

HOUSE JOURNAL

Second Regular Session of the Fifty-second Legislature

of the State of Oklahoma

Thirty-sixth Legislative Day, Thursday, April 1, 2010

The House was called to order by Speaker Bengé.

The roll was called with 98 Members present.

The following Members were excused: Carey, Christian, Scott.—3.

The Speaker declared a quorum present.

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

The Journal for the last legislative day was approved.

ENGROSSED AND ENROLLED MEASURES

HAs to SBs 1313, 1332, 1393 and 1697 were reported correctly engrossed, properly signed, in open session, and the measures, as amended, were ordered returned to the Honorable Senate.

Speaker Pro Tempore Steele Presiding

GENERAL ORDER

SB 1354 by Ellis of the Senate and Roan of the House was read and considered.

Coauthored by Representative(s) Tibbs

Representative Roan moved that **SB 1354** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 1354 was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Armes, Auffet, Bailey, Banz, Billy, Brannon, Brown, Buck, Cannaday, Collins, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Duncan, Enns, Faught, Fields, Glenn, Hamilton, Harrison, Hilliard, Holland, Hoskin, Jackson, Johnson, Jones, Joyner, Kern, Kiesel, Kouplen, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McCullough, McPeak, Moore, Morgan, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Renegar, Reynolds, Richardson, Ritze, Roan, Rousselot, Russ, Sanders, Schwartz, Sears, Sherrer, Shoemake, Smithson, Steele, Sullivan, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wesselhoft, Wright (Harold), Wright (John), Mr. Speaker.--78.

Nay: Murphey, Shelton.--2.

Excused: Blackwell, Carey, Christian, Hickman, Inman, Jett, Jordan, Key, Kirby, McAffrey, McDaniel (Jeannie), McDaniel (Randy), McNiel, Miller, Morrisette, Nations, Scott, Shannon, Shumate, Terrill, Williams.--21.

The measure passed.

SB 1354 was referred for engrossment.

PENDING CONSIDERATION OF CCR

The **2nd CCR** on **SB 479** was called up for consideration.

Coauthored by Representative(s) Derby

Upon request of Representative Trebilcock, the **2nd CCR** on **SB 479** was laid over.

GENERAL ORDER

SB 1830 by Crain of the Senate and Nelson et al of the House was read and considered.

Coauthored by Representative(s) Tibbs

Representative Nelson moved that **SB 1830** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 1830 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, Blackwell, Brannon, Brown, Buck, Cannaday, 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, Joyner, Kern, Key, Kiesel, Kirby, Kouplen, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCullough, McDaniel (Randy), McNiell, McPeak, Miller, Moore, Morgan, Murphey, Nations, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Renegar, Reynolds, Richardson, Ritze, Rousselot, Russ, Sanders, Schwartz, Sears, Shannon, Shelton, Sherrer, Shoemake, Smithson, Steele, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wesselhoft, Williams, Wright (Harold), Wright (John), Mr. Speaker.--92.

Excused: Carey, Christian, Jordan, McDaniel (Jeannie), Morrissette, Roan, Scott, Shumate, Sullivan.--9.

The measure and emergency passed.

SB 1830 was referred for engrossment.

GENERAL ORDER

SB 1594 by Schulz of the Senate and Richardson of the House was read and considered.

Representative Richardson moved that **SB 1594** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 1594 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, Blackwell, Brannon, Brown, Buck, Cannaday, Collins, Coody, Cooksey, Cox, Dank, Derby, DeWitt, Dorman, Duncan, Faught, Fields, Glenn, Hamilton, Hickman, Hilliard, Holland, Hoskin, Inman, Jett, Johnson, Jones, Joyner, Kern, Key, Kirby, Kouplen, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McDaniel (Randy), McNiell, McPeak, Miller, Moore, Morgan, Morrissette, Nations, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Renegar, Reynolds, Richardson, Ritze, Roan, Rousselot, Russ, Sanders, Schwartz, Sears, Shannon, Shelton, Sherrer, Shoemake, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wesselhoft, Wright (Harold), Wright (John), Mr. Speaker.--87.

Nay: Denney, Harrison, McCullough, Murphey, Williams.--5.

Excused: Carey, Christian, Enns, Jackson, Jordan, Kiesel, McDaniel (Jeannie), Scott, Shumate.--9.

The measure and emergency passed.

SB 1594 was referred for engrossment.

GENERAL ORDER

SB 1365 by Coffee et al of the Senate and Russ of the House was read and considered.

Representative Russ moved that **SB 1365** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 1365 was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Armes, Auffet, Bailey, Banz, Billy, Blackwell, Brannon, Brown, Buck, Cannaday, Collins, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Duncan, Enns, Faught, Fields, Glenn, Hamilton, Harrison, Hickman, Holland, Hoskin, Inman, Jackson, Jett, Johnson, Jones, Joyner, Kern, Kirby, 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, Renegar, Reynolds, Richardson, Roan, Rousselot, Russ, Sanders, Schwartz, Sears, Shannon, Shelton, Sherrer, Shoemake, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Williams, Wright (Harold), Wright (John), Mr. Speaker.--90.

Excused: Carey, Christian, Hilliard, Jordan, Key, Kiesel, McDaniel (Jeannie), Ritze, Scott, Shumate, Wesselhoft.--11.

The measure passed.

SB 1365 was referred for engrossment.

PENDING CONSIDERATION OF CCR

The **2nd CCR** on **SB 479** as laid over on Page 1140 was called up for further consideration.

Upon motion of Representative Trebilcock, the **2nd CCR** on **SB 479** was adopted.

SB 479, 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, Collins, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Duncan, Enns, Faught, Fields, Glenn, Hamilton, Harrison, Hickman, Holland, Hoskin, 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, Morgan, Morrissette, Murphey, Nations, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Renegar, Reynolds, Richardson, Ritze, Roan, Rousselot, Russ, Sanders, Schwartz, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wesselhoft, Williams, Wright (Harold), Wright (John), Mr. Speaker.--95.

Excused: Carey, Christian, Hilliard, McDaniel (Jeannie), Moore, Scott.--6.

The measure and emergency passed.

SB 479, together with the conference committee report, thereon, was ordered returned to the Honorable Senate.

Representative Hickman Presiding

GENERAL ORDER

SB 1617 by Halligan of the Senate and Denney et al of the House was read and considered.

Representative McDaniel (Jeannie) moved to amend **SB 1617**, Page 4, Section 2, Line 14 by adding new paragraphs 9 and 10 to read as follows:

“9. One member of the House of Representatives appointed by the Minority Leader of the House of Representatives;

10. One member of the State Senate appointed by the Minority Leader of the State Senate;” and by renumbering the subsequent paragraphs., which amendment was declared adopted.

Representative Denney moved that **SB 1617** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 1617 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, Blackwell, Brannon, Brown, Buck, Cannaday, Collins, Coody, Cooksey, Dank, Denney, Derby, DeWitt, Dorman, Duncan, Enns, Faught, Fields, Glenn, Hamilton, Harrison, Hickman, Holland, Inman, Jackson, Jett, Johnson, Jones, Jordan, Joyner, Kern, Key, Kirby, Kouplen, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCullough, McDaniel (Randy), McNiel, McPeak, Miller, Morgan, Morrissette, Murphey, Nations, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson, Proctor, Pruett, Renegar, Reynolds, Richardson, Ritze, Roan, Rousselot, Russ, Sanders, Schwartz, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wesselhoft, Williams, Wright (Harold), Wright (John), Mr. Speaker.--91.

Excused: Carey, Christian, Cox, Hilliard, Hoskin, Kiesel, McDaniel (Jeannie), Moore, Pittman, Scott.--10.

The measure and emergency passed.

SB 1617 was referred for engrossment.

MEASURE REREFERRED

Upon motion of Representative Steele, **SB 1851** was withdrawn from the Calendar and rereferred to the Economic Development and Financial Services Committee.

GENERAL ORDER

SB 1670 by Bass et al of the Senate and Sullivan of the House was read and considered.

Coauthored by Representative(s) Faught, Walker

Representative Sullivan moved that **SB 1670** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 1670 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, Blackwell, Brannon, Brown, Buck, Cannaday, Collins, Coody, Cooksey, Dank, Denney, Derby, DeWitt, Dorman, Duncan, Enns, Faught, Fields, Glenn, Hamilton, Harrison, Hickman, Holland, Hoskin, 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, Morgan, Morrissette, Murphey, Nations, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Renegar, Reynolds, Richardson, Ritze, Roan, Rousselot, Russ, Sanders, Schwartz, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wesselhoft, Williams, Wright (Harold), Wright (John), Mr. Speaker.--94.

Excused: Carey, Christian, Cox, Hilliard, McDaniel (Jeannie), Moore, Scott.--7.

The measure and emergency passed.

The Presiding Officer signed, in open session, Engrossed **SB 1670** and ordered same returned to the Honorable Senate.

GENERAL ORDER

SB 1684 by Aldridge of the Senate and Banz of the House was read and considered.

Coauthored by Representative(s) Walker

Representative Banz moved that **SB 1684** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 1684 was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Auffet, Bailey, Banz, Billy, Blackwell, Brannon, Brown, Buck, Cannaday, Collins, Coody, Cooksey, DeWitt, Dorman, Enns, Fields, Glenn, Hamilton, Harrison, Hickman, Hoskin, Inman, Jackson, Jett, Jones, Jordan, Kirby, Kouplen, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McNiel, McPeak, Morrissette, Nations, Ortega, Osborn, Ownbey, Pittman, Proctor, Pruett, Renegar, Richardson, Roan, Rousselot, Russ, Sanders, Sears, Sherrer, Shoemake, Shumate, Smithson, Steele, Sullivan, Thomsen, Tibbs, Trebilcock, Walker, Watson, Williams, Wright (Harold), Mr. Speaker.--64.

Nay: Dank, Denney, Derby, Duncan, Faught, Holland, Johnson, Joyner, Kern, Key, McAffrey, McCullough, McDaniel (Randy), Miller, Morgan, Murphey, Nelson, Peters, Peterson, Reynolds, Ritze, Schwartz, Shannon, Shelton, Terrill, Thompson, Wesselhoft, Wright (John).--28.

Excused: Armes, Carey, Christian, Cox, Hilliard, Kiesel, McDaniel (Jeannie), Moore, Scott.--9.

The measure passed.

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

Aye: Armes, Auffet, Bailey, Banz, Billy, Blackwell, Brannon, Brown, Buck, Cannaday, Collins, Coody, Cooksey, Cox, Denney, DeWitt, Dorman, Enns, Fields, Glenn, Hamilton, Hickman, Inman, Jackson, Jett, Jones, Jordan, Kirby, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McNiell, McPeak, Morgan, Nations, Osborn, Ownbey, Pittman, Proctor, Pruett, Renegar, Roan, Rousselot, Sears, Shelton, Sherrer, Shoemake, Shumate, Smithson, Steele, Sullivan, Thomsen, Walker, Watson, Williams, Wright (Harold), Mr. Speaker.--59.

Nay: Dank, Derby, Duncan, Faught, Harrison, Holland, Johnson, Joyner, Kern, Key, McAffrey, McCullough, McDaniel (Randy), Miller, Morrissette, Murphey, Nelson, Ortega, Peters, Peterson, Reynolds, Ritze, Russ, Sanders, Schwartz, Shannon, Terrill, Thompson, Tibbs, Trebilcock, Wesselhoft, Wright (John).--32.

Excused: Carey, Christian, Hilliard, Hoskin, Kiesel, Kouplen, McDaniel (Jeannie), Moore, Richardson, Scott.--10.

The emergency failed.

The Presiding Officer signed Engrossed **SB 1684** and ordered same returned to the Honorable Senate.

GENERAL ORDER

SB 1648 by Jolley of the Senate and Miller of the House was read and considered.

Coauthored by Representative(s) Duncan, Walker

Representative Miller moved that **SB 1648** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 1648 was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Armes, Auffet, Bailey, Banz, Blackwell, Brannon, Brown, Buck, Cannaday, Collins, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Duncan, Enns, Faught, Fields, Glenn, Hamilton, Harrison, Hickman, Holland, Hoskin, Inman, Jackson, Jett, Johnson, Jones, Jordan, Joyner, Kern, Key, Kiesel, Kirby, Kouplen, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCullough, McDaniel (Randy), McNeil, McPeak, Miller, Moore, Morgan, Morrisette, Murphey, Nations, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Renegar, Reynolds, Richardson, Ritze, Roan, Rousselot, Russ, Sanders, Schwartz, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wesselhoft, Williams, Wright (Harold), Wright (John), Mr. Speaker.--95.

Excused: Billy, Carey, Christian, Hilliard, McDaniel (Jeannie), Scott.--6.

The measure passed.

The Presiding Officer signed, in open session, Engrossed **SB 1648** and ordered same returned to the Honorable Senate.

GENERAL ORDER

SB 1917 by Aldridge of the Senate and Banz of the House was read and considered.

Coauthored by Representative(s) Wright (John), Walker

Representative Banz moved that **SB 1917** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 1917 was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Armes, Auffet, Bailey, Banz, Blackwell, Brannon, Brown, Buck, Cannaday, Collins, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Duncan, Enns, Faught, Fields, Glenn, Hamilton, Harrison, Hickman, Holland, Hoskin, Inman, Jackson, Jett, Johnson, Jones, Jordan, Joyner, Kern, Key, Kiesel, Kirby, Kouplen, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCullough, McDaniel (Randy), McNeil, McPeak, Miller, Moore, Morgan, Morrisette, Murphey, Nations, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Renegar, Reynolds, Richardson, Ritze, Roan, Rousselot, Russ, Sanders, Schwartz, Sears, Shannon, Shelton,

Sherrer, Shoemake, Shumate, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wesselhoft, Williams, Wright (Harold), Wright (John), Mr. Speaker.--95.

Excused: Billy, Carey, Christian, Hilliard, McDaniel (Jeannie), Scott.--6.

The measure passed.

SB 1917 was referred for engrossment.

MOTION

Representative Pittman asked that the Journal reflect that had she been present in the Chamber, she would have voted aye on **SB 1617**, which was the order.

COMMITTEE REPORTS

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

DO PASS:

SB 1685 – Public Safety, Coauthored by Representative(s) Enns, Ritze, Tibbs, Murphey, McCullough

SB 1921 – Rules

SB 2142 – Rules

SB 2257 – Public Safety, Coauthored by Representative(s) Tibbs, Ritze

DO PASS, As Amended:

CS for **SB 747** – Common Education, Coauthored by Representative(s) McDaniel (Jeannie)

CS for **SB 1404** – Common Education

CS for **SB 1615** – Energy and Utility Regulation

CS for **SB 1633** – Common Education, Coauthored by Representative(s) Kern

SB 1762 – Public Safety

CS for **SB 1799** – Common Education

CS for **SB 1883** – Public Safety

CS for **SB 1955** – Economic Development and Financial Services

CS for **SB 2183** – Common Education

CS for **SB 2223** – Public Safety, Coauthored by Representative(s) Tibbs

CS for **SB 2229** – Public Safety, Coauthored by Representative(s) Tibbs

CS for **SB 2296** – Public Safety

SJR 21 – Rules, Coauthored by Representative(s) Pittman

Representative Thomsen moved that when the clerk's desk is clear, the House stand adjourned to reconvene at 1:30 p.m., Monday, April 5, 2010, which was the order.

Pursuant to the motion of Representative Thomsen, the House was adjourned at 10:35 a.m., to reconvene Monday, April 5, 2010, at 1:30 p.m.