

HOUSE JOURNAL

Second Regular Session of the Fifty-second Legislature

of the State of Oklahoma

Sixty-fifth Legislative Day, Friday, May 21, 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: Smithson.—1.

The Speaker Pro Tempore declared a quorum present.

Prayer was offered by Reverend Father M. Price Oswalt, National Shrine of the Infant Jesus of Prague.

The Journal for the last legislative day was approved.

ENGROSSED AND ENROLLED MEASURES

HBs 1741, 1786, 2171, 2958, 3021, 3028, 3126 and 3286 were reported correctly enrolled and, after fourth reading, properly signed, in open session, and ordered transmitted to the Honorable Senate.

RESOLUTION

The following was introduced and read:

HR 1099 – By Wesselhoft and Wright (John).

A Resolution urging the Federal Communications Commission to protect children against assault of indecent television programming; urging Federal Communications Commission to adjudicate backlog of indecency complaints; and directing distribution.

MESSAGES FROM THE SENATE

Advising fourth reading of and transmitting for signature Enrolled **SBs 1659** and **1772**.

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

Returning enrolled measures

Announcing that Enrolled **HBs 1741, 1786, 2171, 2958, 3021, 3028, 3126** and **3286** 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.

Conferees changed

Advising the Senate changing conferees as follows:

HB 3387 – Remove Burrage and Add Rice

SB 2033 – Remove Laster and Add Rice, Leftwich

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 2004** was called up for consideration.

Coauthored by Representative(s) Collins

Upon motion of Representative Wright (Harold), the **CCR** on **HB 2004** was adopted.

HB 2004, 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, Blackwell, Brannon, Brown, Buck, Cannaday, Carey, Collins, Coody, Cooksey, Cox, Dank, Denney, Dorman, Enns, Faught, Fields, Glenn, Hickman, Hilliard, Holland, Hoskin, Inman, Jackson, Jett, Jones, Jordan, Joyner, Kern, Kirby, Kouplen, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McDaniel (Jeannie), McDaniel (Randy), McPeak, Moore, Morgan, Murphey, Nations, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Richardson, Roan, Rousselot, Russ, Sanders, Scott, Sears, Shelton, Sherrer, Shoemake, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Walker, Watson, Wright (Harold), Mr. Speaker.--76.

Nay: Derby, Duncan, Johnson, McCullough, Renegar, Reynolds, Ritze, Trebilcock, Wesselhoft, Wright (John).--10.

Excused: Billy, Christian, DeWitt, Hamilton, Harrison, Key, Kiesel, McNiell, Miller, Morrisette, Schwartz, Shannon, Shumate, Smithson, Williams.--15.

The measure and emergency passed.

HB 2004, together with the conference committee report, thereon, was ordered transmitted to the Honorable Senate.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 2331** was called up for consideration.

Coauthored by Representative(s) Faught

Remove Senator Reynolds as principal Senate author and substitute with Senator Stanislawski

Upon motion of Representative Martin (Steve), the **CCR** on **HB 2331** was adopted.

HB 2331, 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, Cannaday, Carey, Christian, Collins, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Duncan, Enns, Faught, Fields, Glenn, Hickman, Holland, Hoskin, Inman, Jackson, Jett, Johnson, Jones, Jordan, Joyner, Kiesel, Kirby, Kouplen, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCullough, McDaniel (Jeannie), McDaniel (Randy), McNiell, Miller, Moore, Morgan, Nations, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Renegar, Richardson, Roan, Rousselot, Russ, Sanders, Schwartz, Sears, Shoemake, Shumate, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Watson, Wright (Harold), Wright (John), Mr. Speaker.--79.

Nay: Buck, Hilliard, Kern, McPeak, Morrisette, Murphey, Pruett, Reynolds, Ritze, Scott, Shelton, Sherrer, Walker, Wesselhoft.--14.

Excused: Brown, Hamilton, Harrison, Key, Nelson, Shannon, Smithson, Williams.--8.

The measure passed.

HB 2331, together with the conference committee report, thereon, was ordered transmitted to the Honorable Senate.

PENDING CONSIDERATION OF CCR

The **CCR** on **SJR 61** was called up for consideration.

Coauthored by Representative(s) Sullivan, Trebilcock

Representative Reynolds raised a point of order as to whether the **CCR** on **SJR 61** was germane to the original purpose of the measure and therefore not in order for consideration under House Rule 9.3(b).

The Presiding Officer ruled the point not well taken and the **CCR** germane and in order for consideration.

Representative Reynolds 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, Duncan, Enns, Faught, Fields, Hickman, Holland, Jackson, Jett, Johnson, Jones, Jordan, Joyner, Kern, Kirby, Liebmann, Martin (Scott), Martin (Steve), McCullough, McDaniel (Randy), McNeil, Miller, Moore, Murphey, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson, Richardson, Rousselot, Russ, Sanders, Schwartz, Sears, Shannon, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Watson, Wesselhoft, Wright (Harold), Wright (John), Mr. Speaker.--59.

Nay: Auffet, Brannon, Brown, Buck, Cannaday, Carey, Collins, Dorman, Hamilton, Hilliard, Hoskin, Inman, Key, Kiesel, Lamons, Luttrell, McAffrey, McDaniel (Jeannie), Morrisette, Nations, Pittman, Proctor, Pruett, Renegar, Reynolds, Ritze, Roan, Scott, Shelton, Sherrer, Shoemake, Shumate, Williams.--33.

Excused: Bailey, DeWitt, Glenn, Harrison, Kouplen, McPeak, Morgan, Smithson, Walker.--9.

Representative Wright (John) raised a point of order stating that a fiscal summary for the **CCR** on **SJR 61** did not appear to be available within the House Floor Calendar.

The Presiding Officer ruled the point well taken and the **CCR** on **SJR 61** was laid over.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 956** was called up for consideration.

Coauthored by Representative(s) Ortega

Upon motion of Representative Peterson, the **CCR** on **SB 956** was adopted.

SB 956, 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, Brannon, Brown, Buck, Cannaday, Carey, Christian, Collins, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Duncan, Enns, Faught, Fields, Glenn, Hamilton, Hickman, Hilliard, Holland, Hoskin, Inman, Jackson, Jett, Johnson, Jones, Jordan, Joyner, Kern, Key, Kiesel, Kirby, Kouplen, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCullough, McDaniel (Jeannie), McDaniel (Randy), 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, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wesselhoft, Williams, Wright (Harold), Wright (John), Mr. Speaker.--97.

Excused: Blackwell, Harrison, McNiel, Smithson.--4.

The measure and emergency passed.

SB 956, together with the conference committee report, thereon, was ordered returned to the Honorable Senate.

PENDING CONSIDERATION OF CCR

The **CCR** on **SJR 61** as laid over on Page 1642 was called up for further consideration.

Upon motion of Representative Hickman, the **CCR** on **SJR 61** was adopted upon roll call 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, Hickman, Hilliard, Holland, Hoskin, Inman, Jackson, Jett, Johnson, Jones, Jordan, Joyner, Kern, Kiesel, Kirby, Kouplen, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCullough, McDaniel (Jeannie), McDaniel (Randy), McNiel, McPeak, Miller, Moore, Morgan, Murphey, Nations, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Renegar, Richardson, Roan, Rousselot, Russ, Sanders, Schwartz, Scott, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Steele, Sullivan, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wesselhoft, Williams, Wright (Harold), Mr. Speaker.--90.

Nay: Christian, Duncan, Hamilton, Key, Morrissette, Reynolds, Ritze, Terrill, Wright (John).--9.

Excused: Harrison, Smithson.--2.

Representative Armes Presiding

SJR 61, 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, Harrison, Hickman, Hilliard, Holland, Hoskin, Inman, Jackson, Jett, Johnson, Jones, Jordan, Joyner, Kern, Kiesel, Kirby, Kouplen, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCullough, McDaniel (Jeannie), McDaniel (Randy), McNiel, McPeak, Miller, Moore, Morgan, Murphey, Nations, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Renegar, Richardson, Roan, Rousselot, Russ, Sanders, Schwartz, Scott, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Steele, Sullivan, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wesselhoft, Williams, Wright (Harold), Mr. Speaker.--91.

Nay: Christian, Duncan, Hamilton, Key, Morrissette, Reynolds, Ritze, Terrill, Wright (John).--9.

Excused: Smithson.--1.

The measure passed.

SJR 61, together with the conference committee report, thereon, was ordered returned to the Honorable Senate.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 2710** was called up for consideration.

Coauthored by Representative(s) Lamons, Hoskin, Kiesel, Walker, Shelton

Upon motion of Representative Collins, the **CCR** on **HB 2710** was adopted.

HB 2710, 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, Hoskin, Inman, Jackson, Jett, Johnson, Jones, Jordan, Joyner, Kern, Key, Kiesel, Kirby, Kouplén, 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, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wesselhoft, Williams, Wright (Harold), Wright (John), Mr. Speaker.--100.

Excused: Smithson.--1.

The measure passed.

HB 2710, together with the conference committee report, thereon, was ordered transmitted to the Honorable Senate.

RECONSIDERATION

Representative Banz moved to reconsider the vote whereby the emergency failed on **HB 2302**, which motion prevailed upon roll call 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, Inman, Jett, Johnson, Jones, Jordan, Joyner, Kern, Key, Kiesel, Kouplén, 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, Renegar, Richardson, Roan, Rousselot, Russ, Sanders, Schwartz, Scott, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wesselhoft, Williams, Wright (Harold), Wright (John), Mr. Speaker.--95.

Nay: Reynolds, Ritze.--2.

Excused: Jackson, Kirby, McDaniel (Jeannie), Smithson.--4.

The roll was called on the emergency and resulted 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, Inman, Jackson, Jett, Johnson, Jones, Jordan, Joyner, Kern, Key, Kiesel, Kirby, Kouplén, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCullough, McDaniel (Jeannie), McDaniel (Randy), McNiel, McPeak, Miller, Moore, Morrissette, Murphey, Nations, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson, Proctor, Pruett, Renegar, Reynolds, Richardson, Ritze, Roan, Rousselot, Russ, Sanders, Schwartz,

Scott, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wesselhoft, Williams, Wright (Harold), Wright (John), Mr. Speaker.--98.

Excused: Morgan, Pittman, Smithson.--3.

The emergency passed.

HB 2302, together with the conference committee report, thereon, was ordered transmitted to the Honorable Senate.

RESOLUTION

The following was introduced and read:

HCR 1070 – By Armes of the House and Barrington of the Senate.

A Concurrent Resolution recognizing the importance of adequate water supplies in southwestern Oklahoma; encouraging the Oklahoma Congressional Delegation to request authorization for an updated study of the Cache Creek Basin Project; requesting the Oklahoma Water Resources Board to investigate water infrastructure needs and investments for southwestern Oklahoma; and directing distribution.

PENDING CONSIDERATION OF CCR

The **2nd CCR** on **HB 3393** was called up for consideration.

Upon the direction of the Presiding Officer, the **2nd CCR** on **HB 3393** was laid over.

RESOLUTION FOR CONSIDERATION

HR 1098 was called up for consideration.

Upon request of Representative Thomsen, **HR 1098** was laid over.

CCRs SUBMITTED

The conference committee reports were read on the following measures:

HB 2290 (2nd)

HB 2573 (2nd)

HB 2890 (2nd)

HB 3422

PENDING CONSIDERATION OF CCR

The **2nd CCR** on **HB 3393** as laid over on Page 1646 was called up for further consideration.

Upon motion of Representative Nelson, the **2nd CCR** on **HB 3393** was adopted upon roll call as follows:

Aye: Billy, Blackwell, Christian, Cooksey, Cox, Dank, Denney, Derby, Enns, Fields, Hamilton, Hickman, Holland, Johnson, Jones, Kern, Key, Liebmann, Martin (Scott), Martin (Steve), McCullough, McDaniel (Randy), Moore, Murphey, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson, Reynolds, Richardson, Ritze, Rousselot, Russ, Sanders, Schwartz, Sears, Shumate, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Wesselhoft, Wright (Harold), Wright (John), Mr. Speaker.--50.

Nay: Armes, Auffet, Bailey, Banz, Brannon, Brown, Buck, Cannaday, Carey, Collins, Coody, DeWitt, Dorman, Duncan, Faught, Glenn, Harrison, Hilliard, Hoskin, Inman, Jordan, Joyner, Kiesel, Kirby, Kouplen, Lamons, Luttrell, McAffrey, McDaniel (Jeannie), McNiel, McPeak, Morgan, Morrisette, Nations, Proctor, Pruett, Renegar, Roan, Scott, Shelton, Sherrer, Shoemake, Walker, Watson.--44.

Excused: Jackson, Jett, Miller, Pittman, Shannon, Smithson, Williams.--7.

Representative Brown moved to reject the **2nd CCR** on **HB 3393** and request further conference, which motion was ruled out of order.

HB 3393, as amended in conference, was read at length for the fourth time and the roll was called on the measure as follows:

Aye: Billy, Blackwell, Christian, Cooksey, Cox, Dank, Denney, Derby, Enns, Fields, Hamilton, Hickman, Holland, Jackson, Johnson, Jones, Kern, Key, Liebmann, Martin (Scott), Martin (Steve), McCullough, McDaniel (Randy), Miller, Moore, Murphey, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Reynolds, Richardson, Ritze, Rousselot, Russ, Sanders, Schwartz, Sears, Shannon, Shumate, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Wesselhoft, Wright (Harold), Wright (John), Mr. Speaker.--54.

Nay: Armes, Auffet, Bailey, Banz, Brannon, Brown, Buck, Cannaday, Carey, Collins, Coody, DeWitt, Dorman, Duncan, Faught, Glenn, Harrison, Hilliard, Hoskin, Inman, Jett, Jordan, Joyner, Kiesel, Kirby, Kouplen, Lamons, Luttrell, McAffrey, McDaniel (Jeannie), McNiel, McPeak, Morgan, Morrisette, Nations, Proctor, Pruett, Renegar, Roan, Scott, Shelton, Sherrer, Shoemake, Walker, Watson, Williams.--46.

Excused: Smithson.--1.

The measure passed.

Representative Nelson served notice to reconsider the vote whereby **HB 3393** passed.

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

Aye: Banz, Billy, Blackwell, Christian, Cooksey, Cox, Dank, Denney, Derby, Dorman, Duncan, Enns, Fields, Hamilton, Hickman, Holland, Jackson, Johnson, Jones, Kern, Key, Liebmann, Martin (Scott), Martin (Steve), McCullough, McDaniel (Randy), McNeil, Miller, Moore, Murphey, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Pruett, Reynolds, Richardson, Ritze, Rousselot, Russ, Sanders, Schwartz, Sears, Shannon, Shumate, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Watson, Wesselhoft, Williams, Wright (Harold), Wright (John), Mr. Speaker.--61.

Nay: Armes, Auffet, Bailey, Brannon, Brown, Buck, Cannaday, Carey, Collins, Coody, DeWitt, Faught, Glenn, Harrison, Hilliard, Hoskin, Inman, Jett, Jordan, Joyner, Kiesel, Lamons, Luttrell, McAffrey, McDaniel (Jeannie), McPeak, Morgan, Morrissette, Nations, Proctor, Renegar, Roan, Scott, Shelton, Sherrer, Shoemake, Walker.--37.

Excused: Kirby, Kouplen, Smithson.--3.

The emergency failed.

Representative Nelson served notice to reconsider the vote whereby the emergency failed.

MESSAGES FROM THE SENATE

Advising rejection of **CCRs** and requesting further conference thereon, the Senate naming same conferees as follows:

SB 481 (2nd CCR) – Coffee, Lamb, Aldridge, Jolley, Burrage

SB 828 (4th CCR) – Marlatt, Bingman, Schulz, Branan, Ivester, Burrage

Conference requested

Advising rejection of **HAs** to **SJR 51** and requesting conference thereon, the Senate naming conferees later.

Conferees changed

Advising the Senate changing conferees as follows:

HB 2437 – Remove GCCA and Name Johnson (Mike), Coffee, Laster

Transmitting CCRs

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

SB 1561

SB 1590

Conference committee reports were read on the above-numbered measures.

Conferees named

Advising the Senate naming conferees as follows:

SJR 51 – GCCA

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:

SJR 51 – GCCA

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

CONFEREES CHANGED

The Speaker withdrew **HB 2437** from GCCA and named the following conferees:

HB 2437 – Cox, Bengé, Steele, Hickman, Morgan, Pruett

MOTION

Representative Jones moved that the House stand in recess until 2:45 p.m., which was the order.

Representative Armes Presiding**MOTION**

Representative Key asked that the Journal reflect that had he been present in the Chamber, he would have voted nay on **HB 2331**, which was the order.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 1267** was called up for consideration.

Coauthored by Representative(s) Miller

Representative Blackwell requested a ruling of the Presiding Officer as to whether the **CCR** on **SB 1267** should be considered a revenue raising measure not to be passed during the last five (5) days of session.

The Presiding Officer ruled that pursuant to House Precedent 14.2-1 (2007) the Chair will not rule on the constitutionality of a measure and as such, the point was not well taken.

Representative Blackwell moved to postpone consideration of the **CCR** on **SB 1267** to a time certain of 2:00 p.m. on Monday, May 24, 2010.

Representative Hickman moved to table the Blackwell motion, which tabling motion was declared adopted upon roll call as follows:

Aye: Armes, Bailey, Billy, Brown, Christian, Coody, Cox, Dank, Denney, DeWitt, Duncan, Enns, Faught, Fields, Hickman, Holland, Jackson, Jett, Jones, Jordan, Joyner, Kirby, Liebmann, Martin (Scott), Martin (Steve), McDaniel (Randy), Miller, Murphey, Osborn, Ownbey, Peters, Peterson, Pruet, Russ, Schwartz, Sears, Shannon, Shoemake, Steele, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Watson, Wright (John), Mr. Speaker.--47.

Nay: Auffet, Banz, Blackwell, Brannon, Cannaday, Collins, Cooksey, Derby, Dorman, Glenn, Hamilton, Hilliard, Hoskin, Inman, Johnson, Kern, Key, Kiesel, Kouplen, Luttrell, McAffrey, McDaniel (Jeannie), McPeak, Moore, Morrissette, Ortega, Pittman, Proctor, Renegar, Reynolds, Richardson, Ritze, Sanders, Scott, Shelton, Sherrer, Shumate, Sullivan, Walker, Williams, Wright (Harold).--41.

Excused: Buck, Carey, Harrison, Lamons, McCullough, McNiel, Morgan, Nations, Nelson, Roan, Rousselot, Smithson, Wesselhoft.--13.

Upon motion of Representative Hickman, the **CCR** on **SB 1267** was adopted upon a division of the question.

Representative Kiesel attempted to serve notice to reconsider the vote whereby the CCR on **SB 1267** was adopted, which motion was ruled out of order.

Speaker Pro Tempore Steele Presiding

SB 1267, 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, Buck, Cannaday, Carey, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Enns, Fields, Hickman, Hilliard, Holland, Hoskin, Inman, Jackson, Johnson, Jones, Jordan, Joyner, Kirby, Kouplen, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McDaniel (Jeannie), McDaniel (Randy), Miller, Morgan, Murphey, Nations, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Renegar, Schwartz, Sears, Shannon, Sherrer, Shoemake, Steele, Terrill, Thomsen, Tibbs, Trebilcock, Watson, Wright (John), Mr. Speaker.--62.

Nay: Blackwell, Christian, Collins, Dorman, Duncan, Faught, Glenn, Hamilton, Harrison, Jett, Kern, Key, Kiesel, McAffrey, McCullough, McNeil, McPeak, Moore, Morrissette, Nelson, Ortega, Reynolds, Richardson, Ritze, Russ, Sanders, Scott, Shelton, Shumate, Sullivan, Thompson, Walker, Wesselhoft, Williams, Wright (Harold).--35.

Excused: Brown, Roan, Rousselot, Smithson.--4.

The measure passed.

Representative Hickman served notice to reconsider the vote whereby **SB 1267** passed.

During consideration of the question of adoption of the emergency clause, the Presiding Officer called for debate. Although members requested debate in favor of adoption, no members requested debate in opposition. In affirmation of House Precedent 8.17-1. (2007), the Presiding Officer did not recognize debate in favor of adoption of the emergency clause.

Representative Reynolds raised a point of order stating that because there was no debate permitted on the adoption of the emergency clause, the Chair should not recognize members for additional questions of the author.

The Presiding Officer stated that it is the prerogative of the Presiding Officer to determine whether members are to be recognized for questions.

Representative Reynolds moved the previous question.

The Presiding Officer stated that because the Chair had previously determined that debate would not be permitted on the question of adoption of the emergency clause, the motion to put the previous question was not in order because the effect of adopting the motion would be to prevent debate.

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

Aye: Armes, Auffet, Bailey, Banz, Billy, Brannon, Buck, Cannaday, Carey, Coody, Cox, Dank, Denney, Derby, DeWitt, Dorman, Enns, Faught, Fields, Glenn, Hamilton, Hickman, Hilliard, Holland, Hoskin, Inman, Jackson, Johnson, Jones, Jordan, Joyner, Kirby, Kouplen, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McCullough, McDaniel (Jeannie), McDaniel (Randy), Miller, Morgan, Murphey, Nations, Nelson, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Renegar, Richardson, Schwartz, Sears, Shannon, Sherrer, Shoemake, Steele, Terrill, Thomsen, Tibbs, Trebilcock, Watson, Wright (Harold), Wright (John), Mr. Speaker.--69.

Nay: Blackwell, Christian, Collins, Cooksey, Duncan, Harrison, Jett, Kern, Key, McAffrey, McNiel, Moore, Morrisette, Ortega, Reynolds, Ritze, Russ, Sanders, Scott, Shelton, Shumate, Sullivan, Walker, Wesselhoft, Williams.--25.

Excused: Brown, Kiesel, McPeak, Roan, Rousselot, Smithson, Thompson.--7.

The emergency passed.

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

MESSAGES FROM THE SENATE

Advising rejection of **CCRs** and requesting further conference thereon, the Senate naming same conferees as follows:

SB 421 – Stanislawski, Ford, Jolley, Branan, Johnson (Mike), Paddack

SB 1903 – Aldridge, Brown, Mazzei, Stanislawski, Ballenger

Conference requested

Advising rejection of **HAs** to **SB 486** and requesting conference thereon, the Senate naming conferees as follows:

SB 486 – Coffee, Jolley, Schulz, Burrage

Returning CCRs

Returning **HBs 1043, 1658, 2300, 2320, 2509**, Coauthored by Senator Newberry, **2596, 2629, 2944, 2963**, Coauthored by Senators Gumm, Sparks and Representative Roan, **2973**, Coauthored by Senator Ivester, **3213, 3251**, Coauthored by Representative Shelton and **3292** together with conference committee reports thereon, advising adoption of conference committee reports and passage of measures as amended.

The above-numbered measures, as amended by the conference committee reports, were referred for enrollment.

Transmitting CCRs

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

SB 1040

SB 1397

SB 1398

SB 1601, Coauthored by Senator Johnson (Constance) and Representative Morgan

SB 1686

SB 1900

SB 1901

SB 1908, Coauthored by Senators Garrison, Johnson (Constance)

SB 2063

SB 2070, Coauthored by Senator Johnson (Constance)

SB 2124

SB 2163

SB 2231

SB 2318

Conference committee reports were read on the above-numbered measures.

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 1771 – Johnson, Billy, Duncan, Hilliard, Jordan, Pruett, Sherrer

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 1903 – Sullivan, McDaniel (Randy), Moore, Auffet, Carey

CCRs SUBMITTED

The conference committee reports were read on the following measures:

HB 2437, Remove Representative Miller as principal House author and substitute with Representative Cox, and Remove as author Representative(s) Martin (Scott)

HB 3260 (2nd)

RESOLUTION

The following was introduced and read:

HR 1100 – By Jett.

A Resolution recognizing the many contributions made by citizens of the Republic of Turkey; creating Oklahoma-Turkish Alliance to further Oklahoma-Turkey relations; and directing distribution.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 1561** was called up for consideration.

Upon motion of Representative Miller, the **CCR** on **SB 1561** was adopted upon roll call as follows:

Aye: Armes, Auffet, Bailey, Banz, Billy, Brannon, Cannaday, Carey, Coody, Cooksey, Cox, Dank, Denney, DeWitt, Enns, Fields, Glenn, Hickman, Hilliard, Holland, Jackson, Johnson, Jones, Jordan, Joyner, Kirby, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McCullough, McDaniel (Jeannie), McDaniel (Randy), McNiel, McPeak, Miller, Moore, Morgan, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson, Pruett, Renegar, Richardson, Russ, Sanders, Schwartz, Sears, Shannon, Sherrer, Shoemake, Shumate, Steele, Sullivan, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wright (Harold), Wright (John), Mr. Speaker.--66.

Nay: Buck, Christian, Collins, Derby, Dorman, Duncan, Hamilton, Harrison, Hoskin, Inman, Kern, Key, Kiesel, Kouplen, McAffrey, Morrisette, Murphey, Pittman, Proctor, Reynolds, Ritze, Scott, Shelton, Thompson, Wesselhoft, Williams.--26.

Excused: Blackwell, Brown, Faught, Jett, Nations, Roan, Rousselot, Smithson, Terrill.--9.

Representative Peters moved the previous question, which motion was declared adopted upon a division of the question.

SB 1561, 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, Cannaday, Carey, Coody, Cooksey, Cox, Dank, Denney, DeWitt, Enns, Fields, Glenn, Hickman, Hilliard, Holland, Jackson, Johnson, Jones, Jordan, Joyner, Kirby, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McCullough, McDaniel (Jeannie), McDaniel (Randy), McNiel, McPeak, Miller, Moore, Morgan, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson, Pruett, Renegar, Richardson, Russ, Sanders, Schwartz, Sears, Shannon, Sherrer, Shoemake, Steele, Sullivan, Terrill, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wright (Harold), Wright (John), Mr. Speaker.--66.

Nay: Buck, Christian, Collins, Derby, Dorman, Duncan, Hamilton, Harrison, Hoskin, Inman, Kern, Key, Kiesel, Kouplén, McAffrey, Morrissette, Murphey, Pittman, Proctor, Reynolds, Ritze, Scott, Shelton, Shumate, Thompson, Wesselhoft, Williams.--27.

Excused: Blackwell, Brown, Faught, Jett, Nations, Roan, Rousselot, Smithson.--8.

The measure passed.

Representative Miller served notice to reconsider the vote whereby **SB 1561** passed.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 2437** was called up for consideration.

Coauthored by Representative(s) Lamons, Pittman, Cannaday

Representative Cox moved to suspend House Rule 7.15(d) for the purpose of allowing consideration of the **CCR** on **HB 2437**, which motion was declared adopted upon roll call as follows:

Aye: Armes, Auffet, Bailey, Banz, Billy, Brannon, Buck, Cannaday, Carey, Collins, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Enns, Fields, Glenn, Hamilton, Hickman, Hilliard, Hoskin, Inman, Jackson, Jett, Johnson, Jones, Joyner, Kirby, Kouplén, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McDaniel (Jeannie), McDaniel (Randy), McNiel, McPeak, Moore, Nelson, Osborn, Ownbey, Peters, Pittman, Proctor, Pruett, Renegar, Richardson, Russ, Sanders, Schwartz, Scott, Sears, Shannon, Shelton, Sherrer, Shoemake, Steele, Sullivan, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wesselhoft, Williams, Wright (Harold), Mr. Speaker.--73.

Nay: Christian, Duncan, Holland, Jordan, Kern, Key, McAffrey, McCullough, Morrisette, Murphey, Ortega, Peterson, Reynolds, Ritze, Shumate, Terrill, Wright (John).--17.

Excused: Blackwell, Brown, Faught, Harrison, Kiesel, Miller, Morgan, Nations, Roan, Rousselot, Smithson.--11.

Representative Reynolds raised a point of order as to whether the **CCR** on **HB 2437** was germane to the original purpose of the measure and therefore not in order for consideration under House Rule 9.3(b).

The Presiding Officer ruled the point not well taken and the **CCR** germane and in order for consideration.

Representative Reynolds moved to appeal the ruling of the Presiding Officer but failed to receive the required 15 seconds.

Representative Pittman moved to advance the question, which motion was declared adopted.

Upon motion of Representative Cox, the **CCR** on **HB 2437** was adopted upon roll call as follows:

Aye: Auffet, Bailey, Banz, Billy, Brannon, Buck, Cannaday, Carey, Collins, Coody, Cooksey, Cox, Denney, DeWitt, Dorman, Enns, Fields, Glenn, Hamilton, Hickman, Hilliard, Hoskin, Inman, Jackson, Jones, Kiesel, Kouplen, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McDaniel (Jeannie), McNiel, McPeak, Morrisette, Ownbey, Peters, Pittman, Proctor, Pruett, Renegar, Richardson, Russ, Sears, Shelton, Sherrer, Shoemake, Shumate, Steele, Walker, Williams, Wright (Harold), Mr. Speaker.--55.

Nay: Christian, Dank, Derby, Duncan, Harrison, Holland, Jett, Johnson, Jordan, Joyner, Kern, Key, Kirby, McCullough, McDaniel (Randy), Moore, Murphey, Nelson, Ortega, Osborn, Peterson, Reynolds, Ritze, Sanders, Schwartz, Shannon, Sullivan, Terrill, Thompson, Wesselhoft, Wright (John).--31.

Excused: Armes, Blackwell, Brown, Faught, Miller, Morgan, Nations, Roan, Rousselot, Scott, Smithson, Thomsen, Tibbs, Trebilcock, Watson.--15.

HB 2437, 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, Buck, Cannaday, Carey, Collins, Coody, Cooksey, Cox, Denney, DeWitt, Dorman, Enns, Fields, Glenn, Hamilton, Harrison, Hickman, Hilliard, Hoskin, Inman, Jackson, Jones, Kiesel, Kouplen, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McDaniel (Jeannie), McNiel, McPeak, Moore, Morrisette, Ownbey, Pittman, Proctor, Pruett, Renegar, Richardson, Russ, Sears

Shelton, Sherrer, Shoemake, Shumate, Steele, Thomsen, Tibbs, Walker, Williams, Wright (Harold), Mr. Speaker.--59.

Nay: Christian, Dank, Derby, Duncan, Holland, Jett, Johnson, Jordan, Joyner, Kern, Key, Kirby, McCullough, McDaniel (Randy), Miller, Murphey, Nelson, Ortega, Osborn, Peters, Peterson, Reynolds, Ritze, Sanders, Schwartz, Shannon, Sullivan, Terrill, Thompson, Trebilcock, Watson, Wesselhoft, Wright (John).--33.

Excused: Blackwell, Brown, Faught, Morgan, Nations, Roan, Rousselot, Scott, Smithson.--9.

The measure passed.

Representative Cox served notice to reconsider the vote whereby **HB 2437** passed.

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

Aye: Armes, Auffet, Bailey, Banz, Billy, Brannon, Buck, Cannaday, Carey, Collins, Coody, Cooksey, Cox, Denney, DeWitt, Dorman, Enns, Fields, Glenn, Hamilton, Harrison, Hickman, Hilliard, Hoskin, Inman, Jackson, Jones, Kiesel, Kouplen, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McDaniel (Jeannie), McNiel, McPeak, Moore, Morrissette, Ownbey, Peters, Pittman, Proctor, Pruett, Renegar, Russ, Sears, Shelton, Sherrer, Shoemake, Shumate, Steele, Thomsen, Tibbs, Walker, Watson, Williams, Wright (Harold), Mr. Speaker.--60.

Nay: Christian, Dank, Derby, Duncan, Holland, Jett, Johnson, Jordan, Joyner, Kern, Key, Kirby, McCullough, McDaniel (Randy), Miller, Murphey, Nelson, Ortega, Osborn, Peterson, Reynolds, Ritze, Sanders, Schwartz, Shannon, Sullivan, Terrill, Thompson, Trebilcock, Wesselhoft, Wright (John).--31.

Excused: Blackwell, Brown, Faught, Morgan, Nations, Richardson, Roan, Rousselot, Scott, Smithson.--10.

The emergency failed.

Representative Cox served notice to reconsider the vote whereby the emergency failed.

PENDING CONSIDERATION OF CCR

Upon motion of Representative Terrill, the **CCR** on **SB 1321** was rejected and further conference requested. The Speaker named the same conferees:

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

MOTION

Representative Cox moved to suspend House Rule 9.10(a) for the purpose of allowing immediate reconsideration of the vote whereby **HB 2437** passed.

Representative Reynolds moved that when the clerk's desk is clear, the House stand adjourned to reconvene Monday, May 24, 2010, which motion was ruled out of order.

Representative Reynolds raised a point of inquiry as to why the motion was out of order.

The Presiding Officer stated that all motions placing new business before the House must be scheduled through the Floor Leader.

Representative Cox pressed his motion to suspend House Rule 9.10(a), which motion was declared adopted upon roll call as follows:

Aye: Armes, Auffet, Bailey, Banz, Billy, Brannon, Buck, Cannaday, Carey, Collins, Coody, Cooksey, Cox, Denney, DeWitt, Dorman, Duncan, Enns, Fields, Glenn, Harrison, Hickman, Hilliard, Inman, Jackson, Jett, Johnson, Jones, Jordan, Joyner, Kirby, Kouplen, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McCullough, McDaniel (Jeannie), McDaniel (Randy), McNiel, McPeak, Moore, Morrisette, Nelson, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Sanders, Schwartz, Sears, Shelton, Sherrer, Shoemake, Shumate, Steele, Sullivan, Thomsen, Tibbs, Walker, Watson, Williams, Wright (Harold), Mr. Speaker.--68.

Nay: Christian, Derby, Holland, Kern, Key, Murphey, Ortega, Reynolds, Ritze, Shannon, Terrill, Thompson, Trebilcock, Wright (John).--14.

Excused: Blackwell, Brown, Dank, Faught, Hamilton, Hoskin, Kiesel, McAffrey, Miller, Morgan, Nations, Renegar, Richardson, Roan, Roussetot, Russ, Scott, Smithson, Wesselhoft.--19.

Representative Cox moved to reconsider the vote whereby **HB 2437** passed.

Representative Peters moved to table the Cox motion to reconsider, which tabling motion prevailed upon roll call as follows:

Aye: Armes, Auffet, Bailey, Banz, Billy, Brannon, Buck, Cannaday, Carey, Collins, Coody, Cooksey, Cox, Denney, DeWitt, Dorman, Enns, Fields, Glenn, Harrison, Hickman, Hilliard, Inman, Jackson, Jones, Kirby, Kouplen, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McDaniel (Jeannie), McNiel, McPeak, Moore, Morrisette, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Sanders, Sears, Shelton, Sherrer, Shoemake, Shumate, Steele, Thomsen, Tibbs, Walker, Watson, Williams, Wright (Harold), Mr. Speaker.--57.

Nay: Christian, Derby, Duncan, Holland, Jett, Johnson, Jordan, Joyner, Kern, Key, McCullough, McDaniel (Randy), Murphey, Nelson, Ortega, Osborn, Reynolds, Ritze, Schwartz, Shannon, Sullivan, Terrill, Trebilcock, Wright (John).--24.

Excused: Blackwell, Brown, Dank, Faught, Hamilton, Hoskin, Kiesel, McAffrey, Miller, Morgan, Nations, Renegar, Richardson, Roan, Rousselot, Russ, Scott, Smithson, Thompson, Wesselhoft.--20.

Representative Cox moved to suspend House Rule 9.10(a) for the purpose of allowing immediate reconsideration of the vote whereby the emergency failed on **HB 2437**, which motion failed of adoption upon roll call as follows:

Aye: Armes, Auffet, Bailey, Banz, Billy, Blackwell, Brannon, Buck, Cannaday, Carey, Collins, Coody, Cooksey, Cox, Denney, DeWitt, Dorman, Enns, Fields, Glenn, Harrison, Hickman, Hilliard, Inman, Jackson, Jett, Jones, Kouplen, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCullough, McDaniel (Jeannie), McNiel, McPeak, Moore, Morrisette, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Renegar, Sears, Sherrer, Shoemake, Shumate, Steele, Sullivan, Thomsen, Tibbs, Walker, Watson, Williams, Wright (Harold), Wright (John), Mr. Speaker.--61.

Nay: Christian, Derby, Duncan, Holland, Johnson, Jordan, Joyner, Kern, Key, Kirby, McDaniel (Randy), Miller, Murphey, Nelson, Ortega, Osborn, Reynolds, Ritze, Sanders, Schwartz, Shannon, Shelton, Terrill, Trebilcock.--24.

Excused: Brown, Dank, Faught, Hamilton, Hoskin, Kiesel, Morgan, Nations, Richardson, Roan, Rousselot, Russ, Scott, Smithson, Thompson, Wesselhoft.--16.

MESSAGES FROM THE SENATE

Announcing the concurrence of Senate in **HAs** to **SBs 2150** and **2330** and the passage of said measures, as amended thereby.

Returning CCRs

Returning **HBs 2567, 2615, 2777**, Coauthored by Senator Johnson (Constance), **2778, 2939, 2998** and **3236** together with conference committee reports thereon, advising adoption of conference committee reports and passage of measures as amended.

The above-numbered measures, as amended by the conference committee reports, were referred for enrollment.

Transmitting CCRs

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

SB 902 (2nd CCR) (emergency failed)

SB 1589, Remove Representative Miller as principal House author and substitute with Speaker Bengé, Remove Representative Martin (Scott) as Author and Remove Senator Johnson (Mike) as principal Senate author and substitute with Senator Coffee

SB 1633

SB 2199, Coauthored by Representative Sherrer

Conference committee reports were read on the above-numbered measures.

CCRs SUBMITTED

The conference committee reports were read on the following measures:

HB 2358

HB 2434

Representative Jones moved that when the clerk's desk is clear, the House stand adjourned to reconvene at 9:00 a.m., Monday, May 24, 2010, which was the order.

Pursuant to the motion of Representative Jones, the House was adjourned at 7:15 p.m., to reconvene Monday, May 24, 2010, at 9:00 a.m.