

HOUSE JOURNAL

Second Regular Session of the Fifty-second Legislature

of the State of Oklahoma

Fifty-eighth Legislative Day, Tuesday, May 11, 2010

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

The roll was called with 99 Members present.

The following Members were excused: Carey, Hoskin.—2.

The Speaker Pro Tempore declared a quorum present.

Prayer was offered by Pastor Leonard Pirtle, Rejoice Free Will Baptist Church, Owasso. Pastor Pirtle was sponsored by Representative Proctor.

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

The Journal for the last legislative day was approved.

ENGROSSED AND ENROLLED MEASURES

HCR 1064 was reported correctly engrossed, properly signed, in open session, and ordered transmitted to the Honorable Senate.

HB 3354 and **HJR 1054** were reported correctly enrolled and, after fourth reading, properly signed, in open session, and ordered transmitted to the Honorable Senate.

HR 1090 was reported correctly enrolled, properly signed, in open session, and ordered transmitted to the Secretary of State.

RESOLUTION

The following was introduced and read:

HCR 1067 – By DeWitt and Armes of the House and Justice of the Senate.

A Concurrent Resolution urging Congress to protect and support the Capper-Volstead Act and other related federal statutes; distribution.

CONFEREES NAMED

The Speaker named the following conferees:

HB 2004 – Wright (Harold), Cannaday, McDaniel (Jeannie), Ortega, Nelson, Hickman, Denney

HB 2844 – Joyner, Schwartz, Pruett, Smithson

HB 2983 – Duncan, Thompson, Reynolds, Tibbs, Proctor, Pruett

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 673 – Sullivan, Liebmann, Trebilcock, Scott

SB 1379 – McCullough, Murphey, Blackwell, Jordan, Trebilcock, Hilliard, Carey, Cox

SB 1398 – Hickman, Brannon, McDaniel (Randy), Ownbey, Cox

SB 1857 – Sullivan, Armes, DeWitt, Liebmann, Pruett

SB 2092 – Richardson, Billy, Johnson, Martin (Scott), Shoemake, McDaniel (Jeannie)

CONFEREES ADDED

The Speaker added conferees to the following measures:

HB 1704 – Add Ortega

SB 2052 – Add Ortega

FURTHER CONFERENCE GRANTED

Upon motion of Representative Jones, the House granted the request of the Honorable Senate for further conference on the following measures and the Speaker named the same conferees:

HB 1964 – Steele, Peterson, Rousselot, McDaniel (Jeannie), Peters

SB 2253 – Armes, Jones, Terrill, Shelton, Roan

PENDING CONSIDERATION OF CCR

The **2nd CCR** on **HB 1281** was called up for consideration.

Upon motion of Representative Martin (Scott), the **2nd CCR** on **HB 1281** was adopted.

HB 1281, 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, Dorman, Duncan, Enns, Faight, Fields, Glenn, Hickman, Holland, Inman, Jackson, Johnson, Jones, Jordan, Joyner, Kern, Key, Kirby, Kouplen, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCullough, McDaniel (Jeannie), McDaniel (Randy), McNiel, McPeak, Morgan, Nations, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Renegar, Richardson, Roan, Rousselot, Russ, Sanders, Schwartz, Sears, Shannon, Shelton, Sherrer, Shoemake, Smithson, Steele, Sullivan, Thompson, Thomsen, Tibbs, Walker, Watson, Wright (Harold), Wright (John), Mr. Speaker.--79.

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

Excused: Carey, Christian, DeWitt, Hamilton, Harrison, Hilliard, Hoskin, Jett, Kiesel, Miller, Moore, Morrissette, Nelson, Scott, Shumate, Terrill, Trebilcock, Wesselhoft, Williams.--19.

The measure and emergency passed.

HB 1281, together with the conference committee report, thereon, was ordered transmitted to the Honorable Senate.

PENDING CONSIDERATION OF CCR

Upon motion of Representative Jones, the **CCR** on **HB 2628** was rejected and further conference requested. The Speaker named the same conferees:

HB 2628 – Jones, DeWitt, Armes, Thomsen, Scott, Dorman

PENDING CONSIDERATION OF CCR

The **2nd CCR** on **SB 300** was called up for consideration.

Upon motion of Representative Thompson, the **2nd CCR** on **SB 300** was adopted.

SB 300, 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, Christian, Collins, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Duncan, Enns, Faught, Fields, Glenn, Hickman, Holland, Inman, Jackson, Johnson, Jones, Jordan, Joyner, Kern, Key, Kirby, Kouplen, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCullough, McDaniel (Jeannie), McDaniel (Randy), McNeil, McPeak, Miller, Moore, Morgan, 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, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Walker, Watson, Wesselhoft, Williams, Wright (Harold), Wright (John), Mr. Speaker.--90.

Excused: Carey, Hamilton, Harrison, Hilliard, Hoskin, Jett, Kiesel, Morrissette, Scott, Shumate, Trebilcock.--11.

The measure and emergency passed.

SB 300, together with the conference committee report, thereon, was ordered returned to the Honorable Senate.

PENDING CONSIDERATION OF CCR

Upon motion of Speaker Bengé, the **CCR** on **HB 3028** was rejected and further conference requested. The Speaker named the same conferees:

HB 3028 – Bengé, Thompson, Watson, Jackson, Scott, Brown, Steele

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 3236** was called up for consideration.

Upon motion of Representative Jackson, the **CCR** on **HB 3236** was adopted.

HB 3236, 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, Christian, Collins, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Enns, Faught, Fields, Glenn, Hickman, Holland, Inman, Jackson, Jett, Johnson, Jones, Jordan, Joyner, Kirby, Kouplen, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCullough, McDaniel (Jeannie), McDaniel (Randy), McNeil, McPeak, Miller, Moore, Morgan, Nations, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Renegar, Richardson, Roan, Rousselot, Russ, Sanders, Schwartz, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Smithson, Steele,

Sullivan, Terrill, Thompson, Thomsen, Tibbs, Walker, Watson, Williams, Wright (Harold), Wright (John), Mr. Speaker.--85.

Nay: Duncan, Kern, Key, Murphey, Reynolds, Ritze, Wesselhoft.--7.

Excused: Carey, Hamilton, Harrison, Hilliard, Hoskin, Kiesel, Morrissette, Scott, Trebilcock.--9.

The measure passed.

HB 3236, together with the conference committee report, thereon, was ordered transmitted to the Honorable Senate.

PENDING CONSIDERATION OF CCR

The **2nd CCR** on **SB 213** was called up for consideration.

Coauthored by Representative(s) Tibbs

Upon motion of Representative Sullivan, the **2nd CCR** on **SB 213** was adopted.

SB 213, as amended in conference, was read at length for the fourth time.

Representative Lamons requested a ruling of the Presiding Officer as to whether it was in order for the House to consider **SB 213** because it was a shucked bill.

The Presiding Officer ruled the point well taken and that further consideration of **SB 213** was out of order pursuant to House Rule 9.3(b).

Representative Sullivan moved to suspend House Rule 9.3(b) for the purpose of allowing further consideration of **SB 213**, which motion failed of adoption upon roll call as follows:

Aye: Armes, Banz, Billy, Blackwell, Christian, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Duncan, Enns, Faught, Fields, Hickman, Holland, Jackson, Jett, Johnson, Jones, Jordan, Joyner, Key, Kirby, Liebmann, Martin (Scott), Martin (Steve), McCullough, McDaniel (Randy), McNeil, Miller, Moore, Murphey, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson, Richardson, Russ, Sanders, Schwartz, Sears, Shannon, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Watson, Wesselhoft, Wright (Harold), Wright (John), Mr. Speaker.--58.

Nay: Bailey, Brannon, Buck, Cannaday, Collins, Dorman, Glenn, Hamilton, Inman, Kern, Kiesel, Kouplen, Lamons, Luttrell, McAffrey, McDaniel (Jeannie), McPeak, Nations, Pittman, Proctor, Pruett, Renegar, Reynolds, Ritze, Roan, Rousselot, Scott, Shelton, Sherrer, Shoemake, Shumate, Smithson, Walker, Williams.--34.

Excused: Auffet, Brown, Carey, Harrison, Hilliard, Hoskin, Morgan, Morrissette, Trebilcock.--9.

SB 213 remains on Fourth Reading.

VETO CONSIDERATION

Representative Wesselhoft moved that the House agree to pass Enrolled **HB 2569** causing the same to become law, the objections of the Governor notwithstanding. The roll was ordered called and resulted as follows:

Aye: Armes, Auffet, Bailey, Banz, Billy, Blackwell, Christian, Coody, Cooksey, Cox, Dank, Derby, DeWitt, Dorman, Duncan, Enns, 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, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson, Proctor, Pruett, Renegar, Reynolds, Richardson, Ritze, Russ, Sanders, Schwartz, Scott, Sears, Shannon, Sherrer, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Watson, Wesselhoft, Wright (Harold), Wright (John), Mr. Speaker.--69.

Nay: Buck, Cannaday, Collins, Glenn, Harrison, Kiesel, Kouplen, Lamons, Luttrell, McAffrey, McDaniel (Jeannie), McPeak, Pittman, Roan, Rousselot, Shoemake, Shumate, Smithson, Williams.--19.

Excused: Brannon, Brown, Carey, Denney, Hilliard, Hoskin, Inman, Morgan, Morrissette, Nations, Shelton, Trebilcock, Walker.--13.

The Wesselhoft motion, having failed to receive a three-fourths majority vote of the Members elected to and constituting the House, as provided in Article V, Section 58, Oklahoma Constitution, was declared to have failed.

PENDING CONSIDERATION OF CCR

Upon motion of Representative Terrill, the **CCR** on **HB 3383** was rejected and further conference requested. The Speaker named the same conferees:

HB 3383 – Terrill, Duncan, Christian, Liebmann, McAffrey, Inman, Peters

PENDING CONSIDERATION OF CCR

Upon motion of Representative Terrill, the **CCR** on **HB 3387** was rejected and further conference requested. The Speaker named the same conferees:

HB 3387 – Terrill, Blackwell, Jackson, Morrissette, Nations, Christian, Sanders, Sullivan, Morgan

MESSAGES FROM THE SENATE

Announcing that Enrolled **HB 3354** and **HJR 1054** 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.

Transmitting enrolled measures

Advising fourth reading of and transmitting for signature Enrolled **SBs 1326, 1332, 1662, 1700, 1919, 1998, 2128** and **2210**.

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

Transmitting engrossed measure

Announcing the passage of the engrossed **SCR 63**.

The measure was introduced and read.

SCR 63 – 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.

Concurrence in HAs

Announcing the concurrence of Senate in **HAs to SBs 1955, 2183** and **2229** and the passage of said measures, as amended thereby.

Conference requested

Advising rejection of **HAs to SBs 1633, 1936** and **2231** and requesting conference thereon, the Senate naming conferees later.

Conferees named

Advising the Senate naming conferees as follows:

SB 481 – Coffee, Lamb, Aldridge, Jolley, Burrage

SB 1398 – GCCA

SB 1633 – GCCA

SB 2092 – Sparks, Aldridge, Johnson (Mike), Bingman, Crain, Nichols, Ballenger

SB 2231 – Branan, Barrington, Sykes, Jolley, Gumm, Leftwich

Conferees changed

Advising the Senate changing conferees as follows:

HB 2935 – Remove from GCCA and Name Bingman, Mazzei, Stanislawski, Lamb, Schulz, Burrage

Conference granted

Advising conference granted and the Senate naming conferees as follows:

HB 2509 – Bingman, Newberry, Lamb, Ford, Burrage

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 1321, Coauthored by Senator Corn

SB 2129

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

CCRs SUBMITTED

The conference committee reports were read on the following measures:

HB 1458

HB 1611

HB 2266

HB 2509, Remove Representative Miller as principal House author and substitute with Representative Bengé, Remove as author Representative(s) Martin (Scott), and Remove Senator Johnson (Mike) as principal Senate author and substitute with Senator Bingman

HB 2650

HB 2652

HB 2659

HB 2929, Coauthored by Representative(s) Jett

HB 2963, Coauthored by Representative(s) McDaniel (Randy)

HB 3155

HB 3160

HB 3213

HB 3251

HB 3261

MOTION EXPIRED

Time expired for consideration of the motion to reconsider the vote whereby **HB 2994** 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 1319, 1641, 2306, 2313, 2321, 2322, 2348, 2530, 2695, 2696, 2746, 2826, 2882, 2911, 2934, 3158, 3203, 3294, 3315** and **3394** on May 10, 2010.

Representative Jones moved that when the clerk's desk is clear, the House stand adjourned to reconvene at 9:30 a.m., Wednesday, May 12, 2010, which was the order.

Pursuant to the motion of Representative Jones, the House was adjourned at 10:05 a.m., to reconvene Wednesday, May 12, 2010, at 9:30 a.m.