

# HOUSE JOURNAL

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

**of the State of Oklahoma**

**Sixtieth Legislative Day, Thursday, May 13, 2010**

The House was called to order by Representative Hickman.

The roll was called with 97 Members present.

The following Members were excused: Hoskin, McDaniel (Jeannie), Sanders, Sullivan.—4.

Representative Hickman declared a quorum present.

Prayer was offered by Pastor Jim Johnston, Tulsa Bible Church, Tulsa. Pastor Johnston was sponsored by Representative Faught.

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

The Journal for the last legislative day was approved.

## **ENGROSSED AND ENROLLED MEASURE**

**HCR 1064** was reported correctly enrolled, properly signed, in open session, and ordered transmitted to the Honorable Senate.

## **SECOND READING**

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

**HJR 1089** – Administrative Rules and Agency Oversight

**PENDING CONSIDERATION OF CCR**

The **CCR** on **HB 2963** was called up for consideration.

Upon motion of Representative Sears, the **CCR** on **HB 2963** was adopted.

**HB 2963**, 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, Bailey, Banz, Billy, Brannon, Brown, Buck, Cannaday, Carey, Collins, Coody, Cooksey, Cox, Denney, Derby, DeWitt, Dorman, Duncan, Enns, Faught, Fields, Glenn, Hamilton, Hickman, Hilliard, Holland, Inman, Jackson, Johnson, Jones, Jordan, Joyner, Kern, Kouplen, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McCullough, McDaniel (Randy), McNiel, Miller, Moore, Morgan, Nations, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Richardson, Roan, Rousselot, Russ, Schwartz, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Smithson, Steele, Terrill, Thomsen, Tibbs, Trebilcock, Walker, Watson, Williams, Wright (Harold), Wright (John), Mr. Speaker.--78.

Nay: Christian, Dank, Harrison, McPeak, Morrissette, Murphey, Nelson, Reynolds, Ritze, Wesselhoft.--10.

Excused: Blackwell, Hoskin, Jett, Key, Kiesel, Kirby, McAffrey, McDaniel (Jeannie), Renegar, Sanders, Scott, Sullivan, Thompson.--13.

The measure passed.

**HB 2963**, together with the conference committee report, thereon, was ordered transmitted to the Honorable Senate.

**PENDING CONSIDERATION OF CCR**

The **CCR** on **HB 2320** was called up for consideration.

Upon motion of Representative Martin (Steve), the **CCR** on **HB 2320** was adopted.

**HB 2320**, 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, 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, Inman, Jackson, Jett, Johnson, Jones, Jordan, Joyner, Kern, Kiesel, Kouplen, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCullough, McDaniel (Randy), McNiel, McPeak, Miller, Moore, Morgan, Morrissette, Murphey, Nations, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Reynolds, Richardson, Ritze, Roan, Rousselot, Russ, Schwartz, Sears, Shannon, Shelton,

Sherrer, Shoemake, Shumate, Smithson, Steele, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wesselhoft, Williams, Wright (Harold), Wright (John), Mr. Speaker.--93.

Excused: Hoskin, Key, Kirby, McDaniel (Jeannie), Renegar, Sanders, Scott, Sullivan.--8.

The measure passed.

**HB 2320**, together with the conference committee report, thereon, was ordered transmitted to the Honorable Senate.

#### **PENDING CONSIDERATION OF CCR**

The **CCR** on **HB 3251** was called up for consideration.

Upon motion of Representative Tibbs, the **CCR** on **HB 3251** was adopted.

**HB 3251**, 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, 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, Inman, Jackson, Jett, Johnson, Jones, Jordan, Joyner, Kern, Kiesel, Kirby, Kouplen, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCullough, McDaniel (Randy), McNiel, McPeak, Miller, Moore, Morgan, Morrisette, Murphey, Nations, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Reynolds, Richardson, Ritze, Roan, Rousselot, Russ, Schwartz, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Smithson, Steele, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wesselhoft, Williams, Wright (Harold), Wright (John), Mr. Speaker.--94.

Excused: Hoskin, Key, McDaniel (Jeannie), Renegar, Sanders, Scott, Sullivan.--7.

The measure passed.

**HB 3251**, together with the conference committee report, thereon, was ordered transmitted to the Honorable Senate.

**PENDING CONSIDERATION OF CCR**

The **CCR** on **HB 3213** was called up for consideration.

Upon motion of Representative Ortega, the **CCR** on **HB 3213** was adopted upon roll call as follows:

Aye: Armes, Auffet, Billy, Brannon, Buck, Cannaday, Carey, Christian, Coody, Cooksey, Cox, DeWitt, Enns, Fields, Hickman, Hilliard, Holland, Jackson, Johnson, Jones, Jordan, Joyner, Kirby, Liebmann, Luttrell, Martin (Scott), McDaniel (Randy), McNiel, Moore, Morgan, Nelson, Ortega, Osborn, Ownbey, Peters, Pruett, Richardson, Roan, Russ, Schwartz, Scott, Sears, Shannon, Shelton, Shoemake, Shumate, Smithson, Steele, Thompson, Walker, Watson, Wright (Harold), Mr. Speaker.--53.

Nay: Blackwell, Brown, Collins, Denney, Derby, Dorman, Duncan, Faught, Glenn, Hamilton, Harrison, Inman, Kern, Key, Kiesel, Lamons, McAffrey, McCullough, Morrisette, Murphey, Nations, Peterson, Pittman, Proctor, Reynolds, Ritze, Rousselot, Sherrer, Tibbs, Wesselhoft, Wright (John).--31.

Excused: Bailey, Banz, Dank, Hoskin, Jett, Kouplen, Martin (Steve), McDaniel (Jeannie), McPeak, Miller, Renegar, Sanders, Sullivan, Terrill, Thomsen, Trebilcock, Williams.--17.

**HB 3213**, 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, Billy, Buck, Christian, Coody, Cox, Dank, DeWitt, Enns, Fields, Hickman, Holland, Jackson, Jett, Jones, Jordan, Joyner, Kirby, Kouplen, Liebmann, Luttrell, Martin (Steve), McAffrey, McDaniel (Randy), McNiel, Moore, Morgan, Murphey, Nelson, Ortega, Osborn, Ownbey, Peters, Pruett, Richardson, Roan, Russ, Schwartz, Scott, Sears, Shannon, Shoemake, Smithson, Steele, Thomsen, Trebilcock, Walker, Watson, Williams, Wright (Harold), Mr. Speaker.--52.

Nay: Bailey, Banz, Blackwell, Brannon, Brown, Cannaday, Carey, Collins, Cooksey, Denney, Derby, Dorman, Duncan, Faught, Glenn, Hamilton, Harrison, Hilliard, Inman, Johnson, Kern, Key, Lamons, Martin (Scott), McCullough, McPeak, Miller, Morrisette, Nations, Peterson, Pittman, Proctor, Reynolds, Ritze, Rousselot, Shelton, Sherrer, Shumate, Terrill, Thompson, Tibbs, Wesselhoft, Wright (John).--43.

Excused: Hoskin, Kiesel, McDaniel (Jeannie), Renegar, Sanders, Sullivan.--6.

The measure passed.

Representative Ortega served notice to reconsider the vote whereby **HB 3213** passed.

## PENDING CONSIDERATION OF CCR

The **CCR** on **HB 3261** was called up for consideration.

Representative Blackwell moved that the House adopt the **CCR** on **HB 3261**, which motion failed upon roll call as follows:

Aye: Billy, Blackwell, Buck, Christian, Cox, Denney, Dorman, Duncan, Faught, Fields, Glenn, Holland, Jones, Liebmann, McCullough, McDaniel (Randy), Miller, Moore, Murphey, Ortega, Osborn, Ownbey, Peters, Peterson, Proctor, Russ, Schwartz, Shannon, Shoemake, Thompson, Thomsen, Walker, Williams, Wright (Harold).--34.

Nay: Armes, Auffet, Bailey, Banz, Brannon, Brown, Cannaday, Carey, Collins, Coody, Cooksey, Dank, Derby, DeWitt, Enns, Hamilton, Harrison, Hickman, Hilliard, Inman, Jackson, Jett, Johnson, Jordan, Joyner, Kern, Key, Kiesel, Kirby, Kouplen, Lamons, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McNiel, McPeak, Morgan, Morrisette, Nations, Nelson, Pittman, Reynolds, Richardson, Ritze, Roan, Rousselot, Scott, Sears, Shelton, Sherrer, Shumate, Smithson, Steele, Tibbs, Trebilcock, Watson, Wesselhoft, Wright (John), Mr. Speaker.--60.

Excused: Hoskin, McDaniel (Jeannie), Pruett, Renegar, Sanders, Sullivan.--6.

Constitutional Priv: Terrill.--1.

Upon motion of Representative Blackwell, the **CCR** on **HB 3261** was rejected and further conference requested. The Speaker named the same conferees:

**HB 3261** – Blackwell, Jackson, Dorman, Liebmann, Shoemake

## PENDING CONSIDERATION OF CCR

The **CCR** on **HB 3126** was called up for consideration.

Upon motion of Representative Dorman, the **CCR** on **HB 3126** was adopted.

**HB 3126**, 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, Bailey, Banz, Billy, Blackwell, Brannon, Brown, Buck, Cannaday, Carey, Collins, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Enns, Faught, Fields, Glenn, Hamilton, Harrison, Hickman, Hilliard, Holland, Inman, Jackson, Jett, Johnson, Jones, Jordan, Joyner, Kiesel, Kirby, Kouplen, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCullough, McDaniel (Randy), McNiel, McPeak, Miller, Morgan, Morrisette, Nations, Nelson, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Richardson, Roan, Rousselot, Russ, Schwartz, Scott, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Smithson, Steele, Terrill, Thompson,

Thomsen, Tibbs, Trebilcock, Walker, Watson, Williams, Wright (Harold), Wright (John), Mr. Speaker.--85.

Nay: Christian, Duncan, Kern, Key, Moore, Murphey, Reynolds, Ritze, Wesselhoft.--9.

Excused: Hoskin, McDaniel (Jeannie), Ortega, Pruett, Renegar, Sanders, Sullivan.--7.

The measure passed.

**HB 3126**, together with the conference committee report, thereon, was ordered transmitted to the Honorable Senate.

### **PENDING CONSIDERATION OF CCR**

Representative Blackwell moved to reject the **CCR** on **HB 3260** and request further conference.

Representative Reynolds moved to table the Blackwell motion, which motion to table failed of adoption.

Representative Blackwell pressed his motion to reject the **CCR** on **HB 3260**, which motion was declared adopted.

The Speaker named the same conferees:

**HB 3260** – Blackwell, Richardson, Pruett, Smithson, Jordan

### **PENDING CONSIDERATION OF CCR**

Upon motion of Representative Jones, the **CCR** on **HB 2625** was rejected and further conference requested. The Speaker named the same conferees:

**HB 2625** – Jones, Denney, Liebmann, Thomsen, Glenn, Sherrer

### **PENDING CONSIDERATION OF CCR**

The **CCR** on **HB 2509** was called up for consideration.

Upon motion of Representative DeWitt, the **CCR** on **HB 2509** was adopted.

**HB 2509**, as amended in conference, was read at length for the fourth time and the roll was called on the measure and emergency 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, Inman, Jackson, Jett, Johnson, Jones, Jordan, Joyner, Kern, Key, Kiesel, Kirby, Kouplen, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCullough, McDaniel (Randy), McNiel, McPeak, Miller, Moore, Morgan, Morrisette, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Reynolds, Richardson, Roan, Rousselot, Russ, Schwartz, Scott, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Smithson, Steele, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wesselhoft, Williams, Wright (Harold), Wright (John), Mr. Speaker.--92.

Nay: Murphey, Ritze.--2.

Excused: Hoskin, McDaniel (Jeannie), Nations, Pruett, Renegar, Sanders, Sullivan.--7.

The measure and emergency passed.

**HB 2509**, together with the conference committee report, thereon, was ordered transmitted to the Honorable Senate.

#### **MESSAGES FROM THE SENATE**

Announcing that Enrolled **HCR 1064** has been signed by the Presiding Officer of Senate, in open session.

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

#### **Transmitting CCR**

Transmitting the following measure, together with the conference committee report thereon, advising adoption of conference committee report and passage of measure as amended.

**SB 1762**, Coauthored by Senator Garrison

Conference committee report was read on the above-numbered measure.

#### **Returning CCR**

Returning **HB 3284** 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.

**Concurrence in HAs**

Announcing the concurrence of Senate in **HAs** to **SBs 859** (emergency failed) and **1668** and the passage of said measures, as amended thereby.

**Further conference granted, same conferees**

Advising further conference granted and the Senate naming same conferees as follows:

- HB 1888** – Sparks, Johnson (Mike), Stanislawski, Lamb, Bingman
- HB 2266** – Sykes, Lamb, Johnson (Mike), Reynolds
- HB 2625** – Burrage, Coates, Newberry, Russell, Leftwich
- HB 2628** – Barrington, Sykes, Halligan, Johnson (Mike), Ballenger
- HB 3260** – Marlatt, Schulz, Justice, Wyrick, Ellis
- HB 3261** – Crain, Nichols, Jolley, Bingman, Ford, Johnson (Mike)
- HB 3383** – Barrington, Reynolds, Coffee, Lamb, Jolley, Burrage, Laster
- HB 3387** – Marlatt, Jolley, Crain, Aldridge, Adelson, Burrage

**Conferees named**

Advising the Senate naming conferees as follows:

- SB 673** – Anderson, Nichols, Lamb, Bingman, Rice, Leftwich
- SB 1118** – GCCA

**CONFEREES NAMED**

The Speaker named the following conferees:

- HB 3052** – Kirby, Billy, Sears, Terrill, McNiel, Holland, Christian, Miller, Walker, Sherrer, McAffrey, Kiesel

**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 1040** – Armes, Trebilcock, Schwartz, Sullivan, McNiel, Carey, Morgan, Dorman
- SB 1889** – Sullivan, Miller, Martin (Steve), Morrisette
- SB 1903** – Sullivan, McDaniel (Randy), Moore, Auffet, Carey
- SB 1970** – McNiel, Jordan, McDaniel (Jeannie), Shumate, Peters

## **FURTHER CONFERENCE GRANTED**

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

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

## **CCRs SUBMITTED**

The conference committee reports were read on the following measures:

**HB 1704** (2nd) , Remove Representative Derby as principal House author and substitute with Representative Benge, and Coauthored by Representative(s) Derby

**HB 2004**

**HB 2295**, Remove Representative Jordan as principal House author and substitute with Representative Armes, and Coauthored by Representative(s) Jordan

**HB 2300**, Remove Representative Banz as principal House author and substitute with Representative Duncan

**HB 2302**

**HB 2545**

**HB 2567**, Coauthored by Representative(s) Billy

**HB 2596**, Coauthored by Representative(s) Walker

**HB 2615**

**HB 2698**

**HB 2710**

**HB 2777**

**HB 2778**

**HB 2791**

**HB 2831**

**HB 2883**

**HB 2890**

**HB 2920**

**HB 2927**

**HB 2941**

**HB 2999**

**HB 3035**

**HB 3127**

**HB 3292**

## **MESSAGE FROM THE GOVERNOR**

Advising of his approval of **HB 2330** on May 12, 2010.

**REMARKS**

Upon request of Representative Faught, the remarks by Pastor Jim Johnston were ordered printed in full as follows:

“Mr. Speaker, thank you for the opportunity to address this chamber. The citizens of Oklahoma are grateful to all of you for serving us so ably and well in this challenging time.

You may have heard about the amazing finish to the Verizon Heritage Golf Tournament three weeks ago. Brian Davis forced a playoff against Jim Furyk for the \$1 million prize and his first win on the PGA Tour.

On the first playoff hole, Davis’ ball bounced onto the beach at Hilton Head and he brushed some grass playing out of the hazard. He immediately called an umpire over and gave himself a two stroke penalty, guaranteeing he would lose the playoff. No one had seen it but, sure enough, when they replayed his swing in slow motion he barely flicked dead reed on the backswing. And so Brian Davis came in second; his integrity cost him \$400,000 and the win.

The news outlets broadcast this again and again because integrity is in such short supply in our world.

Integrity is what you do in the dark, when no one is watching. In politics, Daniel is a great example of integrity from the Bible. Even when the opposition reviewed his life in slow motion, they found he was honest and diligent.

*<sup>4</sup> (They) sought to find a ground for complaint against Daniel with regard to the kingdom, but they could find no ground for complaint or any fault, because he was faithful, and no error or fault was found in him. (Daniel 6:4)*

Imagine them saying that about you on the other side of the aisle!

We all want to be known for our integrity in this chamber, in our districts, and most importantly at home with our families. But how do we get it? The problem is that our hearts betray us.

*<sup>9</sup> The heart is deceitful above all things, and desperately sick; who can understand it? (Jeremiah 17:9)*

We want to be blameless but we can’t do it through self-discipline. We can’t do it by positive thinking. To have Daniel’s integrity we need to know Daniel’s God.

Jesus came to transform us from the inside to make us men and women of honor and honesty. When Christ died on the cross, He

*<sup>14</sup> gave himself for us to redeem us from all wickedness and to purify for himself a people that are his very own; eager to do what is good. (Titus 2:14)*

If we want integrity, we need Jesus to purify our motives and make us eager to do what is right. Jesus came to earth to free us from the power of sin and give us the strength to live upright lives.

So our quest for integrity leads us to Jesus Christ. He is a model of integrity Himself—but even more through His cross He makes us the men and women we should be.

May God bless you and strengthen each of you as you continue to serve the people of the great state of Oklahoma in this legislature.

Let's pray.

Our heavenly Father, as we start this day of work, we thank you for calling and equipping each of these public servants for this work. Give them wisdom to balance budgets and balance viewpoints. Give them grace as they work for the good of many people today. Watch over their families at home. Watch over the constituents whom they serve. And give each one the grace to live with integrity in every part of their lives. We ask this through Jesus Christ our Lord, Amen.”

Representative Jones moved that when the clerk's desk is clear, the House stand adjourned to reconvene at 10:00 a.m., Monday, May 17, 2010, which was the order.

Pursuant to the motion of Representative Jones, the House was adjourned at 10:10 a.m., to reconvene Monday, May 17, 2010, at 10:00 a.m.