

HOUSE JOURNAL

Second Regular Session of the Fifty-second Legislature

of the State of Oklahoma

Fifty-first Legislative Day, Wednesday, April 28, 2010

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

The roll was called with 100 Members present.

The following Member was excused: Peters.—1.

The Speaker Pro Tempore declared a quorum present.

Prayer was offered by Pastor Joel Downing, Higher Ground Church, Pauls Valley.

The Journal for the last legislative day was approved.

ENGROSSED AND ENROLLED MEASURE

HB 2556 was reported correctly enrolled and, after fourth reading, properly signed, in open session, and ordered transmitted to the Honorable Senate.

MESSAGES FROM THE SENATE

Advising fourth reading of and transmitting for signature Enrolled **SB 1329**.

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

Conference granted

Advising conference granted and the Senate naming conferees as follows:

HB 1043 – GCCA
HB 1613 – Aldridge, Brown, Stanislawski, Russell, Jolley, Ballenger
HB 1658 – Barrington, Coffee, Anderson, Jolley, Laster
HB 2004 – GCCA
HB 2274 – GCCA
HB 2310 – GCCA
HB 2320 – Coates, Brogdon, Aldridge, Reynolds, Russell
HB 2331 – GCCA
HB 2567 – GCCA
HB 2629 – GCCA
HB 2641 – GCCA
HB 2650 – Sykes, Coffee, Lamb, Coates
HB 2686 – GCCA
HB 2698 – GCCA
HB 2703 – GCCA
HB 2710 – GCCA
HB 2720 – GCCA
HB 2777 – GCCA
HB 2844 – Branan, Marlatt, Bingman, Myers, Burrage
HB 2850 – Barrington, Schulz, Justice, Marlatt, Ellis
HB 2927 – GCCA
HB 2935 – GCCA
HB 2971 – GCCA
HB 2983 – GCCA
HB 2998 – GCCA
HB 3052 – GCCA
HB 3061 – GCCA
HB 3078 – GCCA
HB 3123 – GCCA
HB 3258 – GCCA
HB 3291 – GCCA
HB 3338 – GCCA
HB 3379 – GCCA
HB 3380 – GCCA
HB 3381 – GCCA
HB 3382 – GCCA
HB 3385 – GCCA
HB 3393 – GCCA
HB 3397 – GCCA
HB 3422 – GCCA
HJR 1084 – GCCA

Conferees named, GCCA

Advising the Senate naming GCCA as conferees to the following bills:

SB 1070
SB 1373
SB 1599
SB 1600
SB 1816
SB 1818
SB 1836
SB 1858
SB 1901
SB 2127

Concurrence in HAs

Announcing the concurrence of Senate in **HAs to SBs 441, 1631, 1817, 1819, 1927, 1941, 1985, 2073, 2154, 2211, 2212 and 2270** and the passage of said measures, as amended thereby.

Conference requested

Advising rejection of **HAs to SBs 1337, 1379, 1756, 1761, 1762, 1838, 1840, 1862, 1908, 1916, 1973, 1989, 2018, 2033, 2041, 2046, 2052, 2083, 2088, 2180, 2199, 2203, 2213, 2259, 2301, 2303, 2318** and **SJR 61 and 66**, and requesting conference thereon, the Senate naming conferees later.

Conference requested rescinded

Advising the Honorable House that the Senate rescinded the motion to reject the House Amendments, request conference and conferees to be named later on **SBs 573 and 1012**.

Returning enrolled measure

Announcing that Enrolled **HB 2556** has been read at length for the fourth time and signed by the Presiding Officer of Senate, in open session.

The above measure was ordered transmitted to the Honorable Governor.

CONFEREES NAMED

The Speaker named the same conferees on **SB 828** as follows:

SB 828 – Blackwell, Thompson, Watson, Morgan, Walker, Johnson, Brannon, Kirby

CONFEREES NAMED

The Speaker named the following conferees:

HB 2171 – McCullough, Duncan, Sullivan, Sherrer, Rousselot

HB 2314 – Smithson, Richardson, Pruett, Sears, Hickman, Jett, Sullivan, Brannon, Shoemake, Rousselot, Thomsen

HB 2596 – Morrissette, Trebilcock, Derby, Nelson, Ownbey, Tibbs, Joyner, Billy, Wright (Harold), Inman, Hamilton, Scott, Pittman, Cannaday, McDaniel (Jeannie)

HB 2777 – Steele, Morrissette, Morgan, Cox, Sears

HB 2888 – Moore, Martin (Scott), Murphey, Osborn, Pittman, Scott, Shannon

HB 3061 – DeWitt, Walker, Roan, Shoemake, Fields, Ortega, Schwartz

HB 3422 – Miller, Murphey, McDaniel (Randy), Carey, Dorman

HJR 1084 – Miller, Liebmann, Watson, Scott, Morgan

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 1321 – Terrill, Miller, Hickman, Christian, Dorman, Brannon

SB 1396 – Hickman, Pruett, Denney, McDaniel (Randy), Brannon

SB 1397 – Hickman, McPeak, Watson, Dank, Brannon

SB 1914 – Hickman, Brannon, Watson, Sears, Russ, Pruett

SB 2007 – Nelson, Tibbs, Christian, Roan, Smithson

SB 2130 – Armes, Jones, Blackwell, Joyner, Billy, Morgan, Proctor, Rousselot, Miller

SB 2253 – Armes, Jones, Terrill, Shelton, Roan

SB 2258 – Terrill, Duncan, McCullough, Christian, Proctor, Hamilton

PENDING CONSIDERATION OF SAs

SAs to **HB 2541** were called up for consideration.

Upon motion of Representative Cooksey, the House concurred in the SAs to **HB 2541**.

HB 2541, 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, Auffet, Bailey, Banz, Billy, Blackwell, Brannon, Brown, Buck, Cannaday, Carey, Christian, Collins, Coody, Cooksey, Cox, Dank, Denney, Derby, Dorman, Duncan, Enns, Faught, Fields, Glenn, Hamilton, Hilliard, Holland, Hoskin, Jackson, Jett, Johnson, Jones, Jordan, Joyner, Kern, Key, Kiesel, Kouplen, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McDaniel (Randy), McNiel, McPeak, Miller, Moore, Morgan, Morrissette, Murphey, Nations, Nelson, Ortega, Osborn, Ownbey, Peterson, Pittman, Proctor, Renegar, Reynolds, Ritze, Roan, Rousselot, Russ, Sanders, Schwartz, Shannon, Shelton, Sherrer, Shoemake, Shumate, Smithson, Steele, Sullivan, Terrill, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wesselhoft, Williams, Wright (Harold), Wright (John), Mr. Speaker.--88.

Excused: DeWitt, Harrison, Hickman, Inman, Kirby, McCullough, McDaniel (Jeannie), Peters, Pruett, Richardson, Scott, Sears, Thompson.--13.

The measure passed.

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

PENDING CONSIDERATION OF SAs

SAs to HBs 3025, 3029, 3032, 3035 and 3054 were rejected upon motion of Speaker Bengé. Conferees to be named later.

Representative Armes Presiding

PENDING CONSIDERATION OF CCR

The **CCR** on **HJR 1054** was called up for consideration.

Coauthored by Representative(s) Coody, Derby, Wesselhoft, McDaniel (Randy), Sullivan, Wright (John), Duncan

Representative Morrissette raised a point of order that the **CCR** on **HJR 1054** was out of order for consideration because of the inaccuracy of the fiscal impact statement.

The Presiding Officer ruled the point not well taken pursuant to House Rule 7.11(c).

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, Blackwell, Christian, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Duncan, Enns, Faught, Fields, Hickman, Holland, Jackson, Jett, Johnson, Jones, Jordan, Joyner, Kern, Key, Kirby, Liebmann, Martin (Scott), Martin (Steve), McCullough, McDaniel (Randy), McNiel, Moore, Murphey, Nelson, Ortega, Osborn, Ownbey, Peterson, Reynolds, Richardson, Ritze, Russ, Sanders, Schwartz, Sears, Shannon, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Watson, Wesselhoft, Wright (Harold), Wright (John), Mr. Speaker.--60.

Nay: Auffet, Bailey, Brannon, Brown, Cannaday, Carey, Collins, Glenn, Hamilton, Harrison, Hilliard, Hoskin, Kiesel, Kouplen, Lamons, Luttrell, McAffrey, McDaniel (Jeannie), McPeak, Morgan, Morrissette, Nations, Proctor, Renegar, Rousselot, Scott, Shelton, Sherrer, Shoemake, Shumate, Smithson, Williams.--32.

Excused: Buck, Dorman, Inman, Miller, Peters, Pittman, Pruett, Roan, Walker.--9.

Representative Brown raised a point of inquiry stating that the bill summary did not match the **CCR** on **HJR 1054** and therefore the **CCR** should be laid over until either the Conference Committee Report or the summary could be corrected.

The Presiding Officer stated that the issue had already been addressed.

Representative Shelton raised a point of inquiry of the Presiding Officer as to the meaning of the word "employ" on Page 4, Line 21 of the **CCR** on **HJR 1054**.

The Presiding Officer stated that the question should be addressed to the author of the measure.

Representative Morrissette raised a point of order stating that the **CCR** on **HJR 1054** was out of order pursuant to House Rule 7.15(a) as it was not germane to the engrossed version of the measure.

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

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

Representative Wright (Harold) moved to table the appeal of the ruling of the Presiding Officer.

Representative Morrissette raised a point of order as to whether a motion to table an appeal of the ruling of the Presiding Officer was in order under House Rules.

The Presiding Officer stated that pursuant to House Rule 10.1 and 10.2 a motion to table is of higher precedence than a motion to appeal the ruling of the Presiding Officer. The Presiding Officer further stated that Mason's Manual, Section 233 states that an appeal may be laid upon the table which has the effect of closing debate and sustaining the decision of the presiding officer.

Representative Kiesel moved to suspend House Rules for the purpose of not entertaining a motion to table an appeal of the ruling of the Presiding Officer.

The Presiding Officer ruled the motion to suspend House Rules out of order because a motion to table is of higher precedence than a motion to suspend House Rules.

Representative Kiesel moved to appeal the ruling of the Presiding Officer.

Representative Wright (Harold) withdrew his motion to table the Morrissette appeal of the ruling of the Presiding Officer.

"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, Billy, Blackwell, Christian, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Duncan, Enns, Faught, Fields, Hickman, Holland, Jackson, Jett, Johnson, Jones, Jordan, Joyner, Kern, Key, Kirby, Liebmann, Martin (Scott), McCullough, McDaniel (Randy), McNiel, Miller, Moore, Murphey, Nelson, Ortega, Osborn, Ownbey, Peterson, Proctor, Reynolds, Richardson, Ritze, Russ, Sanders, Schwartz, Sears, Shannon, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Watson, Wesselhoft, Williams, Wright (Harold), Wright (John), Mr. Speaker.--61.

Nay: Auffet, Bailey, Brannon, Brown, Buck, Cannaday, Carey, Collins, Glenn, Hamilton, Harrison, Hilliard, Hoskin, Kiesel, Kouplen, Lamons, Luttrell, McAffrey, McDaniel (Jeannie), McPeak, Morgan, Morrissette, Nations, Pittman, Renegar, Roan, Rousselot, Scott, Shelton, Sherrer, Shoemake, Shumate, Smithson, Walker.--34.

Excused: Banz, Dorman, Inman, Martin (Steve), Peters, Pruett.--6.

Representative Sullivan moved to advance the question.

Representative Brown moved to table the Sullivan advancement motion, which motion to table failed of adoption upon roll call as follows:

Aye: Auffet, Bailey, Brannon, Brown, Buck, Cannaday, Carey, Collins, Dorman, Glenn, Hamilton, Harrison, Hilliard, Hoskin, Kiesel, Kouplen, Lamons, McAffrey, McDaniel (Jeannie), McPeak, Morrissette, Proctor, Pruett, Renegar, Roan, Rousselot, Scott, Shelton, Sherrer, Shoemake, Shumate, Smithson, Walker, Williams.--34.

Nay: Armes, Banz, Billy, Blackwell, Christian, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Duncan, Enns, Faught, Fields, Hickman, Holland, Jackson, Jett, Johnson, Jones, Jordan, Joyner, Kern, Key, Kirby, Liebmann, Martin (Scott), Martin (Steve), McCullough, McDaniel (Randy), McNiell, Miller, Moore, Murphey, Nelson, Ortega, Osborn, Ownbey, Peterson, Reynolds, Richardson, Ritze, Russ, Sanders, Schwartz, Sears, Shannon, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Watson, Wesselhoft, Wright (Harold), Wright (John), Mr. Speaker.--61.

Excused: Inman, Luttrell, Morgan, Nations, Peters, Pittman.--6.

Representative Sullivan pressed adoption of the motion to advance the question, which motion was declared adopted upon a division of the question.

Representative Brown moved to extend the debate time to forty (40) minutes to be equally divided between the proponents and opponents of the question, which motion was declared adopted upon a division of the question.

Upon motion of Representative Ritze, the **CCR** on **HJR 1054** was adopted upon roll call as follows:

Aye: Armes, Banz, Billy, Blackwell, Brannon, Christian, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Duncan, Enns, Faught, Fields, Hamilton, Hickman, Hilliard, Holland, Inman, Jackson, Jett, Johnson, Jones, Jordan, Joyner, Kern, Key, Kirby, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McCullough, McDaniel (Randy), McNiell, Miller, Moore, Morrissette, Murphey, Nelson, Ortega, Osborn, Ownbey, Peterson, Proctor, Pruett, Reynolds, Richardson, Ritze, Russ, Sanders, Schwartz, Sears, Shannon, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wesselhoft, Wright (Harold), Wright (John), Mr. Speaker.--71.

Nay: Auffet, Bailey, Brown, Buck, Cannaday, Carey, Collins, Glenn, Harrison, Hoskin, Kiesel, Kouplen, Lamons, McAffrey, McDaniel (Jeannie), McPeak, Pittman, Renegar, Roan, Rousselot, Scott, Shelton, Sherrer, Shoemake, Shumate, Smithson, Williams.--27.

Excused: Morgan, Nations, Peters.--3.

HJR 1054, 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, Billy, Blackwell, Brannon, Christian, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Duncan, Enns, Faught, Fields, Hamilton, Hickman, Hilliard, Holland, Inman, Jackson, Jett, Johnson, Jones, Jordan, Joyner, Kern, Key, Kirby, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McCullough, McDaniel (Randy), McNiell, Miller, Moore, Morrissette, Murphey, Nelson, Ortega, Osborn, Ownbey, Peterson, Proctor, Pruett, Reynolds, Richardson, Ritze, Russ, Sanders, Schwartz, Sears, Shannon, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wesselhoft, Wright (Harold), Wright (John), Mr. Speaker.--71.

Nay: Auffet, Bailey, Brown, Buck, Cannaday, Carey, Collins, Glenn, Harrison, Hoskin, Kiesel, Kouplen, Lamons, McAffrey, McDaniel (Jeannie), McPeak, Pittman, Renegar, Roan, Rousselot, Scott, Shelton, Sherrer, Shoemake, Shumate, Smithson, Williams.--27.

Excused: Morgan, Nations, Peters.--3.

The measure passed.

Representative Derby served notice to reconsider the vote whereby **HJR 1054** passed.

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

Aye: Armes, Banz, Billy, Blackwell, Brannon, Cannaday, Christian, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Duncan, Enns, Faught, Fields, Hamilton, Hickman, Hilliard, Holland, Hoskin, Inman, Jackson, Jett, Johnson, Jones, Jordan, Joyner, Kern, Key, Kirby, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McCullough, McDaniel (Jeannie), McDaniel (Randy), McNeil, McPeak, Miller, Moore, Murphey, Nelson, Ortega, Osborn, Ownbey, Peterson, Proctor, Pruett, Reynolds, Richardson, Ritze, Russ, Sanders, Schwartz, Sears, Shannon, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wesselhoft, Wright (Harold), Wright (John), Mr. Speaker.--74.

Nay: Bailey, Brown, Carey, Collins, Glenn, Harrison, Kiesel, Lamons, McAffrey, Pittman, Renegar, Roan, Rousselot, Scott, Shelton, Shoemake, Shumate, Smithson, Williams.--19.

Excused: Auffet, Buck, Kouplen, Morgan, Morrissette, Nations, Peters, Sherrer.--8.

The emergency passed.

Representative Ritze served notice to reconsider the vote whereby the emergency passed.

PENDING CONSIDERATION OF SAs

SAs to HB 2919 were rejected upon motion of Representative Shannon. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to HBs 2990 and 2991 were rejected upon motion of Representative Enns. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to **HBs 3236** and **3267** were rejected upon motion of Representative Jackson. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to **HB 3290** were rejected upon motion of Representative McNiel. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to **HBs 3024, 3166, 3167, 3170, 3171** and **3173** were rejected upon motion of Representative Hickman. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to **HB 2772** were rejected upon motion of Representative Watson. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to **HB 3161** were rejected upon motion of Representative Osborn. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to **HB 2890** were rejected upon motion of Representative Moore. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to **HB 2831** were rejected upon motion of Representative Jones. Conferees to be named later.

MOTION

Representative Sears asked that the Journal reflect that had he been present in the Chamber, he would have voted aye on **HB 2541**, which was the order.

MESSAGE FROM THE SENATE

Advising rejection of HAs to SBs 1405, 1406, 1407, 1408, 1409, 1410, 1411, 1412, 1413, 1414, 1415, 1416, 1417, 1418, 1419, 1420, 1421, 1422, 1423, 1424, 1425, 1426, 1427, 1428, 1429, 1430, 1431, 1432, 1433, 1434, 1435, 1436, 1437, 1438, 1439, 1440, 1441, 1443, 1444, 1447, 1448, 1449, 1450, 1451, 1452, 1453, 1454, 1455, 1456, 1457, 1458, 1459, 1460, 1461, 1462, 1463, 1464, 1465, 1466, 1467, 1468, 1469, 1470, 1471, 1472, 1473, 1474, 1475, 1476, 1477, 1478, 1479, 1480, 1481, 1482, 1483, 1484, 1485, 1486, 1487, 1488, 1489, 1490, 1491, 1492, 1493, 1494, 1495, 1496, 1497, 1498, 1499, 1500, 1501, 1502, 1503, 1504, 1505, 1506, 1507, 1508, 1509, 1510, 1511, 1512, 1513, 1514, 1515, 1516, 1517, 1518, 1519, 1520, 1521, 1522, 1523, 1524, 1525, 1526, 1527, 1528, 1529, 1530, 1531, 1532, 1533, 1534, 1535, 1536, 1537, 1538, 1539, 1540, 1541, 1542, 1543, 1544, 1545, 1546, 1547, 1548, 1549, 1550, 1551, 1552, 1553, 1554, 1555, 1556, 1557, 1558, 1559, 1560, 1561, 1562, 1563, 1564, 1565, 1566, 1567, 1568, 1569, 1570, 1571, 1572, 1573, 1574, 1575, 1576, 1577, 1578, 1579, 1580, 1581, 1582, 1583, 1584, 1586, 1587 and 1588 and requesting conference thereon, the Senate naming GCCA.

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 GCCA:

SBs 1405, 1406, 1407, 1408, 1409, 1410, 1411, 1412, 1413, 1414, 1415, 1416, 1417, 1418, 1419, 1420, 1421, 1422, 1423, 1424, 1425, 1426, 1427, 1428, 1429, 1430, 1431, 1432, 1433, 1434, 1435, 1436, 1437, 1438, 1439, 1440, 1441, 1443, 1444, 1447, 1448, 1449, 1450, 1451, 1452, 1453, 1454, 1455, 1456, 1457, 1458, 1459, 1460, 1461, 1462, 1463, 1464, 1465, 1466, 1467, 1468, 1469, 1470, 1471, 1472, 1473, 1474, 1475, 1476, 1477, 1478, 1479, 1480, 1481, 1482, 1483, 1484, 1485, 1486, 1487, 1488, 1489, 1490, 1491, 1492, 1493, 1494, 1495, 1496, 1497, 1498, 1499, 1500, 1501, 1502, 1503, 1504, 1505, 1506, 1507, 1508, 1509, 1510, 1511, 1512, 1513, 1514, 1515, 1516, 1517, 1518, 1519, 1520, 1521, 1522, 1523, 1524, 1525, 1526, 1527, 1528, 1529, 1530, 1531, 1532, 1533, 1534, 1535, 1536, 1537, 1538, 1539, 1540, 1541, 1542, 1543, 1544, 1545, 1546, 1547, 1548, 1549, 1550, 1551, 1552, 1553, 1554, 1555, 1556, 1557, 1558, 1559, 1560, 1561, 1562, 1563, 1564, 1565, 1566, 1567, 1568, 1569, 1570, 1571, 1572, 1573, 1574, 1575, 1576, 1577, 1578, 1579, 1580, 1581, 1582, 1583, 1584, 1586, 1587 and 1588.

COMMITTEE REPORT

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

DO PASS:

HJR 1087 – Administrative Rules and Agency Oversight, Authored by Senator Jolley (principal Senate author)

Representative Jones moved that when the clerk's desk is clear, the House stand adjourned to reconvene at 9:00 a.m., Thursday, April 29, 2010, which was the order.

Pursuant to the motion of Representative Jones, the House was adjourned at 4:55 p.m., to reconvene Thursday, April 29, 2010, at 9:00 a.m.