

HOUSE JOURNAL

First Regular Session of the Fifty-third Legislature

of the State of Oklahoma

Twenty-fourth Legislative Day, Monday, March 21, 2011

The House was called to order by Speaker Steele.

The roll was called with 97 Members present.

The following Members were excused: Bennett, Enns, Ritze, Wesselhoft.—4.

The Speaker declared a quorum present.

Prayer was offered by Pastor David McAllister, Unity Missionary Baptist Church, Duncan. Pastor McAllister was sponsored by Representative Johnson.

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

The Journal for the last legislative day was approved.

ENGROSSED AND ENROLLED MEASURES

HBs 1058, 1060, 1061, 1062, 1075, 1088, 1194, 1202, 1208, 1223, 1243, 1255, 1296, 1304, 1319, 1327, 1343, 1350, 1354, 1364, 1388, 1391, 1414, 1439, 1442, 1471, 1475, 1488, 1495, 1511, 1533, 1541, 1552, 1556, 1571, 1593, 1594, 1598, 1601, 1602, 1603, 1606, 1612, 1647, 1649, 1656, 1676, 1692, 1726, 1750, 1798, 1802, 1815, 1821, 1826, 1835, 1852, 1854, 1903, 1909, 1939, 1953, 1970, 1979, 1983, 1990, 1996, 1998, 2004, 2021, 2023, 2032, 2033, 2038, 2072, 2073, 2075, 2080, 2128, 2130, 2156 and HJR 1028 were reported correctly engrossed, properly signed, in open session, and ordered transmitted to the Honorable Senate.

MEASURES REASSIGNED

The following measures were reassigned:

SB 100 – Withdrawn from General Government and referred to Energy and Utility Regulation.

SB 190 – Withdrawn from Rules and referred to Government Modernization.

SB 248 – Withdrawn from Agriculture, Wildlife and Environment and referred to Energy and Utility Regulation.

SB 397 – Withdrawn from Energy and Utility Regulation and referred to Economic Development, Tourism and Financial Services.

SB 398 – Withdrawn from Energy and Utility Regulation and referred to Judiciary.

SB 629 – Withdrawn from Agriculture, Wildlife and Environment and referred to Energy and Utility Regulation.

SB 696 – Withdrawn from Government Modernization and referred to Redistricting.

SB 772 – Withdrawn from Appropriations and Budget and referred to Government Modernization.

RESOLUTION FOR CONSIDERATION

HR 1017 was called up for consideration.

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

Upon motion of Representative Dorman, **HR 1017** was considered and adopted.

HR 1017 was referred for enrollment.

RESOLUTION FOR CONSIDERATION

SCR 9 was called up for consideration.

Authored by Representative Sullivan (principal House author)

Upon motion of Representative Sullivan, **SCR 9** was considered and adopted.

SCR 9 was properly signed, in open session, by the Presiding Officer and ordered returned to the Honorable Senate.

GENERAL ORDER

SJR 45 by Newberry of the Senate and Sullivan of the House was read and considered.

Representative Sullivan moved that **SJR 45** be advanced from General Order, which motion was declared adopted.

THIRD READING

SJR 45 was read at length for the third time. On passage of the measure and emergency, the roll call was as follows:

Aye: Armes, Banz, Billy, Blackwell, Brumbaugh, Cannaday, Casey, Cockroft, Condit, Coody, Cooksey, Cox, Dank, Denney, DeWitt, Dorman, Farley, Faught, Fourkiller, Glenn, Grau, Hall, Hamilton, Hardin, Hickman, Hilliard, Holland, Hoskin, Inman, Jackson, Johnson, Jordan, Joyner, Kern, Key, Kirby, Kouplen, Liebmann, Lockhart, Martin (Scott), Martin (Steve), McAffrey, McCullough, McDaniel (Jeannie), McDaniel (Randy), McNiel, McPeak, Moore, Morgan, Mulready, Murphey, Nelson, Newell, Nollan, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Quinn, Renegar, Reynolds, Richardson, Roan, Roberts (Dustin), Roberts (Sean), Rousselot, Russ, Sanders, Schwartz, Scott, Sears, Shannon, Sherrer, Shoemake, Shumate, Stiles, Sullivan, Thomsen, Tibbs, Trebilcock, Vaughan, Virgin, Walker, Watson, Williams, Wright, Mr. Speaker.--91.

Nay: Brown, Morrissette.--2.

Excused: Bennett, Christian, Derby, Enns, Ritze, Shelton, Terrill, Wesselhoft.--8.

The measure and emergency passed.

The Presiding Officer signed, in open session, Engrossed **SJR 45** and ordered same returned to the Honorable Senate.

MESSAGES FROM THE SENATE

Announcing the passage of **HB 2169** and **HCR 1003**, Coauthored by all members of the Senate.

The above-numbered measures were referred for enrollment.

Transmitting engrossed measures

Announcing the passage of engrossed **SBs 56, 146, 171, 218, 259, 269, 314, 324, 333, 336, 350, 433, 446, 492, 605, 610, 637, 683, 700, 727, 731, 757, 789, 828, 891, 908, 919, 921, 969** and **SJR 5, 16 and 25**. The measures were introduced and read for the first time.

SB 56 – By Burrage of the Senate and Sherrer of the House.

An Act relating to the War Veterans Commission of Oklahoma; creating a task force to study the War Veterans Commission of Oklahoma; providing expiration date; specifying duties; providing for membership; directing selection of chair and vice-chair; requiring quorum; providing for travel reimbursement; directing staff support; requiring certain report by certain date; providing for noncodification; providing an effective date; and declaring an emergency.

SB 146 – By Ellis, Garrison, Johnson (Constance) and Bass of the Senate and Morgan of the House.

[motor vehicles - wireless telecommunication device - codification - effective date]

SB 171 – By Fields of the Senate and Casey of the House.

[Public Competitive Bidding Act of 1974 - contractor certification]

SB 218 – By Marlatt of the Senate and Sullivan of the House.

[motor vehicle insurance - certain coverage - effective date]

SB 259 – By Coates of the Senate and McNeil of the House.

[Oklahoma Tourism, Parks and Recreation Enhancement Act - authority to issue bonds - modifying bonding authority - effective date]

SB 269 – By Schulz of the Senate and Liebmann of the House.

[income tax - tax credit for railroad reconstruction or replacement expenditures - effective date]

SB 314 – By Sparks of the Senate and Armes of the House.

[Oklahoma Wildlife Conservation Code - tagging wildlife - effective date]

SB 324 – By Brown of the Senate and Tibbs of the House.

[boating safety - alcohol concentration amounts - arrest procedure - testing - civil actions - codification - effective date - emergency]

SB 333 – By Sparks of the Senate and Denney of the House.

[school improvement - creating the Terri Paden Equitable Recognition Act - Academic Achievement Award program - modifying employees - noncodification - effective date - emergency]

SB 336 – By Sparks and Fields of the Senate and Virgin of the House.

[school employee professional development programs - training - effective date - emergency]

SB 350 – By Sparks of the Senate and Virgin of the House.

[Insurance Commissioner - certain information public - confidentiality interpretation - effective date]

SB 433 – By Nichols of the Senate and Ritze of the House.

[Chief Medical Examiner - findings to be sent electronically - effective date]

SB 446 – By Wyrick of the Senate and Glenn of the House.

An Act relating to misdemeanors; amending 21 O.S. 2001, Section 1021, as last amended by Section 12, Chapter 3, O.S.L. 2008 (21 O.S. Supp. 2010, Section 1021), which relates to indecent exposure; making language gender neutral; clarifying conduct subject to certain prosecution; and providing an effective date.

SB 492 – By Burrage of the Senate and Grau of the House.

[emergency protective services for vulnerable adults - modifying requirement - reimbursement - modifying court actions - intent of language - certain segregation - effective date]

SB 605 – By Ford of the Senate and Denney of the House.

[charter schools - creating the Charter School Sponsoring Commission - codification - emergency]

SB 610 – By Ford of the Senate and Thomsen of the House.

[higher education - Oklahoma Higher Learning Access Program - effective date - emergency]

SB 637 – By Wyrick and Brecheen of the Senate and Renegar of the House.

[Board of Commercial Pet Breeders - permanent rules - noncodification - emergency]

SB 683 – By Sykes of the Senate and Christian of the House.

[higher education - resident tuition - modifying eligibility requirements - task force - effective date]

SB 700 – By Jolley of the Senate and Trebilcock of the House.

[district court judicial districts - judges - emergency]

SB 727 – By Marlatt of the Senate and Billy of the House.

[judicial districts - district court judges - effective date - emergency]

SB 731 – By Myers and Ivester of the Senate and Vaughan of the House.

[Oklahoma Quality Jobs Program Act - incentive payments for federal contractors - eligibility - effective date]

SB 757 – By Schulz, Russell, Bass and Garrison of the Senate and Ortega of the House.

[sales tax - fees in lieu of sales tax on certain coin-operated vending devices - emergency]

SB 789 – By Brecheen of the Senate and Sanders of the House.

An Act relating to specialty equipment; amending 15 O.S. 2001, Sections 245, as last amended by Section 1, Chapter 130, O.S.L. 2010, 245A, 246, 247, 248, 249, 250 and 250A (15 O.S. Supp. 2010, Section 245), which relate to definitions, prohibited acts, repurchase of inventory, exceptions to repurchase, failure to repurchase inventory, purchase of deceased retailer inventory, security interests, and dealer warranty services; deleting, modifying, expanding and replacing certain provisions; creating the Fair Practices of Equipment Manufacturers, Distributors, Wholesalers and Dealers Act; providing short title; stating legislative findings and determination; defining terms; providing violations; providing for certain notice; prohibiting suppliers from terminating certain agreements without good cause; defining term; stating when good cause exists; stating certain provisions do not apply to certain agreements between a single-line dealer and its single-line supplier; providing for notice of termination of a dealer agreement by a supplier; providing certain time to cure certain deficiencies; providing termination notice be void upon certain cure; prohibiting termination under certain circumstances; stating when notice and right to cure shall not apply; providing procedures for supplier with contractual

authority or an equity ownership interest therein to approve or deny certain request for sale or transfer of a dealer's business; providing procedures for supplier with contractual authority or an equity ownership interest therein to approve or deny certain request for sale or transfer of a dealer's business upon the death of a dealer; stating certain provisions do not apply to certain agreements between a single-line dealer and its single-line supplier; stating certain provisions shall apply to certain dealer agreements between a single-line dealer and its single-line supplier; prohibiting supplier from terminating certain dealer agreements without good cause; defining term; stating when good cause exists; providing procedures for notice of certain termination; providing certain time to cure certain deficiencies; providing termination notice be void upon certain cure; providing for certain reasonable period of time for certain good cause; stating when notice and right to cure shall not apply; providing procedures for a supplier to consider and make certain determination relating to certain request by a family member upon the death of a dealer; requiring certain agreements relating to succession rights be observed; providing for the acceptance or rejection of certain warranty claims; providing for certain disapproved claims; providing for compensation of certain warranty work; stating what will be deemed to create certain warranty claims; providing for certain audits of warranty claims; stating when certain requirements apply to certain warranty claims and when such claims are unreasonable; providing for certain alternate reimbursement terms and conditions; providing for certain payments to a supplier if certain agreements are cancelled; providing for the title to certain inventory to pass to a supplier; providing for certain payments for certain credit due; providing for certain refusal to repurchase certain inventory; providing for certain payment for certain shipping; providing for the retainage of certain lien; construing language; stating certain repurchase shall not be required under certain circumstances; providing for violations; stating certain actions shall be void; stating what dealer agreements the act shall apply to; stating that provisions of the act shall be supplemental to certain dealer agreements; allowing dealer to pursue certain remedies; providing for codification; and providing an effective date.

SB 828 – By Sparks of the Senate and Armes of the House.

An Act relating to trespassing; amending Section 4, Chapter 268, O.S.L. 2006, as last amended by Section 2, Chapter 458, O.S.L. 2009 (21 O.S. Supp. 2010, Section 1835.2), which relates to trespassing on land devoted to agriculture; modifying permission requirement for entering certain land; deleting authorization for certain persons to enter upon certain land; amending 29 O.S. 2001, Section 5-204, which relates to hunting near public places and shooting from across the highway; modifying penalties; amending Section 2, Chapter 63, O.S.L. 2008, as amended by Section 1, Chapter 266, O.S.L. 2009 (29 O.S. Supp. 2010, Section 7-209), which relates to trespass on certain lands; making shooting from a public road, highway or railroad right-of-way onto certain licensed facilities or big game commercial hunting areas a trespass; and providing an effective date.

SB 891 – By Mazzei and Ford of the Senate and McDaniel (Randy) of the House.

[state retirement systems - Oklahoma Pension Legislation Actuarial Analysis Act - Teachers' Retirement System of Oklahoma - modifying vesting requirement - modifying age requirement - effective date - emergency]

SB 908 – By Shortey of the Senate and Terrill of the House.

[immigration - smuggling of human beings unlawful - providing penalties - codification - noncodification - effective date]

SB 919 – By Sykes of the Senate and Derby of the House.

[narcotics and dangerous drugs - Schedule I substances - Schedule II substances - Schedule III substances - Schedule IV substances - Schedule V substances - effective date]

SB 921 – By Sykes of the Senate and Sullivan of the House.

An Act relating to the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control; amending 63 O.S. 2001, Section 2-103, as last amended by Section 1, Chapter 445, O.S.L. 2009 (63 O.S. Supp. 2010, Section 2-103), which relates to the Uniform Controlled Dangerous Substances Act; authorizing the appointment of special reserve agents; providing for certain training requirements; authorizing certain expenditures; and providing an effective date.

SB 969 – By Newberry, Ford, Holt, Jolley, Stanislawski, Simpson, Russell and Brown of the Senate and Denney of the House.

[income tax - creating the Oklahoma Equal Opportunity Education Scholarship Act - adjustments of taxable income - codification]

SJR 5 – By Reynolds and Treat of the Senate and Dank of the House.

[Joint Resolution - proposed constitutional amendment - limiting increases in fair cash value of certain property - ballot title - filing]

SJR 16 – By Sparks and Johnson (Constance) of the Senate and Schwartz of the House.

[constitutional amendment - tax exemption for manufactured homes - disabled veterans - surviving spouse - ballot title - filing]

SJR 25 – By Brecheen and Lerblance of the Senate and Faught of the House.

A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection a proposed amendment to Section 10 of Article VI of the Oklahoma Constitution; modifying certain parole authority; stating effects of certain pardon; requiring certain communication; providing ballot title; and directing filing.

RESOLUTION

The following was introduced and read:

HR 1018 – By Martin (Scott).

A Resolution congratulating Jennifer King as Oklahoma's Young Mother of the Year for 2011.

COMMITTEE REPORTS

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

DO PASS:

SB 277 – Judiciary

SB 576 – Human Services, Placed on Consent Calendar

SB 940 – Judiciary

APPOINTMENTS

The Speaker announced the following appointments:

March 16, 2011 – The Speaker appointed the following as Members of the Standing Committees of the Southern Legislative Conference of the Council of State Governments (SLC) 2010-2011 term of the 53rd Oklahoma Legislature (Bylaws of the Southern Legislative Conference of the Council of State Governments):

Agriculture and Rural Development – Representatives Armes, Farley, Osborn, Pruett and Shoemake

Economic Development, Transportation and Cultural Affairs – Representatives Holland, Ownbey, Pittman, Russ and Sherrer

Education – Representatives Casey, Coody, Shumate, Thomsen and Virgin

Energy and Environment – Representatives Hilliard, Jackson, Morgan, Peters and Watson

Executive Committee – Representatives Cox and McDaniel (Randy)

Fiscal Affairs and Government Operations – Representatives Denney, Fourkiller, Hickman, Hoskin, Martin (Scott), Murphey and Sears

Human Services and Public Safety – Representatives Peterson, Rousselot, Sanders, Tibbs and Walker

Representative Billy moved that when the clerk's desk is clear, the House stand adjourned to reconvene at 9:00 a.m., Tuesday, March 22, 2011, which was the order.

Pursuant to the motion of Representative Billy, the House was adjourned at 2:20 p.m., to reconvene Tuesday, March 22, 2011, at 9:00 a.m.