

HOUSE JOURNAL

Second Regular Session of the Fifty-third Legislature

of the State of Oklahoma

Thirty-eighth Legislative Day, Wednesday, April 11, 2012

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

The roll was called with 97 Members present.

The following Member was excused: Dank.—1.

Vacancy: District 23, District 71, District 88.—3.

The Speaker Pro Tempore declared a quorum present.

Prayer was offered by Representative Peterson.

The Journal for the last legislative day was approved.

ENGROSSED AND ENROLLED MEASURES

HJR 1108 was reported correctly engrossed, properly signed, in open session, and ordered transmitted to the Honorable Senate.

HAs to SBs 1102, 1192, 1199, 1401 and 1800 were reported correctly engrossed, properly signed, in open session, and the measures, as amended, were ordered returned to the Honorable Senate.

HBs 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2226, 2227, 2231, 2232, 2233, 2234, 2235, 2237, 2244, 2521, 2727, 2917 and 2942 were reported correctly enrolled and, after fourth reading, properly signed, in open session, and ordered transmitted to the Honorable Senate.

HR 1047 was reported correctly enrolled, properly signed, in open session, and ordered transmitted to the Secretary of State.

GENERAL ORDER

SB 1218 by Holt et al of the Senate and McDaniel (Randy) of the House was read and considered.

Coauthored by Representative(s) Cooksey

Representative Russ moved to amend **SB 1218**, Page 2, Section 1, Line 6 by adding after the second period “.” and before the word “The” the following language:

“Provided, a college or university prior to waiving the three-hundred-foot requirement found in this subsection shall publish a notice of its intention to waive such requirement in a legal newspaper of general circulation within the state at least thirty (30) days but no more than forty (40) days prior to providing any written notice, waiving the three-hundred-foot requirement, to the establishment seeking the license or to the district court of the county. As used in this subsection ‘legal newspaper of general circulation within this state’ means a newspaper meeting the requisites of a newspaper for publication of legal notices as prescribed in Section 106 of Title 25 of the Oklahoma Statutes in a majority of the counties in this state.”; and

Page 4, Section 2, Line 2 by adding after the period “.” and before the word “The” the following language:

“Provided, a college or university prior to waiving the three-hundred-foot requirement found in this subsection shall publish a notice of its intention to waive such requirement in a legal newspaper of general circulation within the state at least thirty (30) days but no more than forty (40) days prior to providing any written notice, waiving the three-hundred-foot requirement, to the establishment seeking the license or to the Alcoholic Beverage Laws Enforcement Commission. As used in this subsection ‘legal newspaper of general circulation within this state’ means a newspaper meeting the requisites of a newspaper for publication of legal notices as prescribed in Section 106 of Title 25 of the Oklahoma Statutes in a majority of the counties in this state.”,

which amendment was declared adopted.

Representative McDaniel (Randy) moved that **SB 1218** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 1218 was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Armes, Brown, Casey, Christian, Condit, Cooksey, Cox, Denney, Derby, DeWitt, Dorman, Grau, Hall, Hardin, Hickman, Hilliard, Hoskin, Inman, Jackson, Jordan, Joyner, Key, Kirby, Kouplen, Liebmann, Martin (Scott), Martin (Steve), McDaniel (Curtis), McDaniel (Jeannie), McDaniel (Randy), McNiel, Morgan, Morrissette, Mulready, Nelson,

Nollan, Ortega, Osborn, Ownbey, Peters, Proctor, Pruett, Renegar, Richardson, Roan, Roberts (Dustin), Roberts (Sean), Sanders, Schwartz, Sears, Shannon, Shelton, Sherrer, Shoemake, Terrill, Thomsen, Trebilcock, Vaughan, Virgin, Watson, Williams, Wright, Mr. Speaker.--63.

Nay: Banz, Bennett, Billy, Blackwell, Brumbaugh, Cannaday, Cockroft, Coody, Enns, Faught, Fourkiller, Glenn, Hamilton, Holland, Johnson, Kern, Lockhart, McCullough, McPeak, Moore, Murphey, Newell, Peterson, Quinn, Reynolds, Ritze, Russ, Shumate, Walker.--29.

Excused: Dank, Pittman, Rousselot, Scott, Stiles, Wesselhoft.--6.

Vacancy: District 23, District 71, District 88.--3.

The measure passed.

On passage of the emergency, the roll call was as follows:

Aye: Armes, Brown, Christian, Cooksey, Cox, Denney, Derby, DeWitt, Dorman, Grau, Hall, Hardin, Hickman, Inman, Jackson, Joyner, Kouplen, Liebmann, Martin (Scott), Martin (Steve), McDaniel (Curtis), McDaniel (Jeannie), McDaniel (Randy), McNiel, Moore, Morgan, Mulready, Nelson, Newell, Osborn, Ownbey, Peters, Proctor, Renegar, Richardson, Roan, Roberts (Dustin), Sanders, Schwartz, Sears, Shannon, Shoemake, Terrill, Thomsen, Trebilcock, Vaughan, Virgin, Watson, Williams, Wright, Mr. Speaker.--51.

Nay: Banz, Bennett, Billy, Blackwell, Brumbaugh, Cannaday, Casey, Cockroft, Condit, Coody, Enns, Faught, Fourkiller, Hamilton, Holland, Hoskin, Johnson, Kern, Lockhart, McCullough, McPeak, Murphey, Nollan, Peterson, Quinn, Reynolds, Ritze, Roberts (Sean), Russ, Sherrer.--30.

Excused: Dank, Glenn, Hilliard, Jordan, Key, Kirby, Morrissette, Ortega, Pittman, Pruett, Rousselot, Scott, Shelton, Shumate, Stiles, Walker, Wesselhoft.--17.

Vacancy: District 23, District 71, District 88.--3.

The emergency failed.

Representative McDaniel (Randy) served notice to reconsider the vote whereby the emergency failed.

GENERAL ORDER

SB 1320 by Brinkley of the Senate and Derby et al of the House was read and considered.

Coauthored by Representative(s) Roberts (Sean), Proctor, Williams

Representative Shannon moved to amend **SB 1320** by inserting new Sections 8 through 20 and by renumbering subsequent sections, which amendment was declared adopted.

Representative Terrill moved to amend **SB 1320** by inserting a new Section 8 to read as follows:

“SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1698.119 of Title 69, unless there is created a duplication in numbering, reads as follows:

The two-mile section of State Highway 37 in Moore, Oklahoma from the junction of State Highway 37 and Eastern Avenue extending east to the junction of State Highway 37 and Sunnyslane Road shall be designated as the ‘1LT David Timothy Wright II Memorial Highway’. Pursuant to the provisions of Title 69 of the Oklahoma Statutes, the Department of Transportation shall cause suitable permanent markers to be placed upon the highway bearing that name.”; and by renumbering subsequent sections,

which amendment was declared adopted.

Representative Armes moved to suspend House Rule 8.6 for the purpose of allowing consideration of an untimely filed floor amendment, which motion was declared adopted upon roll call as follows:

Aye: Armes, Bennett, Blackwell, Brown, Brumbaugh, Cannaday, Casey, Christian, Condit, Coody, Cox, Denney, Derby, DeWitt, Dorman, Enns, Faught, Fourkiller, Glenn, Grau, Hall, Hamilton, Hardin, Hickman, Hilliard, Holland, Hoskin, Johnson, Jordan, Joyner, Kern, Kouplen, Liebmann, Lockhart, Martin (Scott), Martin (Steve), McCullough, McDaniel (Curtis), McDaniel (Jeannie), McDaniel (Randy), McNiel, Moore, Morrisette, Mulready, Newell, Nollan, Ownbey, Peters, Peterson, Proctor, Pruett, Quinn, Renegar, Roan, Roberts (Dustin), Roberts (Sean), Rousselot, Russ, Sanders, Schwartz, Scott, Sears, Shannon, Sherrer, Shumate, Thomsen, Trebilcock, Vaughan, Watson, Wesselhoft, Williams, Wright, Mr. Speaker.--73.

Nay: Cooksey, Key, Reynolds, Ritze.--4.

Excused: Banz, Billy, Cockroft, Dank, Inman, Jackson, Kirby, McPeak, Morgan, Murphey, Nelson, Ortega, Osborn, Pittman, Richardson, Shelton, Shoemake, Stiles, Terrill, Virgin, Walker.--21.

Vacancy: District 23, District 71, District 88.--3.

Representative Armes moved to amend **SB 1320** by inserting a new Section 8 to read as follows, and renumbering subsequent sections:

“SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1698.119 of Title 69, unless there is created a duplication in numbering, reads as follows:

The portion of U.S. Highway 183 from the junction of U.S. Highway 183 and U.S. Highway 62 extending south to Frederick, Oklahoma shall be designated as the ‘Senator Gilmer J. Capps Highway’. Pursuant to the provisions of Title 69 of the Oklahoma Statutes, the Department of Transportation shall cause suitable permanent markers to be placed upon the highway bearing that name.”,

which amendment was declared adopted.

Representative Derby moved that **SB 1320** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 1320 was read at length for the third time. On passage of the measure and emergency, the roll call was as follows:

Aye: Armes, Banz, Bennett, Billy, Blackwell, Brown, Brumbaugh, Cannaday, Casey, Christian, Cockroft, Condit, Coody, Cox, Denney, Derby, DeWitt, Dorman, Enns, Faught, Fourkiller, Glenn, Grau, Hall, Hamilton, Hardin, Hickman, Holland, Hoskin, Inman, Johnson, Jordan, Joyner, Kern, Kirby, Kouplen, Liebmann, Lockhart, Martin (Scott), Martin (Steve), McCullough, McDaniel (Curtis), McDaniel (Jeannie), McDaniel (Randy), McNiel, McPeak, Moore, Morgan, Morrissette, Mulready, Murphey, Newell, Nollan, Osborn, Ownbey, Peters, Peterson, Proctor, Pruett, Quinn, Renegar, Ritze, Roan, Roberts (Dustin), Roberts (Sean), Rousselot, Russ, Sanders, Schwartz, Scott, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Stiles, Terrill, Thomsen, Trebilcock, Vaughan, Virgin, Walker, Watson, Wesselhoft, Williams, Wright, Mr. Speaker.--88.

Nay: Cooksey, Key, Reynolds.--3.

Excused: Dank, Hilliard, Jackson, Nelson, Ortega, Pittman, Richardson.--7.

Vacancy: District 23, District 71, District 88.--3.

The measure and emergency passed.

SB 1320 was referred for engrossment.

GENERAL ORDER

SB 1866 by Newberry of the Senate and McDaniel (Randy) of the House was read and considered.

Representative McDaniel (Randy) moved that **SB 1866** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 1866 was read at length for the third time. On passage of the measure, the roll call was as follows:

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

Excused: Dank, Dorman, Jackson, Ortega, Pittman, Roberts (Dustin), Williams.--7.

Vacancy: District 23, District 71, District 88.--3.

The measure passed.

SB 1866 was referred for engrossment.

MESSAGES FROM THE SENATE

Announcing the passage of and returning engrossed measures as amended: **HBs 2242**, Coauthored by Senator Allen, **2306, 2511, 2573, 2710** and **3093**, Coauthored by Senator Garrison.

Senate amendments were read on the above-numbered measures.

Transmitting enrolled measures

Advising fourth reading of and transmitting for signature Enrolled **SBs 1069, 1127, 1179, 1187, 1188, 1263, 1277, 1425 and 1546.**

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 **SCR 35.**

SCR 35 – By Crain, Eason McIntyre, Adelson, Aldridge, Allen, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, Brown, Burrage, Childers, Coates, David, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (Constance), Johnson (Rob), Jolley, Justice, Laster, Lerblance, Marlatt, Mazzei, McAffrey, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick of the Senate and Shumate and Scott of the House.

A Concurrent Resolution praising the cooperative efforts of local and federal law enforcement agencies and city leaders in the response to the shooting rampage that occurred on Friday, April 6, in north Tulsa; expressing condolences to the families of those killed and hopes for a swift recovery for survivors; and directing distribution.

The measure was introduced and read.

GENERAL ORDER

SB 1493 by Paddack of the Senate and Thomsen of the House was read and considered.

Representative Thomsen moved that **SB 1493** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 1493 was read at length for the third time. On passage of the measure and emergency, the roll call was as follows:

Aye: Armes, Banz, Bennett, Billy, Blackwell, Brown, Brumbaugh, Cannaday, Casey, Christian, Cockroft, Condit, Coody, Cooksey, Cox, Denney, Derby, DeWitt, Enns, Faught, Fourkiller, Glenn, Grau, Hall, Hamilton, Hardin, Hickman, Hilliard, Holland, Hoskin, Inman, Johnson, Jordan, Joyner, Kern, Key, Kirby, Kouplen, Liebmann, Lockhart, Martin (Scott), Martin (Steve), McCullough, McDaniel (Curtis), McDaniel (Jeannie), McDaniel

(Randy), McNeil, McPeak, Moore, Morgan, Morrisette, Mulready, Murphey, Nelson, Newell, Nollan, Ortega, Osborn, Ownbey, Peterson, Proctor, Pruett, Quinn, Renegar, Reynolds, Richardson, Ritze, Roan, Roberts (Sean), Rousselot, Russ, Sanders, Schwartz, Scott, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Stiles, Terrill, Thomsen, Trebilcock, Vaughan, Virgin, Walker, Watson, Wesselhoft, Wright, Mr. Speaker.--91.

Excused: Dank, Dorman, Jackson, Peters, Pittman, Roberts (Dustin), Williams.--7.

Vacancy: District 23, District 71, District 88.--3.

The measure and emergency passed.

SB 1493 was referred for engrossment.

GENERAL ORDER

SB 1354 by Burrage of the Senate and Quinn of the House was read and considered.

Representative Quinn moved that **SB 1354** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 1354 was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Armes, Banz, Bennett, Billy, Blackwell, Brown, Brumbaugh, Cannaday, Casey, Christian, Cockroft, Condit, Coody, Cooksey, Cox, Denney, Derby, DeWitt, Dorman, Enns, Faught, Fourkiller, Glenn, Grau, Hall, Hamilton, Hardin, Hickman, Hilliard, Holland, Inman, Jackson, Johnson, Jordan, Joyner, Kern, Key, Kouplen, Liebmann, Martin (Scott), Martin (Steve), McCullough, McDaniel (Curtis), McDaniel (Jeannie), McDaniel (Randy), McNeil, Moore, Morgan, Morrisette, Mulready, Murphey, Nelson, Newell, Nollan, Ortega, Osborn, Ownbey, Peters, Peterson, Proctor, Pruett, Quinn, Renegar, Reynolds, Richardson, Ritze, Roan, Roberts (Dustin), Roberts (Sean), Rousselot, Russ, Sanders, Schwartz, Scott, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Stiles, Terrill, Thomsen, Trebilcock, Vaughan, Virgin, Walker, Watson, Wesselhoft, Williams, Wright, Mr. Speaker.--92.

Nay: Kirby, McPeak.--2.

Excused: Dank, Hoskin, Lockhart, Pittman.--4.

Vacancy: District 23, District 71, District 88.--3.

The measure passed.

The Presiding Officer signed, in open session, Engrossed **SB 1354** and ordered same returned to the Honorable Senate.

GENERAL ORDER

SB 1678 by Schulz of the Senate and Wright of the House was read and considered.

Representative Wright moved that **SB 1678** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 1678 was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Armes, Banz, Bennett, Billy, Blackwell, Brown, Brumbaugh, Cannaday, Casey, Christian, Cockroft, Condit, Coody, Cooksey, Cox, Denney, Derby, DeWitt, Dorman, Enns, Faught, Fourkiller, Glenn, Grau, Hall, Hamilton, Hardin, Hickman, Hilliard, Holland, Inman, Jackson, Johnson, Jordan, Joyner, Kern, Key, Kirby, Kouplen, Liebmann, Lockhart, Martin (Scott), Martin (Steve), McCullough, McDaniel (Curtis), McDaniel (Jeannie), McDaniel (Randy), McNiel, McPeak, Moore, Morgan, Morrissette, Mulready, Murphey, Nelson, Newell, Nollan, Ortega, Osborn, Ownbey, Peters, Peterson, Proctor, Pruett, Quinn, Renegar, Reynolds, Richardson, Ritze, Roan, Roberts (Dustin), Roberts (Sean), Rousselot, Russ, Sanders, Schwartz, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Stiles, Terrill, Thomsen, Trebilcock, Vaughan, Virgin, Watson, Wesselhoft, Williams, Wright, Mr. Speaker.--93.

Excused: Dank, Hoskin, Pittman, Scott, Walker.--5.

Vacancy: District 23, District 71, District 88.--3.

The measure passed.

SB 1678 was referred for engrossment.

GENERAL ORDER

SB 1000 by Stanislawski of the Senate and Johnson of the House was read and considered.

Representative Johnson moved that **SB 1000** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 1000 was read at length for the third time. On passage of the measure and emergency, the roll call was as follows:

Aye: Armes, Banz, Bennett, Billy, Blackwell, Brown, Brumbaugh, Cannaday, Casey, Christian, Cockroft, Condit, Coody, Cooksey, Cox, Denney, Derby, DeWitt, Dorman, Enns, Faught, Fourkiller, Glenn, Grau, Hall, Hamilton, Hardin, Hickman, Hilliard, Holland, Jackson, Johnson, Jordan, Joyner, Kern, Kirby, Kouplen, Liebmann, Lockhart, Martin (Scott), Martin (Steve), McCullough, McDaniel (Curtis), McDaniel (Jeannie), McDaniel (Randy), McNeil, McPeak, Moore, Morgan, Morrisette, Mulready, Murphey, Nelson, Newell, Nollan, Ortega, Osborn, Ownbey, Peters, Peterson, Proctor, Pruett, Quinn, Renegar, Reynolds, Richardson, Ritze, Roan, Roberts (Dustin), Roberts (Sean), Rousselot, Russ, Sanders, Schwartz, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Stiles, Terrill, Thomsen, Trebilcock, Vaughan, Virgin, Walker, Watson, Wesselhoft, Williams, Wright, Mr. Speaker.--92.

Excused: Dank, Hoskin, Inman, Key, Pittman, Scott.--6.

Vacancy: District 23, District 71, District 88.--3.

The measure and emergency passed.

The Presiding Officer signed, in open session, Engrossed **SB 1000** and ordered same returned to the Honorable Senate.

GENERAL ORDER

SB 1830 by Jolley of the Senate and Schwartz of the House was read and considered.

Representative Schwartz moved that **SB 1830** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 1830 was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Armes, Banz, Bennett, Billy, Brumbaugh, Casey, Christian, Cockroft, Coody, Cooksey, Cox, Denney, Derby, DeWitt, Enns, Faught, Grau, Hall, Hardin, Hickman, Holland, Jackson, Johnson, Jordan, Joyner, Kern, Key, Kirby, Liebmann, Martin (Scott), Martin (Steve), McCullough, McDaniel (Randy), Moore, Mulready, Murphey, Nelson, Newell, Nollan, Ortega, Osborn, Ownbey, Peters, Peterson, Pruett, Quinn, Reynolds, Richardson, Ritze, Roan, Roberts (Sean), Russ, Sanders, Schwartz, Sears, Shannon, Stiles, Thomsen, Trebilcock, Vaughan, Watson, Wesselhoft, Wright, Mr. Speaker.--64.

Nay: Blackwell, Brown, Cannaday, Condit, Dorman, Fourkiller, Glenn, Hamilton, Inman, Kouplen, Lockhart, McDaniel (Curtis), McDaniel (Jeannie), McPeak, Morgan, Morrissette, Proctor, Renegar, Rousselot, Shelton, Sherrer, Shoemake, Shumate, Virgin, Walker, Williams.--26.

Excused: Dank, Hilliard, Hoskin, McNiel, Pittman, Roberts (Dustin), Scott, Terrill.--8.

Vacancy: District 23, District 71, District 88.--3.

The measure passed.

The Presiding Officer signed, in open session, Engrossed **SB 1830** and ordered same returned to the Honorable Senate.

GENERAL ORDER

SB 1533 by Jolley of the Senate and Newell of the House was read and considered.

Representative Inman moved to amend **SB 1533** by adding a new Section 2 to read as follows:

“SECTION 2. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows: It is the intent of the Legislature, given that since Fiscal Year 2009 the budget for the Oklahoma Department of Veterans Affairs has been reduced by 13.9 percent, that an appropriation be made to the Oklahoma Department of Veterans Affairs in an amount as may be necessary to perform all duties and services to include: health services and long-term skilled care, housing, adult day care, psychiatric services, and field service counseling in the filing of claims for U.S. Department of Veterans Affairs and state benefits.”,

and by renumbering subsequent sections.

Representative Newell requested a ruling of the Chair as to whether the Inman main floor amendment was germane to **SB 1533**.

The Presiding Officer ruled the point well taken and the amendment not germane to the subject of **SB 1533**.

Representative Terrill moved to suspend House Rule 8.11 for purposes of dispensing with the requirement that the floor amendment be germane and to permit consideration of the Inman main floor amendment, which motion was declared adopted upon roll call as follows:

Aye: Armes, Banz, Blackwell, Brown, Brumbaugh, Cannaday, Casey, Christian, Cockroft, Condit, Coody, Cooksey, Cox, Derby, DeWitt, Dorman, Enns, Faight, Glenn, Hamilton, Hardin, Hickman, Hilliard, Holland, Inman, Jackson, Johnson, Jordan, Joyner, Kouplun, Liebmann, Lockhart, Martin (Scott), Martin (Steve), McCullough, McDaniel (Curtis), McDaniel (Jeannie), McDaniel (Randy), McPeak, Moore, Morgan, Morrisette, Mulready, Nelson, Newell, Nollan, Ownbey, Peters, Proctor, Pruett, Quinn, Renegar, Reynolds, Ritze, Roan, Roberts (Sean), Rousselot, Russ, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Terrill, Trebilcock, Vaughan, Virgin, Walker, Watson, Wright, Mr. Speaker.--72.

Nay: Billy, Grau, Hall, Kern, Kirby, Murphey, Ortega, Peterson, Wesselhoft.--9.

Excused: Bennett, Dank, Denney, Fourkiller, Hoskin, Key, McNiel, Osborn, Pittman, Richardson, Roberts (Dustin), Sanders, Schwartz, Scott, Stiles, Thomsen, Williams.--17.

Vacancy: District 23, District 71, District 88.--3.

Representative Inman pressed adoption of the amendment, which amendment was declared adopted.

Representative Kouplun moved to amend **SB 1533** by adding a new Section 2 to read as follows:

“SECTION 2. A new section of law not to be codified in the Oklahoma Statutes reads as follows: It is the intent of the Legislature that an appropriation be made to the Oklahoma Department of Human Services Aging Services Division in an amount as may be necessary to operate the 227 senior nutrition sites across the state.” and by renumbering subsequent sections, which amendment was declared adopted.

Representative Newell moved that **SB 1533** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 1533 was read at length for the third time.

Representative Terrill raised a point of order as to whether **SB 1533** violated the single subject requirement of the Oklahoma Constitution.

The Presiding Officer stated that pursuant to House Precedent 14.2-1 (2007) the Presiding Officer would not rule on the constitutionality of a bill under consideration by the House.

Representative Terrill raised a point of inquiry as to whether a motion to divide the question would be in order at the present time.

The Presiding Officer ruled that pursuant to House Rule 8.5(a), a motion to consider the bill section by section must be made while on General Order and that because the measure had previously been advanced from General Order and was on Third Reading, the motion was out of order.

Representative Terrill raised a point of inquiry as to whether Joint Rule 5 possessed independent significance apart from the single subject requirement of the Oklahoma Constitution.

The Presiding Officer stated that the point of inquiry was effectively the same as previously raised but within the context of Joint Rule 5. The Presiding Officer stated that Joint Rule 5 was applicable to the business of the House but the Chair would not rule on the constitutionality of a bill under consideration by the House, but such questions would be decided by the House itself when it voted on the measure, or later by a court.

Representative Terrill raised a point of inquiry pursuant to Joint Rule 3 as to whether **SB 1533** was a revenue raising measure constitutionally required to originate in the House rather than in the Senate.

The Presiding Officer stated that the Joint Rules in question were applicable to the business of the House but the question of a possible constitutional infirmity would be up to the House to decide when the House voted on the final passage of the measure, or later by a court.

Representative Terrill moved to rescind the Third Reading of **SB 1533** and to rescind the vote whereby **SB 1533** was advanced from General Order.

Upon request of Representative Newell, **SB 1533** was laid over on Third Reading.

MESSAGES FROM THE SENATE

Announcing the passage of **HB 2302**.

The above-numbered measure was referred for enrollment.

Returning enrolled measures

Announcing that enrolled **HBs 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2226, 2227, 2231, 2232, 2233, 2234, 2235, 2237, 2244, 2521, 2727, 2917 and 2942** 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.

Returning engrossed measures

Announcing the passage of **HBs 1577, 2364, 2429**, Coauthored by Representative Condit, **2518**, Coauthored by Representative Billy, **2970**, Coauthored by Senators Garrison, Paddack and Ivester.

The above-numbered measures were referred for enrollment.

FIRST READING

The following was introduced and read for the first time:

HJR 1119 – By Armes.

A Joint Resolution approving permanent rule of the Corporation Commission; 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:

HJR 1109 – Administrative Rules and Government Oversight, Authored by Senator Jolley (principal Senate author)

HJR 1110 – Administrative Rules and Government Oversight

HJR 1112 – Administrative Rules and Government Oversight

HJR 1113 – Administrative Rules and Government Oversight

SB 1083 – Appropriations and Budget, Coauthored by Representative(s) Billy
SB 1185 – Appropriations and Budget
SB 1640 – Appropriations and Budget
SB 1940 – Appropriations and Budget
SJR 80 – Rules, Coauthored by Representative(s) Roberts (Sean)

DO PASS, As Amended:

CS for SB 1055 – Public Safety
CS for SB 1159 – Appropriations and Budget
SB 1280 – Appropriations and Budget, Coauthored by Representative(s) Dorman
CS for SB 1325 – Agriculture, Wildlife and Environment
CS for SB 1327 – Agriculture, Wildlife and Environment
CS for SB 1506 – Energy and Utility Regulation
SB 1525 – Appropriations and Budget
SB 1676 – Appropriations and Budget, Coauthored by Representative(s) Dorman
CS for SB 1847 – Public Safety
CS for SB 1919 – Agriculture, Wildlife and Environment

Representative DeWitt moved that when the clerk's desk is clear, the House stand adjourned to reconvene at 9:00 a.m., Thursday, April 12, 2012, which was the order.

Pursuant to the motion of Representative DeWitt, the House was adjourned at 11:25 a.m., to reconvene Thursday, April 12, 2012, at 9:00 a.m.