

# HOUSE JOURNAL

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

**of the State of Oklahoma**

**Fifty-seventh Legislative Day, Thursday, May 7, 2009**

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

The roll was called with 98 Members present.

The following Members were excused: Morgan, Rousselot, Wesselhoft.—3.

The Speaker Pro Tempore declared a quorum present.

Prayer was offered by Mr. John Werhan, Northeast Church of Christ, Sentinel.

The Journal for the last legislative day was approved.

## **ENGROSSED AND ENROLLED MEASURES**

**HCRs 1026 and 1029** were reported correctly engrossed, properly signed, in open session, and ordered transmitted to the Honorable Senate.

**HBs 1048, 1059, 1165 and HJR 1042** were reported correctly enrolled and, after fourth reading, properly signed, in open session, and ordered transmitted to the Honorable Senate.

**HCR 1005** was reported correctly enrolled, properly signed, in open session, and ordered transmitted to the Honorable Senate.

**HRs 1034, 1049 and 1053** were reported correctly enrolled, properly signed, in open session, and ordered transmitted to the Secretary of State.

**SECOND READING**

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

**HJR 1052** – Administrative Rules and Agency Oversight

**HJR 1053** – Administrative Rules and Agency Oversight

**PENDING CONSIDERATION OF CCR**

The **CCR** on **HB 1330** was called up for consideration.

Coauthored by Representative(s) Derby, Wright (John), Ortega

Upon motion of Representative Ritze, the **CCR** on **HB 1330** was adopted.

**HB 1330**, as amended in conference, was read at length for the fourth time and the roll was called on the measure as follows:

Aye: Armes, Auffet, Banz, Billy, Blackwell, Brannon, Brown, Buck, Cannaday, Carey, Christian, Coody, Cooksey, Cox, Dank, Denney, Derby, Dorman, Duncan, Enns, Faight, Fields, Glenn, Hamilton, Harrison, Hickman, Hilliard, Holland, Hoskin, Inman, Johnson, Jones, Jordan, Joyner, Kern, Key, Kirby, Kouplen, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McCullough, McDaniel (Randy), McNiel, McPeak, Miller, Moore, Morrisette, Murphey, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Renegar, Reynolds, Richardson, Ritze, Sanders, Schwartz, Sears, Shannon, Sherrer, Shoemake, Shumate, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Walker, Watson, Wright (Harold), Wright (John), Mr. Speaker.--83.

Nay: Bailey, Collins.--2.

Excused: DeWitt, Jackson, Jett, Kiesel, McAffrey, McDaniel (Jeannie), McMullen, Morgan, Nations, Roan, Rousselot, Scott, Shelton, Trebilcock, Wesselhoft, Williams.--16.

The measure passed.

**HB 1330**, together with the conference committee report, thereon, was ordered transmitted to the Honorable Senate.

**Representative Hickman Presiding**

**PENDING CONSIDERATION OF SAs**

**SAs to HB 2056** were called up for consideration.

Upon motion of Representative Thompson, the House concurred in the **SAs to HB 2056** upon roll call as follows:

Aye: Armes, Bailey, Banz, Billy, Brannon, Buck, Cannaday, Carey, Christian, Collins, Coody, Cooksey, Dank, Denney, Derby, DeWitt, Dorman, Duncan, Enns, Fields, Hamilton, Harrison, Hickman, Hilliard, Holland, Inman, Jackson, Jett, Johnson, Jones, Jordan, Joyner, Key, Kirby, Kouplen, Lamons, Liebmann, Martin (Scott), Martin (Steve), McAffrey, McCullough, McDaniel (Jeannie), McDaniel (Randy), McNiel, Moore, Murphey, Nations, Nelson, Ortega, Osborn, Peters, Peterson, Pittman, Proctor, Renegar, Richardson, Sanders, Schwartz, Sears, Shannon, Sherrer, Shoemake, Shumate, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Watson, Wright (Harold), Mr. Speaker.--73.

Nay: Auffet, Brown, Cox, Glenn, Hoskin, Kern, Luttrell, Morrisette, Pruett, Reynolds, Ritze, Roan, Wright (John).--13.

Excused: Blackwell, Faught, Kiesel, McMullen, McPeak, Miller, Morgan, Ownbey, Rousselot, Scott, Shelton, Trebilcock, Walker, Wesselhoft, Williams.--15.

**HB 2056**, as amended by the Honorable Senate, was read at length for the fourth time and the roll was called on the measure as follows:

Aye: Armes, Banz, Billy, Blackwell, Brannon, Buck, Cannaday, Carey, Christian, Coody, Cooksey, Dank, Denney, Derby, DeWitt, Duncan, Enns, Faught, Fields, Hamilton, Hickman, Hilliard, Holland, Inman, Jackson, Jett, Johnson, Jones, Jordan, Joyner, Key, Kirby, Kouplen, Lamons, Liebmann, Martin (Scott), Martin (Steve), McCullough, McDaniel (Randy), McNiel, Miller, Moore, Murphey, Nations, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Richardson, Sanders, Schwartz, Shannon, Sherrer, Shoemake, Shumate, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Watson, Wright (Harold), Mr. Speaker.--69.

Nay: Auffet, Bailey, Brown, Collins, Cox, Glenn, Harrison, Hoskin, Kern, Luttrell, McAffrey, McDaniel (Jeannie), McPeak, Morrisette, Pruett, Renegar, Reynolds, Ritze, Roan, Walker, Wright (John).--21.

Excused: Dorman, Kiesel, McMullen, Morgan, Rousselot, Scott, Sears, Shelton, Trebilcock, Wesselhoft, Williams.--11.

The measure passed.

Senate amendments were properly signed, in open session, and the above-numbered measure was referred for enrollment.

**RESOLUTION FOR CONSIDERATION**

**SCR 24** was called up for consideration.

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

Upon motion of Representative Fields, **SCR 24** was considered and adopted.

**SCR 24** was properly signed, in open session, by the Presiding Officer and ordered returned to the Honorable Senate.

**RESOLUTION FOR CONSIDERATION**

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

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

Authored by Senator Nichols (principal Senate author)

Upon motion of Representative Terrill, **HCR 1031** was considered and adopted.

**HCR 1031** was referred for engrossment.

**RESOLUTION FOR CONSIDERATION**

**HR 1050** was called up for consideration.

Upon motion of Representative Morrissette, **HR 1050** was considered and adopted.

**HR 1050** was referred for enrollment.

**CONFEREES NAMED**

The Speaker named the following conferees:

**HB 1030** – Wright (John), Duncan, Jordan, Nelson, Inman, Lamons

**HB 1489** – DeWitt, Denney, Hickman, Dorman, Pruett

**HB 1919** – Kouplen, Bailey, Buck, Armes, Enns, DeWitt, Fields

**HJR 1014** – Osborn, Jackson, Blackwell, McDaniel (Randy), Thompson, Jones, Dorman, Kouplen

## **MESSAGES FROM THE SENATE**

Announcing that Enrolled **HBs 1048, 1059** and **1165** 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.

Announcing that Enrolled **HJR 1042** and **HCR 1005** have been signed by the Presiding Officer of Senate, in open session.

The above measures were ordered filed with the Secretary of State.

### **Transmitting enrolled measures**

Advising fourth reading of and transmitting for signature Enrolled **SBs 267, 268, 406, 517, 586, 659** and **672**.

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

Advising the signing of and transmitting for signature Enrolled **SCR 23**.

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

### **Conference requested**

Advising rejection of **HAs to SBs 277, 1013** and **1033** and requesting conference thereon, the Senate naming conferees later.

### **Conferees named**

Advising the Senate naming conferees as follows:

- SB 277** – Schulz, Lamb, Marlatt, Sparks
- SB 342** – Crain, Anderson, Lamb, Sykes, Paddack
- SB 353** – Rice, Jolley, Mazzei, Lamb
- SB 487** – Paddack, Anderson, Sykes, Stanislawski, Lamb
- SB 615** – Crain, Anderson, Jolley, Sykes, Lamb
- SB 815** – Burrage, Anderson, Lamb, Crain, Sykes, Stanislawski
- SB 994** – Sparks, Anderson, Sykes, Lamb, Jolley, Crain
- SB 1035** – Sparks, Justice, Schulz, Johnson (Mike), Marlatt, Ellis
- SB 1076** – Sparks, Anderson, Sykes, Crain, Lamb

**Conferees named, GCCA**

Advising the Senate naming GCCA to the following measures:

**SB 281**  
**SB 390**  
**SB 643**  
**SB 646**  
**SB 702**  
**SB 749**  
**SB 987**  
**SB 1033**  
**SB 1170**

**Conference granted**

Advising conference granted on **HBs** and the Senate naming conferees as follows:

**HB 1004** – Coates, Newberry, Brogdon, Myers, Leftwich  
**HB 1021** – Newberry, Anderson, Jolley, Sykes, Lamb, Paddack  
**HB 1035** – Newberry, Anderson, Sykes, Jolley, Lamb, Paddack  
**HB 1055** – Brown, Aldridge, Mazzei, Stanislawski, Russell, Sparks  
**HB 1061** – Burrage, Aldridge, Anderson, Lamb  
**HB 1063** – Burrage, Anderson, Crain, Jolley, Lamb  
**HB 1069** – Paddack, Jolley, Crain, Halligan, Newberry, Lamb  
**HB 1081** – Gumm, Lamb, Bingman, Mazzei  
**HB 1307** – Bass, Anderson, Jolley, Crain, Lamb, Coffee  
**HB 1322** – Sykes, Nichols, Lamb, Jolley, Bingman, Garrison  
**HB 1449** – Ellis, Anderson, Sykes, Stanislawski, Marlatt, Lamb  
**HB 1481** – Paddack, Jolley, Newberry, Lamb, Halligan, Marlatt  
**HB 1487** – Bingman, Branan, Myers, Brogdon, Gumm  
**HB 1509** – Bass, Anderson, Jolley, Crain, Stanislawski, Lamb  
**HB 1647** – Garrison, Ford, Jolley, Brown, Lamb  
**HB 1678** – Paddack, Anderson, Stanislawski, Jolley, Lamb, Sykes  
**HB 1736** – Ford, Jolley, Crain, Leftwich  
**HB 1739** – Anderson, Sykes, Jolley, Lamb, Paddack  
**HB 1775** – Corn, Lamb, Coffee, Sykes, Jolley  
**HB 1897** – Ford, Jolley, Crain, Burrage  
**HB 2010** – Paddack, Ford, Jolley, Branan, Halligan, Reynolds  
**HB 2028** – Coates, Anderson, Crain, Newberry, Paddack  
**HB 2029** – Coates, Anderson, Crain, Newberry, Paddack

### **Conference granted, GCCA**

Advising conference granted on **HBs** and the Senate naming GCCA to the following measures:

**HB 1057**  
**HB 1077**  
**HB 1084**  
**HB 1295**  
**HB 1297**  
**HB 1360**  
**HB 1468**  
**HB 1661**  
**HB 1717**  
**HB 1741**  
**HB 1802**  
**HB 1834**  
**HB 1837**  
**HB 1888**  
**HB 1919**  
**HB 2047**  
**HJR 1005**  
**HJR 1014**  
**HJR 1016**  
**HJR 1026**

### **Conferees added**

Advising the Senate adding conferees as follows:

**HB 1736** – Add Johnson (Constance), Lamb  
**SB 452** – Add Sweeden

### **Conferees changed**

Advising the Senate changing conferees as follows:

**SB 810** – Remove Jolley, Lamb, Sykes, Mazzei and Add Bingman, Coates, Burrage, Sparks

### **Concurrence in HAs**

Announcing the concurrence of Senate in **HAs** to **SBs 256, 257** and **932** and the passage of said measures, as amended thereby.

### Transmitting engrossed measures

Announcing the passage of **SCRs 21** and **22**. The measures were introduced and read.

**SCR 21** – By Garrison, Brogdon, Burrage, Justice, Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brown, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Gumm, Halligan, Ivester, Johnson (Constance), Johnson (Mike), Jolley, Lamb, Laster, Leftwich, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick of the Senate and Faught, Jones, Derby and Rousselot of the House.

A Concurrent Resolution supporting the McClellan-Kerr Arkansas River Navigation System; disagreeing with and opposing the proposed lockage fee; and directing distribution.

**SCR 22** – By Garrison, Brogdon, Burrage, Justice, Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brown, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Gumm, Halligan, Ivester, Johnson (Constance), Johnson (Mike), Jolley, Lamb, Laster, Leftwich, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick of the Senate and Faught, Jones, Derby and Rousselot of the House.

A Concurrent Resolution recognizing the importance of maintaining the McClellan-Kerr Arkansas River Navigation System; supporting sufficient funding; and directing distribution.

### CONFERENCE GRANTED

Upon motion of Representative Jones, the House granted the request of the Honorable Senate for conference on the following measures and the Speaker named conferees:

**SB 277** – Armes, McDaniel (Randy), McNiel, Trebilcock, Buck, Smithson

**SB 646** – Benge, Miller, Martin (Scott), Steele, Morgan, Dorman

**SB 723** – Sears, DeWitt, Sanders, Wright (Harold), Ownbey, Cannaday, Hickman

**SB 749** – Cooksey, Banz, Coody, Kern, Denney, Morrissette, Hamilton, Hilliard

**SB 1013** – Sullivan, McDaniel (Randy), Liebmann, Carey, Lamons

**SB 1152** – Terrill, McCullough, Christian, Miller, Roan, Smithson, Martin (Scott), Carey

**SB 1166** – Terrill, Joyner, Hickman, Liebmann, Martin (Scott), Martin (Steve), Roan

## **RESOLUTIONS**

The following were introduced and read:

**HCR 1038** – By Collins of the House and Sparks and Sweeden of the Senate.

A Concurrent Resolution in support of the State of Kansas, the Kansas Department of Transportation, and the National Railroad Passenger Corporation (Amtrak) for their participation with the Amtrak feasibility study requested by the Kansas Department of Transportation on February 11, 2008; and directing distribution.

**HCR 1039** – By Scott.

A Concurrent Resolution recognizing the importance of the post office system; expressing support for the enactment of the Access to Postal Services Act; and directing distribution.

**HR 1054** – By Denney.

A Resolution relating to health; recognizing the importance of the ongoing fight against heart disease and stroke; proclaiming Thursday, May 7, 2009, to be National Wear Red Day; urging all Oklahoma citizens to commemorate this day by wearing the color red.

**HR 1055** – By Denney.

A Resolution observing May 7, 2009, as the National Day of Prayer.

## **CCRs SUBMITTED**

The conference committee reports were read on the following measures:

**HB 1003**

**HB 1025**

**HB 1095**

**HB 1411**

**HB 1424**

**HB 1707**

**HB 1760**

**APPOINTMENTS**

The Speaker announced the following appointments:

May 7, 2009 – Representative McNiel reappointed as a Member of the Oklahoma Breast and Cervical Cancer Prevention and Treatment Advisory Committee. (63 O. S. 1-554 and 1-558)

May 7, 2009 – Representative Ortega appointed as a Member of the Minority Teacher Recruitment Advisory Committee, replacing Representative Billy. (70 O. S. 6-129.1)

May 7, 2009 – Representative Richardson appointed as a Member and Vice Chair and Representatives Fields, Pruett, Schwartz and Sears appointed as Members of the Department of Wildlife Conservation Consolidation of Licenses, Permits and Fees Task Force. (**SB 1034**, § 1, 2009)

Representative Jones moved that when the clerk's desk is clear, the House stand adjourned to reconvene at 1:30 p.m., Monday, May 11, 2009, which was the order.

Pursuant to the motion of Representative Jones, the House was adjourned at 10:20 a.m., to reconvene Monday, May 11, 2009, at 1:30 p.m.