

# HOUSE JOURNAL

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

**of the State of Oklahoma**

**Forty-first Legislative Day, Thursday, April 9, 2009**

The House was called to order by Representative Peters.

The roll was called with 99 Members present.

The following Members were excused: Carey, Pittman.—2.

Representative Peters declared a quorum present.

Prayer was offered by Pastor Monty Baggett, Southeast Baptist Church, Muskogee. Pastor Baggett was sponsored by Representative Faught.

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

The Journal for the last legislative day was approved.

## **ENGROSSED AND ENROLLED MEASURES**

**HCR 1017** was reported correctly engrossed, properly signed, in open session, and ordered transmitted to the Honorable Senate.

**HAs to SBs 293, 301, 306, 335, 390, 452, 659, 672 and 1184** were reported correctly engrossed, properly signed, in open session, and the measures, as amended, were ordered returned to the Honorable Senate.

**HBs 1008, 1064, 1065, 1419, 1608, 1729, 1872, 1882, 2030 and 2054** were reported correctly enrolled and, after fourth reading, properly signed, in open session, and ordered transmitted to the Honorable Senate.

**HRs 1035, 1036 and 1037** were reported correctly enrolled, properly signed, in open session, and ordered transmitted to the Secretary of State.

## **RESOLUTION**

The following was introduced and read:

**HR 1040** – By Kiesel.

A Resolution commending Jim Craycraft, President of the Oklahoma Elks Association; offering congratulations and best wishes for future endeavors; and directing distribution.

## **GENERAL ORDER**

**SB 679** by Myers et al of the Senate and Watson of the House was read and considered.

Representative Watson moved that **SB 679** be advanced from General Order, which motion was declared adopted.

## **THIRD READING**

**SB 679** 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, 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, Miller, Moore, Morgan, Murphey, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson, Proctor, Pruett, Renegar, Richardson, Roan, Rousselot, Sanders, Schwartz, Sears, Shelton, Sherrer, Shoemake, Shumate, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wesselhoft, Williams, Wright (Harold), Wright (John), Mr. Speaker.--86.

Nay: McPeak, Reynolds, Ritze.--3.

Excused: Carey, Christian, Hamilton, Harrison, Hickman, Jett, Kiesel, Morrissette, Nations, Pittman, Scott, Shannon.--12.

The measure and emergency passed.

**SB 679** was referred for engrossment.

## GENERAL ORDER

**SB 745** by Jolley of the Senate and Sullivan et al of the House was read and considered.

Coauthored by Representative(s) Roan, McDaniel (Randy), Liebmann, Dank, Walker

Representative Sullivan moved that **SB 745** be advanced from General Order, which motion was declared adopted.

## THIRD READING

**SB 745** 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, 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, McNiell, McPeak, Miller, Moore, Morgan, Morrisette, Murphey, Nations, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson, 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: Carey, Christian, Pittman.--3.

The measure passed.

The Presiding Officer signed, in open session, Engrossed **SB 745** and ordered same returned to the Honorable Senate.

## GENERAL ORDER

**SB 1033** by Sparks of the Senate and Armes of the House was read and considered.

Coauthored by Representative(s) Fields, Sherrer

Representative Armes moved that **SB 1033** be advanced from General Order, which motion was declared adopted.

**THIRD READING**

**SB 1033** 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, Collins, Coody, Dank, DeWitt, Dorman, Duncan, Enns, Faught, Fields, Glenn, Hamilton, Harrison, Holland, Hoskin, Inman, Jackson, Johnson, Jones, Jordan, Joyner, Key, Kiesel, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McCullough, McDaniel (Randy), McMullen, McNiel, Miller, Moore, Murphey, Nations, Ortega, Osborn, Ownbey, Peters, Peterson, Proctor, Pruett, Renegar, Richardson, Roan, Roussetot, Sanders, Schwartz, Sears, Shannon, Sherrer, Shoemake, Shumate, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Trebilcock, Walker, Watson, Wesselhoft, Wright (Harold), Wright (John), Mr. Speaker.--75.

Nay: Bailey, Cooksey, Cox, Denney, Derby, Hickman, Jett, Kern, Kirby, Kouplun, McAffrey, McDaniel (Jeannie), McPeak, Morgan, Morrissette, Nelson, Reynolds, Ritze, Scott, Shelton, Tibbs, Williams.--22.

Excused: Carey, Christian, Hilliard, Pittman.--4.

The measure and emergency passed.

**SB 1033** was referred for engrossment.

**GENERAL ORDER**

**SB 239** by Johnson (Mike) et al of the Senate and Miller et al of the House was read and considered.

Coauthored by Representative(s) Sullivan, Liebmann

Representative Reynolds moved to amend **SB 239** by inserting a new Section 2 to read as follows, and by renumbering subsequent sections:

“SECTION 2. The obligations shall only be issued after being submitted to a vote of the people as required by the Oklahoma Constitution Article 10, Section 25.”

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

Aye: Armes, Auffet, Banz, Billy, Blackwell, Collins, Cox, Denney, DeWitt, Dorman, Enns, Fields, Holland, Jackson, Jones, Jordan, Joyner, Kirby, Lamons, Liebmann, Martin (Steve), McCullough, McDaniel (Jeannie), McNiel, Miller, Nelson, Osborn, Ownbey, Peters, Peterson, Pruett, Richardson, Sanders, Sears, Sherrer, Shoemake, Shumate, Steele, Sullivan, Terrill, Thomsen, Tibbs, Trebilcock, Watson, Mr. Speaker.--45.

Nay: Bailey, Brannon, Brown, Buck, Cannaday, Coody, Cooksey, Dank, Derby, Duncan, Faight, Glenn, Hamilton, Harrison, Hickman, Hilliard, Hoskin, Inman, Johnson, Kern, Key, Kiesel, Kouplen, Luttrell, Martin (Scott), McAffrey, McDaniel (Randy), McMullen, McPeak, Moore, Morgan, Morrisette, Murphey, Nations, Ortega, Proctor, Renegar, Reynolds, Ritze, Roan, Rousselot, Schwartz, Scott, Shannon, Shelton, Smithson, Thompson, Walker, Wesselhoft, Williams, Wright (Harold), Wright (John).--52.

Excused: Carey, Christian, Jett, Pittman.--4.

Representative Reynolds pressed adoption of his amendment, which amendment failed of adoption upon roll call as follows:

Aye: Cooksey, Dank, Duncan, Faight, Hamilton, Kern, Key, Kouplen, McDaniel (Randy), Murphey, Reynolds, Ritze, Rousselot, Shumate, Wesselhoft, Williams, Wright (John).--17.

Nay: Armes, Banz, Billy, Blackwell, Brown, Christian, Collins, Coody, Cox, Denney, DeWitt, Dorman, Enns, Fields, Harrison, Holland, Jones, Jordan, Joyner, Lamons, Liebmann, Martin (Scott), Martin (Steve), McCullough, McDaniel (Jeannie), McNiell, Miller, Osborn, Peters, Peterson, Proctor, Richardson, Sanders, Schwartz, Scott, Sears, Shannon, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Watson, Mr. Speaker.--46.

Excused: Auffet, Bailey, Brannon, Buck, Cannaday, Carey, Derby, Glenn, Hickman, Hilliard, Hoskin, Inman, Jackson, Jett, Johnson, Kiesel, Kirby, Luttrell, McAffrey, McMullen, McPeak, Moore, Morgan, Morrisette, Nations, Nelson, Ortega, Ownbey, Pittman, Pruett, Renegar, Roan, Shelton, Sherrer, Shoemake, Smithson, Walker, Wright (Harold).--38.

Representative Sullivan moved that **SB 239** be advanced from General Order, which motion was declared adopted.

### **THIRD READING**

**SB 239** 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, Collins, Cox, Denney, Derby, DeWitt, Dorman, Fields, Hamilton, Hickman, Holland, Jackson, Jett, Jones, Jordan, Kiesel, Kirby, Lamons, Liebmann, Martin (Steve), McCullough, McDaniel (Jeannie), McNiell, Miller, Osborn, Peters, Peterson, Proctor, Pruett, Renegar, Richardson, Sanders, Scott, Sears, Shelton, Sherrer, Shoemake, Shumate, Smithson, Steele, Sullivan, Terrill, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wright (Harold), Mr. Speaker.--55.

Nay: Brown, Buck, Cannaday, Christian, Coody, Cooksey, Dank, Duncan, Enns, Faight, Glenn, Harrison, Inman, Joyner, Kern, Key, Kouplen, Luttrell, Martin (Scott), McAffrey, McDaniel (Randy), McMullen, Moore, Morrisette, Murphey, Nelson, Ortega,

Ownbey, Reynolds, Ritze, Roan, Rousselot, Schwartz, Shannon, Thompson, Wesselhoft, Williams, Wright (John).--38.

Excused: Carey, Hilliard, Hoskin, Johnson, McPeak, Morgan, Nations, Pittman.--8.

The measure passed.

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

Aye: Armes, Blackwell, Collins, Cox, Denney, DeWitt, Dorman, Fields, Hamilton, Holland, Jackson, Jett, Jones, Jordan, Kirby, Lamons, Liebmann, Martin (Steve), McCullough, McDaniel (Jeannie), McNiell, McPeak, Miller, Nelson, Osborn, Peters, Peterson, Proctor, Pruett, Renegar, Richardson, Sanders, Scott, Sears, Shelton, Sherrer, Shoemake, Shumate, Smithson, Steele, Sullivan, Terrill, Thomsen, Tibbs, Trebilcock, Watson, Wright (Harold), Mr. Speaker.--48.

Nay: Auffet, Bailey, Banz, Billy, Brannon, Brown, Buck, Cannaday, Christian, Coody, Cooksey, Dank, Derby, Duncan, Enns, Faught, Glenn, Harrison, Hickman, Hoskin, Inman, Joyner, Kern, Key, Kouplen, Luttrell, Martin (Scott), McAffrey, McDaniel (Randy), McMullen, Moore, Morgan, Morrissette, Murphey, Ownbey, Reynolds, Ritze, Roan, Rousselot, Schwartz, Shannon, Walker, Wesselhoft, Williams, Wright (John).--45.

Excused: Carey, Hilliard, Johnson, Kiesel, Nations, Ortega, Pittman, Thompson.--8.

The emergency failed.

Representative Sullivan served notice to reconsider the vote whereby the emergency failed.

Representative Reynolds served notice to reconsider the vote whereby **SB 239** passed.

The Presiding Officer ruled that the attempt to serve notice on the measure was out of order because the House had moved on to the next order of business when taking up consideration of the emergency clause.

## GENERAL ORDER

**SB 238** by Johnson (Mike) et al of the Senate and Miller et al of the House was read and considered.

Coauthored by Representative(s) Sullivan

Representative Reynolds moved to amend **SB 238** by inserting a new Section 2 to read as follows, and by renumbering subsequent sections:

“SECTION 2. The obligations shall only be issued after being submitted to a vote of the people as required by the Oklahoma Constitution Article 10, Section 25.”

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

Aye: Banz, Blackwell, Brown, Cannaday, Collins, Coody, Cox, Denney, DeWitt, Dorman, Enns, Fields, Glenn, Harrison, Holland, Jackson, Jones, Jordan, Kouplen, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McCullough, McDaniel (Jeannie), McMullen, McNiel, McPeak, Miller, Morgan, Osborn, Peters, Peterson, Richardson, Roan, Rousselot, Sanders, Sears, Sherrer, Shoemake, Smithson, Steele, Sullivan, Thomsen, Tibbs, Trebilcock, Walker, Watson, Williams, Wright (Harold), Mr. Speaker.--51.

Nay: Bailey, Buck, Cooksey, Dank, Duncan, Hamilton, Hickman, Inman, Johnson, Joyner, Kern, Key, McAffrey, McDaniel (Randy), Moore, Murphey, Nations, Proctor, Renegar, Reynolds, Ritze, Scott, Shannon, Shelton, Shumate, Wesselhoft, Wright (John).--27.

Excused: Armes, Auffet, Billy, Brannon, Carey, Christian, Derby, Faught, Hilliard, Hoskin, Jett, Kiesel, Kirby, Lamons, Morrissette, Nelson, Ortega, Ownbey, Pittman, Pruett, Schwartz, Terrill, Thompson.--23.

Representative DeWitt moved that **SB 238** be advanced from General Order, which motion was declared adopted.

## THIRD READING

**SB 238** 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, Cannaday, Collins, Coody, Cooksey, Cox, Denney, Derby, DeWitt, Dorman, Duncan, Enns, Fields, Glenn, Hamilton, Harrison, Hickman, Holland, Hoskin, Inman, Jackson, Jett, Johnson, Jones, Jordan, Joyner, Kiesel, Kirby, Kouplen, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McDaniel (Jeannie), McMullen, McNiel, McPeak, Miller, Morgan, Morrissette, Nations, Ortega, Osborn, Ownbey, Peters, Peterson, Proctor, Pruett, Renegar, Richardson, Roan, Rousselot, Sanders, Scott, Sears, Sherrer, Shoemake, Shumate,

Smithson, Steele, Sullivan, Thomsen, Tibbs, Trebilcock, Walker, Watson, Williams, Wright (Harold), Wright (John), Mr. Speaker.--79.

Nay: Dank, Kern, Key, McCullough, McDaniel (Randy), Moore, Murphey, Reynolds, Ritze, Shannon, Thompson, Wesselhoft.--12.

Excused: Buck, Carey, Christian, Faught, Hilliard, Nelson, Pittman, Schwartz, Shelton, Terrill.--10.

The measure and emergency passed.

**SB 238** was referred for engrossment.

### **MOTION EXPIRED**

Time expired for consideration of the motion to reconsider the vote whereby the emergency passed on **SB 553**.

**SB 553** was referred for engrossment.

### **COMMITTEE REPORTS**

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

DO PASS:

**SB 397** – Appropriations and Budget

**SB 541** – Appropriations and Budget

**SB 981** – Appropriations and Budget

**SB 1111** – Appropriations and Budget, Coauthored by Representative(s) Derby

DO PASS, As Amended:

**CS for SB 48** – Public Safety

**CS for SB 268** – Common Education

**SB 281** – Appropriations and Budget, Remove Representative Lamons as principal House author and substitute with Representative Sullivan, and Coauthored by Representative(s) Lamons

**SB 455** – Appropriations and Budget

**SB 489** – Appropriations and Budget, Coauthored by Representative(s) Banz

**CS for SB 586** – Common Education, Coauthored by Representative(s) McDaniel (Jeannie)

- SB 608** – Appropriations and Budget
- SB 658** – Appropriations and Budget
- SB 723** – Appropriations and Budget, Coauthored by Representative(s) Sherrer
- CS for SB 796** – Public Safety, Coauthored by Representative(s) Ritze
- CS for SB 832** – Transportation
- CS for SB 867** – Common Education, Remove Representative Enns as principal House author and substitute with Representative McNiell, and Coauthored by Representative(s) Cannaday
- SB 881** – Appropriations and Budget, Coauthored by Representative(s) Coody
- CS for SB 902** – Public Safety
- SB 909** – Appropriations and Budget
- SB 959** – Appropriations and Budget
- SB 1071** – Appropriations and Budget
- SB 1102** – Appropriations and Budget
- SB 1118** – Appropriations and Budget
- SB 1137** – Appropriations and Budget
- SB 1138** – Public Safety
- SB 1152** – Appropriations and Budget
- SB 1166** – Appropriations and Budget
- CS for SB 1185** – Public Safety
- CS for SJR 10** – Rules
- CS for SJR 13** – Rules
- CS for SJR 34** – Rules

## REMARKS

Upon unanimous consent request of Representative Hoskin, the remarks by Reverend Bob Johns on Thursday, April 2 were ordered printed in full as follows:

“Thank you, Mr. Speaker! And thank you to Representative Chuck Hoskin for your gracious invitation. I am deeply honored to have been invited to pray with you each day and speak to you today. It has truly been an honor to work among you and to greet many of you. I have met many patriots and am glad for the privilege. You have been wonderful.

Although I feel honored to be here, it is not just because this is a hallowed hall in which many great persons have spoken and worked to create laws that benefit the population of Oklahoma, or because this has been the gathering place for dignitaries from all over our planet but:

- Because of the holy mandate that you and I work under to serve a greater good.
- Because we are participating in this great experiment in human existence called democracy.
- Because of the ideals that created this place.
- Because you and I are doing what we do at the pleasure of the people who act with great hope that you and I together will create an atmosphere where the least the last and the lost will find in us friends who seek to help make life more of what it is supposed to be.

You are a gathering of folks where in order to move forward many times compromise must happen. We must be willing to listen to each other with open hearts and open minds. We must be willing to learn from each other for none of us has the Wisdom of Solomon. That is why we pray. For in James 1 our God says that if any one of you lacks wisdom, he should ask God, who gives generously to all without finding fault, and it will be given to him. Knowing when to compromise requires great wisdom.

At the same time there are some things on which we cannot and must not compromise. There are some things that are too important to let go of.

- We must not compromise on the high ethical standards that we are not only called to but that the people expect of us. Those standards truly are the foundation of hope for the people. Violating their trust is to destroy their hope. John Adams put it this way, ‘our constitution was made only for a moral and religious people. It is wholly inadequate to the government of any other.’ Jesus said that we are sent out as sheep among wolves and therefore we should be as wise as serpents, but innocent as doves.
- We must not compromise on the ideals that made our nation great and will continue to do so as long as we keep them before us. Those ideals put forth in our nation’s Declaration of Independence. ‘*We hold these truths to be self-evident, that all men are created equal, that they are endowed by their creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness.*’ What we do here must advance those rights for all people. We cannot compromise on this for our own advancement or personal enrichment.
- We must not compromise on our commitment to children and others who cannot stand for themselves. Their safety and well being must be preeminent in our thinking and our commitment. Our children will some day carry on the Torch of liberty and democracy and they will not be able to do so if we fail them in any way that scars them or damages their faith in our system.

Now I am not talking about coddling them, I am talking about challenging them, educating them, supporting them, protecting them from predators and uncaring or irresponsible persons. We must see in them all the potential that God has given them and work to help them reach that potential. By the way, this is the main business of the church. We believe in the principle espoused by Solomon who said, ‘Train up a child in the way they should go and when they are old they will not depart from it.’

Even with all of these ideals surrounding us we sometimes still miss the point. Negative headlines about elected officials and church people are a part of our lives. But for every bad egg, there are literally thousands of folks quietly living good and productive lives both here and abroad. Youth force, quilters, readers, clinic workers, AA, NA, hospitals, universities, food pantry, divorce recovery, financial university, support for Alzheimer’s, support for families with autism, after school programs, backpack programs.

In the end, you and I are here to make sure that the least, the last, and the lost have a voice and a chance to become at least as successful as you and I are.

You, as elected officials, and we, as church members, are in this together. We need each other. You cannot do everything and neither can we. You cannot legislate morality. Morality is one of the churches main responsibilities. But together we make a pretty invincible force for the moral and ethical good of humanity.

Every day the church feeds people who cannot live on food stamps alone, every day we counsel people who are close to giving up on life, every day we let people know that they are important, every day we train people to live and work productively, every day we help

people to capture the dream for their lives and live them meaningfully and purposefully. As a part of this effort the church reminds folks that we are meant to live in community. We are meant to value relationships and we are meant to be reconciled when we have differences. That is what we add to the partnership.

We lift up the highest ideals because we know that God wants us to. People will rise up to these ideals if given a chance. Lowering those ideals only brings slow death to all of us. Alex and Brett Harris founded the [rebelution.com](http://rebelution.com) in August 2005 and today are among the most widely read teen writers of the web. Their first book: Do hard things; a teenage rebellion against low expectations calls on youth across this planet to not give in to the temptation of low expectations but rather to rise up and do the hard things in life. You and I should do no less. We need to do the hard things, not the easy things, or the cushy things, or the selfish things, but the hard things of sacrifice for the good of others, disciplining ourselves to take the high road, and never ever compromising our principles.

Morality and faith are not just the business of the church, but the church is in the business of raising those dynamics to their highest realm in our lives. This is the call of God on us and that is what we are devoted to, for faith and high moral.

Principles are embodied best in Jesus the Christ in whose name, we as the church exist. To follow him is our goal. The great thing about this is that what he wanted most was for all inhabitants of this planet to live in peace, prosperity, and love. That same dream is what motivated many of our ancestors to found our country and it is what will carry us forward in this great democratic experiment to its proper conclusion.

Never ever forget that we as the church are partners with you in this journey towards the realization of our ancestor's dreams. As partners we pray for you everyday and we hope that you will do the same for us.

Thank you again for your wonderful hospitality. My time here with you has truly been a blessing. God bless you each and every one. And now let us pray.”

Representative Jones moved that when the clerk's desk is clear, the House stand adjourned to reconvene at 1:30 p.m., Monday, April 13, 2009, which was the order.

Pursuant to the motion of Representative Jones, the House was adjourned at 11:30 a.m., to reconvene Monday, April 13, 2009, at 1:30 p.m.