

# HOUSE JOURNAL

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

**of the State of Oklahoma**

**Thirteenth Legislative Day, Monday, February 22, 2010**

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

The roll was called with 98 Members present.

The following Members were excused: Blackwell, Harrison, Nations.—3.

The Speaker Pro Tempore declared a quorum present.

Prayer was offered by Pastor Paul Blair, Fairview Baptist Church, Edmond.  
Pastor Blair was sponsored by Representative Murphey.

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

The Journal for the last legislative day was approved.

## **ENGROSSED AND ENROLLED MEASURES**

**HBs 2296, 2921, 2963, 3261, 3312, 3381 and 3394** were reported correctly engrossed, 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 1085** – Administrative Rules and Agency Oversight

**MEASURES REASSIGNED**

The following measures were reassigned:

**HB 1613** – Withdrawn from Rules and referred to Economic Development and Financial Services.

**HB 2075** – Withdrawn from Rules and referred to General Government.

**HB 2664** – Withdrawn from Judiciary and referred to Economic Development and Financial Services.

**HB 2671** – Withdrawn from Rules and referred to Economic Development and Financial Services.

**HB 2695** – Withdrawn from Public Health and referred to Public Safety.

**HJR 1061** – Withdrawn from Rules and referred to Appropriations and Budget.

**MESSAGE FROM THE SENATE**

Announcing the passage of the following engrossed measures: **SBs 1601, 1753, 1962, 2095, 2096, 2213 and 2274.**

The measures were introduced and read for the first time.

**SB 1601** – By Burrage of the Senate and Peters of the House.

An Act relating to mental health; amending 43A O.S. 2001, Section 10-110, which relates to the Protective Services for Vulnerable Adults Act; prohibiting certain expungement; providing for exception; requiring use of certain case numbers; providing for certain written notice; and providing an effective date.

**SB 1753** – By Leftwich of the Senate and Terrill of the House.

[ Oklahoma Open Records Act - personnel records - confidentiality - emergency ]

**SB 1962** – By Jolley of the Senate and Cooksey of the House.

An Act relating to cities and towns; amending 11 O.S. 2001, Section 14-108, which relates to codification of municipal ordinances; modifying certain requirement; and providing an effective date.

**SB 2095** – By Anderson of the Senate and Armes of the House.

An Act relating to agriculture; amending 2 O.S. 2001, Section 6-2, which relates to the official livestock and poultry disease control agency; authorizing the State Veterinarian to issue certain protective orders under certain circumstances; specifying expiration date; authorizing extension of expiration date; and declaring an emergency.

**SB 2096** – By Anderson of the Senate and McNiell of the House.

An Act relating to agriculture; amending 2 O.S. 2001, Section 2-12, which relates to unpaid checks; clarifying language; requiring the Department of Agriculture, Food, and Forestry to report uncollectable debts to certain entities; and providing an effective date.

**SB 2213** – By Jolley and Ford of the Senate and Jones of the House.

[ schools - School Testing Program Act - United States Department of Education - approval - effective date - emergency ]

**SB 2274** – By Russell and Leftwich of the Senate and Nelson of the House.

An Act relating to children; amending 10 O.S. 2001, Sections 7505-1.1 and 7505-5.1, as last amended by Section 3, Chapter 288, O.S.L. 2009 (10 O.S. Supp. 2009, Section 7505-5.1), which relate to confidentiality and home study; expanding certain exception; establishing exemption from home study under certain circumstances; and declaring an emergency.

## GENERAL ORDER

**HB 2621** by Glenn of the House and Wyrick of the Senate was read and considered.

Coauthored by Representative(s) Brannon

Representative Brannon moved to amend **HB 2621** by inserting new Sections 2, 3 and 4 to read as follows, and by renumbering subsequent section, which amendment was declared adopted:

“SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1698.61 of Title 69, unless there is created a duplication in numbering, reads as follows:

That portion of U.S. Highway 59 South of Heavener from the Poteau River Bridge extending south to the Hodgen city limits shall be designated as the “Tommy Azlin Memorial Highway”. The Department of Transportation shall cause suitable permanent markers to be placed on the highway bearing that name.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1698.62 of Title 69, unless there is created a duplication in numbering, reads as follows:

The bridge crossing Polk Creek on the Poteau Bypass shall be designated the “Joe Hemphil Memorial Bridge”. The Department of Transportation shall cause suitable permanent markers to be placed on the highway bearing that name.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1698.63 of Title 69, unless there is created a duplication in numbering, reads as follows:

The bridge crossing McMurtry Creek on the Poteau Bypass shall be designated the “F.L. Holton Memorial Bridge”. The Department of Transportation shall cause suitable permanent markers to be placed on the highway bearing that name.”

Upon unanimous consent request of Representative Glenn, **HB 2621** was laid over.

## GENERAL ORDER

**HB 3006** by Peterson of the House and Bingman of the Senate was read and considered.

Representative Peterson moved that **HB 3006** be advanced from General Order, which motion was declared adopted.

**THIRD READING**

**HB 3006** was read at length for the third time. On passage of the measure and emergency, the roll call was as follows:

Aye: Armes, Auffet, Bailey, Banz, Billy, Brannon, Brown, Buck, Cannaday, Carey, Christian, Collins, Coody, Cooksey, Cox, Dank, Denney, DeWitt, Dorman, Duncan, Enns, Faught, Fields, Glenn, Hamilton, Hickman, Hilliard, Holland, Hoskin, Inman, Jackson, Johnson, Jones, Jordan, Joyner, Kern, Key, Kiesel, Kirby, Kouplen, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCullough, McDaniel (Jeannie), McDaniel (Randy), McNiel, McPeak, Miller, Moore, Morgan, Morrissette, Murphey, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Renegar, Reynolds, Richardson, Ritze, Roan, Rousselot, Russ, Sanders, Schwartz, Scott, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wesselhoft, Williams, Wright (Harold), Wright (John), Mr. Speaker.--96.

Excused: Blackwell, Derby, Harrison, Jett, Nations.--5.

The measure and emergency passed.

**HB 3006** was referred for engrossment.

**MOTION**

Representative Jones moved that the House stand in recess until 2:20 p.m., which was the order.

**Speaker Pro Tempore Steele Presiding****GENERAL ORDER**

**HB 2826** by Peters of the House was read and considered.

Authored by Senator Anderson (principal Senate author)

Representative Peters moved that **HB 2826** be advanced from General Order, which motion was declared adopted.

### THIRD READING

**HB 2826** was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Armes, 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, Johnson, Jones, Jordan, Kern, Key, Kiesel, Kirby, Kouplen, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCullough, McDaniel (Jeannie), McDaniel (Randy), McPeak, Moore, Morgan, Morrissette, Murphey, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Renegar, Reynolds, Richardson, Ritze, Roan, Rousselot, Russ, Sanders, Schwartz, Scott, Sears, Shannon, Shelton, Sherrer, Shumate, Smithson, Steele, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wesselhoft, Williams, Wright (Harold), Wright (John), Mr. Speaker.--91.

Excused: Auffet, Blackwell, Harrison, Jett, Joyner, McNiel, Miller, Nations, Shoemake, Sullivan.--10.

The measure passed.

**HB 2826** was referred for engrossment.

### RESOLUTION FOR CONSIDERATION

**HCR 1047** was called up for consideration.

Coauthored by Representative(s) Faught, Reynolds

Upon motion of Representative McDaniel (Randy), **HCR 1047** was considered and adopted upon roll call as follows:

Aye: Armes, Auffet, Bailey, Banz, Billy, Brannon, Buck, Carey, Christian, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Duncan, Enns, Faught, Fields, Glenn, Hickman, Hilliard, Holland, Hoskin, Inman, Jackson, Jett, Johnson, Jones, Jordan, Joyner, Kern, Key, Kirby, Kouplen, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McCullough, McDaniel (Randy), McNiel, Miller, Moore, Morgan, Murphey, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson, Proctor, Pruett, Reynolds, Richardson, Ritze, Rousselot, Russ, Sanders, Schwartz, Sears, Shannon, Sherrer, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wesselhoft, Williams, Wright (Harold), Wright (John), Mr. Speaker.--82.

Nay: Brown, Cannaday, Collins, Hamilton, Kiesel, McAffrey, McDaniel (Jeannie), McPeak, Morrissette, Pittman, Renegar, Roan, Scott, Shelton, Shumate.--15.

Excused: Blackwell, Harrison, Nations, Shoemake.--4.

**HCR 1047** was referred for engrossment.

## **GENERAL ORDER**

**HB 2543** by Wright (John) of the House was read and considered.

Coauthored by Representative(s) Ritze

Authored by Senator Anderson (principal Senate author)

Representative Nelson moved to amend **HB 2543**, Page 1, Section 1, Lines 3-6 by deleting all underlined language and inserting in lieu thereof the following language:

“In all actions where a divorce is sought on the basis of incompatibility, the parties seeking a divorce shall attend marital counseling before the filing of the petition. The parties shall receive no less than one (1) hour of divorce counseling from a licensed therapist or faith-based counselor. Proof of completion of requirement shall be filed with the petition for divorce.”

Representative Wright (John) moved to amend the Nelson amendment by inserting after the period “.” following the word “divorce” the following language:

“The requirements of this section shall be waived in the case of abandonment, conviction of a felony, or where a protective order has been granted.”, which amendment was declared adopted upon a division of the question.

Representative Buck moved to amend the Nelson amendment by adding after the period “.” following the word “divorce” the following language:

“If the proof of completion of requirement is not filed with the petition, the court clerk shall assess an additional fee of Twenty Dollars (\$20.00) to be paid by the petitioner. The fee amount shall be deposited into the court fund and used to assist in counseling programs with the objective of reducing the divorce rate within the state.”

Representative Wright (John) moved to table the Buck amendment to the amendment, which tabling motion was declared adopted upon roll call as follows:

Aye: Armes, Banz, Billy, Coody, Cooksey, Cox, Dank, Denney, DeWitt, Duncan, Enns, Faught, Fields, Holland, Jackson, Johnson, Jones, Joyner, Kern, Key, Kirby, Liebmann, Martin (Scott), McCullough, McDaniel (Randy), McNiel, Moore, Murphey, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson, Reynolds, Richardson, Ritze, Russ,

Sanders, Schwartz, Sears, Shannon, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Watson, Wesselhoft, Wright (Harold), Wright (John), Mr. Speaker.--54.

Nay: Auffet, Bailey, Brannon, Brown, Buck, Cannaday, Carey, Collins, Dorman, Glenn, Hamilton, Hilliard, Hoskin, Inman, Kiesel, Kouplen, Lamons, Luttrell, McAffrey, McDaniel (Jeannie), McPeak, Morgan, Morrissette, Pittman, Proctor, Pruett, Renegar, Roan, Rousselot, Scott, Shelton, Sherrer, Shoemake, Shumate, Smithson, Williams.--36.

Excused: Blackwell, Christian, Derby, Harrison, Hickman, Jett, Jordan, Martin (Steve), Miller, Nations, Walker.--11.

Representative Nelson pressed adoption of the amendment, as amended, which amendment was declared adopted upon a division of the question.

Representative Wright (John) moved that **HB 2543** be advanced from General Order, which motion was declared adopted upon a division of the question.

Representative Martin (Steve) raised a point of order that the debate underway impugned the motive of some House Members.

The Presiding Officer ruled the point well taken and reminded the members to avoid impugning the motive of other members during debate.

### **THIRD READING**

**HB 2543** was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Armes, Christian, Coody, Dank, Derby, DeWitt, Duncan, Enns, Faught, Hamilton, Hickman, Jackson, Johnson, Jones, Kern, Liebmann, Martin (Scott), McCullough, McDaniel (Randy), McNiel, Moore, Murphey, Nelson, Peterson, Ritze, Russ, Shannon, Steele, Terrill, Thompson, Tibbs, Trebilcock, Watson, Wesselhoft, Wright (Harold), Wright (John), Mr. Speaker.--37.

Nay: Auffet, Bailey, Banz, Billy, Brannon, Brown, Buck, Cannaday, Carey, Collins, Cooksey, Cox, Denney, Dorman, Fields, Glenn, Hilliard, Holland, Hoskin, Inman, Jett, Jordan, Joyner, Key, Kiesel, Kirby, Kouplen, Lamons, Luttrell, Martin (Steve), McAffrey, McDaniel (Jeannie), McPeak, Morgan, Morrissette, Ortega, Osborn, Ownbey, Peters, Pittman, Proctor, Pruett, Renegar, Richardson, Roan, Rousselot, Sanders, Schwartz, Scott, Shelton, Sherrer, Shoemake, Shumate, Smithson, Sullivan, Thomsen, Williams.--57.

Excused: Blackwell, Harrison, Miller, Nations, Reynolds, Sears, Walker.--7.

The measure failed.

Representative Brown served notice to reconsider the vote whereby **HB 2543** failed.

**CCRs SUBMITTED**

The conference committee reports were read on the following measures:

**HB 2351**

**HB 2352**

Representative Jones moved that when the clerk's desk is clear, the House stand adjourned to reconvene at 9:00 a.m., Tuesday, February 23, 2010, which was the order.

Pursuant to the motion of Representative Jones, the House was adjourned at 3:45 p.m., to reconvene Tuesday, February 23, 2010, at 9:00 a.m.