

HOUSE JOURNAL

Second Regular Session of the Fifty-second Legislature

of the State of Oklahoma

Thirty-first Legislative Day, Wednesday, March 24, 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 Steve Dennis, First Baptist Church, Checotah.

The Journal for the last legislative day was approved.

ENGROSSED AND ENROLLED MEASURES

HAs to SBs 1469, 1470, 1471, 1472, 1473, 1474, 1475, 1476, 1477, 1478, 1479, 1480, 1481, 1482, 1483, 1484, 1485, 1486, 1487, 1488, 1489, 1490, 1491, 1492, 1493, 1494, 1495, 1496, 1497, 1498, 1499, 1500, 1501, 1502, 1503, 1504, 1505, 1506, 1507, 1508, 1509, 1510, 1511, 1512, 1513, 1514, 1515, 1516, 1517, 1518, 1519, 1520, 1521, 1522, 1523, 1524, 1525 and 1526 were reported correctly engrossed, properly signed, in open session, and the measures, as amended, were ordered returned to the Honorable Senate.

HR 1073 was reported correctly enrolled, properly signed, in open session, and ordered transmitted to the Secretary of State.

MEASURE REASSIGNED

The following measure was reassigned:

SB 1398 – Withdrawn from Transportation and referred to Appropriations and Budget.

MESSAGES FROM THE SENATE

Announcing the passage of engrossed **SCRs 34** and **47**. The measures were introduced and read.

SCR 34 – By Johnson (Constance), Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branam, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (Mike), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick of the Senate and McDaniel (Randy) of the House.

A Concurrent Resolution designating November 14, 2010, as Diabetes Awareness Day in the State of Oklahoma; directing that the Capitol be lit in blue; and directing distribution.

SCR 47 – By Ivester, Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branam, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Johnson (Constance), Johnson (Mike), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick of the Senate and Richardson of the House.

A Concurrent Resolution congratulating the Fort Cobb-Broxtton Lady Mustangs for winning the 2009 Class A fast-pitch softball state championship; and directing distribution.

Returning engrossed measure, as amended

Announcing the passage of and returning engrossed **HJR 1054**, as amended.

Senate amendments were read on the above numbered measure.

Transmitting enrolled measures

Advising the signing of and transmitting for signature Enrolled **SCRs 46** and **48**.

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

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 479 (2nd CCR), Remove Senator Crain as principal Senate author and substitute with Senator Jolley, Remove Representative Jackson as principal House author and substitute with Representative Trebilcock, Coauthored by Representative Jackson

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

GENERAL ORDER

SB 1527 by Johnson (Mike) et al of the Senate and Miller et al of the House was read and considered.

Representative Miller moved to amend **SB 1527** by striking the enacting clause, which amendment was declared adopted.

Representative Terrill moved that **SB 1527** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 1527 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, Carey, Christian, Collins, Coody, Cooksey, Dank, Denney, Derby, Dorman, Duncan, Enns, Faught, Fields, Glenn, Harrison, Hickman, Hilliard, Holland, Hoskin, 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, Moore, Morgan, Murphey, Nations, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson, Proctor, Pruett, Renegar, Roan, Rousselot, Russ, Sanders, Scott, Sears, Shelton, Sherrer, Shoemake, Steele, Sullivan, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wesselhoft, Wright (Harold), Wright (John), Mr. Speaker.--83.

Nay: Reynolds, Ritze, Williams.--3.

Excused: Armes, Cox, DeWitt, Hamilton, Inman, Key, Miller, Morrissette, Pittman, Richardson, Schwartz, Shannon, Shumate, Smithson, Terrill.--15.

The measure passed.

SB 1527 was referred for engrossment.

GENERAL ORDER

SJR 59 by Newberry et al of the Senate and Thompson of the House was read and considered.

Coauthored by Representative(s) Ritze, Murphey, Faught, Ownbey, Trebilcock, Tibbs, Sears, McDaniel (Randy), Derby, McCullough, Osborn, Martin (Steve), Wright (John), Wesselhoft, Sanders, Kern, Key

Representative Brown moved to amend **SJR 59**, Page 3, Section 1, Line 13½ by inserting the following language:

“E. The provisions of this section shall not have the force or effect of law if implementation of this section would have any adverse effect on the amount of federal funds available to the State of Oklahoma for any state health care program or programs.”

Representative Thompson moved to table the Brown amendment, which tabling motion was declared adopted upon roll call as follows:

Aye: Armes, Billy, Blackwell, Christian, Coody, Cooksey, Cox, Denney, Derby, DeWitt, Dorman, Duncan, Faught, Fields, Hamilton, Hickman, Holland, Jackson, Jett, Johnson, Jones, Jordan, Joyner, Kern, Key, Kirby, Liebmann, Martin (Scott), Martin (Steve), McCullough, McDaniel (Randy), McNiel, Miller, Moore, Murphey, Ortega, Osborn, Ownbey, Peters, Peterson, Proctor, Reynolds, Ritze, Russ, Sanders, Schwartz, Sears, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Watson, Wright (Harold), Wright (John), Mr. Speaker.--58.

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

Excused: Banz, Enns, Morrissette, Richardson, Shannon, Smithson, Wesselhoft.--7.

Representative Thompson moved to amend **SJR 59**, Page 3, Section 2, Line 22 and Page 4, Section 2, Line 1 by adding after the word “pay” and before the word “for” the language “or make payments”, which amendment was declared adopted.

Representative Brown moved to suspend House Rule 8.6 for the purpose of allowing consideration of an untimely filed floor amendment, which motion failed of adoption upon roll call as follows:

Aye: Auffet, Bailey, Brannon, Brown, Buck, Cannaday, Carey, Collins, Denney, Derby, Dorman, Faught, Glenn, Hamilton, Harrison, Hickman, Hilliard, Hoskin, Inman, Jett, Johnson, Kern, Kiesel, Kouplen, Lamons, Luttrell, McAffrey, McDaniel (Jeannie), McPeak, Morgan, Morrissette, Murphey, Nations, Peters, Peterson, Pittman, Proctor, Pruett, Renegar, Reynolds, Ritze, Roan, Rousselot, Scott, Shannon, Shelton, Sherrer, Shoemake, Shumate, Terrill, Thompson, Trebilcock, Walker, Williams, Wright (John).--55.

Nay: Armes, Banz, Billy, Blackwell, Christian, Coody, Cooksey, Cox, Dank, Duncan, Enns, Fields, Holland, Jackson, Jones, Jordan, Joyner, Key, Kirby, Liebmann, Martin (Scott), Martin (Steve), McCullough, McDaniel (Randy), McNiel, Moore, Ortega, Osborn, Ownbey, Richardson, Russ, Sanders, Sears, Steele, Sullivan, Thomsen, Tibbs, Watson, Wesselhoft, Wright (Harold), Mr. Speaker.--41.

Excused: DeWitt, Miller, Nelson, Schwartz, Smithson.--5.

Representative Thompson moved that **SJR 59** be advanced from General Order, which motion was declared adopted.

THIRD READING

SJR 59 was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Armes, Auffet, Banz, Billy, Blackwell, Brannon, Buck, Carey, Christian, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Duncan, Enns, Faught, Fields, Glenn, Hamilton, Hickman, Hilliard, Holland, 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, Shoemake, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wesselhoft, Williams, Wright (Harold), Wright (John), Mr. Speaker.--82.

Nay: Bailey, Brown, Cannaday, Collins, Harrison, Hoskin, Kiesel, McAffrey, McDaniel (Jeannie), McPeak, Morrissette, Nations, Pittman, Renegar, Roan, Scott, Shelton, Shumate.--18.

Excused: Smithson.--1.

The measure passed.

SJR 59 was referred for engrossment.

MOTION

Representative Blackwell moved to suspend House Rule 4.4(d) for the purpose of relaxing the dress code for "Ag Day" tomorrow, Thursday, March 25, which motion was declared adopted upon roll call as follows:

Aye: Armes, Auffet, Bailey, Billy, Blackwell, Brannon, Brown, Buck, Cannaday, Carey, Christian, Collins, Coody, Cox, Dank, Denney, DeWitt, Dorman, Enns, Fields, Glenn, Hamilton, Harrison, Hilliard, Holland, Hoskin, Inman, Jackson, Jett, Johnson, Jones, Jordan, Kern, Kiesel, Kouplen, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McNiel,

Miller, Moore, Morgan, Murphey, Ortega, Ownbey, Peters, Peterson, Pruett, Richardson, Roan, Rousselot, Russ, Sanders, Schwartz, Scott, Shannon, Sherrer, Shoemake, Shumate, Steele, Thompson, Thomsen, Trebilcock, Walker, Williams, Wright (Harold), Wright (John), Mr. Speaker.--69.

Nay: Banz, Cooksey, Derby, Duncan, Faight, Joyner, Key, Lamons, McCullough, McDaniel (Randy), Osborn, Pittman, Proctor, Reynolds, Ritze, Sullivan, Terrill, Tibbs, Watson, Wesselhoft.--20.

Excused: Hickman, Kirby, McAffrey, McDaniel (Jeannie), McPeak, Morrisette, Nations, Nelson, Renegar, Sears, Shelton, Smithson.--12.

COMMITTEE REPORTS

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

DO PASS:

HJR 1086 – Administrative Rules and Agency Oversight, Authored by Senator Justice (principal Senate author)

SB 1342 – Common Education

SB 1648 – Economic Development and Financial Services

SB 1678 – Agriculture and Rural Development

SB 1715 – Common Education, Coauthored by Representative(s) Dorman

SB 1775 – Economic Development and Financial Services

SB 1814 – Economic Development and Financial Services

SB 2042 – Economic Development and Financial Services

SB 2095 – Agriculture and Rural Development

SB 2096 – Agriculture and Rural Development

SB 2108 – Higher Education and Career Tech

DO PASS, As Amended:

CS for SB 1332 – Higher Education and Career Tech

SB 1340 – Economic Development and Financial Services

SB 1616 – Economic Development and Financial Services, Coauthored by Representative(s) Pittman

SB 1626 – Economic Development and Financial Services

SB 1628 – Economic Development and Financial Services

SB 1712 – Economic Development and Financial Services, Coauthored by Representative(s) Jackson

SB 1782 – Agriculture and Rural Development

SB 1857 – Agriculture and Rural Development, Coauthored by Representative(s)
Harrison

SB 1881 – Economic Development and Financial Services

SB 2086 – Agriculture and Rural Development

SB 2129 – Common Education, Coauthored by Representative(s) Kern

CS for SB 2204 – Judiciary, Coauthored by Representative(s) Nelson

SB 2212 – Common Education, Coauthored by Representative(s) Kern

Representative Jones moved that when the clerk's desk is clear, the House stand adjourned to reconvene at 9:00 a.m., Thursday, March 25, 2010, which was the order.

Pursuant to the motion of Representative Jones, the House was adjourned at 3:35 p.m., to reconvene Thursday, March 25, 2010, at 9:00 a.m.