

HOUSE JOURNAL

First Regular Session of the Fifty-second Legislature

of the State of Oklahoma

Forty-second Legislative Day, Monday, April 13, 2009

The House was called to order by Representative Peters.

The roll was called with 101 Members present.

Representative Peters declared a quorum present.

Prayer was offered by Pastor Dick Terry, First Free Will Baptist Church, Sulphur. Pastor Terry was sponsored by Representative Hilliard.

Upon motion of Representative Thompson, Pastor Terry 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 238, 553, 679 and 1033 were reported correctly engrossed, properly signed, in open session, and the measures, as amended, were ordered returned to the Honorable Senate.

RESOLUTION

The following was introduced and read:

HCR 1021 – By Dorman.

A Concurrent Resolution recognizing cowboy poetry in the State of Oklahoma; and designating “Cowboy Poetry Week” in the State of Oklahoma.

GENERAL ORDER

SB 700 by Brown of the Senate and Sullivan of the House was read and considered.

Representative Brown asked a ruling of the Presiding Officer whether **SB 700** is germane.

The Presiding Officer ruled the point not well taken as there was no amendment under consideration.

Representative Sullivan moved that **SB 700** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 700 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, Carey, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Duncan, Enns, Faight, Fields, Glenn, Harrison, Hickman, Hilliard, Holland, Jackson, Jett, Johnson, Jones, Jordan, Joyner, Kern, Key, Kirby, Kouplen, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McCullough, McDaniel (Jeannie), McDaniel (Randy), McMullen, McNiel, McPeak, Miller, Moore, Morgan, Murphey, Nations, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson, Pruett, Renegar, Reynolds, Richardson, Ritze, Roan, Rousselot, Sanders, Schwartz, Sears, Shannon, Sherrer, Shoemake, Shumate, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wesselhoft, Williams, Wright (Harold), Wright (John), Mr. Speaker.--86.

Nay: Brown, Buck, Cannaday, Collins, Hamilton, Hoskin, Inman, Kiesel, McAffrey, Morrisette, Pittman, Proctor, Scott, Shelton.--14.

Excused: Christian.--1.

The measure passed.

SB 700 was referred for engrossment.

Speaker Pro Tempore Steele Presiding

GENERAL ORDER

SB 257 by Corn of the Senate and Denney of the House was read and considered.

Coauthored by Representative(s) Pittman, Fields

Representative Denney moved that **SB 257** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 257 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, 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, Wesselhoft, Williams, Wright (Harold), Mr. Speaker.--98.

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

The measure and emergency passed.

SB 257 was referred for engrossment.

GENERAL ORDER

SB 354 by Myers et al of the Senate and DeWitt of the House was read and considered.

Coauthored by Representative(s) Cannaday

Representative DeWitt moved that **SB 354** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 354 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, Enns, Faught, Fields, Glenn, Hamilton, Harrison, Hickman, Hilliard, Holland, Hoskin, Inman, Jackson, Jett, Johnson, Jones, Jordan, Joyner, Kern, 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, Pittman, Proctor, Pruett, Renegar, Reynolds, 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: Duncan, Key, Peterson, Ritze, Wright (John).--5.

The measure and emergency passed.

SB 354 was referred for engrossment.

GENERAL ORDER

SB 399 by Branen et al of the Senate and Shannon of the House was read and considered.

Representative Shannon moved that **SB 399** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 399 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, 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, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wesselhoft, Williams, Wright (Harold), Wright (John), Mr. Speaker.--101.

The measure and emergency passed.

The Presiding Officer signed, in open session, Engrossed **SB 399** and ordered same returned to the Honorable Senate.

GENERAL ORDER

SB 539 by Reynolds of the Senate and Tibbs of the House was read and considered.

Coauthored by Representative(s) Nelson, Kern

Representative Tibbs moved that **SB 539** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 539 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, Faight, Fields, Glenn, Harrison, Hickman, Hilliard, Holland, 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, Miller, Moore, Morgan, Murphey, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Renegar, Reynolds, Richardson, Ritze, Roan, Rousselot, Sanders, Schwartz, Scott, Sears, Shannon, Shoemake, Shumate, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wesselhoft, Wright (Harold), Wright (John), Mr. Speaker.--91.

Nay: Hamilton, Hoskin, Kiesel, Kouplen, Morrissette, Nations, Shelton, Sherrer.--8.

Excused: Buck, Williams.--2.

The measure passed.

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

Aye: Armes, Bailey, Banz, Billy, Blackwell, Brannon, Brown, Buck, Cannaday, Carey, Collins, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Duncan, Enns, Faight, Fields, Glenn, Harrison, Hickman, Hilliard, Holland, Inman, Jackson, Jett, Johnson, Jones, Jordan, Joyner, Kern, Key, Kirby, Lamons, Liebmann, Luttrell, Martin (Scott),

Martin (Steve), McCullough, McDaniel (Jeannie), McDaniel (Randy), McMullen, McNiel, McPeak, Miller, Moore, Morgan, Murphey, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Renegar, Reynolds, Richardson, Ritze, Roan, Rousselot, Sanders, Schwartz, Sears, Shannon, Sherrer, Shoemake, Shumate, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wesselhoft, Wright (Harold), Wright (John), Mr. Speaker.--89.

Nay: Hamilton, Hoskin, Kiesel, Kouplen, McAffrey, Morrissette, Nations, Shelton.--8.

Excused: Auffet, Christian, Scott, Williams.--4.

The emergency passed.

SB 539 was referred for engrossment.

GENERAL ORDER

SB 1132 by Anderson et al of the Senate and Sherrer of the House was read and considered.

Representative Miller moved to amend **SB 1132** by striking the title and enacting clause, which amendment was declared adopted.

Representative Reynolds moved to amend **SB 1132** by inserting a new Section 1 to read as follows, and by renumbering subsequent sections, which amendment was declared adopted:

“SECTION 1. AMENDATORY 18 O.S. 2001, Section 2005, as amended by Section 34, Chapter 255, O.S.L. 2004 (18 O.S. Supp. 2008, Section 2005), is amended to read as follows:

Section 2005. A. The articles of organization shall set forth:

1. The name of the limited liability company;
2. The term of the existence of the limited liability company which may be perpetual;

and

3. The street address of its principal place of business, wherever located, and the name and street address of its resident agent which shall be identical to its registered office in this state; and

4. The name and mailing address of each manager of the limited liability company or the name and mailing address of each member of the limited liability company if the entity is member managed. The provisions of this section shall be applicable to any limited liability company formed prior to the effective date of this act. The information required by this paragraph for an existing limited liability company shall be filed as an amendment to the articles of organization with the Secretary of State not later than ninety (90) days after the effective date of this act.

B. If the limited liability company is to establish two or more series of members, managers or membership interests having separate rights, powers or duties as provided under Section 50 of this act and the debts, liabilities and obligations incurred, contracted for

or otherwise existing with respect to a particular series are to be enforceable against the assets of the series only, the articles of organization shall set forth a notice of the limitation on liabilities of the series.

C. The articles of organization may set forth any other matters the members determine to include. It is not necessary to set out in the articles of organization any of the powers enumerated in this act.”

Representative Sherrer moved to amend **SB 1132** by inserting a new Section 106 to read as follows, and by renumbering subsequent section, which amendment was declared adopted:

“SECTION 106. REPEALER Sections 171 through 277, Chapter 382, O.S.L. 2008 (54 O.S. Supp. 2008, Sections 500-101 through 500-1207), are hereby repealed.”

Representative Sherrer moved that **SB 1132** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 1132 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, Denney, DeWitt, Dorman, Duncan, Enns, Faught, Fields, Glenn, Hamilton, Harrison, Hickman, Hilliard, Holland, Hoskin, Inman, Jett, Johnson, Jones, Jordan, Joyner, Key, Kiesel, Kirby, Kouplen, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCullough, McDaniel (Jeannie), McDaniel (Randy), McMullen, McNiel, McPeak, Miller, Morgan, Morrissette, Murphey, Nations, Ortega, Osborn, Ownbey, Peters, Pittman, Proctor, Pruett, Renegar, Reynolds, Richardson, Ritze, Roan, Rousselot, Schwartz, Scott, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Williams, Wright (Harold), Wright (John), Mr. Speaker.--91.

Nay: Christian, Dank, Derby, Kern, Moore, Nelson, Peterson, Sanders, Wesselhoft.--9.

Excused: Jackson.--1.

The measure passed.

SB 1132 was referred for engrossment.

GENERAL ORDER

SB 602 by Bingman of the Senate and Martin (Steve) of the House was read and considered.

Representative Martin (Steve) moved to amend **SB 602** by striking the title, the enacting clause and the entire measure and inserting in lieu thereof a floor substitute, which amendment was declared adopted.

Representative Martin (Steve) moved that **SB 602** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 602 was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: 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, 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, Moore, Morgan, Morrisette, Murphey, Nations, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Renegar, Richardson, Roan, Rousselot, Sanders, Schwartz, Scott, Sears, Shannon, Shoemake, Shumate, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wesselhoft, Williams, Wright (Harold), Mr. Speaker.--93.

Nay: Reynolds, Ritze, Shelton, Sherrer.--4.

Excused: Jackson, Miller.--2.

Constitutional Priv: Armes, Wright (John).--2.

The measure passed.

SB 602 was referred for engrossment.

GENERAL ORDER

SB 225 by Johnson (Mike) et al of the Senate and Miller et al of the House was read and considered.

Representative Reynolds moved to amend **SB 225** by deleting the emergency clause.

Representative Liebmann moved to table the Reynolds amendment, which tabling motion was declared adopted upon a division of the question.

Representative Liebmann moved that **SB 225** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 225 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, Kiesel, Kirby, Kouplen, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCullough, McDaniel (Jeannie), McDaniel (Randy), McMullen, McNiel, McPeak, Miller, Moore, Morgan, Morrissette, Nations, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Renegar, Richardson, Roan, Rousselot, Sanders, Schwartz, Scott, Sears, Shannon, Shelton, Shoemake, Shumate, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wesselhoft, Williams, Wright (Harold), Wright (John), Mr. Speaker.--95.

Nay: Key, Murphey, Reynolds, Ritze.--4.

Excused: Christian, Sherrer.--2.

The measure and emergency passed.

SB 225 was referred for engrossment.

GENERAL ORDER

SB 645 by Gumm of the Senate and Terrill of the House was read and considered.

Representative Terrill moved that **SB 645** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 645 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, 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, Shoemake, Shumate, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wesselhoft, Williams, Wright (Harold), Mr. Speaker.--97.

Nay: Wright (John).--1.

Excused: Christian, Scott, Sherrer.--3.

The measure passed.

SB 645 was referred for engrossment.

GENERAL ORDER

SB 848 by Branan of the Senate and Nelson et al of the House was read and considered.

Coauthored by Representative(s) Wright (John)

Representative Nelson moved that **SB 848** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 848 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, Nations, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Renegar, Reynolds, Richardson, Ritze, Roan, Rousselot, Sanders, Schwartz, Sears, Shannon, Shelton, Shoemake, Shumate, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wesselhoft, Williams, Wright (Harold), Wright (John), Mr. Speaker.--99.

Excused: Scott, Sherrer.--2.

The measure passed.

SB 848 was referred for engrossment.

GENERAL ORDER

SB 920 by Sparks of the Senate and McDaniel (Randy) of the House was read and considered.

Representative McDaniel (Randy) moved to amend **SB 920**, Page 17, Section 7, Lines 16-17 by deleting the words and figure “Three Hundred Seventy-five Thousand Dollars (\$375,000.00)” and by inserting in lieu thereof the words and figure “Three Hundred Twenty-five Thousand Dollars (\$325,000.00)”, which amendment was declared adopted.

Representative McDaniel (Randy) moved that **SB 920** be advanced from General Order, which motion was declared adopted.

Representative Armes Presiding

THIRD READING

SB 920 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, Morrisette, Murphey, Nations, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Renegar, Richardson, Roan, Rousselot, Sanders, Schwartz, Scott, Sears, Shannon, Shelton, Shoemake, Shumate, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wesselhoft, Williams, Wright (Harold), Wright (John), Mr. Speaker.--98.

Nay: Reynolds, Ritze.--2.

Excused: Sherrer.--1.

The measure and emergency passed.

SB 920 was referred for engrossment.

GENERAL ORDER

SB 1013 by Newberry of the Senate and Sullivan of the House was read and considered.

Coauthored by Representative(s) Faight, Moore

Representative McDaniel (Randy) moved to amend **SB 1013**, Page 3, Section 1, Line 1 by inserting a new subsection D. to read as follows, which amendment was declared adopted:

“D. The provisions of this section shall not apply to any person who works in an industry that has arbitration or other dispute resolution procedures in place.”

Representative Sullivan moved that **SB 1013** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 1013 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, Faight, 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, Nations, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Renegar, Reynolds, Richardson, Ritze, Roan, Rousselot, Sanders, Schwartz, Scott, Sears, Shannon, Shelton, Shoemake, Shumate, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wesselhoft, Williams, Wright (Harold), Wright (John), Mr. Speaker.--100.

Excused: Sherrer.--1.

The measure passed.

SB 1013 was referred for engrossment.

GENERAL ORDER

SB 1062 by Myers of the Senate and DeWitt of the House was read and considered.

Representative DeWitt moved that **SB 1062** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 1062 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, Collins, Coody, Cox, Dank, Denney, Derby, DeWitt, Dorman, Enns, Fields, Glenn, Harrison, Hickman, Hilliard, Holland, Hoskin, Inman, Jackson, Jett, Johnson, Jones, Jordan, Kiesel, Kirby, Kouplen, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCullough, McDaniel (Jeannie), McMullen, McNiel, McPeak, Miller, Moore, Morgan, Morrisette, Nations, Ortega, Osborn, Ownbey, Peters, Pittman, Proctor, Pruett, Renegar, Richardson, Roan, Rousselot, Sanders, Scott, Sears, Shelton, Shoemake, Shumate, Smithson, Steele, Sullivan, Thomsen, Walker, Watson, Wright (Harold), Mr. Speaker.--76.

Nay: Banz, Christian, Cooksey, Duncan, Faught, Hamilton, Joyner, Kern, Key, McDaniel (Randy), Murphey, Nelson, Peterson, Reynolds, Ritze, Schwartz, Shannon, Terrill, Thompson, Tibbs, Trebilcock, Wesselhoft, Williams, Wright (John).--24.

Excused: Sherrer.--1.

The measure and emergency passed.

SB 1062 was referred for engrossment.

GENERAL ORDER

SB 1076 by Sparks of the Senate and Martin (Scott) of the House was read and considered.

Representative Martin (Scott) moved that **SB 1076** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 1076 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, 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, Shoemake, Shumate, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wesselhoft, Williams, Wright (Harold), Wright (John), Mr. Speaker.--100.

Excused: Sherrer.--1.

The measure and emergency passed.

SB 1076 was referred for engrossment.

GENERAL ORDER

SB 1234 by Jolley of the Senate and Cooksey of the House was read and considered.

Representative Cooksey moved that **SB 1234** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 1234 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, 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, Murphey, Nations, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Renegar, Reynolds, Richardson, Ritze, Roan, Rousselot, Sanders, Schwartz, Scott, Sears, Shannon, Shelton, Shoemake, Shumate, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wesselhoft, Williams, Wright (Harold), Wright (John), Mr. Speaker.--98.

Nay: Hamilton, Morrissette.--2.

Excused: Sherrer.--1.

The measure passed.

SB 1234 was referred for engrossment.

GENERAL ORDER

SB 256 by Eason McIntyre et al of the Senate and Shumate of the House was read and considered.

Coauthored by Representative(s) Lamons, Scott

Representative Shumate moved that **SB 256** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 256 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, 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, Morrissette, Murphey, Nations, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Renegar, Reynolds, Richardson, Ritze, Roan, Sanders, Schwartz, Scott, Sears, Shannon, Shelton, Shoemake, Shumate, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wesselhoft, Williams, Wright (Harold), Wright (John), Mr. Speaker.--98.

Excused: Billy, Rousselot, Sherrer.--3.

The measure and emergency passed.

SB 256 was referred for engrossment.

GENERAL ORDER

SB 269 by Crain of the Senate and Wright (John) of the House was read and considered.

Representative McCullough moved to amend **SB 269** by inserting a new Section 1 to read as follows, and by renumbering subsequent sections:

“SECTION 1. AMENDATORY 19 O.S. 2001, Section 215.29, is amended to read as follows:

Section 215.29 A. A currently elected district attorney and his or her appointed assistant district attorneys may carry a loaded firearm, concealed or otherwise, on or about his or her person to use only for personal protection if he has anywhere in this state in the same manner in which peace officers are authorized to carry firearms; provided, the district attorney or assistant district attorney:

1. Has successfully completed an approved course of firearm qualification training conducted by a state certified firearms instructor which meets the minimum requirements for firearms training as set forth by the Council on Law Enforcement Education and Training; or

2. Is in possession of a valid concealed handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act.

B. Any such district attorney or assistant district attorney shall have in his or her possession a properly issued identification card approved by the District Attorneys Council or by the district attorney when carrying a firearm under the provisions of this section.

C. Each respective district attorney shall first approve any assistant district attorney to carry a firearm under the provisions of this section. Any district attorney or assistant district attorney who is authorized to carry a firearm only under the provisions of this section shall meet the Council on Law Enforcement Education and Training firearm requalification requirements a minimum of once every two (2) years.

D. If the firearm is not concealed or is reasonably likely to be seen by other persons in the normal carrying or wearing of the firearm, the district attorney or assistant district attorney shall wear a badge which has been approved by the district attorney and display said badge in a manner which has been approved by the district attorney.

E. Nothing in this section shall authorize a district attorney or assistant district attorney to carry a firearm if the district attorney or assistant district attorney is otherwise prohibited by law from carrying a firearm.”

Representative Shelton asked a ruling of the Presiding Officer whether the McCullough amendment is germane to **SB 269**.

The Presiding Officer ruled the point well taken and the McCullough amendment nongermane.

Representative Wright (John) moved to suspend House Rule 8.11 for the purpose of allowing consideration of the McCullough amendment.

Representative Brown moved to table the Wright (John) motion to suspend House Rules, which tabling motion failed of adoption upon roll call as follows:

Aye: Auffet, Bailey, Brannon, Brown, Buck, Cannaday, Carey, Collins, Glenn, Harrison, Hilliard, Hoskin, Kiesel, Kouplen, Luttrell, McAffrey, McDaniel (Jeannie), McPeak, Morgan, Morrisette, Nations, Pruett, Renegar, Roan, Scott, Shelton, Shoemake, Shumate, Williams.--29.

Nay: Armes, Banz, Billy, Blackwell, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Duncan, Enns, Faught, Fields, Hamilton, Hickman, Holland, Inman, Jackson, Jett, Johnson, Jones, Jordan, Joyner, Kern, Key, Kirby, Lamons, Liebmann, Martin (Scott), Martin (Steve), McCullough, McDaniel (Randy), McNiel, Moore, Murphey, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson, Proctor, Reynolds, Richardson, Ritze, Rousselot, Sanders, Schwartz, Sears, Shannon, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Watson, Wesselhoft, Wright (Harold), Wright (John), Mr. Speaker.--66.

Excused: Christian, McMullen, Miller, Pittman, Sherrer, Walker.--6.

Representative Wright (John) pressed his motion to suspend House Rule 8.11, which motion was declared adopted upon roll call as follows:

Aye: Armes, Banz, Billy, Blackwell, Brannon, Buck, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Dorman, 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, Ortega, Osborn, Ownbey, Peters, Peterson, Proctor, Pruett, Reynolds, Richardson, Ritze, Rousselot, Sanders, Schwartz, Sears, Shannon, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wesselhoft, Wright (Harold), Wright (John), Mr. Speaker.--68.

Nay: Bailey, Brown, Cannaday, Carey, Collins, Glenn, Hamilton, Harrison, Hilliard, Hoskin, Kiesel, Kouplen, Luttrell, McAffrey, McDaniel (Jeannie), McPeak, Morgan, Morrisette, Nations, Pittman, Renegar, Roan, Scott, Shelton, Shoemake, Shumate, Williams.--27.

Excused: Auffet, Christian, Inman, Jett, McMullen, Sherrer.--6.

Representative Morrisette raised a point of inquiry as to where in the House Rules it is permissible to suspend the House rule governing germaneness of floor amendments.

The Presiding Officer stated that House Rule 14.1(c) permits suspension of the Rules, or a portion thereof.

Representative Morrisette moved to suspend House Rule 8.6 for the purpose of allowing consideration of an untimely filed floor amendment to the McCullough amendment.

Representative Wright (John) moved to table the Morrisette motion to suspend House Rules, which tabling motion prevailed upon roll call as follows:

Aye: Armes, Banz, Billy, Christian, Coody, Cox, Dank, Denney, Duncan, Enns, Faught, Fields, Hamilton, Hickman, Holland, Jackson, Jett, Johnson, Jones, Jordan, Joyner, Kern, Key, Kirby, Liebmann, Martin (Scott), Martin (Steve), McCullough, McDaniel (Randy), McNiel, Miller, Moore, Murphey, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson, Richardson, Ritze, Sanders, Schwartz, Sears, Shannon, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Watson, Wesselhoft, Wright (Harold), Wright (John), Mr. Speaker.--56.

Nay: Auffet, Bailey, Brannon, Brown, Buck, Cannaday, Carey, Collins, Dorman, Glenn, Harrison, Hilliard, Hoskin, Inman, Kiesel, Kouplen, Luttrell, McAffrey, McDaniel (Jeannie), McMullen, McPeak, Morgan, Morrisette, Pittman, Proctor, Pruett, Renegar, Reynolds, Roan, Rousselot, Scott, Shelton, Shoemake, Shumate, Smithson, Trebilcock, Walker, Williams.--38.

Excused: Blackwell, Cooksey, Derby, DeWitt, Lamons, Nations, Sherrer.--7.

Representative McCullough pressed adoption of his amendment, which amendment was declared adopted upon roll call as follows:

Aye: Armes, Auffet, Bailey, Banz, Billy, Blackwell, Brannon, Brown, Buck, Carey, Coody, Cooksey, Cox, Dank, Denney, Dorman, Duncan, Enns, Faught, Fields, Hamilton, Harrison, Hickman, Hilliard, Holland, Inman, Jackson, Jett, Johnson, Jones, Jordan, Joyner, Kern, Key, Kirby, Kouplen, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McCullough, McDaniel (Randy), McMullen, McNiel, Miller, Moore, Murphey, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Renegar, Reynolds, Richardson, Ritze, Rousselot, Sanders, Schwartz, Sears, Shannon, Shoemake, Shumate, Smithson, Steele, Sullivan, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wesselhoft, Wright (Harold), Wright (John), Mr. Speaker.--81.

Nay: Cannaday, Collins, Glenn, Hoskin, Kiesel, McAffrey, McDaniel (Jeannie), McPeak, Morgan, Roan, Scott, Williams.--12.

Excused: Christian, Derby, DeWitt, Morrisette, Nations, Shelton, Sherrer, Terrill.--8.

Representative Wright (John) moved that **SB 269** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 269 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, Brown, Buck, Cannaday, Carey, Coody, Cooksey, Cox, Dank, Denney, Derby, Dorman, Duncan, Enns, Faught, Fields, 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, Moore, Murphey, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson, Proctor, Pruett, Renegar, Reynolds, Richardson, Ritze, Rousselot, Sanders, Schwartz, Scott, Sears, Shannon, Shoemake, Shumate, Smithson, Steele, Sullivan, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wesselhoft, Wright (Harold), Wright (John), Mr. Speaker.--84.

Nay: Auffet, Collins, Glenn, McAffrey, McDaniel (Jeannie), McPeak, Morgan, Pittman, Roan, Shelton, Williams.--11.

Excused: Christian, DeWitt, Morrissette, Nations, Sherrer, Terrill.--6.

The measure and emergency passed.

SB 269 was referred for engrossment.

GENERAL ORDER

SB 665 by Coates of the Senate and Jordan of the House was read and considered.

Coauthored by Representative(s) Scott

Representative Jordan moved that **SB 665** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 665 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, 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), McNiel, McPeak, Miller, Morgan, Murphey, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Renegar, Richardson,

Roan, Rousselot, Sanders, Schwartz, Scott, Sears, Shannon, Shelton, Shoemake, Shumate, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Williams, Wright (Harold), Wright (John), Mr. Speaker.--90.

Nay: Christian, Duncan, Moore, Morrissette, Nelson, Reynolds, Ritze, Wesselhoft.--8.

Excused: McMullen, Nations, Sherrer.--3.

The measure passed.

SB 665 was referred for engrossment.

MOTION EXPIRED

Time expired for consideration of the motion to reconsider the vote whereby the emergency failed on **SB 980**.

SB 980 was referred for engrossment.

MOTION EXPIRED

Time expired for consideration of the motion to reconsider the vote whereby the emergency failed on **SB 1231**.

SB 1231 was referred for engrossment.

MESSAGES FROM THE SENATE

Announcing the passage of **HBs 1480, 1604**, Coauthored by Representative Derby, **1691, 1865**, Coauthored by Senators Paddock, Sykes, Sweeden, Marlatt, Schulz, Russell, Stanislawski, Brogdon, Corn, Ford, Justice and Representatives Luttrell, Sears, **1893**, Coauthored by Senator Johnson (Constance) and Representative Ritze, **2148**, Coauthored by Senators Garrison, Burrage and Ivester.

The above-numbered measures were referred for enrollment.

Returning engrossed measures, as amended

Announcing the passage of and returning engrossed measures as amended: **HBs 1069**, Coauthored by Senator Johnson (Constance) and Representative Pittman, **1097**, Coauthored by Senator Ivester, **1294, 1472, 1647, 1747, 1909**, Coauthored by Senator Ivester, **2010, 2078** and **2154**, Coauthored by Senator Sparks.

Senate amendments were read on the above numbered measures.

Transmitting engrossed measure

Announcing the passage of **SCR 17**. The measure was introduced and read.

SCR 17 – By Reynolds, Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (Constance), Johnson (Mike), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick of the Senate and Key of the House.

A Concurrent Resolution promoting responsible dog ownership; endorsing the AKC Canine Good Citizen Program; encouraging dog training programs; and directing distribution.

Concurrence in HAs

Announcing the concurrence of Senate in **HAs** to **SB 894** and the passage of said measure, as amended thereby.

Returning enrolled measures

Announcing that Enrolled **HBs 1008, 1064, 1065, 1419, 1608, 1729, 1872, 1882, 2030** and **2054** have been read at length for the fourth time and signed by the Presiding Officer of Senate, in open session.

The above measures were ordered transmitted to the Honorable Governor.

Transmitting enrolled measures

Advising fourth reading of and transmitting for signature Enrolled **SBs 662, 692, 1103** and **1161**.

The above-numbered enrolled measures were, 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, As Amended:

CS for SB 2 – Appropriations and Budget

CS for SB 11 – Appropriations and Budget, Coauthored by Representative(s) Sherrer

CS for SB 267 – Appropriations and Budget

CS for SB 310 – Appropriations and Budget

CS for SB 313 – Appropriations and Budget

CS for SB 314 – Appropriations and Budget, Coauthored by Representative(s)

Trebilcock

CS for SB 315 – Appropriations and Budget

CS for SB 318 – Appropriations and Budget

CS for SB 346 – Appropriations and Budget

CS for SB 481 – Appropriations and Budget, Coauthored by Representative(s) Buck,

Dorman

CS for SB 482 – Appropriations and Budget

CS for SB 486 – Appropriations and Budget

CS for SB 517 – Appropriations and Budget

CS for SB 521 – Appropriations and Budget

CS for SB 605 – Appropriations and Budget

CS for SB 673 – Appropriations and Budget

CS for SB 721 – Appropriations and Budget, Coauthored by Representative(s) Sherrer

CS for SB 726 – Appropriations and Budget

CS for SB 738 – Appropriations and Budget, Coauthored by Representative(s) Lamons

CS for SB 857 – Appropriations and Budget

CS for SB 878 – Appropriations and Budget

CS for SB 916 – Appropriations and Budget

CS for SB 929 – Appropriations and Budget

CS for SB 938 – Appropriations and Budget

CS for SB 1035 – Appropriations and Budget

CS for SB 1119 – Appropriations and Budget

CS for SB 1153 – Appropriations and Budget, Remove as coauthor Representative(s)

Steele

CS for SB 1169 – Appropriations and Budget

CS for SB 1170 – Appropriations and Budget

SB 1175 – Appropriations and Budget

CS for SB 1179 – Appropriations and Budget

CS for SB 1181 – Appropriations and Budget

MESSAGES FROM THE GOVERNOR

Advising of his approval of **HBs 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1022, 1023, 1070, 1461 and 1464** on April 13, 2009.

Representative Jones moved that when the clerk's desk is clear, the House stand adjourned to reconvene at 9:00 a.m., Tuesday, April 14, 2009, which was the order.

Pursuant to the motion of Representative Jones, the House was adjourned at 5:00 p.m., to reconvene Tuesday, April 14, 2009, at 9:00 a.m.