

# HOUSE JOURNAL

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

**of the State of Oklahoma**

**Forty-sixth Legislative Day, Monday, April 20, 2009**

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

The roll was called with 99 Members present.

The following Members were excused: Coody, Nations.—2.

The Speaker Pro Tempore declared a quorum present.

Prayer was offered by Pastor Tom Vineyard, Windsor Hills Baptist Church, Oklahoma City. Pastor Vineyard was sponsored by Representative Kern.

Upon motion of Representative Thompson, Pastor Vineyard 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 11, 267, 268, 313, 314, 597, 605, 658, 695, 1029, 1138, 1153, 1166 and 1169** were reported correctly engrossed, properly signed, in open session, and the measures, as amended, were ordered returned to the Honorable Senate.

**HBs 1050, 1402, 1413, 1467, 1527, 1564, 1570, 1581, 1598, 1599, 1756, 1803, 1813, 1864, 2032, 2057, 2093, 2174 and HJR 1003** were reported correctly enrolled and, after fourth reading, properly signed, in open session, and ordered transmitted to the Honorable Senate.

**HRs 1017, 1038 and 1040** 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 1043** – By Peterson and Tibbs.

A Resolution disapproving the United States Department of Homeland Security's assessment report concerning Rightwing Extremism; and directing distribution.

**GENERAL ORDER**

**SB 486** by Jolley et al of the Senate and McDaniel (Randy) of the House was read and considered.

Coauthored by Representative(s) Wright (Harold)

Representative McDaniel (Randy) moved that **SB 486** be advanced from General Order, which motion was declared adopted.

**THIRD READING**

**SB 486** was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Armes, Banz, Billy, Blackwell, Buck, Cannaday, Carey, Cooksey, Cox, Dank, Denney, DeWitt, Dorman, Duncan, Enns, Faught, Fields, Glenn, Hamilton, Hickman, Hilliard, Holland, Hoskin, Inman, Jackson, Johnson, Jones, Jordan, Joyner, Kern, Key, 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, Reynolds, Richardson, Ritze, Roan, Rousselot, Sanders, Schwartz, Scott, Sears, Sherrer, Shoemake, Shumate, Steele, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wesselhoft, Wright (Harold), Wright (John), Mr. Speaker.--77.

Nay: Auffet, Bailey, Brannon, Brown, Collins, Kiesel, McAffrey, McDaniel (Jeannie), McPeak, Morgan, Renegar, Shelton, Smithson.--13.

Excused: Christian, Coody, Derby, Harrison, Jett, Kirby, Morrissette, Nations, Shannon, Sullivan, Williams.--11.

The measure passed.

**SB 486** was referred for engrossment.

## GENERAL ORDER

**SB 270** by Anderson of the Senate and Duncan of the House was read and considered.

Representative Duncan moved that **SB 270** be advanced from General Order, which motion was declared adopted.

## THIRD READING

**SB 270** 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, Cooksey, Cox, Dank, Denney, DeWitt, Dorman, Duncan, Enns, Faught, Fields, Glenn, Hamilton, Hickman, Hilliard, Holland, Hoskin, Inman, Jackson, Johnson, Jones, Jordan, Joyner, Kern, Key, Kiesel, Kouplen, 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, Shelton, Sherrer, Shoemake, Shumate, Smithson, Steele, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wesselhoft, Williams, Wright (Harold), Wright (John), Mr. Speaker.--91.

Excused: Coody, Derby, Harrison, Jett, Kirby, Morrissette, Nations, Shannon, Sullivan, Terrill.--10.

The measure passed.

The Presiding Officer signed, in open session, Engrossed **SB 270** and ordered same returned to the Honorable Senate.

## GENERAL ORDER

**SB 458** by Branana of the Senate and Duncan et al of the House was read and considered.

Coauthored by Representative(s) Nelson, Sanders, Fields, Osborn, Ownbey, Thompson, Tibbs, Kern

Representative Duncan moved that **SB 458** be advanced from General Order, which motion was declared adopted.

**THIRD READING**

**SB 458** 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, Cooksey, Cox, Dank, Denney, DeWitt, Dorman, Duncan, Enns, Faught, Fields, Glenn, Hamilton, Harrison, Hickman, Hilliard, Holland, Hoskin, Inman, Jackson, Johnson, Jones, Jordan, Joyner, Kern, Key, Kiesel, Kouplen, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCullough, McDaniel (Jeannie), McDaniel (Randy), McMullen, McNiel, McPeak, Miller, Moore, Morgan, Murphey, Nelson, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Renegar, Reynolds, Richardson, Ritze, Roan, Rousselot, Sanders, Schwartz, Scott, Sears, Shelton, Sherrer, Shoemake, Shumate, Smithson, Steele, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wesselhoft, Williams, Wright (Harold), Wright (John), Mr. Speaker.--92.

Excused: Coody, Derby, Jett, Kirby, Morrisette, Nations, Ortega, Shannon, Sullivan.--9.

The measure passed.

**SB 458** was referred for engrossment.

**GENERAL ORDER**

**SB 48** by Anderson et al of the Senate and Jackson of the House was read and considered.

Coauthored by Representative(s) Tibbs, Martin (Steve), Walker, Wright (Harold)

Representative Jackson moved that **SB 48** be advanced from General Order, which motion was declared adopted.

**THIRD READING**

**SB 48** 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, Cooksey, Cox, Dank, Denney, DeWitt, Dorman, Enns, Fields, Glenn, Hamilton, Harrison, Hickman, Hilliard, Holland, Hoskin, Inman, Jackson, Jones, Jordan, Joyner, Kiesel, Kouplen, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCullough, McDaniel (Jeannie), McMullen, McNiel, Miller, Morgan, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Pruett, Renegar, Richardson, Roan, Rousselot, Sanders, Schwartz, Sears, Shelton, Sherrer, Shoemake, Shumate,

Smithson, Steele, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Williams, Wright (Harold), Mr. Speaker.--77.

Nay: Duncan, Faught, Johnson, Kern, Key, McDaniel (Randy), McPeak, Moore, Murphey, Proctor, Reynolds, Ritze, Scott, Terrill, Wesselhoft, Wright (John).--16.

Excused: Coody, Derby, Jett, Kirby, Morrissette, Nations, Shannon, Sullivan.--8.

The measure and emergency passed.

**SB 48** was referred for engrossment.

### **GENERAL ORDER**

**SB 608** by Anderson of the Senate and Jackson of the House was read and considered.

Representative Jackson moved that **SB 608** be advanced from General Order, which motion was declared adopted.

### **THIRD READING**

**SB 608** 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, Cooksey, Cox, Dank, Denney, DeWitt, Dorman, Duncan, Enns, Faught, Fields, Glenn, Hamilton, Harrison, Hickman, Hilliard, Holland, Hoskin, Inman, Jackson, Johnson, Jones, Jordan, Joyner, Kern, Key, Kiesel, Kouplen, 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, Shelton, Sherrer, Shoemake, Shumate, Smithson, Steele, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wesselhoft, Williams, Wright (Harold), Wright (John), Mr. Speaker.--93.

Excused: Coody, Derby, Jett, Kirby, Morrissette, Nations, Shannon, Sullivan.--8.

The measure and emergency passed.

**SB 608** was referred for engrossment.

**GENERAL ORDER**

**SB 1102** by Nichols of the Senate and Terrill of the House was read and considered.

Coauthored by Representative(s) Denney, Nelson

Representative Terrill moved to amend **SB 1102** by striking the title, the enacting clause and the entire measure and inserting in lieu thereof a floor substitute.

Representative Kiesel moved to table the floor substitute, which tabling motion failed of adoption upon a division of the question.

Representative Terrill pressed adoption of the floor substitute, which amendment was declared adopted upon a division of the question.

Representative Denney moved that **SB 1102** be advanced from General Order, which motion was declared adopted.

**THIRD READING**

**SB 1102** 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, Cannaday, Carey, Christian, Collins, Cooksey, Cox, Dank, Denney, DeWitt, Dorman, Duncan, Enns, Faught, Fields, Glenn, Hamilton, Hickman, Holland, Inman, Jackson, Johnson, Jones, Jordan, Joyner, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McCullough, McDaniel (Randy), McNiel, Miller, Moore, Morgan, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Renegar, Richardson, Roan, Rousselot, Sanders, Schwartz, Sears, Sherrer, Shoemake, Shumate, Smithson, Steele, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wright (Harold), Wright (John), Mr. Speaker.--73.

Nay: Brown, Buck, Harrison, Hoskin, Jett, Kern, Key, Kiesel, Kouplen, McAffrey, McMullen, McPeak, Murphey, Reynolds, Ritze, Scott, Shelton, Wesselhoft.--18.

Excused: Coody, Derby, Hilliard, Kirby, McDaniel (Jeannie), Morrissette, Nations, Shannon, Sullivan, Williams.--10.

The measure and emergency passed.

**SB 1102** was referred for engrossment.

## MOTION

Representative Jones moved that the House stand in recess until 1:30 p.m., which was the order.

## Speaker Pro Tempore Steele Presiding

## GENERAL ORDER

**SB 2** by Gumm et al of the Senate and Martin (Scott) of the House was read and considered.

Coauthored by Representative(s) Sherrer

Representative Reynolds moved to amend **SB 2**, Page 29, Section 2 by deleting on Line 10 the word “and”; by deleting on Line 14 the period “.” and adding in lieu thereof the language “; and”; and by adding on Line 14 ½ a new paragraph 46 to read as follows:

“46. American Recovery and Reinvestment Act of 2009 Opposition License Plates – such plates shall be designed and issued to any person wishing to demonstrate that they do not support the American Recovery and Reinvestment Act of 2009.”

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

Aye: Armes, Auffet, Bailey, Banz, Brannon, Brown, Buck, Cannaday, Carey, Collins, Cooksey, Cox, Fields, Glenn, Hamilton, Harrison, Holland, Hoskin, Inman, Jackson, Jones, Jordan, Joyner, Kiesel, Kouplen, Lamons, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCullough, McDaniel (Jeannie), McDaniel (Randy), McMullen, McNiel, Moore, Morgan, Morrissette, Nelson, Osborn, Ownbey, Renegar, Richardson, Roan, Rousselot, Scott, Sears, Shannon, Sherrer, Shoemake, Smithson, Steele, Sullivan, Thomsen, Watson, Williams, Wright (Harold), Mr. Speaker.--58.

Nay: Billy, Christian, Dank, Denney, Duncan, Enns, Faught, Johnson, Kern, Key, Kirby, Murphey, Ortega, Peters, Peterson, Proctor, Pruett, Reynolds, Ritze, Shelton, Terrill, Thompson, Tibbs, Trebilcock, Wright (John).--25.

Excused: Blackwell, Coody, Derby, DeWitt, Dorman, Hickman, Hilliard, Jett, Liebmann, McPeak, Miller, Nations, Pittman, Sanders, Schwartz, Shumate, Walker, Wesselhoft.--18.

Representative Martin (Scott) moved that **SB 2** be advanced from General Order, which motion was declared adopted.

**THIRD READING**

**SB 2** 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, Cooksey, Cox, Dank, Denney, DeWitt, Duncan, Enns, Faught, Fields, Glenn, Hamilton, Harrison, Hickman, Holland, Hoskin, Inman, Jackson, Jett, Johnson, Jones, Jordan, Joyner, Kern, Key, Kiesel, Kirby, Kouplen, Lamons, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCullough, McDaniel (Jeannie), McDaniel (Randy), McMullen, McNiel, McPeak, Moore, Morgan, Morrissette, Murphey, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Renegar, Richardson, Roan, Rousselot, Sanders, Schwartz, Scott, Sears, Shannon, Shelton, Sherrer, Shoemake, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wesselhoft, Williams, Wright (Harold), Wright (John), Mr. Speaker.--91.

Nay: Reynolds, Ritze.--2.

Excused: Coody, Derby, Dorman, Hilliard, Liebmann, Miller, Nations, Shumate.--8.

The measure passed.

**SB 2** was referred for engrossment.

**GENERAL ORDER**

**SB 346** by Crain of the Senate and Ritze of the House was read and considered.

Representative Ritze moved that **SB 346** be advanced from General Order, which motion was declared adopted.

**THIRD READING**

**SB 346** 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, Brown, Buck, Cannaday, Carey, Christian, Cooksey, Cox, Dank, DeWitt, Dorman, Duncan, Enns, Faught, Fields, Hamilton, Harrison, Hickman, Holland, Inman, Jackson, Jett, Johnson, Jones, Jordan, Joyner, Kern, Key, Kirby, Kouplen, Lamons, Luttrell, Martin (Scott), Martin (Steve), McCullough, McDaniel (Jeannie), McDaniel (Randy), McNiel, Moore, Morgan, Murphey, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Renegar, Reynolds, Richardson, Ritze, Roan, Sanders, Schwartz, Scott, Sears, Shannon, Sherrer, Shumate, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wesselhoft, Wright (Harold), Wright (John), Mr. Speaker.--81.

Nay: Auffet, Collins, Denney, Glenn, Hoskin, Kiesel, McAffrey, McMullen, McPeak, Morrissette, Rousselot, Shelton, Shoemake, Williams.--14.

Excused: Coody, Derby, Hilliard, Liebmann, Miller, Nations.--6.

The measure passed.

**SB 346** was referred for engrossment.

### **GENERAL ORDER**

**SB 476** by Anderson of the Senate and Duncan of the House was read and considered.

Representative Duncan moved that **SB 476** be advanced from General Order, which motion was declared adopted.

### **THIRD READING**

**SB 476** 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, Cooksey, Cox, Dank, Denney, DeWitt, Dorman, Duncan, Enns, Faught, Fields, Glenn, Hamilton, Harrison, Hickman, Holland, Hoskin, Inman, Jackson, Jett, Johnson, Jones, Jordan, Joyner, Kern, Key, Kiesel, Kirby, Kouplen, Lamons, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCullough, McDaniel (Jeannie), McDaniel (Randy), McMullen, McNiel, McPeak, 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.--95.

Excused: Coody, Derby, Hilliard, Liebmann, Miller, Nations.--6.

The measure passed.

The Presiding Officer signed, in open session, Engrossed **SB 476** and ordered same returned to the Honorable Senate.

**GENERAL ORDER**

**SB 481** by Lamb et al of the Senate and Nelson et al of the House was read and considered.

Representative Reynolds moved to amend **SB 481**, Page 18 by inserting a new Section 9 to read as follows, and by renumbering subsequent sections:

“SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2889.1 of Title 68, unless there is created a duplication in numbering, reads as follows:

No person may claim the homestead exemption provided in Section 2889 of Title 68 of the Oklahoma statutes if the address on the application for the homestead exemption does not match the residence address provided by the individual when registering to vote as required by Section 4-112 of Title 26 of the Oklahoma Statutes.”

Representative Rousselot asked a ruling of the Presiding Officer whether the Reynolds amendment is germane to **SB 481**.

The Presiding Officer ruled the point not well taken and the amendment germane.

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

Aye: Auffet, Bailey, Brannon, Brown, Buck, Cannaday, Carey, Dorman, Glenn, Hamilton, Hoskin, Inman, Kiesel, Kouplen, Lamons, Luttrell, McAffrey, McDaniel (Jeannie), McMullen, Morgan, Ortega, Pittman, Proctor, Pruett, Renegar, Roan, Rousselot, Scott, Sherrer, Shoemake, Smithson, Walker, Williams.--33.

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

Excused: Blackwell, Coody, Harrison, Hilliard, Jones, Liebmann, McPeak, Nations, Shelton, Terrill.--10.

Representatives McMullen and Morgan raised a point of order that there was not a bill summary available for **SB 481**.

The Presiding Officer ruled the point well taken and **SB 481** was laid over.

## GENERAL ORDER

**SB 517** by Bingman of the Senate and McCullough of the House was read and considered.

Representative Morgan moved to amend **SB 517**, Page 7, Section 1, Line 2 and Page 12, Section 2, Line 2 by deleting the word “shall” and by inserting in lieu thereof the word “may”.

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

Aye: Cooksey, Cox, Dank, Derby, Duncan, Enns, Faught, Fields, Hickman, Holland, Jett, Johnson, Jones, Joyner, Kern, Key, Kirby, Martin (Scott), Martin (Steve), McCullough, McDaniel (Randy), McNiel, Moore, Murphey, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson, Richardson, Schwartz, Sears, Shannon, Steele, Sullivan, Thompson, Tibbs, Trebilcock, Watson, Wright (Harold), Wright (John), Mr. Speaker.--43.

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

Excused: Armes, Banz, Billy, Blackwell, Christian, Coody, Denney, DeWitt, Hilliard, Jackson, Jordan, Liebmann, Miller, Nations, Reynolds, Ritze, Sanders, Terrill, Thomsen, Wesselhoft.--20.

Representative McCullough moved that **SB 517** be advanced from General Order, which motion was declared adopted.

## THIRD READING

**SB 517** was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Billy, Blackwell, Christian, Cooksey, Dank, Denney, Derby, Dorman, Duncan, Enns, Faught, Fields, Hickman, Holland, Jackson, Jett, Johnson, Jones, Jordan, Joyner, Kern, Key, Kirby, Martin (Scott), Martin (Steve), McCullough, McDaniel (Randy), McNiel, Miller, Moore, Murphey, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson, Reynolds, Richardson, Ritze, Schwartz, Sears, Shannon, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Watson, Wesselhoft, Wright (Harold), Wright (John), Mr. Speaker.--55.

Nay: Auffet, Bailey, Banz, Brannon, Brown, Buck, Cannaday, Carey, Collins, Cox, DeWitt, Glenn, Hamilton, Harrison, Hoskin, Inman, Kiesel, Kouplen, Lamons, Luttrell, McAffrey, McMullen, McPeak, Morgan, Morrissette, Pittman, Proctor, Pruett, Renegar, Roan, Rousselot, Scott, Shelton, Sherrer, Shoemake, Shumate, Smithson, Walker, Williams.--39.

Excused: Armes, Coody, Hilliard, Liebmann, Nations, Sanders.--6.

Constitutional Priv: McDaniel (Jeannie).--1.

The measure passed.

**SB 517** was referred for engrossment.

### **GENERAL ORDER**

**SB 796** by Brogdon of the Senate and McDaniel (Randy) et al of the House was read and considered.

Representative McDaniel (Randy) moved that **SB 796** be advanced from General Order, which motion was declared adopted.

### **Representative Peters Presiding**

### **THIRD READING**

**SB 796** was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Blackwell, McDaniel (Randy), Murphey.--3.

Nay: Armes, Auffet, Bailey, Banz, Billy, Brannon, Brown, Buck, Cannaday, Carey, Christian, Collins, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Duncan, Enns, Faught, Fields, Glenn, Hamilton, Harrison, Hickman, 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), McMullen, McNiel, McPeak, Miller, Moore, Morgan, Morrissette, 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.--95.

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

The measure failed.

Representative McDaniel (Randy) served notice to reconsider the vote whereby **SB 796** failed.

## GENERAL ORDER

**SB 518** by Justice of the Senate and Osborn et al of the House was read and considered.

Coauthored by Representative(s) McMullen

Representative Osborn moved that **SB 518** be advanced from General Order, which motion was declared adopted.

## THIRD READING

**SB 518** 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, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Duncan, Enns, Faught, Fields, Glenn, Hamilton, Harrison, Hickman, Holland, Hoskin, Inman, Jackson, Jett, Johnson, Jones, Jordan, Joyner, Kern, Key, Kirby, Kouplen, 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, Sherrer, Shoemake, Shumate, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wesselhoft, Williams, Wright (Harold), Wright (John), Mr. Speaker.--95.

Nay: Kiesel, Morrissette, Shelton.--3.

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

The measure passed.

**SB 518** was referred for engrossment.

**PENDING CONSIDERATION OF CCR**

The **CCR** on **HB 1934** was called up for consideration.

Representative Brown asked a ruling of the Presiding Officer whether the **CCR** was germane to **HB 1934** pursuant to House Rule 7.15(a).

The Presiding Officer ruled the point not well taken and the **CCR** germane.

Representative Brown appealed the ruling of the Presiding Officer receiving the required 15 seconds.

"The question is, shall the decision of the Presiding Officer be the decision of the House? All those in favor signify by voting 'Aye'; those opposed 'Nay'. The vote is now in progress."

The decision of the Presiding Officer was upheld upon roll call as follows:

Aye: Armes, Banz, Billy, Christian, Cooksey, Cox, 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), McNeil, Miller, Moore, Murphey, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson, Reynolds, Richardson, Sanders, Schwartz, Sears, Shannon, Steele, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Watson, Wesselhoft, Wright (Harold), Wright (John), Mr. Speaker.--56.

Nay: Auffet, Bailey, Brannon, Brown, Buck, Cannaday, Carey, Collins, Dorman, Glenn, Harrison, Hoskin, Inman, Kiesel, Kouplen, Lamons, McAffrey, McMullen, McPeak, Morgan, Morrissette, Pittman, Pruett, Renegar, Roan, Rousselot, Scott, Shelton, Sherrer, Shoemake, Shumate, Smithson, Walker, Williams.--34.

Excused: Blackwell, Coody, Hamilton, Hilliard, Key, Luttrell, McDaniel (Jeannie), Nations, Proctor, Ritze, Sullivan.--11.

Representative Brown moved that the ruling of the Chair be included in the Book of Precedents. The Presiding Officer ruled the motion out of order pursuant to House Rule 14.2 which grants the Speaker discretion over which rulings are published in the Book of Precedents.

Upon motion of Representative Jackson, the **CCR** on **HB 1934** was adopted upon roll call as follows:

Aye: Armes, Banz, Blackwell, Christian, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Duncan, Enns, Faught, Fields, Hickman, Holland, Inman, Jackson, Jett, Johnson, Jones, Jordan, Joyner, Kern, Key, Kirby, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCullough, McDaniel (Randy), McNeil, Miller, Moore, Murphey, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson, Reynolds, Richardson, Ritze, Rousselot, Sanders, Schwartz, Sears, Shannon, Steele, Sullivan, Thompson, Thomsen,

Tibbs, Trebilcock, Watson, Wesselhoft, Williams, Wright (Harold), Wright (John), Mr. Speaker.--64.

Nay: Auffet, Bailey, Billy, Brannon, Brown, Buck, Cannaday, Carey, Collins, Glenn, Hamilton, Harrison, Hoskin, Kiesel, Kouplen, Lamons, McDaniel (Jeannie), McMullen, McPeak, Morgan, Morrisette, Pittman, Pruett, Renegar, Roan, Scott, Shelton, Sherrer, Shoemake, Shumate, Smithson, Walker.--32.

Excused: Coody, Hilliard, Nations, Proctor, Terrill.--5.

**HB 1934**, as amended in conference, was read at length for the fourth time and the roll was called on the measure as follows:

Aye: Armes, Banz, Blackwell, Christian, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Duncan, Enns, Faught, Fields, Hickman, Holland, Inman, Jackson, Jett, Johnson, Jones, Jordan, Joyner, Kern, Key, Kirby, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCullough, McDaniel (Randy), McNiel, Miller, Moore, Morrisette, Murphey, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson, Reynolds, Richardson, Ritze, Rousselot, Sanders, Schwartz, Sears, Shannon, Steele, Sullivan, Thompson, Thomsen, Tibbs, Trebilcock, Watson, Wesselhoft, Williams, Wright (Harold), Wright (John), Mr. Speaker.--65.

Nay: Auffet, Bailey, Billy, Brannon, Brown, Buck, Cannaday, Carey, Collins, Glenn, Hamilton, Harrison, Hoskin, Kiesel, Kouplen, Lamons, McDaniel (Jeannie), McMullen, McPeak, Morgan, Pittman, Pruett, Renegar, Roan, Scott, Shelton, Sherrer, Shoemake, Shumate, Smithson, Walker.--31.

Excused: Coody, Hilliard, Nations, Proctor, Terrill.--5.

The measure passed.

Although debate was requested in opposition to adoption of the emergency clause, the requesting member did not offer any debate but yielded all remaining time to the Chair. Representative Morgan raised a point of order stating that since there was effectively no debate in opposition to adoption of the emergency clause, the Presiding Officer should not allow debate in favor of the emergency clause.

Representative Wright (John) withdrew his request for debate time in favor of the emergency clause.

The Presiding Officer ruled the point well taken and debate out of order pursuant to House Precedent 8.17 - 1 (2007).

The roll was called on the emergency and resulted as follows:

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

Nay: Auffet, Bailey, Brannon, Brown, Buck, Cannaday, Carey, Collins, Glenn, Hamilton, Harrison, Hoskin, Kiesel, Kouplen, Lamons, McDaniel (Jeannie), McMullen, McPeak, Morgan, Pittman, Pruett, Renegar, Roan, Scott, Shelton, Sherrer, Shoemake, Shumate, Smithson, Walker.--30.

Excused: Coody, Hilliard, Morrisette, Nations, Williams.--5.

The emergency failed.

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

## **GENERAL ORDER**

**SB 541** by Ellis of the Senate and Dank of the House was read and considered.

Representative Dank moved that **SB 541** be advanced from General Order, which motion was declared adopted.

## **THIRD READING**

**SB 541** 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, Cooksey, Cox, Dank, Denney, DeWitt, Dorman, Enns, Faught, 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 (Randy), McMullen, McNiel, McPeak, Miller, Moore, Morgan, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Renegar, Richardson, Roan, Rousselot, Sanders, Scott, Sears, Shelton, Sherrer, Shoemake, Shumate, Smithson, Steele, Sullivan, Terrill, Thomsen, Tibbs, Walker, Watson, Williams, Wright (Harold), Mr. Speaker.--81.

Nay: Derby, Duncan, Kern, Key, McCullough, Murphey, Nelson, Reynolds, Ritze, Schwartz, Shannon, Thompson, Wesselhoft, Wright (John).--14.

Excused: Coody, Hilliard, McDaniel (Jeannie), Morrissette, Nations, Trebilcock.--6.

The measure and emergency passed.

The Presiding Officer signed, in open session, Engrossed **SB 541** and ordered same returned to the Honorable Senate.

### **MOTION EXPIRED**

Time expired for consideration of the motion to reconsider the vote whereby the emergency failed on **SB 551**.

**SB 551** was referred for engrossment.

### **MOTION EXPIRED**

Time expired for consideration of the motion to reconsider the vote whereby the emergency failed on **SB 803**.

**SB 803** was referred for engrossment.

### **MESSAGES FROM THE SENATE**

Announcing that Enrolled **HBs 1050, 1402, 1413, 1467, 1527, 1564, 1570, 1581, 1598, 1599, 1756, 1803, 1813, 1864, 2032, 2057, 2093, 2174** and **HJR 1003** 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.

### **Returning engrossed measures**

Announcing the passage of **HBs 1462, 1465, 1884**, Coauthored by Senator Ivester, **1913**, Coauthored by Representative Roan and Senator Sparks and **2087**, Coauthored by Senator Justice.

The above-numbered measures were referred for enrollment.

**Returning engrossed measures, as amended**

Announcing the passage of and returning engrossed measures as amended: **HBs 1025**, Remove Senator Anderson as principal Senate author and substitute with Senator Sykes as principal Senate author and Coauthored by Senators Gumm, Russell, **1081, 1360**, Coauthored by Senators Gumm, Leftwich, **1424**, Coauthored by Representatives Shelton, Pittman, **1489**, Coauthored by Senator Johnson (Constance), **1579, 1736, 1741**, Coauthored by Senators Gumm, Leftwich, Garrison, Sparks and Representatives Walker, Smithson, McAffrey, Tibbs, Martin, **1837, 1885, 1890**, Coauthored by Representative Smithson and Senator Garrison, **1963, 2176, 2264** and **HJRs 1017** and **1029**, Coauthored by Representatives Reynolds, Ritze and Senator Russell.

Senate amendments were read on the above numbered measures.

**Transmitting enrolled measure**

Advising fourth reading of and transmitting for signature Enrolled **SB 684**.

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

**Transmitting engrossed measure**

Announcing the passage of **SCR 19**. The measure was introduced and read.

**SCR 19** – By Leftwich of the Senate and Christian of the House.

A Concurrent Resolution commending the individuals elected into the Oklahoma Sports Hall of Fame; declaring Monday, August 3, 2009, "Oklahoma Sports Hall of Fame Day"; and directing distribution.

**Concurrence in HAs**

Announcing the concurrence of Senate in **HAs** to **SBs 238** and **239** and the passage of said measures, as amended thereby.

**Conference requested**

Advising rejection of **HAs** to **SB 987** and requesting conference thereon, the Senate naming conferees later.

## **MESSAGES FROM THE GOVERNOR**

Advising of his approval of **HBs 1008, 1064, 1065, 1419, 1608, 1729, 1872, 1882 and 2054** on April 17, 2009.

Advising of his approval of **HBs 1480, 1604, 1691, 1865, 1893 and 2148** on April 20, 2009.

## **APPOINTMENT**

The Speaker announced the following appointment:

April 17, 2009 – Representative Kirby appointed as a Member-at-large of The Energy Council. (Bylaws of The Energy Council)

Representative Key moved that when the clerk's desk is clear, the House stand adjourned to reconvene at 9:00 a.m., Tuesday, April 21, 2009, which was the order.

Pursuant to the motion of Representative Key, the House was adjourned at 5:00 p.m., to reconvene Tuesday, April 21, 2009, at 9:00 a.m.