

HOUSE JOURNAL

First Regular Session of the Fifty-third Legislature

of the State of Oklahoma

Twelfth Legislative Day, Monday, February 28, 2011

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

The roll was called with 101 Members present.

The Speaker Pro Tempore declared a quorum present.

Prayer was offered by Senior Pastor J.B. Bond, Country Side Church, Stillwater. Pastor Bond was sponsored by Representative Casey.

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

The Journal for the last legislative day was approved.

ENGROSSED AND ENROLLED MEASURES

HBs 1323 and **2132** were reported correctly engrossed, properly signed, in open session, and ordered transmitted to the Honorable Senate.

RESOLUTION

The following was introduced and read:

HR 1009 – By Dorman.

A Resolution proclaiming March 3, 2011, to be Red Cross Day in Oklahoma; proclaiming March to be Red Cross Month in Oklahoma; and encouraging all Oklahomans to support the Red Cross and its mission.

MEASURES REASSIGNED

The following measures were reassigned:

HB 1366 – Withdrawn from Rules and referred to Energy and Utility Regulation.

HB 1651 – Withdrawn from Common Education and referred to Rules.

HB 1831 – Withdrawn from Rules and referred to Insurance.

MESSAGES FROM THE SENATE

Advising the Honorable House that the following members of the Senate have been named to the Joint Committee on Appropriations and Budget.

Joint Committee on Appropriations and Budget

Myers, Co-Chair
Jolley, Co-Vice Chair

Ballenger	Marlatt
Bingman (ex officio)	Newberry
Branan	Nichols
Brinkley	Paddack
Burrage	Rice
Crain	Schulz (ex officio)
Ford	Stanislowski
Halligan	Sykes
Ivester	Wilson
Justice	Wyrick

Transmitting engrossed measures

Announcing the passage of engrossed **SBs 73, 105, 109, 206** and **325**. The measures were introduced and read for the first time.

SB 73 – By Eason McIntyre and Ellis of the Senate and Shumate of the House.

An Act relating to the state gospel song; declaring “Swing Low, Sweet Chariot” as the official state gospel song; designating official depository; stipulating words to song; and providing an effective date.

SB 105 – By Justice of the Senate and Osborn of the House.

[State Board of Equalization - requiring Board to set fee or schedule of fees charged by county assessor for certain services - outlining basis for determining fees - providing for deposit and expenditure of funds - effective date]

SB 109 – By Stanislawski of the Senate and Coody of the House.

An Act relating to school administration; amending 70 O.S. 2001, Section 6-194, as last amended by Section 3, Chapter 457, O.S.L. 2010 (70 O.S. Supp. 2010, Section 6-194), which relates to professional development; expressing legislative intent; directing development of certain plans; specifying certain guidelines; providing an effective date; and declaring an emergency.

SB 206 – By Ford of the Senate and Coody of the House.

An Act relating to schools; creating the P-20 Council Task Force; providing expiration date; setting duties of certain task force; setting membership of certain task force; directing selection of vice-chair of certain task force; setting quorum of certain task force; providing date meetings may begin; permitting certain meetings; subjecting certain task force to the Oklahoma Open Meeting Act; directing certain travel reimbursement; requiring certain report; providing for noncodification; and declaring an emergency.

SB 325 – By Anderson of the Senate and Armes of the House.

An Act relating to motor vehicles; amending 47 O.S. 2001, Section 1102, as last amended by Section 1, Chapter 312, O.S.L. 2010 (47 O.S. Supp. 2010, Section 1102), which relates to definitions in the Oklahoma Vehicle License and Registration Act; modifying certain definition; adding certain definition; amending Section 1, Chapter 124, O.S.L. 2007, as amended by Section 4, Chapter 98, O.S.L. 2008 (47 O.S. Supp. 2010, Section 11-1117), which relates to all-terrain vehicle restrictions; amending certain definition; adding certain definition; and providing an effective date.

GENERAL ORDER

HB 1051 by Sanders of the House and Ballenger of the Senate was read and considered.

Representative Sanders moved that **HB 1051** be advanced from General Order, which motion was declared adopted.

THIRD READING

HB 1051 was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Armes, Banz, Bennett, Billy, Brown, Brumbaugh, Cannaday, Casey, Christian, Cockroft, Condit, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Farley, Faught, Fourkiller, Glenn, Grau, Hall, Hamilton, Hardin, Hickman, Hilliard, Holland, Hoskin, Inman, Jackson, Johnson, Jordan, Joyner, Kern, Key, Kouplen, Liebmann, Lockhart, Martin (Scott), Martin (Steve), McAffrey, McCullough, McDaniel (Jeannie), McDaniel (Randy), McNiel, McPeak, Moore, Morgan, Morrissette, Mulready, Murphey, Nelson, Newell, Nollan, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Quinn, Renegar, Reynolds, Richardson, Ritze, Roan, Roberts (Dustin), Roberts (Sean), Rousselot, Russ, Sanders, Schwartz, Scott, Sears, Shannon, Shelton, Shoemake, Shumate, Stiles, Sullivan, Terrill, Thomsen, Tibbs, Trebilcock, Vaughan, Virgin, Walker, Watson, Wesselhoft, Williams, Wright, Mr. Speaker.--97.

Excused: Blackwell, Enns, Kirby, Sherrer.--4.

The measure passed.

HB 1051 was referred for engrossment.

GENERAL ORDER

HB 1374 by Holland of the House and Fields of the Senate was read and considered.

Coauthored by Representative(s) Ritze

Representative Holland moved that **HB 1374** be advanced from General Order, which motion was declared adopted.

THIRD READING

HB 1374 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, Dank, Denney, Derby, 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, McDaniel (Jeannie), McDaniel (Randy), McNiel, McPeak, Moore, Morgan, Morrissette, Mulready, Murphey, Nelson, Newell, Nollan, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Quinn, Renegar, Reynolds, Richardson, Ritze, Roan, Roberts (Dustin), Roberts (Sean), Rousselot, Russ, Sanders, Schwartz, Scott, Sears, Shelton, Sherrer, Shoemake, Shumate, Sullivan, Terrill, Thomsen, Tibbs, Trebilcock, Vaughan, Virgin, Walker, Watson, Wesselhoft, Williams, Wright, Mr. Speaker.--96.

Excused: Enns, McCullough, Pruett, Shannon, Stiles.--5.

The measure and emergency passed.

HB 1374 was referred for engrossment.

GENERAL ORDER

HB 1225 by Ownbey of the House and Simpson of the Senate was read and considered.

Coauthored by Representative(s) Dorman

Representative Dorman moved to amend **HB 1225**, Page 3, Section 1, Line 4 by adding the following language after the period “.”:

“If a funding source is required, the Office of State Finance shall prepare an estimate of the annual cost to the state and shall publish this information on the website of the Secretary of State.”, which amendment was declared adopted.

Representative Peters Presiding

Representative Ownbey moved that **HB 1225** be advanced from General Order, which motion was declared adopted.

THIRD READING

HB 1225 was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Armes, Banz, Coody, Cooksey, Cox, Dank, Derby, DeWitt, Dorman, Enns, Farley, Hall, Hardin, Hickman, Jackson, Johnson, Jordan, Joyner, Kern, Liebmann, Martin (Scott), Martin (Steve), McCullough, McDaniel (Randy), McNiel, Moore, Mulready, Nelson, Newell, Nollan, Ortega, Osborn, Ownbey, Peterson, Pruett, Quinn, Richardson, Roberts (Dustin), Roberts (Sean), Russ, Sanders, Schwartz, Sears, Shannon, Stiles, Sullivan, Tibbs, Trebilcock, Vaughan, Watson, Wright, Mr. Speaker.--52.

Nay: Bennett, Billy, Blackwell, Brown, Brumbaugh, Cannaday, Casey, Christian, Cockroft, Condit, Denney, Faught, Fourkiller, Glenn, Grau, Hamilton, Hilliard, Holland, Hoskin, Inman, Key, Kouplen, McAffrey, McDaniel (Jeannie), McPeak, Morgan, Morrisette, Murphey, Pittman, Proctor, Renegar, Reynolds, Ritze, Roan, Rousselot, Scott, Shelton, Sherrer, Shoemake, Shumate, Terrill, Thomsen, Virgin, Walker, Wesselhoft, Williams.--46.

Excused: Kirby, Lockhart, Peters.--3.

The measure passed.

HB 1225 was referred for engrossment.

GENERAL ORDER

HB 1002 by McDaniel (Randy) of the House and Mazzei of the Senate was read and considered.

Representative McDaniel (Randy) moved that **HB 1002** be advanced from General Order.

Representative Reynolds moved to table the McDaniel (Randy) advancement motion, which tabling motion failed of adoption upon roll call as follows:

Aye: Bennett, Blackwell, Brown, Cannaday, Christian, Condit, Dorman, Farley, Fourkiller, Glenn, Hamilton, Hilliard, Hoskin, Inman, Key, Kouplen, Lockhart, McAffrey, McDaniel (Jeannie), McPeak, Morrissette, Pittman, Proctor, Pruett, Renegar, Reynolds, Ritze, Roan, Rousselot, Scott, Shelton, Sherrer, Shoemake, Shumate, Terrill, Virgin, Walker, Williams.--38.

Nay: Armes, Banz, Billy, Brumbaugh, Casey, Cockroft, Coody, Cox, Dank, Denney, Derby, DeWitt, Enns, Faught, Grau, Hall, Hardin, Hickman, Holland, Jackson, Johnson, Jordan, Joyner, Kern, Kirby, Liebmann, Martin (Scott), Martin (Steve), McCullough, McDaniel (Randy), McNiel, Moore, Mulready, Murphey, Nelson, Newell, Nollan, Ortega, Osborn, Ownbey, Peters, Peterson, Quinn, Richardson, Roberts (Dustin), Roberts (Sean), Russ, Sanders, Schwartz, Sears, Shannon, Stiles, Sullivan, Thomsen, Tibbs, Trebilcock, Vaughan, Watson, Wesselhoft, Wright, Mr. Speaker.--61.

Excused: Cooksey, Morgan.--2.

Representative McDaniel (Randy) pressed his advancement motion, which motion was declared adopted upon roll call as follows:

Aye: Armes, Banz, Billy, Blackwell, Brumbaugh, Casey, Cockroft, Coody, Cooksey, Cox, Dank, Denney, Derby, Enns, Farley, Faught, Grau, Hall, Hardin, Hickman, Holland, Jackson, Jordan, Joyner, Kern, Kirby, Liebmann, Martin (Scott), Martin (Steve), McCullough, McDaniel (Randy), McNiel, Moore, Mulready, Murphey, Nelson, Newell, Nollan, Ortega, Osborn, Ownbey, Peters, Peterson, Quinn, Richardson, Roberts (Sean), Russ, Sanders, Schwartz, Sears, Shannon, Stiles, Sullivan, Thomsen, Tibbs, Trebilcock, Vaughan, Watson, Wesselhoft, Wright, Mr. Speaker.--61.

Nay: Bennett, Brown, Cannaday, Christian, Condit, Dorman, Fourkiller, Glenn, Hamilton, Hilliard, Hoskin, Inman, Key, Kouplen, Lockhart, McAffrey, McDaniel (Jeannie), McPeak, Morrissette, Pittman, Proctor, Pruett, Renegar, Reynolds, Ritze, Roan, Roberts (Dustin), Rousselot, Scott, Shelton, Sherrer, Shoemake, Shumate, Terrill, Virgin, Walker, Williams.--37.

Excused: DeWitt, Johnson, Morgan.--3.

THIRD READING

HB 1002 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, Brumbaugh, Casey, Christian, Cockroft, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Enns, Farley, Faught, Grau, Hall, Hardin, Hickman, Holland, Jackson, Johnson, Jordan, Joyner, Kern, Key, Kirby, Liebmann, Martin (Scott), Martin (Steve), McCullough, McDaniel (Jeannie), McDaniel (Randy), McNiel, Moore, Mulready, Murphey, Nelson, Newell, Nollan, Ortega, Osborn, Ownbey, Peters, Peterson, Pruett, Quinn, Richardson, Ritze, Roberts (Dustin), Roberts (Sean), Russ, Sanders, Schwartz, Sears, Shannon, Stiles, Sullivan, Terrill, Thomsen, Tibbs, Trebilcock, Vaughan, Virgin, Watson, Wesselhoft, Williams, Wright, Mr. Speaker.--74.

Nay: Brown, Cannaday, Condit, Fourkiller, Glenn, Hamilton, Hilliard, Hoskin, Inman, Kouplun, Lockhart, McAffrey, McPeak, Morgan, Morrissette, Pittman, Proctor, Renegar, Reynolds, Roan, Rousselot, Scott, Shelton, Sherrer, Shoemake, Shumate, Walker.--27.

The measure and emergency passed.

HB 1002 was referred for engrossment.

REQUEST FOR REMOVAL FROM CONSENT CALENDAR

Pursuant to House Rule 8.19, paragraph (c), Representative Hoskin having received the required twenty-five (25) seconds, requested that **HBs 1275, 1419** and **1743** be removed from the Consent Calendar and placed on General Order, which was the order.

MEASURE REASSIGNED

The following measure was reassigned:

HB 1366 – Withdrawn from Energy and Utility Regulation and referred to General Government.

MOTION EXPIRED

Time expired for consideration of the motion to reconsider the vote whereby the emergency failed on **HB 1456**.

HB 1456 was referred for engrossment.

COMMITTEE REPORTS

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

DO PASS:

HB 1035 – Government Modernization, Coauthored by Representative(s) Cockroft, and Authored by Senator Jolley (principal Senate author)

HB 1361 – Judiciary, Authored by Senator Johnson (Rob) (principal Senate author)

HB 1666 – Appropriations and Budget, Authored by Senator Justice (principal Senate author)

DO PASS, As Amended:

CS for HB 1304 – Government Modernization

CS for HB 1541 – Government Modernization, Coauthored by Representative(s) Cockroft, and Authored by Senator Sykes (principal Senate author)

CS for HB 1667 – Government Modernization, Authored by Senator Justice (principal Senate author)

CS for HB 1980 – Appropriations and Budget, Coauthored by Representative(s) Cox, and Authored by Senator Jolley (principal Senate author)

CS for HB 2075 – Insurance

APPOINTMENTS

The Speaker announced the appointment of the following House Members as members of the Joint Committee on Appropriations and Budget:

Joint Committee on Appropriations and Budget

Sears, Co-Chair

Martin (Scott), Co-Vice Chair

Armes	Dorman
Billy	Hoskin
Blackwell	Liebmann
Brown	McPeak
Cox	Peters
Dank	Sullivan
Denney	Walker
DeWitt	

Speaker Steele and Speaker Pro Tempore Hickman are ex-officio voting members.

Representative Sullivan moved that when the clerk's desk is clear, the House stand adjourned to reconvene at 9:00 a.m., Tuesday, March 1, 2011, which was the order.

Pursuant to the motion of Representative Sullivan, the House was adjourned at 3:05 p.m., to reconvene Tuesday, March 1, 2011, at 9:00 a.m.