

HOUSE JOURNAL

Second Regular Session of the Fifty-second Legislature

of the State of Oklahoma

Fortieth Legislative Day, Thursday, April 8, 2010

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

The roll was called with 96 Members present.

The following Members were excused: Christian, Enns, Fields, Jackson, Thompson.—5.

The Speaker Pro Tempore declared a quorum present.

Prayer was offered by Pastor Mark Stapp, Cherokee Hills Baptist Church, Oklahoma City. Pastor Stapp was sponsored by Representative Thompson.

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

The Journal for the last legislative day was approved.

ENGROSSED AND ENROLLED MEASURES

HAs to SBs 1012, 1311, 1615, 1713, 1998, 2007 and 2034 were reported correctly engrossed, properly signed, in open session, and the measures, as amended, were ordered returned to the Honorable Senate.

HBs 2485, 2551, 2748, 2865, 3031 and 3313 were reported correctly enrolled and, after fourth reading, properly signed, in open session, and ordered transmitted to the Honorable Senate.

HCR 1056 was reported correctly enrolled, properly signed, in open session, and ordered transmitted to the Honorable Senate.

HRs 1072, 1077 and 1080 were reported correctly enrolled, properly signed, in open session, and ordered transmitted to the Secretary of State.

POINT OF INQUIRY

Following determination of the presence of a quorum, Representative Blackwell raised a point of inquiry as to whether a member must answer a quorum call personally by activating the electronic button at their desk or whether it would be permissible for one member to direct another member to activate their button on their behalf.

The Presiding Officer stated that a member must activate the button from their own desk during the determination of the presence of a quorum.

GENERAL ORDER

SB 1793 by Paddack of the Senate and Thomsen of the House was read and considered.

Upon request of Representative Thomsen, **SB 1793** was laid over.

PENDING CONSIDERATION OF SAs

SAs to HB 3202 were called up for consideration.

Representative Denney moved to table the **SAs to HB 3202**, which motion failed of adoption upon roll call as follows:

Aye: Bailey, Billy, Brannon, Brown, Carey, Collins, Cox, Denney, Dorman, Hamilton, Harrison, Hilliard, Hoskin, Inman, Kern, Lamons, McAffrey, McDaniel (Jeannie), Morrisette, Murphey, Peterson, Renegar, Richardson, Ritze, Roan, Sullivan, Tibbs, Williams.--28.

Nay: Armes, Auffet, Buck, Cannaday, Coody, Cooksey, Dank, Derby, DeWitt, Duncan, Faught, Glenn, Holland, Jett, Johnson, Jones, Jordan, Joyner, Key, Kouplen, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McCullough, McDaniel (Randy), McNiel, Moore, Osborn, Ownbey, Peters, Pittman, Proctor, Pruett, Reynolds, Rousselot, Russ, Sanders, Schwartz, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Smithson, Steele, Terrill, Thomsen, Trebilcock, Walker, Watson, Wesselhoft, Wright (Harold), Wright (John), Mr. Speaker.--56.

Excused: Banz, Blackwell, Christian, Enns, Fields, Hickman, Jackson, Kiesel, Kirby, McPeak, Miller, Morgan, Nations, Nelson, Ortega, Scott, Thompson.--17.

Representative Lamons raised a point of order stating that because the **SAs** were not electronically available the bill should be laid over.

The Presiding Officer stated that the **SAs** are electronically available and the point was not well taken.

Representative Denney raised a point of order stating that veterinarians across the state had been impugned.

The Presiding Officer stated that House Rules only prohibit the impugning of members of the House of Representatives.

Representative Lamons moved to temporarily postpone consideration of the **SAs** to **HB 3202** for thirty (30) minutes.

Representative Lamons withdrew his motion to temporarily postpone consideration of the **SAs** to **HB 3202**.

Representative Lamons moved to temporarily postpone consideration of the **SAs** to **HB 3202** for ten (10) minutes to allow the members time to review the amendments.

Representative Inman raised a point of order stating that because the wrong version of the measure was posted to the Floor Calendar the measure should be laid over to permit the amendment cycle to be repeated.

The Presiding Officer stated that because Senate amendments to a House bill were presently under consideration the House bill was not eligible for additional amendments offered by the House and that as such, there was no amendment cycle at this point in the legislative process.

Representative Inman appealed the ruling of the Presiding Officer receiving the required fifteen (15) standing 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, Coody, Dank, DeWitt, Duncan, Faight, Hickman, Holland, Jett, Johnson, Jones, Jordan, Joyner, Key, Kirby, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McCullough, McDaniel (Randy), McNiel, Moore, Murphey, Nelson, Ortega, Osborn, Ownbey, Peters, Reynolds, Rousselot, Russ, Sanders, Schwartz, Sears, Shannon, Shoemake, Shumate, Steele, Sullivan, Terrill, Thomsen, Tibbs, Trebilcock, Wesselhoft, Wright (Harold), Wright (John), Mr. Speaker.--50.

Nay: Auffet, Bailey, Brown, Buck, Cannaday, Carey, Collins, Cooksey, Cox, Denney, Derby, Dorman, Glenn, Hamilton, Harrison, Hilliard, Hoskin, Inman, Kern, Kiesel, Kouplen, Lamons, McAffrey, McDaniel (Jeannie), McPeak, Morgan, Nations, Peterson, Pittman, Proctor, Pruett, Renegar, Richardson, Ritze, Roan, Scott, Shelton, Sherrer, Smithson, Watson, Williams.--41.

Excused: Blackwell, Brannon, Christian, Enns, Fields, Jackson, Miller, Morrissette, Thompson, Walker.--10.

Representative Lamons pressed his motion to temporarily postpone consideration of the **SAs** to **HB 3202** for ten (10) minutes, which motion was declared adopted.

Consideration of the **SAs** to **HB 3202** was temporarily postponed.

GENERAL ORDER

SB 2137 by Nichols et al of the Senate and Billy of the House was read and considered.

Representative Billy moved that **SB 2137** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 2137 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, Brannon, Brown, Buck, Cannaday, Carey, Collins, Coody, Cox, Dank, Denney, Derby, DeWitt, Dorman, Duncan, Faught, Glenn, Hamilton, Harrison, Hickman, Hilliard, Holland, Hoskin, Inman, Jett, Johnson, Jones, Jordan, Joyner, Kirby, Kouplen, Lamons, Liebmann, Luttrell, Martin (Scott), McAffrey, McCullough, McDaniel (Jeannie), McDaniel (Randy), McNiel, McPeak, Miller, Moore, 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, Terrill, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wesselhoft, Williams, Wright (Harold), Wright (John), Mr. Speaker.--89.

Nay: Cooksey, Kern, Key, Martin (Steve).--4.

Excused: Blackwell, Christian, Enns, Fields, Jackson, Kiesel, Morgan, Thompson.--8.

The measure and emergency passed.

The Presiding Officer signed, in open session, Engrossed **SB 2137** and ordered same returned to the Honorable Senate.

PENDING CONSIDERATION OF SAs

SAs to HB 3202 which were temporarily postponed on Page 1200 were called up for further consideration.

Representative Peters moved to advance the question.

Representative Lamons moved to table the Peters motion, which tabling motion failed of adoption upon roll call as follows:

Aye: Auffet, Billy, Brannon, Buck, Carey, Collins, Cox, Denney, Dorman, Hamilton, Hickman, Holland, Hoskin, Inman, Kiesel, Kirby, Lamons, McAffrey, McDaniel (Jeannie), Nations, Pittman, Proctor, Renegar, Reynolds, Richardson, Ritze, Roan, Scott, Shelton, Sherrer, Smithson, Sullivan, Walker.--33.

Nay: Armes, Banz, Cannaday, Coody, Cooksey, Dank, Derby, DeWitt, Duncan, Faight, Glenn, Jett, Johnson, Jones, Jordan, Joyner, Kern, Key, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McDaniel (Randy), McNiel, McPeak, Miller, Moore, Murphey, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson, Pruett, Rousselot, Russ, Sanders, Schwartz, Sears, Shannon, Shoemake, Shumate, Steele, Terrill, Thomsen, Tibbs, Trebilcock, Watson, Wesselhoft, Wright (Harold), Wright (John), Mr. Speaker.--53.

Excused: Bailey, Blackwell, Brown, Christian, Enns, Fields, Harrison, Hilliard, Jackson, Kouplen, McCullough, Morgan, Morrissette, Thompson, Williams.--15.

Representative Peters pressed his motion to advance the question, which motion was declared adopted upon roll call as follows:

Aye: Armes, Auffet, Banz, Coody, Dank, DeWitt, Duncan, Faight, Glenn, Jett, Johnson, Jones, Jordan, Joyner, Key, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McCullough, McDaniel (Randy), Miller, Moore, Nelson, Ortega, Osborn, Ownbey, Peters, Pruett, Rousselot, Sanders, Schwartz, Sears, Shannon, Shoemake, Shumate, Steele, Terrill, Trebilcock, Watson, Wesselhoft, Wright (Harold), Wright (John), Mr. Speaker.--44.

Nay: Bailey, Billy, Brannon, Brown, Buck, Cannaday, Carey, Collins, Cooksey, Cox, Denney, Derby, Dorman, Hamilton, Hickman, Holland, Hoskin, Inman, Kern, Kiesel, Kirby, Lamons, McAffrey, McDaniel (Jeannie), McPeak, Morrissette, Nations, Peterson, Pittman, Proctor, Renegar, Reynolds, Richardson, Ritze, Roan, Scott, Sherrer, Smithson, Sullivan, Tibbs, Walker, Williams.--42.

Excused: Blackwell, Christian, Enns, Fields, Harrison, Hilliard, Jackson, Kouplen, McNiel, Morgan, Murphey, Russ, Shelton, Thompson, Thomsen.--15.

Representative Lamons moved to extend the debate time on the adoption of the **SAs to HB 3202** to thirty (30) minutes a side.

The Presiding Officer ruled the Lamons motion out of order.

Upon motion of Representative Armes, the House concurred in the **SAs to HB 3202**, which motion was declared adopted upon a division of the question.

HB 3202, as amended by the Honorable Senate, was read at length for the fourth time.

Representative Denney moved to postpone the bill indefinitely.

Representative Armes moved to table the Denney motion, which tabling motion prevailed upon roll call as follows:

Aye: Armes, Blackwell, Buck, Cannaday, Coody, Cox, Dank, DeWitt, Duncan, Faught, Glenn, Holland, Jett, Johnson, Jones, Jordan, Key, Kirby, Kouplen, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McCullough, McNiel, McPeak, Moore, Nelson, Ortega, Osborn, Ownbey, Peters, Rousselot, Russ, Sanders, Schwartz, Sears, Shannon, Sherrer, Shoemake, Shumate, Smithson, Steele, Terrill, Thomsen, Trebilcock, Walker, Watson, Wesselhoft, Wright (Harold), Wright (John), Mr. Speaker.--52.

Nay: Auffet, Bailey, Banz, Billy, Brannon, Brown, Carey, Collins, Cooksey, Denney, Derby, Dorman, Hamilton, Hoskin, Inman, Joyner, Kern, Kiesel, Lamons, McAffrey, McDaniel (Jeannie), McDaniel (Randy), Miller, Morrissette, Murphey, Nations, Peterson, Pittman, Proctor, Pruett, Renegar, Reynolds, Richardson, Ritze, Roan, Scott, Shelton, Sullivan, Tibbs, Williams.--40.

Excused: Christian, Enns, Fields, Harrison, Hickman, Hilliard, Jackson, Morgan, Thompson.--9.

Representative Peters moved to advance the question.

Representative Lamons moved to table the Peters motion, which tabling motion was declared adopted upon a division of the question.

The roll was called on the measure as follows:

Aye: Armes, Auffet, Billy, Blackwell, Buck, Cannaday, Coody, Dank, DeWitt, Duncan, Faught, Glenn, Hickman, Hilliard, Holland, Jett, Johnson, Jones, Jordan, Key, Kirby, Kouplen, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McCullough, McDaniel (Randy), McNiel, McPeak, Moore, Morgan, Murphey, Nelson, Ortega, Osborn, Ownbey, Peters, Pittman, Pruett, Rousselot, Russ, Sanders, Schwartz, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Smithson, Steele, Terrill, Thomsen, Trebilcock, Walker, Wright (Harold), Mr. Speaker.--58.

Nay: Bailey, Banz, Brown, Carey, Collins, Cooksey, Cox, Denney, Derby, Dorman, Hamilton, Harrison, Hoskin, Inman, Joyner, Kern, Kiesel, Lamons, McAffrey, McDaniel (Jeannie), Miller, Morrissette, Nations, Peterson, Proctor, Renegar, Reynolds, Richardson, Ritze, Roan, Scott, Sullivan, Tibbs, Watson, Wesselhoft, Williams, Wright (John).--37.

Excused: Brannon, Christian, Enns, Fields, Jackson, Thompson.--6.

The measure passed.

Representative Armes served notice to reconsider the vote whereby **HB 3202** passed.

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

Aye: Armes, Billy, Blackwell, Buck, Cannaday, Coody, Dank, Duncan, Faught, Glenn, Hickman, Holland, Jett, Johnson, Jones, Jordan, Key, Kirby, Kouplen, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McCullough, McDaniel (Randy), McNiel, McPeak, Moore, Murphey, Ortega, Osborn, Ownbey, Peters, Pittman, Pruett, Rousselot, Sanders, Schwartz, Shannon, Sherrer, Shoemake, Shumate, Smithson, Steele, Terrill, Thomsen, Trebilcock, Walker, Wright (Harold), Mr. Speaker.--50.

Nay: Bailey, Banz, Brown, Carey, Collins, Cooksey, Derby, Dorman, Hamilton, Harrison, Hoskin, Inman, Joyner, Kern, Kiesel, Lamons, McAffrey, McDaniel (Jeannie), Miller, Morrisette, Nations, Peterson, Proctor, Renegar, Reynolds, Richardson, Ritze, Roan, Russ, Scott, Sullivan, Tibbs, Watson, Wesselhoft, Williams, Wright (John).--36.

Excused: Auffet, Brannon, Christian, Cox, Denney, DeWitt, Enns, Fields, Hilliard, Jackson, Morgan, Nelson, Sears, Shelton, Thompson.--15.

The emergency failed.

MESSAGES FROM THE SENATE

Announcing that Enrolled **HBs 2485, 2551, 2748, 2865, 3031** and **3313** 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 enrolled measure

Announcing that Enrolled **HCR 1056** has been signed by the Presiding Officer of Senate, in open session.

The above measure was ordered filed with the Secretary of State.

Transmitting enrolled measures

Advising fourth reading of and transmitting for signature Enrolled **SBs 1295, 1635, 1636, 1699** and **2095**.

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

Returning engrossed measures

Announcing the passage of **HBs 1520, 2566, 2609, 2653, 2775**, Coauthored by Representatives Jett, Pittman, **2776**, Coauthored by Representative Jett and Senator Johnson (Constance) and **2989**.

The above-numbered measures were referred for enrollment.

Returning engrossed measures, as amended

Announcing the passage of and returning engrossed measures as amended: **HBs 1554, 2296, 2302, 2498, 2500, 2502, 2503, 2504, 2506, 2507, 2508, 2509, 2510, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2556**, Coauthored by Senator Gumm, **2746, 2830**, Coauthored by Senator Johnson (Constance), **2836, 3028**, Coauthored by Senators Branan, Gumm, Ivester, Rice, Corn, Garrison, Schulz and Representative Morgan, **3203**, Coauthored by Senator Ivester and Representative Jett, **3240** and **3387**, Coauthored by Senator Adelson.

Senate amendments were read on the above numbered measures.

CONFEREES NAMED

The Speaker named the following conferees:

HJR 1054 – Ritze, Key, Kern, Reynolds, Duncan, Dorman, Proctor, Faught, Murphey, Ortega, Jackson, Rousselot, Luttrell

CONFERENCE GRANTED

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

SB 300 – Thompson, Watson, Morgan, Trebilcock, Peters, Jones, Lamons

FURTHER CONFERENCE GRANTED

Upon motion of Representative Jones, the House granted the request of the Honorable Senate for further conference on the following measure. The Speaker withdrew the measure from GCCA and named conferees as follows:

SB 213 – Sullivan, Duncan, Jordan, McCullough, Inman, Morgan

COMMITTEE REPORTS

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

DO PASS:

SB 1394 – Transportation

SB 1764 – Transportation, Coauthored by Representative(s) Lamons

SB 1785 – Transportation

DO PASS, As Amended:

CS for SB 421 – Common Education, Remove Representative Sullivan as principal House author and substitute with Representative Scott

CS for SB 697 – Rules

SB 859 – Appropriations and Budget

SB 1212 – Appropriations and Budget

SB 1309 – Appropriations and Budget

SB 1335 – Appropriations and Budget

SB 1337 – Appropriations and Budget, Coauthored by Representative(s) Cooksey, Moore

CS for SB 1338 – Common Education

SB 1384 – Appropriations and Budget, Coauthored by Representative(s) Morgan

CS for SB 1610 – Common Education

SB 1753 – Appropriations and Budget, Coauthored by Representative(s) Pittman

SB 1761 – Appropriations and Budget

SB 1816 – Appropriations and Budget, Coauthored by Representative(s) Carey, Dorman

SB 1838 – Appropriations and Budget

CS for SB 1862 – Common Education

SB 1901 – Appropriations and Budget, Coauthored by Representative(s) Kirby, Luttrell, Glenn, McPeak, McNiel, McAffrey, Billy

CS for SB 1908 – Public Safety

CS for SB 1970 – Economic Development and Financial Services

SB 2017 – Public Safety

SB 2033 – Appropriations and Budget

SB 2083 – Appropriations and Budget
CS for **SB 2099** – Economic Development and Financial Services
SB 2141 – Appropriations and Budget, Coauthored by Representative(s) Kern
SB 2207 – Appropriations and Budget
SB 2239 – Public Safety
SB 2253 – Appropriations and Budget
SB 2258 – Appropriations and Budget
SB 2259 – Appropriations and Budget
CS for **SB 2291** – Public Safety
SB 2303 – Appropriations and Budget
CS for **SB 2318** – Common Education
CS for **SB 2330** – Common Education, Coauthored by Representative(s) Kern,
Sullivan
SJR 61 – Appropriations and Budget
CS for **SJR 64** – Rules, Coauthored by Representative(s) Faught, Wesselhoft,
Ownbey, Murphey, Trebilcock

MOTION EXPIRED

Time expired for consideration of the motion to reconsider the vote whereby
SB 1932 failed.

Representative Jones moved that when the clerk's desk is clear, the House stand
adjourned to reconvene at 1:30 p.m., Monday, April 12, 2010, which was the order.

Pursuant to the motion of Representative Jones, the House was adjourned at
11:55 a.m., to reconvene Monday, April 12, 2010, at 1:30 p.m.