

HOUSE JOURNAL

Second Regular Session of the Fifty-second Legislature

of the State of Oklahoma

Fifty-seventh Legislative Day, Monday, May 10, 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: Hoskin.—1.

The Speaker Pro Tempore declared a quorum present.

Prayer was offered by Pastor Jason Yarbrough, First Baptist Church, Holdenville. Pastor Yarbrough was sponsored by Representative Kouplen.

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

The Journal for the last legislative day was approved.

ENGROSSED AND ENROLLED MEASURES

HCR 1065 was reported correctly engrossed, properly signed, in open session, and ordered transmitted to the Honorable Senate.

HB 2330 was reported correctly enrolled and, after fourth reading, properly signed, in open session, and ordered transmitted to the Honorable Senate.

HR 1087 was reported correctly enrolled, properly signed, in open session, and ordered transmitted to the Secretary of State.

RESOLUTIONS

The following were introduced and read:

HCR 1066 – By Cox of the House and Myers of the Senate.

A Concurrent Resolution recognizing Ken Selby for his tireless efforts to improve the health of all Oklahomans by eliminating smoking in all public places and wishing his continued success in his endeavors; and directing distribution.

HR 1094 – By Jackson.

A Resolution honoring Charles E. Taylor as the Father of Aviation Maintenance and recognizing Charles E. Taylor as the Man Aviation History Almost Forgot; designating May 24, 2010, Aircraft Maintenance Technicians Day in the State of Oklahoma; and directing distribution.

SECOND READING

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

HJR 1088 – Administrative Rules and Agency Oversight

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 2290** was called up for consideration.

Upon motion of Representative Wright (John), the **CCR** on **HB 2290** was adopted.

HB 2290, 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, Dorman, Duncan, Enns, Faught, Fields, Glenn, Hamilton, Harrison, Hickman, Hilliard, Holland, Inman, Jackson, Jett, Johnson, Jones, Jordan, Joyner, Key, Kiesel, Kouplen, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCullough, McDaniel (Jeannie), McDaniel (Randy), McNiel, McPeak, Miller, Moore, Morgan, Morrissette, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Renegar, Richardson, Roan, Rousselot, Russ, Sanders, Schwartz, Scott, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Williams, Wright (Harold), Wright (John),
Mr. Speaker.--91.

Nay: Kern, Murphey, Nelson, Reynolds, Ritze, Wesselhoft.--6.

Excused: DeWitt, Hoskin, Kirby, Nations.--4.

The measure passed.

HB 2290, together with the conference committee report, thereon, was ordered transmitted to the Honorable Senate.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 3284** was called up for consideration.

Coauthored by Representative(s) Tibbs

Upon motion of Representative Peterson, the **CCR** on **HB 3284** was adopted.

HB 3284, 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, Cannaday, Carey, Christian, Coody, Cooksey, Dank, Denney, Derby, DeWitt, Dorman, Duncan, Enns, Faught, Fields, Glenn, Hamilton, Harrison, Hilliard, Holland, Inman, Jackson, Jett, Johnson, Jones, Jordan, Joyner, Kern, Key, Kouplen, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCullough, McDaniel (Randy), McNiel, Miller, Moore, Morgan, Morrisette, Murphey, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Renegar, Reynolds, Richardson, Ritze, Rousselot, Russ, Sanders, Schwartz, Sears, Shannon, Sherrer, Shoemake, Shumate, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wesselhoft, Williams, Wright (Harold), Wright (John), Mr. Speaker.--88.

Nay: Collins, Cox, Kiesel, McDaniel (Jeannie), McPeak, Nations, Scott, Shelton.--8.

Excused: Buck, Hickman, Hoskin, Kirby, Roan.--5.

The measure passed.

HB 3284, together with the conference committee report, thereon, was ordered transmitted to the Honorable Senate.

RESOLUTION FOR CONSIDERATION

HCR 1064 was called up for consideration.

Upon unanimous consent request of Representative Tibbs, all Members of the House were added as coauthors.

Authored by Senator Marlatt (principal Senate author)

Upon motion of Representative Tibbs, **HCR 1064** was considered and adopted.

HCR 1064 was referred for engrossment.

RESOLUTION FOR CONSIDERATION

HR 1090 was called up for consideration.

Upon unanimous consent request of Representative Wesselhoft, all Members of the House were added as coauthors.

Upon motion of Representative Wesselhoft, **HR 1090** was considered and adopted.

HR 1090 was referred for enrollment.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 2944** was called up for consideration.

Upon motion of Representative Jordan, the **CCR** on **HB 2944** was adopted upon roll call as follows:

Aye: Armes, Auffet, Bailey, Banz, Billy, Brannon, Brown, Cannaday, Carey, Collins, Coody, Cooksey, Denney, DeWitt, Dorman, Enns, Faught, Fields, Glenn, Hamilton, Harrison, Hickman, Hilliard, Holland, Inman, Jackson, Jett, Jones, Jordan, Kern, Key, Kiesel, Kouplen, Lamons, Luttrell, Martin (Scott), McAffrey, McCullough, McDaniel (Jeannie), McDaniel (Randy), McNiel, McPeak, Miller, Moore, Morgan, Nations, Osborn, Ownbey, Peters, Pittman, Proctor, Pruett, Renegar, Richardson, Roan, Rousselot, Russ, Sanders, Schwartz, Sears, Shannon, Shoemake, Smithson, Steele, Sullivan, Thompson, Thomsen, Walker, Watson, Wright (Harold), Wright (John), Mr. Speaker.--72.

Nay: Buck, Christian, Cox, Dank, Derby, Duncan, Johnson, Joyner, Morrissette, Murphey, Nelson, Peterson, Reynolds, Ritze, Shelton, Sherrer, Shumate, Terrill, Tibbs, Trebilcock, Wesselhoft, Williams.--22.

Excused: Blackwell, Hoskin, Kirby, Liebmann, Martin (Steve), Ortega, Scott.--7.

HB 2944, 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, Cannaday, Carey, Collins, Coody, Cox, Denney, DeWitt, Dorman, Duncan, Enns, Faught, Fields, Glenn, Holland, Inman, Jackson, Jett, Jones, Jordan, Joyner, Lamons, Luttrell, Martin (Scott), Martin (Steve), McCullough, McDaniel (Jeannie), McDaniel (Randy), McNiel, McPeak, Miller, Moore, Morgan, Nations, Ortega, Osborn, Ownbey, Peters, Pittman, Proctor, Pruett, Renegar, Richardson, Roan, Rousselot, Russ, Sanders, Schwartz, Scott, Sears, Shannon, Shoemake, Shumate, Smithson, Steele, Sullivan, Thomsen, Walker, Watson, Wright (Harold), Mr. Speaker.--68.

Nay: Buck, Christian, Cooksey, Dank, Derby, Hamilton, Harrison, Hickman, Johnson, Kern, Key, Kiesel, Kouplen, McAffrey, Morrissette, Murphey, Nelson, Peterson, Reynolds, Ritze, Shelton, Sherrer, Terrill, Thompson, Tibbs, Trebilcock, Wesselhoft, Williams, Wright (John).--29.

Excused: Hilliard, Hoskin, Kirby, Liebmann.--4.

The measure passed.

HB 2944, together with the conference committee report, thereon, was ordered transmitted to the Honorable Senate.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 1998** was called up for consideration.

Upon motion of Representative Jordan, the **CCR** on **SB 1998** was adopted.

SB 1998, 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, Holland, Inman, Jackson, Jett, Johnson, Jones, Jordan, Joyner, Kern, Key, Kiesel, Kouplen, Lamons, 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, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wesselhoft, Williams, Wright (Harold), Wright (John), Mr. Speaker.--97.

Excused: Hilliard, Hoskin, Kirby, Liebmann.--4.

The measure and emergency passed.

SB 1998, together with the conference committee report, thereon, was ordered returned to the Honorable Senate.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 1786** was called up for consideration.

Coauthored by Representative(s) Pittman

Upon motion of Representative Shannon, the **CCR** on **HB 1786** was adopted.

HB 1786, 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, Holland, Inman, Jackson, Jett, Johnson, Jones, Jordan, Joyner, Kiesel, Kirby, Kouplen, Lamons, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCullough, McDaniel (Jeannie), McDaniel (Randy), McNiel, McPeak, Miller, Moore, Morgan, Morrissette, Nations, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Renegar, Richardson, Roan, Rousselot, Russ, Sanders, Schwartz, Scott, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Williams, Wright (Harold), Wright (John), Mr. Speaker.--92.

Nay: Kern, Key, Murphey, Reynolds, Ritze, Wesselhoft.--6.

Excused: Hilliard, Hoskin, Liebmann.--3.

The measure and emergency passed.

HB 1786, together with the conference committee report, thereon, was ordered transmitted to the Honorable Senate.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 2939** was called up for consideration.

Upon motion of Representative Russ, the **CCR** on **HB 2939** was adopted.

HB 2939, 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, Holland, Inman, Jackson, Jett, Johnson, Jones, Jordan, Joyner, Kern, Key, Kiesel, Kirby, Kouplen, Lamons, 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, Shelton, Sherrer, Shoemake, Shumate, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wesselhoft, Williams, Wright (Harold), Wright (John), Mr. Speaker.--97.

Excused: Hilliard, Hoskin, Liebmann, Shannon.--4.

The measure passed.

HB 2939, together with the conference committee report, thereon, was ordered transmitted to the Honorable Senate.

CONFEREES NAMED

The Speaker named the following conferees:

HB 2266 – Christian, Proctor, Terrill, Kirby, Dorman

HB 3267 – Jackson, Terrill, Martin (Steve), Martin (Scott), Denney, Ownbey, Williams, Luttrell, Sherrer

HB 3311 – Martin (Scott), Faught, Derby, Murphey, Dorman, Proctor

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 805 – Hickman, Jordan, Liebmann, DeWitt, Kouplen, Reynolds, Russ, Bailey, Carey, Proctor

SB 1070 – Peters, McNiel, Denney, Lamons, Shumate

SB 1309 – Enns, Miller, Proctor, Luttrell, Jackson, Brown, Thompson, Russ

SB 1600 – Schwartz, Martin (Scott), Murphey, McDaniel (Jeannie), Nations, Miller

SB 1686 – Sullivan, McDaniel (Jeannie), Liebmann, Morgan, Jordan

SB 1816 – Ownbey, Wright (Harold), Fields, Buck, Blackwell, Hickman, Roan

SB 1895 – Sherrer, McCullough, Nelson, Derby, Lamons, Carey, Hickman

SB 2166 – Nelson, Duncan, Jordan, Inman, Lamons

MESSAGES FROM THE SENATE

Announcing the passage of engrossed **SCR 61**.

The above measure was introduced and read.

SCR 61 – By Coffee, Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, 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 Bengé of the House.

A Concurrent Resolution recognizing the contributions of T. Boone Pickens; thanking him for his generosity; welcoming him to the state capitol and designating May 12, 2010, “T. Boone Pickens Appreciation Day” in the State of Oklahoma; and directing distribution.

Transmitting enrolled measure

Advising fourth reading of and transmitting for signature Enrolled **SB 1404**.

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

Returning enrolled measure

Announcing that Enrolled **HB 2330** has been read at length for the fourth time and signed by the Presiding Officer of Senate, in open session.

The above measure was ordered transmitted to the Honorable Governor.

Returning CCR

Returning **HJR 1054** (emergency failed) 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 1326, 1332, 1662, 1700, 1919, 2128** and **2210** and the passage of said measures, as amended thereby.

Conference requested

Advising rejection of **HAs** to **SBs 481, 673, 1398** and **2092** and requesting conference thereon, the Senate naming conferees later.

Further conference requested

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

SB 2253 – Barrington, Sykes, Johnson (Mike), Russell, Easley

HB 1964 (2nd CCR) – Crain, Johnson (Mike), Anderson, Jolley, Lamb, Schulz, Burrage

CCRs SUBMITTED

The conference committee reports were read on the following measures:

HB 2171

HB 2320

HB 2886

HB 3021

HB 3126

HB 3290

HB 3383

MOTION EXPIRED

Time expired for consideration of the motion to reconsider the vote whereby **HB 3354** passed.

Senate amendments were properly signed, in open session, and the above-numbered measure was referred for enrollment.

MESSAGES FROM THE GOVERNOR

Advising of his approval of **HBs 2292, 2296, 2333, 2671, 2704, 2957** and **3240** on May 6, 2010.

Advising of his approval of **HB 2774** on May 7, 2010.

Advising of his veto of **HB 2575** on May 7, 2010. The veto message reads as follows:

To the Honorable Speaker of the House
and Members of the House of Representatives
First Regular Session, Fifty-second Oklahoma Legislature

Enrolled House Bill No. **2575**

By: DeWitt, et al of the House and Myers of the Senate

This is to advise you that on this date, pursuant to the authority vested in me by Section 11 and 12 of Article VI of the Oklahoma Constitution to approve or object to legislation presented to me, I have VETOED House Bill **2575**. While it may be well intended, **HB 2575** triggers an unintended consequence that could reduce accountability of public school expenditures. By mandating that fiscal reporting codes cannot be changed more than once a year, the legislation makes it difficult if not impossible for state personnel to track certain expenditures and new program implementation by not being able to provide coding as needed.

By the Governor of the State of Oklahoma

/s/ Brad Henry

REMARKS

Upon request of Representative Hilliard, the remarks by Pastor Rusty Canoy on Thursday, May 6, were ordered printed in full as follows:

“Thank you so very much. I would like to thank Representative Hilliard for the invitation and for extending the privilege to me to come and to pray at the meeting of the House this week, and also for the privilege and the opportunity of bringing the devotion. Representative Brown indicated that you all have a light morning today so that I would be free to take whatever time I felt like I needed to in addressing you today.

I was a little bit taken aback whenever Representative Osborn indicated that I would have five minutes to speak to you. I thought you know it is a little bit difficult to have anything of substance and significance to say in five minutes. But I think the Bible tells us, in the earliest book of the Bible, that God said let there be light and there was light. So I suppose that great things can perhaps be accomplished in a short amount of time. But I won't claim such in this brief devotion today.

So Wes, thank you so much for the opportunity. We appreciate him and are so thankful for him. He does a great job for our district, and we are grateful for him and for what it is that he does.

And also thank you for the good time that this has been for me. Someone said you have had a good time with all the wrangling and the goings on the floor of business. I said you obviously haven't been to a Baptist business meeting before. It is quite an eye opener when you walk into a meeting of 400-500 people, a regularly scheduled business meeting, and you find out there is one item of business that the church would deal with that evening

and that one item of business is you. And so this has been no big deal for me. I can promise you that. And it has been great to be a part of the process. I thank you for that.

Well I was in one of those deacons meetings. An infamous Baptist Deacons meeting one Sunday afternoon with about 30 - 40 crusty old Baptist Deacons. We were talking about an issue that was going to be important to each and everyone of us. An issue that would significantly affect our church, and we looked at it from every possible angle. We took every possible approach to the problem. We cussed and discussed it, and we cussed it and discussed it again. We were at an impasse. And I said well we have talked this thing to death with no solution. I said well guys since we are Christians and believe in the power of the almighty why don't we bow our heads and talk to him about it. Why don't we bow our heads in prayer? And there was a pregnant pause and one of those old Baptist Deacons said 'Pastor, you mean it has come to that - to pray about it.' And yes it had come to that.

Sometimes with the issues of life whether private or public, sometimes with the issues of life whether sacred or secular it comes to that. As I survey and observe life in this great nation of ours, it seems to me that it has come to that – Prayer. Humble prayer and honest prayer rendered to a great and good God should be for us as citizens and for you as legislators a matter of first importance and first significance. This should be so because we are confronted with several things as we live life in these United States – as we live life in the state of Oklahoma. We are confronted with disconcerting times - times of upheaval and times of great upset. It seems that the trouble and turmoil exist from the White House to the State House. And often times even more than we would like to admit to our houses; we face disconcerting times. We face difficult trials. Trials that test us and trials that try us. Trials that stress us and trials that strain us. From would be bombers to all out blowouts such as that one on the Gulf Coast, these are difficult trials that we face.

We are confronted with demanding tasks, such as the one this house has with funding schools when resources are so very meager. I heard the other day at the Stratford school having to close early – 10 days early - because of the lack of funding, and to me that is a big daunting task you all have to face and you all have to deal with. And sometimes these tasks go beyond our ability, our intellectual capacity to provide acceptable answers and solutions to those tasks at hand. So why should we pray? We should pray because human beings in and of themselves are inadequate and insufficient to meet all of these awesome and awful challenges that we face. We make our contribution. We bring what it is that God has gifted us with to the table, and we do so with great humility and with the hope that somehow or another we ourselves can make a difference. We can make a difference, and we are called upon to make a difference. But the difference that we make and the contribution that we render to the process is only partial.

George Washington, we all know who he is, in a 1797 letter written to John Adams said 'Dearest John, we have made our contribution to the process. We have brought our intellectual capacities to the process. And we have seen success, and yet without the beneficial interposition of the supreme ruler of the universe we could have not reached the distinguished situation which we have attained with such unprecedented rapidity. To him therefore shall we bow with gratitude and reverence and endeavor so to seek and bear the continuance of his special favor.' George Washington simply said we have done our part, but we would not be where we are without the blessing of God upon this good and great land.

Why should we pray? We should pray that in spite of great and grave difficulties James 5:16 hold true where James writes under the inspiration of the Holy Spirit the prayer of a righteous man is powerful and effective.

Why should we pray? We should pray because the meaning and message of 2 Chronicles 7:14 remains available and accessible to the humble ones who would dare cry out and call upon the God of our fathers for forgiveness and healing and blessing. That promise, His promise, God's promise has stood and continues to stand. And His promise is this: If my people who are called by name will humble themselves and pray and seek my face and turn from their wicked ways then I will hear from heaven and forgive their sin and heal their land.

That is the point, Gentlemen and Genteladies, and that is the place to which we have come and at the end of the day when you consider the long and the short of it, that is not a bad place to be. A place of absolute trust and a place of absolute dependence upon the God of beneficence and the God of Great blessing would dare call upon his name.”

Representative Jones moved that when the clerk's desk is clear, the House stand adjourned to reconvene at 9:00 a.m., Tuesday, May 11, 2010, which was the order.

Pursuant to the motion of Representative Jones, the House was adjourned at 2:45 p.m., to reconvene Tuesday, May 11, 2010, at 9:00 a.m.