

HOUSE JOURNAL

Second Regular Session of the Fifty-second Legislature

of the State of Oklahoma

Thirty-fourth Legislative Day, Tuesday, March 30, 2010

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

The roll was called with 101 Members present.

The Speaker Pro Tempore declared a quorum present.

Prayer was offered by Pastor David Krepel, Emmanuel Lutheran Church, Kingfisher.

The Journal for the last legislative day was approved.

ENGROSSED AND ENROLLED MEASURES

HAs to SB 1961 were reported correctly engrossed, properly signed, in open session, and the measure, as amended, was ordered returned to the Honorable Senate.

HBs 3026 and 3312 were reported correctly enrolled and, after fourth reading, properly signed, in open session, and ordered transmitted to the Honorable Senate.

GENERAL ORDER

SB 2170 by Sparks of the Senate and Jordan of the House was read and considered.

Representative Jordan moved that **SB 2170** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 2170 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, Cannaday, Carey, Christian, Coody, Cooksey, Cox, Dank, Denney, Dorman, Duncan, Enns, Faught, Fields, Glenn, Hickman, Hilliard, Holland, Hoskin, Inman, Jackson, Johnson, Jones, Jordan, Joyner, Kern, Key, Kouplen, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCullough, McDaniel (Jeannie), McDaniel (Randy), Morgan, Murphey, Nations, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Renegar, Richardson, Ritze, Roan, Rousselot, Russ, Sanders, Sears, Shelton, Sherrer, Shoemake, Smithson, Steele, Sullivan, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wesselhoft, Williams, Wright (Harold), Wright (John), Mr. Speaker.--80.

Nay: Collins, McPeak.--2.

Excused: Billy, Buck, Derby, DeWitt, Hamilton, Harrison, Jett, Kiesel, Kirby, McNeil, Miller, Moore, Morrissette, Reynolds, Schwartz, Scott, Shannon, Shumate, Terrill.--19.

The measure and emergency passed.

The Presiding Officer signed, in open session, Engrossed **SB 2170** and ordered same returned to the Honorable Senate.

GENERAL ORDER

SB 1925 by Sykes of the Senate and Christian of the House was read and considered.

Representative Christian moved that **SB 1925** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 1925 was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Blackwell, Buck, Christian, Cox, Duncan, Holland, Jackson, Johnson, Jones, Kirby, Martin (Steve), McDaniel (Randy), Ortega, Russ, Sanders, Schwartz, Sullivan, Trebilcock, Mr. Speaker.--19.

Nay: Armes, Auffet, Bailey, Banz, Billy, Brannon, Brown, Cannaday, Carey, Collins, Coody, Cooksey, Dank, Denney, Derby, DeWitt, Dorman, Enns, Faught, Fields, Glenn, Hamilton, Harrison, Hickman, Hilliard, Hoskin, Inman, Jordan, Joyner, Kern, Key, Kiesel, Kouplen, Lamons, Liebmann, Luttrell, Martin (Scott), McCullough, McDaniel (Jeannie), McNeil, McPeak, Miller, Moore, Morgan, Morrissette, Murphey, Nelson, Osborn, Ownbey,

Peters, Peterson, Pittman, Proctor, Pruett, Renegar, Reynolds, Richardson, Ritze, Roan, Rousselot, Scott, Sears, Shannon, Shelton, Sherrer, Smithson, Steele, Thompson, Thomsen, Tibbs, Walker, Watson, Wesselhoft, Williams, Wright (Harold), Wright (John).--76.

Excused: Jett, McAffrey, Nations, Shoemake, Shumate, Terrill.--6.

The measure failed.

GENERAL ORDER

SB 1938 by Sykes of the Senate and Johnson of the House was read and considered.

Coauthored by Representative(s) Kern

Representative Johnson moved that **SB 1938** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 1938 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, 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, Moore, Morgan, Morrissette, Murphey, Nations, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Renegar, Reynolds, Richardson, Ritze, Roan, Rousselot, Russ, Sanders, Schwartz, Scott, Sears, Shannon, Shelton, Sherrer, Shoemake, Smithson, Steele, Sullivan, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wesselhoft, Williams, Wright (Harold), Wright (John), Mr. Speaker.--98.

Excused: Inman, Shumate, Terrill.--3.

The measure passed.

The Presiding Officer signed, in open session, Engrossed **SB 1938** and ordered same returned to the Honorable Senate.

GENERAL ORDER

SB 2039 by Anderson of the Senate and Sullivan of the House was read and considered.

Representative Sullivan moved that **SB 2039** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 2039 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, Faught, Fields, Glenn, Hamilton, Harrison, Hickman, Hilliard, Holland, Hoskin, Inman, Jackson, Jett, Johnson, Jones, Jordan, Joyner, Kern, Key, Kiesel, Kirby, Kouplun, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCullough, McDaniel (Jeannie), McDaniel (Randy), McNiel, McPeak, Miller, Moore, Morgan, Morrissette, Murphey, Nations, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Renegar, Reynolds, Richardson, Ritze, Roan, Rousselot, Russ, Sanders, Schwartz, Scott, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Smithson, Steele, Sullivan, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wesselhoft, Williams, Wright (Harold), Wright (John), Mr. Speaker.--99.

Excused: Enns, Terrill.--2.

The measure passed.

The Presiding Officer signed, in open session, Engrossed **SB 2039** and ordered same returned to the Honorable Senate.

GENERAL ORDER

SB 2040 by Anderson of the Senate and Sullivan of the House was read and considered.

Representative Sullivan moved that **SB 2040** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 2040 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, Carey, Christian, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Duncan, Faught, Fields, Harrison, Hickman, Hilliard, Holland, Jackson, Jett, Johnson, Jones, Jordan, Joyner, Kern, Key, Kirby, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McCullough, McDaniel (Randy), McNiel, Miller, Moore, Morgan, Murphey, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson, Proctor, Pruett, Renegar, Reynolds, Richardson, Ritze, Roan, Rousselot, Russ, Sanders, Schwartz, Scott, Sears, Shannon, Shoemake, Shumate, Smithson, Steele, Sullivan, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wesselhoft, Williams, Wright (Harold), Wright (John), Mr. Speaker.--80.

Nay: Auffet, Brown, Buck, Cannaday, Collins, Glenn, Hamilton, Hoskin, Kiesel, Kouplun, McAffrey, McDaniel (Jeannie), McPeak, Morrissette, Nations, Pittman, Shelton, Sherrer.--18.

Excused: Enns, Inman, Terrill.--3.

The measure passed.

The Presiding Officer signed, in open session, Engrossed **SB 2040** and ordered same returned to the Honorable Senate.

GENERAL ORDER

SB 2201 by Anderson of the Senate and Hickman of the House was read and considered.

Representative Hickman moved that **SB 2201** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 2201 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, Faught, Fields, Glenn, Hamilton, Harrison, Hickman, Hilliard, Holland, Hoskin, Jackson, Jett, Johnson, Jones, Jordan, Joyner, Kern, Key, Kiesel, Kirby, Kouplun, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCullough, McDaniel (Jeannie), McDaniel (Randy), McNiel, McPeak, Miller, Moore, Morgan, Morrissette, Murphey, Nations, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson,

Pittman, Proctor, Pruett, Renegar, Reynolds, Richardson, Ritze, Roan, Rousselot, Russ, Sanders, Schwartz, Scott, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Smithson, Steele, Sullivan, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wesselhoft, Williams, Wright (Harold), Wright (John), Mr. Speaker.--98.

Excused: Enns, Inman, Terrill.--3.

The measure passed.

The Presiding Officer signed, in open session, Engrossed **SB 2201** and ordered same returned to the Honorable Senate.

GENERAL ORDER

SB 499 by Anderson of the Senate and Duncan of the House was read and considered.

Representative Duncan moved that **SB 499** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 499 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, Cannaday, Christian, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Duncan, Faught, Fields, Glenn, Hamilton, Harrison, Hickman, Holland, Hoskin, Jackson, Jett, Johnson, Jones, Jordan, Joyner, Kern, Key, Kirby, Kouplen, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McCullough, McDaniel (Jeannie), McDaniel (Randy), McNiel, Miller, Moore, Murphey, Nations, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson, Pruett, Reynolds, Richardson, Ritze, Roan, Rousselot, Russ, Sanders, Schwartz, Scott, Sears, Shannon, Shoemake, Smithson, Steele, Sullivan, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wesselhoft, Wright (Harold), Wright (John), Mr. Speaker.--80.

Nay: Auffet, Buck, Carey, Collins, Hilliard, Lamons, McAffrey, McPeak, Morgan, Morrisette, Pittman, Proctor, Shelton, Sherrer, Shumate, Williams.--16.

Excused: Enns, Inman, Kiesel, Renegar, Terrill.--5.

The measure passed.

The Presiding Officer signed, in open session, Engrossed **SB 499** and ordered same returned to the Honorable Senate.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 1053** was called up for consideration.

Upon motion of Representative Banz, the **CCR** on **HB 1053** was adopted.

HB 1053, as amended in conference, was read at length for the fourth time and the roll was called on the measure as follows:

Aye: Armes, Bailey, Banz, Blackwell, Brannon, Brown, Carey, Christian, Coody, Cox, Dank, Derby, DeWitt, Dorman, Duncan, Enns, Faught, Fields, Glenn, Hickman, Jackson, Jett, Johnson, Jones, Jordan, Joyner, Key, Kirby, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McCullough, McDaniel (Randy), McNiel, Miller, Moore, Morgan, Murphey, Ortega, Osborn, Ownbey, Peters, Proctor, Pruett, Reynolds, Richardson, Ritze, Roan, Rousselot, Russ, Sanders, Schwartz, Sears, Shannon, Shoemake, Steele, Sullivan, Thompson, Thomsen, Tibbs, Walker, Watson, Wesselhoft, Wright (Harold), Wright (John), Mr. Speaker.--68.

Nay: Auffet, Billy, Buck, Cannaday, Collins, Cooksey, Denney, Hamilton, Harrison, Hilliard, Holland, Kern, Kiesel, Kouplen, McAffrey, McDaniel (Jeannie), McPeak, Morrissette, Nations, Nelson, Peterson, Pittman, Renegar, Scott, Shelton, Sherrer, Smithson, Terrill, Trebilcock, Williams.--30.

Excused: Inman, Shumate.--2.

Constitutional Priv: Hoskin.--1.

The measure passed.

HB 1053, together with the conference committee report, thereon, was ordered transmitted to the Honorable Senate.

MOTION

Representative Johnson asked that the Journal reflect that had he been present in the Chamber yesterday, March 29, he would have voted aye on **SBs 1890, 1891 and 1902**, which was the order.

MESSAGES FROM THE SENATE

Announcing the passage of and returning engrossed measures as amended: **HBs 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364**, Coauthored by Senator Burrage, **2365, 2366, 2367, 2369, 2370, 2437, 2438, 2439, 2440, 2441** and **HJR 1055**.

Senate amendments were read on the above numbered measures.

Returning engrossed measures

Announcing the passage of **HBs 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2299, 2655, 2750**, Coauthored by Representative Fields, **2837, 2862, 2969** and **2992**.

The above-numbered measures were referred for enrollment.

Returning CCR

Returning **HB 1740** together with conference committee report thereon, advising adoption of conference committee report and passage of measure as amended.

The above-numbered measure, as amended by the conference committee report, was referred for enrollment.

Returning enrolled measures

Announcing that Enrolled **HBs 3026** and **3312** 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 1287, 1645, 1679, 1890, 1891** and **1902**.

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:

SB 1295 – Public Health, Coauthored by Representative(s) McDaniel (Jeannie)

SB 1325 – Public Health

SB 1351 – International Relations and Tourism

SB 1699 – Public Health, Coauthored by Representative(s) McDaniel (Jeannie), Peterson, Denney

SB 1864 – Judiciary

SB 1997 – General Government

SB 2051 – Public Health, Coauthored by Representative(s) Jackson, Tibbs, Derby, Ritze, Trebilcock, Harrison, Inman

SB 2102 – General Government, Coauthored by Representative(s) Tibbs

SB 2125 – Judiciary

DO PASS, As Amended:

CS for SB 1303 – Government Modernization

SB 1793 – Judiciary

CS for SB 1887 – Government Modernization

SB 1962 – General Government

CS for SB 2018 – Judiciary

SB 2052 – Government Modernization

CS for SB 2127 – Government Modernization

CS for SB 2154 – Judiciary

SB 2166 – Judiciary

CS for SB 2203 – Judiciary

CS for SB 2215 – Judiciary

CS for SB 2231 – Judiciary

SB 2242 – Judiciary

CS for SB 2270 – Judiciary

CS for SB 2301 – Judiciary

Representative Johnson moved that when the clerk's desk is clear, the House stand adjourned to reconvene at 1:30 p.m., Wednesday, March 31, 2010, which was the order.

Pursuant to the motion of Representative Johnson, the House was adjourned at 11:10 a.m., to reconvene Wednesday, March 31, 2010, at 1:30 p.m.