

HOUSE JOURNAL

Second Regular Session of the Fifty-second Legislature

of the State of Oklahoma

Seventh Legislative Day, Wednesday, February 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: Nations.—1.

The Speaker Pro Tempore declared a quorum present.

Prayer was offered by Dr. Perry Greene, South Yukon Church of Christ, Yukon. Dr. Greene was sponsored by Representative Schwartz.

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

The Journal for the last legislative day was approved.

ENGROSSED AND ENROLLED MEASURES

HB 2750 and **HCR 1044** were reported correctly engrossed, properly signed, in open session, and ordered transmitted to the Honorable Senate.

RESOLUTION

The following was introduced and read:

HCR 1046 – By McDaniel (Randy) of the House and Newberry of the Senate.

A Concurrent Resolution relating to the regulation of the insurance industry and the Tenth Amendment to the United States Constitution; and directing distribution.

MEASURES REASSIGNED

The following measures were reassigned:

HB 3267 – Withdrawn from Rules and referred to Judiciary.

HB 3341 – Withdrawn from Rules and referred to Appropriations and Budget.

GENERAL ORDER

HB 2292 by Duncan of the House was read and considered.

Authored by Senator Russell (principal Senate author)

Representative Duncan moved that **HB 2292** be advanced from General Order, which motion was declared adopted.

THIRD READING

HB 2292 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, Carey, Christian, Collins, Coody, Cooksey, Cox, Dank, Denney, DeWitt, Dorman, Duncan, Enns, Faught, Fields, Glenn, Harrison, Hickman, Hilliard, Holland, Hoskin, Jackson, Johnson, Jones, Jordan, Joyner, Kern, Key, Kirby, Kouplen, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCullough, McDaniel (Jeannie), McDaniel (Randy), McNiel, 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, Shoemake, Shumate, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wesselhoft, Williams, Wright (Harold), Wright (John), Mr. Speaker.--93.

Excused: Derby, Hamilton, Inman, Jett, Kiesel, Lamons, Miller, Nations.--8.

The measure and emergency passed.

HB 2292 was referred for engrossment.

MOTION

Representative Lamons asked that the Journal reflect that had he been present in the Chamber, he would have voted aye on **HB 2292**, which was the order.

GENERAL ORDER

HB 2837 by Sears of the House and Ford of the Senate was read and considered.

Coauthored by Representative(s) Martin (Steve)

Representative Sears moved that **HB 2837** be advanced from General Order, which motion was declared adopted.

THIRD READING

HB 2837 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, Carey, Christian, Collins, Coody, Cooksey, Cox, Dank, Denney, DeWitt, Dorman, Duncan, Enns, Faught, Fields, Glenn, Hamilton, Hickman, Hilliard, Holland, Hoskin, Inman, Jackson, Jett, Johnson, Jones, Jordan, Joyner, Kern, Key, Kirby, Kouplen, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCullough, McDaniel (Jeannie), McDaniel (Randy), McNiel, McPeak, Miller, Moore, Morgan, Morrisette, 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.--97.

Excused: Derby, Harrison, Kiesel, Nations.--4.

The measure passed.

HB 2837 was referred for engrossment.

MOTION

Representative Peters moved to suspend House Rule 9.6(c) as it pertains to the following shell appropriation measures **HBs 2350-2357** and **HBs 2365-2366**.

Representative Wright (John) moved to table the Peters motion, which tabling motion failed of adoption upon roll call as follows:

Aye: Auffet, Bailey, Buck, Cannaday, Carey, Collins, Dank, Dorman, Enns, Faught, Glenn, Hamilton, Harrison, Hilliard, Holland, Hoskin, Inman, Kern, Key, Kouplen, Lamons, Luttrell, McAffrey, Morgan, Morrisette, Pittman, Proctor, Pruett, Renegar, Reynolds, Ritze, Roan, Rousselot, Russ, Sanders, Shelton, Sherrer, Shoemake, Shumate, Walker, Wesselhoft, Williams, Wright (John).--43.

Nay: Armes, Banz, Billy, Blackwell, Brannon, Brown, Coody, Cooksey, Denney, DeWitt, Duncan, Fields, Hickman, Jackson, Jett, Johnson, Jones, Jordan, Joyner, Kirby, Liebmann, Martin (Scott), Martin (Steve), McCullough, McDaniel (Jeannie), McDaniel (Randy), McNiel, Miller, Moore, Murphey, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson, Richardson, Schwartz, Scott, Sears, Shannon, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Watson, Wright (Harold), Mr. Speaker.--52.

Excused: Christian, Cox, Derby, Kiesel, McPeak, Nations.--6.

Representative Peters pressed his motion to suspend House Rule 9.6(c), which motion failed of adoption upon roll call as follows:

Aye: Banz, Billy, Blackwell, Brannon, Christian, Coody, Cox, Denney, DeWitt, Duncan, Enns, Fields, Holland, Jackson, Johnson, Jones, Jordan, Joyner, Kirby, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McCullough, McDaniel (Randy), McNiel, Miller, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson, Pruett, Richardson, Sanders, Schwartz, Sears, Shannon, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Trebilcock, Walker, Watson, Wright (Harold), Mr. Speaker.--50.

Nay: Bailey, Brown, Buck, Cannaday, Carey, Collins, Dank, Dorman, Faught, Glenn, Hamilton, Harrison, Hilliard, Hoskin, Inman, Kern, Key, Kouplien, Lamons, McAffrey, McDaniel (Jeannie), Moore, Morgan, Morrissette, Murphey, Pittman, Proctor, Renegar, Reynolds, Ritze, Roan, Rousselot, Russ, Scott, Shelton, Sherrer, Shoemake, Shumate, Wesselhoft, Williams, Wright (John).--41.

Excused: Armes, Auffet, Cooksey, Derby, Hickman, Jett, Kiesel, McPeak, Nations, Tibbs.--10.

GENERAL ORDER

HB 2350 by Miller et al of the House and Johnson (Mike) et al of the Senate was read and considered.

Representative Miller moved to amend **HB 2350** by striking the title, which amendment was declared adopted.

Representative Miller moved that **HB 2350** be advanced from General Order, which motion was declared adopted.

Representative Morrissette raised a point of order that **HB 2350** was not in order pursuant to House Rule 6.4(c) because it lacked published appropriations and requested that the measure be withdrawn from consideration until specific appropriations were published in the measure.

The Presiding Officer stated that a shell bill styled as an appropriation bill falls within the exception enumerated in House Rule 6.4(c). While **HB 2350** does not yet contain actual appropriations, it was clearly intended for use as an appropriation measure and therefore would be in order for the House to consider. The Presiding Officer ruled the point not well taken.

Representative Morrissette appealed the ruling of the Presiding Officer receiving the required 15 seconds.

"The question is, shall the decision of the Presiding Officer be the decision of the House? All those in favor signify by voting 'Aye'; those opposed 'Nay'. The vote is now in progress."

The decision of the Presiding Officer was upheld upon roll call as follows:

Aye: Armes, Banz, Billy, Blackwell, Christian, Coody, Cooksey, Cox, Dank, Denney, DeWitt, Duncan, Enns, Faught, Fields, Hickman, Holland, Jackson, Jett, Johnson, Jones, Jordan, Joyner, Kern, Key, Kirby, Liebmann, Martin (Scott), Martin (Steve), McCullough, McDaniel (Randy), McNeil, Miller, 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.--61.

Nay: Auffet, Bailey, Brannon, Brown, Buck, Cannaday, Carey, Collins, Glenn, Hamilton, Harrison, Hilliard, Hoskin, Inman, Kouplen, Lamons, Luttrell, McAffrey, McDaniel (Jeannie), McPeak, Morgan, Morrissette, Pittman, Proctor, Pruett, Renegar, Roan, Rousselot, Scott, Shelton, Sherrer, Shoemake, Shumate, Smithson, Williams.--35.

Excused: Derby, Dorman, Kiesel, Nations, Walker.--5.

THIRD READING

HB 2350 was read at length for the third time. On passage of the measure and emergency, the roll call was as follows:

Aye: Auffet, Bailey, Banz, Billy, Blackwell, Brannon, Brown, Buck, Cannaday, Carey, Christian, Coody, Cooksey, Cox, Dank, Denney, DeWitt, Dorman, Duncan, Enns, Faught, Fields, Glenn, Hamilton, Harrison, Hickman, Hilliard, Holland, Hoskin, Inman, Jackson, Jett, Johnson, Jones, Jordan, Kern, Key, Kirby, Kouplen, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McCullough, McDaniel (Jeannie), McDaniel (Randy), McNeil, McPeak, Miller, Moore, Morgan, Murphey, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Renegar, Richardson, Roan, Russ, Sanders, Schwartz, Scott, Sears, Shannon, Sherrer, Shoemake, Shumate, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wesselhoft, Wright (Harold), Wright (John), Mr. Speaker.--88.

Nay: Collins, Kiesel, McAffrey, Reynolds, Ritze, Rousselot, Shelton, Williams.--8.

Excused: Armes, Derby, Joyner, Morrissette, Nations.--5.

The measure and emergency passed.

HB 2350 was referred for engrossment.

POINT OF ORDER

Representative Sullivan raised a point of order as to whether it was in order for literature to be distributed on the House Floor without having the distributing Member's name printed on the material.

The Presiding Officer stated that while no House Rule requires that a Member's name be placed on literature intended for distribution on the House Floor, it has been the practice of the House to require this in order to provide notice to the Members as to who had the material distributed. As such the Presiding Officer ruled that all materials distributed on the House Floor must have the Member's name on the material before being approved for distribution.

GENERAL ORDER

HB 2351 by Miller et al of the House and Johnson (Mike) et al of the Senate was read and considered.

Representative Miller moved to amend **HB 2351** by striking the title, which amendment was declared adopted.

Representative Miller moved that **HB 2351** be advanced from General Order, which motion was declared adopted.

THIRD READING

HB 2351 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, Carey, Christian, Coody, Cooksey, Cox, Dank, Denney, DeWitt, Dorman, Duncan, Enns, Faught, Fields, Glenn, Hamilton, Harrison, Hickman, Hilliard, Holland, Hoskin, Inman, Jackson, Jett, Johnson, Jones, Jordan, Joyner, Kern, Key, Kirby, Kouplen, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCullough, McDaniel (Jeannie), McDaniel (Randy), McNiel, McPeak, Miller, Moore, Morgan, Murphey, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Renegar, Richardson, Roan, Russ, Sanders, Schwartz, Scott, Sears, Shannon, Sherrer,

Shoemake, Shumate, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wesselhoft, Wright (Harold), Wright (John), Mr. Speaker.--91.

Nay: Collins, Kiesel, Reynolds, Ritze, Rousselot, Shelton, Williams.--7.

Excused: Derby, Morrissette, Nations.--3.

The measure and emergency passed.

HB 2351 was referred for engrossment.

GENERAL ORDER

HB 2352 by Miller et al of the House and Johnson (Mike) et al of the Senate was read and considered.

Representative Miller moved to amend **HB 2352** by striking the title, which amendment was declared adopted.

Representative Miller moved that **HB 2352** be advanced from General Order, which motion was declared adopted.

THIRD READING

HB 2352 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, Carey, Christian, Coody, Cooksey, Cox, Dank, Denney, DeWitt, Dorman, Duncan, Enns, Faught, Fields, Glenn, Hamilton, Harrison, Hickman, Hilliard, Holland, Hoskin, Inman, Jackson, Jett, Johnson, Jones, Jordan, Kern, Key, Kirby, Kouplén, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCullough, McDaniel (Jeannie), McDaniel (Randy), McNiel, McPeak, Miller, Moore, Morgan, Murphey, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Renegar, Richardson, Roan, Russ, Sanders, Schwartz, Scott, Sears, Shannon, Sherrer, Shoemake, Shumate, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wesselhoft, Wright (Harold), Wright (John), Mr. Speaker.--90.

Nay: Collins, Kiesel, Reynolds, Ritze, Rousselot, Shelton, Williams.--7.

Excused: Derby, Joyner, Morrissette, Nations.--4.

The measure and emergency passed.

HB 2352 was referred for engrossment.

GENERAL ORDER

HB 2353 by Miller et al of the House and Johnson (Mike) et al of the Senate was read and considered.

Representative Miller moved to amend **HB 2353** by striking the title, which amendment was declared adopted.

Representative Miller moved that **HB 2353** be advanced from General Order, which motion was declared adopted.

THIRD READING

HB 2353 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, Carey, Christian, Collins, Coody, Cooksey, Cox, Dank, Denney, DeWitt, Dorman, Duncan, Enns, Faught, Fields, Glenn, Hamilton, Harrison, Hickman, Hilliard, Holland, Hoskin, Inman, Jackson, Jett, Johnson, Jones, Jordan, Joyner, Kern, Key, 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, Richardson, Roan, Rousselot, Russ, Sanders, Schwartz, Scott, Sears, Shannon, Sherrer, Shoemake, Shumate, Smithson, Steele, Sullivan, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wesselhoft, Wright (Harold), Wright (John), Mr. Speaker.--93.

Nay: Kiesel, Reynolds, Ritze, Shelton, Terrill, Williams.--6.

Excused: Derby, Nations.--2.

The measure and emergency passed.

HB 2353 was referred for engrossment.

GENERAL ORDER

HB 2354 by Miller et al of the House and Johnson (Mike) et al of the Senate was read and considered.

Representative Miller moved to amend **HB 2354** by striking the title, which amendment was declared adopted.

Representative Miller moved that **HB 2354** be advanced from General Order, which motion was declared adopted.

THIRD READING

HB 2354 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, Carey, Collins, Coody, Cooksey, Cox, Dank, Denney, DeWitt, Dorman, Duncan, Enns, Faught, Fields, Glenn, Hamilton, Harrison, Hickman, Hilliard, Holland, Hoskin, Inman, Jackson, Jett, Johnson, Jones, Jordan, Joyner, Kern, Key, Kirby, Kouplen, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCullough, McDaniel (Jeannie), McDaniel (Randy), McNiel, McPeak, Miller, Moore, Morgan, Morrisette, Murphey, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Renegar, Richardson, Roan, Rousselot, Russ, Sanders, Schwartz, Scott, Sears, Shannon, Sherrer, Shumate, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wesselhoft, Wright (Harold), Wright (John), Mr. Speaker.--91.

Nay: Christian, Kiesel, Nelson, Reynolds, Ritze, Shelton, Williams.--7.

Excused: Derby, Nations, Shoemake.--3.

The measure and emergency passed.

HB 2354 was referred for engrossment.

GENERAL ORDER

HB 2355 by Miller et al of the House and Johnson (Mike) et al of the Senate was read and considered.

Representative Miller moved to amend **HB 2355** by striking the title, which amendment was declared adopted.

Representative Miller moved that **HB 2355** be advanced from General Order, which motion was declared adopted.

THIRD READING

HB 2355 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, Carey, Collins, Coody, Cooksey, Cox, Dank, Denney, DeWitt, Dorman, Duncan, Enns, Faught, Fields, Glenn, Hamilton, Harrison, Hickman, Hilliard, Holland, Hoskin, Inman, Jackson, Jett, Johnson, Jones, Jordan, Joyner, Kern, Kirby, Kouplen, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCullough,

McDaniel (Jeannie), McDaniel (Randy), McNeil, McPeak, Miller, Moore, Morgan, Morrisette, Murphey, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Renegar, Richardson, Roan, Rousselot, Russ, Sanders, Schwartz, Scott, Sears, Shannon, Sherrer, Shoemake, Shumate, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wesselhoft, Wright (Harold), Wright (John), Mr. Speaker.--91.

Nay: Christian, Key, Kiesel, Nelson, Reynolds, Ritze, Shelton, Williams.--8.

Excused: Derby, Nations.--2.

The measure and emergency passed.

HB 2355 was referred for engrossment.

GENERAL ORDER

HB 2356 by Miller et al of the House and Johnson (Mike) et al of the Senate was read and considered.

Representative Miller moved to amend **HB 2356** by striking the title, which amendment was declared adopted.

Representative Miller moved that **HB 2356** be advanced from General Order, which motion was declared adopted.

THIRD READING

HB 2356 was read at length for the third time. On passage of the measure and emergency, the roll call was as follows:

Aye: Auffet, Bailey, Banz, Billy, Blackwell, Brannon, Brown, Buck, Cannaday, Carey, Christian, Collins, Coody, Cooksey, Cox, Dank, Denney, DeWitt, Dorman, Duncan, Enns, Faught, Fields, Glenn, Hamilton, Harrison, Hickman, Hilliard, Holland, Hoskin, Inman, Jackson, Jett, 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, Morrisette, Murphey, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Renegar, Reynolds, Richardson, Ritze, Roan, Rousselot, Russ, Sanders, Schwartz, Scott, Sears, Shannon, Sherrer, Shoemake, Shumate, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wesselhoft, Wright (Harold), Wright (John), Mr. Speaker.--95.

Nay: Kiesel, Shelton, Williams.--3.

Excused: Armes, Derby, Nations.--3.

The measure and emergency passed.

HB 2356 was referred for engrossment.

GENERAL ORDER

HB 2357 by Miller et al of the House and Johnson (Mike) et al of the Senate was read and considered.

Representative Miller moved to amend **HB 2357** by striking the title, to which objection was heard.

Representative Reynolds raised a point of order that the motion to strike the title was out of order because the measure is a retirement measure and not an appropriation measure.

The Presiding Officer stated that House Rule 8.6(g) states that the Appropriations and Budget Chairperson shall be permitted to offer amendments to strike the title on measures affecting revenue or appropriations. It was the opinion of the Chair that this measure affects how the State of Oklahoma will utilize certain types of revenue thus permitting consideration of the amendment to strike the title by the Chairperson of the Appropriations and Budget committee. The Presiding Officer ruled the point not well taken.

Representative Reynolds raised a point of order that **HB 2357** was out of order because it is a retirement measure and does not contain an actuarial statement.

The Presiding Officer stated that there was an actuarial statement available for the measure and therefore ruled the point not well taken.

Representative Miller pressed adoption of the amendment to strike the title, which amendment was declared adopted upon a division of the question.

Representative Miller moved that **HB 2357** be advanced from General Order, which motion was declared adopted.

THIRD READING

HB 2357 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, Carey, Christian, Coody, Cooksey, Cox, Dank, Denney, Derby, Dorman, Duncan, Enns, Faught, Fields, Glenn, Hickman, Hilliard, Holland, Hoskin, Jackson, Jett,

Johnson, Jones, Jordan, Joyner, Kirby, Kouplen, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McCullough, McDaniel (Jeannie), McDaniel (Randy), McNiell, McPeak, Miller, Moore, Morgan, Murphey, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Renegar, Richardson, Roan, Rousselot, Russ, Sanders, Schwartz, Scott, Sears, Shannon, Sherrer, Shoemake, Shumate, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wesselhoft, Wright (Harold), Mr. Speaker.--85.

Nay: Collins, Hamilton, Harrison, Inman, Kern, Key, Kiesel, McAffrey, Reynolds, Ritze, Shelton, Williams, Wright (John).--13.

Excused: DeWitt, Morrissette, Nations.--3.

The measure and emergency passed.

HB 2357 was referred for engrossment.

GENERAL ORDER

HB 2365 by Miller et al of the House and Johnson (Mike) et al of the Senate was read and considered.

Coauthored by Representative(s) Ritze

Representative Reynolds moved to amend **HB 2365** by striking the title, the enacting clause and the entire measure and inserting in lieu thereof a floor substitute.

Representative Collins moved to amend the floor substitute by inserting a new Section 61 to read as follows, and by renumbering subsequent sections:

“SECTION 61. There is hereby appropriated to the State Department of Health from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 2011, the sum of Two Hundred Thousand Dollars (\$200,000.00) or so much thereof as may be necessary to complete inspections of all veterans’ centers within the state.”,

which amendment was declared adopted upon roll call as follows:

Aye: Armes, Auffet, Bailey, 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, Hilliard, Holland, Hoskin, Inman, Jackson, Jett, Jones, Joyner, Kern, Key, Kiesel, Kirby, Kouplen, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCullough, McDaniel (Jeannie), McDaniel (Randy), McNiell, McPeak, Miller, Moore, Morgan, Morrissette, Murphey, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Renegar, Reynolds, 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.

Nay: Banz, Johnson, Richardson.--3.

Excused: Jordan, Nations.--2.

Representative Terrill raised a point of order that the Reynolds floor substitute as amended by the Collins amendment was out of order pursuant to House Rule 8.9.

The Presiding Officer stated that House Rule 8.9 requires that amendments to a General Appropriation bill reflect, line item by line item, the amounts to be increased versus the amounts to be decreased. Prior to adoption of the Collins amendment to the amendment, the floor substitute complied with the stated requirements of House Rule 8.9. Upon adoption of the Collins amendment to the floor substitute, the floor substitute, as amended, no longer complies with the requirements of House Rule 8.9 because the amount of increased appropriation mandated by the Collins amendment to the amendment is not shown with a corresponding decrease anywhere within the floor substitute. In its current form the floor substitute fails to comply with House Rule 8.9 and therefore the Presiding Officer ruled the amendment, as amended, out of order.

Representative Collins 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, Dorman, Glenn, Hamilton, Harrison, 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, Walker, Williams.--38.

Nay: Banz, Billy, Blackwell, Christian, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Duncan, Enns, Faught, Fields, 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, Reynolds, Richardson, Ritze, Russ, Sanders, Schwartz, Sears, Shannon, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Watson, Wesselhoft, Wright (Harold), Wright (John), Mr. Speaker.--61.

Excused: Armes, Nations.--2.

Representative Miller moved to amend **HB 2365** by striking the title, which amendment was declared adopted.

Representative Miller moved that **HB 2365** be advanced from General Order, which motion was declared adopted.

THIRD READING

HB 2365 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, Carey, Christian, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Duncan, Enns, Faught, Fields, Glenn, Hamilton, Harrison, Hickman, Hilliard, Holland, Jackson, Jett, Johnson, Jones, Jordan, Joyner, Kern, Kirby, Kouplen, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McCullough, McDaniel (Jeannie), McDaniel (Randy), McNiel, McPeak, Miller, Moore, Morgan, Morrissette, Murphey, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Renegar, Richardson, Roan, Rousselot, Russ, Sanders, Schwartz, Scott, Sears, Shannon, Sherrer, Shoemake, Shumate, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wesselhoft, Wright (Harold), Wright (John), Mr. Speaker.--90.

Nay: Collins, Hoskin, Inman, Key, Kiesel, McAffrey, Reynolds, Ritze, Shelton, Williams.--10.

Excused: Nations.--1.

The measure passed.

HB 2365 was referred for engrossment.

GENERAL ORDER

HB 2366 by Miller et al of the House and Johnson (Mike) et al of the Senate was read and considered.

Representative Reynolds moved to amend **HB 2366** by striking the title, the enacting clause and the entire measure and inserting in lieu thereof a floor substitute.

Representative Collins moved to amend the floor substitute by inserting a new Section 61 to read as follows, and by renumbering subsequent sections:

“SECTION 61. There is hereby appropriated to the State Department of Health from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 2011, the sum of Two Hundred Thousand Dollars (\$200,000.00) or so much thereof as may be necessary to complete inspections of all veterans’ centers within the state.”

Representative Wright (John) moved to table the Collins amendment to the floor substitute, which tabling motion failed of adoption upon a division of the question.

Representative Reynolds asked a ruling of the Presiding Officer whether the Collins amendment to the floor substitute was in order pursuant to House Rule 8.9.

The Presiding Officer stated that House Rule 8.9 is applicable only to amendments in the first degree, meaning main amendments to the measure. Specifically, House Rule 8.9 does not apply to amendments to main amendments. To apply requirements of House Rule 8.9 to an amendment to a main amendment would potentially prevent the possibility of corrective action being taken which would bring a main amendment, which otherwise would be out of compliance, into compliance with the requirements of House Rule 8.9. The Presiding Officer ruled the point not well taken and the Collins amendment to the floor substitute in order for consideration.

Representative Collins pressed adoption of his amendment to the floor substitute, which amendment was declared adopted.

Representative Terrill raised a point of order that the Reynolds floor substitute as amended by the Collins amendment was out of order pursuant to House Rule 8.9.

The Presiding Officer stated that House Rule 8.9 requires that amendments to a General Appropriation bill reflect, line item by line item, the amounts to be increased versus the amounts to be decreased. Prior to adoption of the Collins amendment to the amendment, the floor substitute complied with the stated requirements of House Rule 8.9. Upon adoption of the Collins amendment to the floor substitute, the floor substitute, as amended, no longer complies with the requirements of House Rule 8.9 because the amount of increased appropriation mandated by the Collins amendment to the amendment is not shown with a corresponding decrease anywhere within the floor substitute. In its current form the floor substitute fails to comply with House Rule 8.9 and therefore the Presiding Officer ruled the amendment, as amended, out of order.

Representative Miller moved to amend **HB 2366** by striking the title, which amendment was declared adopted.

Representative Miller moved that **HB 2366** be advanced from General Order, which motion was declared adopted.

THIRD READING

HB 2366 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, Carey, Christian, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Duncan, Enns, Faught, Fields, Glenn, Hamilton, Harrison, Hickman, Hilliard, Holland, Jackson, Jett, Johnson, Jones, Jordan, Joyner, Kern, Key, Kirby, Kouplen, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McCullough, McDaniel (Jeannie), McDaniel (Randy), McNiell, McPeak, Miller, Moore, Morgan, Murphey, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Renegar, Richardson,

Roan, Rousselot, Russ, Sanders, Schwartz, Scott, Sears, Shannon, Sherrer, Shoemake, Shumate, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wesselhoft, Wright (Harold), Wright (John), Mr. Speaker.--90.

Nay: Collins, Hoskin, Inman, Kiesel, McAffrey, Reynolds, Ritze, Shelton, Williams.--9.

Excused: Morrissette, Nations.--2.

The measure passed.

HB 2366 was referred for engrossment.

MEASURE REASSIGNED

The following measure was reassigned:

HB 2662 – Withdrawn from Rules and referred to Economic Development and Financial Services.

MESSAGE FROM THE SENATE

Announcing the passage of the following engrossed measures.

The measures were introduced and read.

SCR 35 – By Ellis of the Senate and Bailey of the House.

A Concurrent Resolution recognizing the Oklahoma Forest Heritage Center Museum located in Beavers Bend State Park as the Wood Art Capital of Oklahoma; and directing distribution.

SCR 40 – By Brogdon and Russell of the Senate and Key of the House.

A Concurrent Resolution expressing the disapproval of the appointment of Governor Henry to Presidential Council of Governors; requesting Governor Henry to decline appointment; and directing distribution.

COMMITTEE REPORTS

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

DO PASS:

HB 2278 – Economic Development and Financial Services, Coauthored by Representative(s) Shelton, and Authored by Senator Wyrick (principal Senate author)

HB 2287 – Administrative Rules and Agency Oversight, Authored by Senator Aldridge (principal Senate author)

HB 2288 – Administrative Rules and Agency Oversight, Authored by Senator Aldridge (principal Senate author)

HB 2314 – Wildlife, Authored by Senator Ballenger (principal Senate author)

HB 2321 – Common Education, Remove Representative Johnson as principal House author and substitute with Representative Russ, and Coauthored by Representative(s) Johnson

HB 2704 – Economic Development and Financial Services, Authored by Senator Newberry (principal Senate author)

HB 2745 – Economic Development and Financial Services, Coauthored by Representative(s) Nations

HB 2776 – Public Health, Authored by Senator Justice (principal Senate author)

HB 2854 – Common Education, Coauthored by Representative(s) Kern

HB 2936 – Economic Development and Financial Services

HB 3021 – Economic Development and Financial Services

HB 3126 – Common Education, Coauthored by Representative(s) Denney

DO PASS, As Amended:

CS for HB 2316 – Economic Development and Financial Services, Coauthored by Representative(s) Shelton, and Authored by Senator Ballenger (principal Senate author)

CS for HB 2593 – Public Health, Authored by Senator Burrage (principal Senate author)

CS for HB 2697 – Energy and Utility Regulation

CS for HB 2779 – Economic Development and Financial Services, Authored by Senator Stanislawski (principal Senate author)

CS for HB 2812 – Economic Development and Financial Services

CS for HB 2835 – Economic Development and Financial Services, Authored by Senator Crutchfield (principal Senate author)

CS for HB 2912 – Energy and Utility Regulation

CS for HB 3394 – Human Services

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

Pursuant to the motion of Representative Jones, the House was adjourned at 5:10 p.m., to reconvene Thursday, February 11, 2010, at 9:00 a.m.