, Jett, Kiesel, Kouplen, Luttrell, McAffrey, McDaniel (Jeannie), McMullen, Morgan, Morrissette, Nations, Pittman, Proctor, Renegar, Roan, Scott, Shelton, Sherrer, Shoemake, Smithson, Williams.--34.

Excused: McPeak, Ortega.--2.

The measure passed.

SB 609 was referred for engrossment.

RESOLUTION FOR CONSIDERATION

HCR 1018 was called up for consideration.

Upon motion of Representative Jones, **HCR 1018** was considered and adopted.

HCR 1018 was referred for engrossment.

RECONSIDERATION

Representative Duncan moved to reconsider the vote whereby **SB 611** failed, which motion prevailed upon roll call as follows:

Aye: Armes, Billy, Blackwell, Christian, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Duncan, Faught, Fields, Hickman, Holland, Jackson, Johnson, Jones, Jordan, Joyner, Kern, Key, Kirby, Liebmann, Martin (Scott), Martin (Steve), McCullough, McDaniel (Randy), Miller, Murphey, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson, Reynolds, Richardson, Rousselot, Sanders, Schwartz, Sherrer, Steele, Sullivan, Terrill, Thomsen, Tibbs, Watson, Wesselhoft, Wright (Harold), Mr. Speaker.--52.

Nay: Auffet, Bailey, Banz, Brannon, Brown, Buck, Cannaday, Carey, Collins, Dorman, Enns, Glenn, Harrison, Hilliard, Hoskin, Inman, Jett, Kiesel, Kouplen, Lamons, Luttrell, McAffrey, McDaniel (Jeannie), McMullen, Moore, Morgan, Morrisette, Pittman, Proctor, Pruett, Renegar, Ritze, Roan, Scott, Sears, Shannon, Shoemake, Shumate, Smithson, Trebilcock, Walker, Williams, Wright (John).--43.

Excused: Hamilton, McNiell, McPeak, Nations, Shelton, Thompson.--6.

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, Christian, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Duncan, Enns, Fields, Hamilton, Hickman, Holland, Jackson, Johnson, Jones, Jordan, Joyner, Key, Liebmann, Martin (Scott), Martin (Steve), McCullough, McDaniel (Randy), McNiell, Miller, Murphey, Nelson, Osborn, Peters, Peterson, Reynolds, Richardson, Roan, Sanders, Schwartz, Shannon, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Watson, Wesselhoft, Wright (Harold), Mr. Speaker.--51.

Nay: Auffet, Bailey, Banz, Brannon, Brown, Buck, Cannaday, Carey, Collins, Dorman, Faught, Glenn, Harrison, Hilliard, Hoskin, Inman, Jett, Kern, Kiesel, Kirby, Kouplen, Luttrell, McAffrey, McDaniel (Jeannie), McMullen, Moore, Morgan, Morrisette, Ownbey, Pittman, Proctor, Pruett, Renegar, Ritze, Scott, Sears, Sherrer, Shoemake, Shumate, Smithson, Trebilcock, Walker, Williams, Wright (John).--44.

Excused: Lamons, McPeak, Nations, Ortega, Rousselot, Shelton.--6.

The measure passed.

SB 611 was referred for engrossment.

GENERAL ORDER

SB 800 by Sykes of the Senate and Murphey of the House was read and considered.

Coauthored by Representative(s) Reynolds

Representative Murphey moved that **SB 800** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 800 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, Buck, Christian, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Duncan, Enns, Faught, Fields, Hamilton, Harrison, Hickman, Holland, Jackson, Jett, Johnson, Jones, Jordan, Joyner, Kern, Key, Kirby, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McCullough, McDaniel (Randy), McMullen, McNiel, Miller, Moore, Murphey, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson, Pruett, Renegar, Reynolds, Richardson, Ritze, Sanders, Schwartz, Scott, Sears, Shannon, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wesselhoft, Wright (Harold), Wright (John), Mr. Speaker.--72.

Nay: Auffet, Brannon, Brown, Cannaday, Carey, Collins, Glenn, Hilliard, Hoskin, Inman, Kiesel, Kouplen, Lamons, McAffrey, McDaniel (Jeannie), Morgan, Morrissette, Nations, Pittman, Proctor, Roan, Rousselot, Sherrer, Shoemake, Shumate, Smithson, Williams.--27.

Excused: McPeak, Shelton.--2.

The measure passed.

SB 800 was referred for engrossment.

GENERAL ORDER

SB 798 by Sykes of the Senate and McCullough of the House was read and considered.

Coauthored by Representative(s) Shumate

Representative McCullough moved that **SB 798** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 798 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, Cannaday, Carey, Christian, Collins, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Duncan, Enns, Faught, Fields, Hamilton, Harrison, 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, McNiel, Moore, Morgan, Morrissette, Murphey,

Nations, 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, Wright (Harold), Wright (John), Mr. Speaker.--90.

Nay: Buck, Glenn, Key, Reynolds, Ritze.--5.

Excused: Jett, McPeak, Miller, Shelton, Wesselhoft, Williams.--6.

The measure passed.

SB 798 was referred for engrossment.

GENERAL ORDER

SB 730 by Laster of the Senate and Steele of the House was read and considered.

Representative Steele moved that **SB 730** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 730 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, Kouplén, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCullough, McDaniel (Jeannie), McDaniel (Randy), McMullen, McNiel, 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, Sherrer, Shoemake, Shumate, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wright (Harold), Wright (John), Mr. Speaker.--96.

Excused: McPeak, Miller, Shelton, Wesselhoft, Williams.--5.

The measure passed.

The Presiding Officer signed, in open session, Engrossed **SB 730** and ordered same returned to the Honorable Senate.

MOTION

Representative Wesselhoft asked that the Journal reflect that had he been present in the Chamber, he would have voted aye on **SB 730** and **SB 800**, which was the order.

MOTION

Representative Ortega asked that the Journal reflect that had he been present in the Chamber, he would have voted aye on **SB 609** and **SB 670**, which was the order.

MOTION

Representative Ritze asked that the Journal reflect that had he been present in the Chamber, he would have voted aye on **SB 592** and **SB 964**, which was the order.

MESSAGES FROM THE SENATE

Announcing that Enrolled **HB 1347** 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 Governor.

Transmitting enrolled measure

Advising fourth reading of and transmitting for signature Enrolled **SB 4**.

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

RESOLUTION

The following was introduced and read:

HR 1033 – By Armes.

A Resolution relating to agriculture; proclaiming April 6, 2009, as 4-H Day at the Capitol; designating 2009 as the Centennial Anniversary of 4-H in Oklahoma; commending the Oklahoma 4-H program for its 100 years of service to this state.

COMMITTEE REPORTS

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

DO PASS:

- SB 54** – Transportation
- SB 399** – Transportation
- SB 662** – Transportation, Coauthored by Representative(s) Bengé
- SB 1161** – Public Safety
- SB 1168** – Rules
- SJR 24** – Rules
- SJR 35** – Rules

DO PASS, As Amended:

- CS for SB 256** – International Relations and Tourism
- CS for SB 257** – Higher Education and Career Tech
- CS for SB 290** – Higher Education and Career Tech
- CS for SB 293** – Energy and Utility Regulation
- CS for SB 301** – Energy and Utility Regulation
- CS for SB 335** – Public Safety
- CS for SB 394** – Common Education
- CS for SB 431** – General Government
- CS for SB 449** – Economic Development and Financial Services
- CS for SB 539** – Public Safety
- CS for SB 604** – Common Education
- CS for SB 645** – Economic Development and Financial Services
- CS for SB 679** – Energy and Utility Regulation
- CS for SB 700** – Economic Development and Financial Services
- CS for SB 803** – Public Safety
- CS for SB 812** – Economic Development and Financial Services
- CS for SB 834** – Common Education, Coauthored by Senator(s) Marlatt, Russell
- CS for SB 844** – Public Health
- CS for SB 848** – Economic Development and Financial Services, Coauthored by Representative(s) Shelton
- CS for SB 901** – Economic Development and Financial Services
- CS for SB 920** – Economic Development and Financial Services
- CS for SB 953** – Energy and Utility Regulation
- CS for SB 1013** – Economic Development and Financial Services
- CS for SB 1022** – Economic Development and Financial Services
- CS for SB 1056** – Rules
- CS for SB 1132** – Economic Development and Financial Services
- SB 1184** – Transportation, Coauthored by Senator(s) Coates

CS for SB 1234 – Economic Development and Financial Services

SJR 5 – Rules, Remove Representative Dank as principal House author and substitute with Representative Jackson, and Coauthored by Representative(s) Dank, Thompson

CS for SJR 11 – Rules

CS for SJR 27 – Rules

Representative Jones moved that when the clerk's desk is clear, the House stand adjourned to reconvene at 1:30 p.m., Monday, April 6, 2009, which was the order.

Pursuant to the motion of Representative Jones, the House was adjourned at 11:45 a.m., to reconvene Monday, April 6, 2009, at 1:30 p.m.