

# HOUSE JOURNAL

**First Regular Session of the Fifty-third Legislature**

**of the State of Oklahoma**

**Nineteenth Legislative Day, Thursday, March 10, 2011**

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

The roll was called with 100 Members present.

The following Member was excused: McAffrey.—1.

The Speaker Pro Tempore declared a quorum present.

Prayer was offered by Pastor Tom Hopkins, Southpark Community Church, Tulsa. Pastor Hopkins was sponsored by Representative Kirby.

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

The Journal for the last legislative day was approved.

## **ENGROSSED AND ENROLLED MEASURES**

**HBs 1005, 1008, 1086, 1207, 1209, 1380, 1397, 1438, 1486, 1648, 1663, 1664, 1665, 1669, 1675, 1812, 1828, 1888, 2114 and 2136** were reported correctly engrossed, properly signed, in open session, and ordered transmitted to the Honorable Senate.

**HCR 1005** was reported correctly enrolled, properly signed, in open session, and ordered transmitted to the Honorable Senate.

**GENERAL ORDER**

**HB 1311** by Richardson of the House and Fields of the Senate was read and considered.

Representative Richardson moved that **HB 1311** be advanced from General Order, which motion was declared adopted.

**THIRD READING**

**HB 1311** 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, Cockroft, Condit, Coody, Cooksey, Cox, Dank, Denney, Dorman, Enns, Farley, Faught, Fourkiller, Glenn, Grau, Hall, Hardin, Hickman, Hilliard, Holland, Hoskin, Inman, Jackson, Johnson, Jordan, Joyner, Kirby, Kouplen, Liebmman, Lockhart, Martin (Scott), Martin (Steve), McCullough, McDaniel (Jeannie), McDaniel (Randy), McNiel, Morgan, Mulready, Newell, Nollan, Ortega, Osborn, Peters, Pittman, Proctor, Pruett, Quinn, Richardson, Roan, Roberts (Dustin), Roberts (Sean), Russ, Sanders, Sears, Shannon, Shelton, Sherrer, Shoemake, Stiles, Sullivan, Thomsen, Tibbs, Vaughan, Virgin, Walker, Watson, Williams, Wright, Mr. Speaker.--77.

Nay: Christian, Derby, Kern, Key, McPeak, Murphey, Peterson, Reynolds, Ritze, Schwartz, Terrill, Wesselhoft.--12.

Excused: DeWitt, Hamilton, McAffrey, Moore, Morrissette, Nelson, Ownbey, Renegar, Rousselot, Scott, Shumate, Trebilcock.--12.

The measure and emergency passed.

**HB 1311** was referred for engrossment.

**GENERAL ORDER**

**HB 1954** by McNiel of the House was read and considered.

Authored by Senator Mazzei (principal Senate author)

Representative Derby moved to amend **HB 1954** by inserting a new Section 1, and by renumbering subsequent sections, which amendment was declared adopted.

Representative McNiel moved that **HB 1954** be advanced from General Order, which motion was declared adopted.

### THIRD READING

**HB 1954** was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Armes, Banz, Bennett, Coody, Dank, Denney, Derby, Enns, Farley, Hickman, Jackson, Jordan, Joyner, Kirby, Kouplén, Liebmann, Martin (Scott), Martin (Steve), McCullough, McDaniel (Jeannie), McDaniel (Randy), McNiel, Moore, Mulready, Newell, Nollan, Ownbey, Proctor, Pruett, Roberts (Sean), Russ, Sanders, Scott, Sears, Shoemake, Sullivan, Walker, Watson, Wright, Mr. Speaker.--40.

Nay: Billy, Blackwell, Brown, Brumbaugh, Cannaday, Casey, Christian, Cockroft, Condit, Cooksey, Cox, Dorman, Faught, Fourkiller, Glenn, Grau, Hall, Hardin, Hilliard, Holland, Hoskin, Inman, Johnson, Kern, Lockhart, Morgan, Morrissette, Murphey, Ortega, Osborn, Peterson, Pittman, Quinn, Reynolds, Richardson, Ritze, Roan, Roberts (Dustin), Schwartz, Shannon, Sherrer, Shumate, Stiles, Terrill, Thomsen, Tibbs, Vaughan, Virgin, Wesselhoft, Williams.--50.

Excused: DeWitt, Hamilton, Key, McAffrey, McPeak, Nelson, Peters, Renegar, Rousselot, Shelton, Trebilcock.--11.

The measure failed.

Representative McNiel served notice to reconsider the vote whereby **HB 1954** failed.

### RECONSIDERATION

Representative Liebmann moved to reconsider the vote whereby **HB 1512** failed, which motion prevailed upon roll call as follows:

Aye: Armes, Banz, Billy, Blackwell, Casey, Coody, Cooksey, Cox, Dank, Denney, Derby, Enns, Farley, Grau, Hardin, Hickman, Jackson, Jordan, Joyner, Kern, Kirby, Liebmann, Martin (Scott), Martin (Steve), McCullough, McDaniel (Randy), McNiel, Mulready, Murphey, Nelson, Newell, Nollan, Ortega, Osborn, Ownbey, Peters, Peterson, Pruett, Quinn, Richardson, Roberts (Sean), Russ, Sanders, Schwartz, Sears, Shannon, Stiles, Sullivan, Thomsen, Tibbs, Trebilcock, Vaughan, Walker, Watson, Mr. Speaker.--55.

Nay: Bennett, Brown, Brumbaugh, Cannaday, Cockroft, Condit, Dorman, Faught, Fourkiller, Glenn, Hall, Hilliard, Holland, Hoskin, Inman, Johnson, Kouplén, McDaniel (Jeannie), McPeak, Morgan, Morrissette, Pittman, Proctor, Reynolds, Ritze, Roan, Shelton, Sherrer, Shoemake, Shumate, Virgin, Wesselhoft, Williams.--33.

Excused: Christian, DeWitt, Hamilton, Key, Lockhart, McAffrey, Moore, Renegar, Roberts (Dustin), Rousselot, Scott, Terrill, Wright.--13.

**THIRD READING**

**HB 1512** was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Armes, Banz, Billy, Blackwell, Casey, Coody, Cooksey, Cox, Dank, Denney, Derby, Enns, Farley, Grau, Hickman, Jackson, Jordan, Joyner, Kirby, Liebmann, Martin (Scott), Martin (Steve), McCullough, McDaniel (Randy), McNiel, Moore, Murphey, Nelson, Newell, Nollan, Ortega, Osborn, Ownbey, Peters, Peterson, Pruett, Quinn, Richardson, Roberts (Sean), Russ, Sanders, Schwartz, Sears, Shannon, Sullivan, Thomsen, Tibbs, Vaughan, Watson, Wright, Mr. Speaker.--51.

Nay: Bennett, Brown, Brumbaugh, Cannaday, Cockroft, Condit, Dorman, Faught, Fourkiller, Glenn, Hall, Hardin, Hilliard, Holland, Hoskin, Inman, Johnson, Kern, Key, Kouplén, McDaniel (Jeannie), McPeak, Morgan, Morrissette, Mulready, Pittman, Proctor, Reynolds, Ritze, Roan, Roberts (Dustin), Shelton, Sherrer, Shoemake, Shumate, Stiles, Trebilcock, Virgin, Walker, Wesselhoft, Williams.--41.

Excused: Christian, DeWitt, Hamilton, Lockhart, McAffrey, Renegar, Rousselot, Scott, Terrill.--9.

The measure passed.

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

Aye: Armes, Banz, Billy, Blackwell, Casey, Coody, Cooksey, Cox, Dank, Denney, Derby, Enns, Farley, Grau, Hickman, Jackson, Jordan, Joyner, Kirby, Liebmann, Martin (Scott), Martin (Steve), McCullough, McDaniel (Randy), McNiel, Moore, Murphey, Nelson, Newell, Nollan, Ortega, Osborn, Ownbey, Peters, Peterson, Quinn, Richardson, Roberts (Sean), Russ, Sanders, Schwartz, Sears, Shannon, Sullivan, Thomsen, Tibbs, Trebilcock, Vaughan, Walker, Watson, Wright, Mr. Speaker.--52.

Nay: Bennett, Brown, Brumbaugh, Cannaday, Cockroft, Condit, Dorman, Faught, Fourkiller, Hall, Hamilton, Hardin, Hilliard, Holland, Hoskin, Inman, Johnson, Kern, Key, Kouplén, Lockhart, McDaniel (Jeannie), McPeak, Morgan, Morrissette, Mulready, Pittman, Proctor, Reynolds, Ritze, Roan, Roberts (Dustin), Rousselot, Scott, Shelton, Sherrer, Shoemake, Shumate, Stiles, Terrill, Virgin, Wesselhoft, Williams.--43.

Excused: Christian, DeWitt, Glenn, McAffrey, Pruett, Renegar.--6.

The emergency failed.

**HB 1512** was referred for engrossment.

## GENERAL ORDER

**HB 1421** by Casey of the House was read and considered.

Coauthored by Representative(s) Osborn, Hickman, Billy

Authored by Senator Halligan (principal Senate author)

Representative Casey moved that **HB 1421** be advanced from General Order, which motion was declared adopted.

## THIRD READING

**HB 1421** 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, Brumbaugh, Casey, Christian, Cockroft, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Enns, Farley, Faught, Grau, Hall, Hardin, Hickman, Holland, Jackson, Johnson, Jordan, Joyner, Kern, Key, Liebmann, Lockhart, Martin (Scott), Martin (Steve), McCullough, McDaniel (Randy), McNiel, Moore, Mulready, Murphey, Nelson, Newell, Nollan, Ortega, Osborn, Ownbey, Peters, Peterson, Quinn, Reynolds, Richardson, Ritze, Roberts (Dustin), Roberts (Sean), Russ, Sanders, Schwartz, Sears, Shannon, Stiles, Sullivan, Terrill, Thomsen, Tibbs, Vaughan, Watson, Wesselhoft, Williams, Wright, Mr. Speaker.--70.

Nay: Brown, Cannaday, Condit, Dorman, Fourkiller, Glenn, Hamilton, Hilliard, Hoskin, Inman, Kirby, Kouplen, McDaniel (Jeannie), McPeak, Morgan, Morrisette, Pittman, Proctor, Pruett, Roan, Rousselot, Scott, Shelton, Sherrer, Shoemake, Trebilcock, Virgin.--27.

Excused: McAffrey, Renegar, Shumate, Walker.--4.

The measure passed.

Representative Inman served notice to reconsider the vote whereby **HB 1421** passed.

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

Aye: Armes, Banz, Billy, Blackwell, Brumbaugh, Casey, Cockroft, Coody, Cooksey, Cox, Dank, 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), McNiel, Moore, Mulready, Murphey, Nelson, Newell, Nollan, Ortega, Osborn, Ownbey, Peters, Peterson, Quinn, Richardson, Roberts (Dustin), Roberts (Sean), Russ, Sanders, Schwartz, Sears, Shannon, Sullivan, Thomsen, Tibbs, Trebilcock, Vaughan, Watson, Wesselhoft, Wright, Mr. Speaker.--63.

Nay: Bennett, Brown, Cannaday, Christian, Condit, Dorman, Fourkiller, Glenn, Hamilton, Hilliard, Hoskin, Inman, Kouplen, Lockhart, McDaniel (Jeannie), Morgan, Morrisette, Pittman, Proctor, Pruett, Reynolds, Ritze, Roan, Rousselot, Scott, Shelton, Sherrer, Shoemake, Stiles, Terrill, Virgin, Williams.--32.

Excused: Farley, McAffrey, McPeak, Renegar, Shumate, Walker.--6.

The emergency failed.

Representative Casey served notice to reconsider the vote whereby the emergency failed.

## **RECONSIDERATION**

Representative McNiel moved to reconsider the vote whereby **HB 1954** failed, which motion prevailed upon roll call as follows:

Aye: Armes, Banz, Billy, Brumbaugh, Cockroft, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Enns, Faught, Grau, Hall, Hardin, Hickman, Jackson, Jordan, Joyner, Kirby, Liebmann, Martin (Scott), Martin (Steve), McDaniel (Randy), McNiel, Moore, Mulready, Nelson, Newell, Ortega, Osborn, Ownbey, Peters, Peterson, Quinn, Richardson, Roberts (Dustin), Roberts (Sean), Russ, Sanders, Sears, Shannon, Sullivan, Thomsen, Tibbs, Trebilcock, Vaughan, Watson, Wright, Mr. Speaker.--52.

Nay: Bennett, Brown, Cannaday, Christian, Condit, Dorman, Fourkiller, Glenn, Hilliard, Holland, Hoskin, Inman, Johnson, Kern, Lockhart, Morgan, Morrisette, Murphey, Proctor, Pruett, Reynolds, Ritze, Roan, Rousselot, Shelton, Sherrer, Wesselhoft, Williams.--28.

Excused: Blackwell, Casey, Farley, Hamilton, Key, Kouplen, McAffrey, McCullough, McDaniel (Jeannie), McPeak, Nollan, Pittman, Renegar, Schwartz, Scott, Shoemake, Shumate, Stiles, Terrill, Virgin, Walker.--21.

Representative McNiel moved to rescind the Third Reading, which motion was declared adopted upon roll call as follows:

Aye: Armes, Banz, Billy, Brumbaugh, Casey, Cockroft, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Enns, Faught, Grau, Hall, Hardin, Hickman, Jackson, Jordan, Joyner, Liebmann, Martin (Scott), Martin (Steve), McCullough, McDaniel (Randy), McNiel, Moore, Mulready, Nelson, Newell, Nollan, Ownbey, Peters, Peterson, Quinn, Richardson, Roberts (Dustin), Roberts (Sean), Russ, Sanders, Schwartz, Sears, Shannon, Sullivan, Tibbs, Trebilcock, Vaughan, Watson, Wright, Mr. Speaker.--52.

Nay: Bennett, Brown, Cannaday, Christian, Condit, Dorman, Fourkiller, Glenn, Hamilton, Hilliard, Holland, Hoskin, Inman, Johnson, Kern, Key, Kouplen, Morgan, Morrisette, Murphey, Proctor, Pruett, Reynolds, Ritze, Roan, Rousselot, Scott, Sherrer, Shoemake, Terrill, Virgin, Wesselhoft, Williams.--33.

Excused: Blackwell, Farley, Kirby, Lockhart, McAffrey, McDaniel (Jeannie), McPeak, Ortega, Osborn, Pittman, Renegar, Shelton, Shumate, Stiles, Thomsen, Walker.--16.

Representative McNiel moved to rescind the previously adopted motion to advance **HB 1954** from General Order, which motion was declared adopted upon roll call as follows:

Aye: Armes, Banz, Billy, Brumbaugh, Casey, Cockroft, Coody, Cooksey, Cox, Dank, Denney, DeWitt, Enns, Farley, Faught, Grau, Hall, Hardin, Hickman, Jackson, Jordan, Liebmann, Martin (Scott), McCullough, McDaniel (Randy), McNiel, Moore, Mulready, Nelson, Newell, Nollan, Ortega, Osborn, Ownbey, Peters, Peterson, Quinn, Richardson, Roberts (Dustin), Roberts (Sean), Sanders, Schwartz, Sears, Shannon, Stiles, Sullivan, Thomsen, Tibbs, Vaughan, Watson, Wright, Mr. Speaker.--52.

Nay: Bennett, Brown, Cannaday, Christian, Condit, Derby, Dorman, Fourkiller, Glenn, Hamilton, Hilliard, Holland, Hoskin, Inman, Johnson, Kern, Key, Kouplen, Lockhart, McDaniel (Jeannie), Morgan, Morrisette, Murphey, Pittman, Proctor, Pruett, Reynolds, Ritze, Roan, Rousselot, Russ, Scott, Shelton, Sherrer, Shoemake, Terrill, Virgin, Wesselhoft, Williams.--39.

Excused: Blackwell, Joyner, Kirby, Martin (Steve), McAffrey, McPeak, Renegar, Shumate, Trebilcock, Walker.--10.

Representative McNiel moved to reconsider the vote whereby the Derby amendment was adopted.

Representative Reynolds raised a point of order as to whether reconsideration of an amendment was in order.

The Presiding Officer ruled the reconsideration motion in order pursuant to House Rule 8.13.

Representative Sherrer raised a point of order as to whether the reconsideration motion was in order to consider because notice to reconsider the amendment had not been previously lodged.

The Presiding Officer ruled that according to House Rule 8.13 reconsideration of adoption of an amendment may be taken up at any time before a measure has been advanced from General Order.

In this instance, the measure in question was presently back on General Order because the House had voted to rescind the motion to advance the bill from General Order and as such, the point was not well taken.

Representative Sherrer 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, Brumbaugh, Casey, Cockroft, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Enns, Farley, Faught, Grau, Hall, Hardin, Hickman, Holland, Jackson, Johnson, Jordan, Joyner, Kern, Key, Kirby, Liebmann, Martin (Scott), Martin (Steve), McCullough, McDaniel (Randy), McNeil, Moore, Mulready, Nelson, Newell, Nollan, Ortega, Osborn, Ownbey, Peters, Quinn, Richardson, Roberts (Dustin), Roberts (Sean), Russ, Sanders, Schwartz, Sears, Shannon, Sullivan, Thomsen, Trebilcock, Vaughan, Watson, Wright, Mr. Speaker.--58.

Nay: Brown, Cannaday, Condit, Dorman, Fourkiller, Glenn, Hamilton, Hilliard, Hoskin, Inman, Kouplen, McDaniel (Jeannie), Morgan, Morrisette, Murphey, Pittman, Proctor, Pruett, Reynolds, Ritze, Roan, Rousselot, Scott, Shelton, Sherrer, Shoemake, Shumate, Stiles, Terrill, Virgin, Williams.--31.

Excused: Bennett, Billy, Blackwell, Christian, Lockhart, McAffrey, McPeak, Peterson, Renegar, Tibbs, Walker, Wesselhoft.--12.

Representative Dorman raised a point of order as to whether **HB 1954**, with the Derby amendment attached, constituted a tax increase.

Relying upon House Precedent 14-2.1.(2007), the Presiding Officer ruled that the question raised was a constitutional question not to be decided by the Presiding Officer.

Representative Dorman 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: Banz, Billy, Blackwell, Brumbaugh, Casey, Cockroft, Coody, Cooksey, Cox, Dank, Derby, Farley, Faught, Grau, Hall, Hardin, Hickman, Holland, Jordan, Joyner, Kirby, Liebmann, Martin (Scott), Martin (Steve), McCullough, McDaniel (Randy), McNeil, Moore, Mulready, Murphey, Nelson, Newell, Nollan, Ortega, Osborn, Ownbey, Peters, Quinn, Reynolds, Richardson, Ritze, Roberts (Dustin), Roberts (Sean), Russ, Sears, Shannon, Stiles, Sullivan, Thomsen, Trebilcock, Vaughan, Watson, Wright, Mr. Speaker.--54.

Nay: Brown, Cannaday, Condit, Dorman, Fourkiller, Glenn, Hamilton, Hilliard, Hoskin, Inman, Kouplen, Morgan, Morrissette, Proctor, Pruett, Rousselot, Scott, Shelton, Sherrer, Shoemake, Shumate, Virgin, Williams.--23.

Excused: Armes, Bennett, Christian, Denney, DeWitt, Enns, Jackson, Johnson, Kern, Key, Lockhart, McAffrey, McDaniel (Jeannie), McPeak, Peterson, Pittman, Renegar, Roan, Sanders, Schwartz, Terrill, Tibbs, Walker, Wesselhoft.--24.

Representative Reynolds moved to table the McDaniel motion to reconsider the Derby amendment, which tabling motion failed of adoption upon roll call as follows:

Aye: Blackwell, Brown, Cannaday, Christian, Condit, Derby, Dorman, Fourkiller, Glenn, Hamilton, Hilliard, Hoskin, Inman, Kouplen, Lockhart, McDaniel (Jeannie), Morgan, Morrissette, Murphey, Pittman, Proctor, Pruett, Reynolds, Ritze, Rousselot, Scott, Shelton, Sherrer, Shoemake, Shumate, Terrill, Virgin, Williams.--33.

Nay: Armes, Banz, Billy, Brumbaugh, Casey, Cockroft, Coody, Cooksey, Cox, Dank, Denney, Enns, Farley, Faught, Grau, Hall, Hardin, Hickman, Holland, Jackson, Joyner, Kern, Kirby, Liebmann, Martin (Scott), Martin (Steve), McCullough, McDaniel (Randy), McDaniel, Moore, Mulready, Nelson, Newell, Nollan, Ortega, Osborn, Ownbey, Peters, Peterson, Quinn, Richardson, Roberts (Dustin), Roberts (Sean), Russ, Schwartz, Sears, Shannon, Sullivan, Thomsen, Trebilcock, Vaughan, Watson, Wright, Mr. Speaker.--54.

Excused: Bennett, DeWitt, Johnson, Jordan, Key, McAffrey, McPeak, Renegar, Roan, Sanders, Stiles, Tibbs, Walker, Wesselhoft.--14.

Representative McDaniel pressed her motion to reconsider the vote whereby the Derby amendment was adopted, which motion was declared adopted upon roll call as follows:

Aye: Armes, Banz, Billy, Brumbaugh, Casey, Cockroft, Coody, Cooksey, Cox, Dank, Denney, DeWitt, Enns, Farley, Faught, Grau, Hall, Hardin, Hickman, Jackson, Johnson, Joyner, Liebmann, Martin (Scott), Martin (Steve), McCullough, McDaniel (Randy), McDaniel, Moore, Mulready, Nelson, Newell, Nollan, Osborn, Ownbey, Peters, Peterson, Quinn, Richardson, Roberts (Dustin), Roberts (Sean), Russ, Sanders, Schwartz, Sears, Shannon, Sullivan, Thomsen, Tibbs, Trebilcock, Vaughan, Watson, Wright, Mr. Speaker.--54.

Nay: Bennett, Blackwell, Brown, Cannaday, Christian, Derby, Dorman, Fourkiller, Glenn, Hamilton, Hilliard, Holland, Hoskin, Inman, Kouplen, Lockhart, Morgan, Morrissette, Murphey, Pittman, Proctor, Pruett, Reynolds, Ritze, Roan, Rousselot, Scott, Shelton, Sherrer, Shoemake, Shumate, Terrill, Virgin, Williams.--34.

Excused: Condit, Jordan, Kern, Key, Kirby, McAffrey, McDaniel (Jeannie), McPeak, Ortega, Renegar, Stiles, Walker, Wesselhoft.--13.

Representative Derby requested that the amendment be withdrawn.

Representative Reynolds raised a point of order stating that because the Derby amendment had been considered by the House, the amendment was in possession of the House and the Derby motion was not in order.

The Presiding Officer stated pursuant to Section 468 of *Mason's Manual*, that once the House had voted to reconsider adoption of the Derby amendment, the House effectively had not yet taken action on the Derby amendment. Because no action had been taken, it was proper for Representative Derby to withdraw the amendment. The Presiding Officer ruled the point not well taken.

Representative Reynolds raised a point of clarification as to whether such a reconsideration of an amendment would set a precedent requiring measures to be held over for three (3) legislative days.

The Presiding Officer stated that House Rule 8.13 provides that a motion to reconsider an amendment may be offered at any time before a bill is advanced from General Order and does not have the same notice requirement or time constraint of three (3) legislative days. The Presiding Officer ruled the point not well taken.

Representative Blackwell raised a point of clarification stating pursuant to House Rule 9.10 that a motion to reconsider shall be considered within three (3) legislative days.

The Presiding Officer stated that House Rule 9.10 applies to the final vote on a bill or resolution upon Third or Fourth Reading or to the vote on the emergency section of a bill or resolution and does not apply to amendments.

Pursuant to the request of Representative Derby, the amendment was withdrawn.

Representative Morrisette moved to suspend House Rules 8.5 and 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: Blackwell, Brown, Cannaday, Christian, Condit, Derby, Fourkiller, Glenn, Hamilton, Hilliard, Hoskin, Inman, Key, Kouplen, Lockhart, McDaniel (Jeannie), McPeak, Morgan, Morrisette, Murphey, Pittman, Proctor, Pruett, Reynolds, Ritze, Roan, Rousselot, Scott, Shelton, Shoemake, Shumate, Terrill, Virgin, Williams.--34.

Nay: Armes, Banz, Billy, Brumbaugh, Casey, Cockroft, Coody, Cooksey, Cox, Dank, Denney, Enns, Farley, Faight, Grau, Hall, Hardin, Hickman, Holland, Jackson, Johnson, Jordan, Joyner, Kern, Kirby, Liebmann, Martin (Scott), Martin (Steve), McCullough, McDaniel (Randy), McNeil, Moore, Mulready, Nelson, Newell, Nollan, 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.--59.

Excused: Bennett, DeWitt, Dorman, McAffrey, Ortega, Renegar, Sherrer, Walker.--8.

Representative McNiell moved that **HB 1954** be advanced from General Order, which motion was declared adopted upon a division of the question.

### **THIRD READING**

**HB 1954** was read at length for the third time.

Representative Peters moved to advance the question.

Representative Reynolds moved to table the Peters motion, which tabling motion failed of adoption upon roll call as follows:

Aye: Brown, Christian, Condit, Fourkiller, Glenn, Hamilton, Hilliard, Hoskin, Inman, Key, Lockhart, McDaniel (Jeannie), Morgan, Morrissette, Murphey, Pittman, Proctor, Pruett, Reynolds, Ritze, Roan, Scott, Shelton, Shoemake, Shumate, Terrill, Virgin, Wesselhoft, Williams.--29.

Nay: Armes, Banz, Brumbaugh, Casey, Cockroft, Coody, Cooksey, Cox, Dank, Denney, DeWitt, Enns, Farley, Faught, Grau, Hall, Hardin, Hickman, Holland, Jackson, Johnson, Jordan, Joyner, Kern, Liebmann, Martin (Scott), Martin (Steve), McCullough, McDaniel (Randy), McNiell, Moore, Mulready, Nelson, Newell, Nollan, Osborn, Ownbey, Peters, Peterson, Quinn, Richardson, Roberts (Dustin), Roberts (Sean), Rousselot, Russ, Sanders, Schwartz, Sears, Stiles, Sullivan, Thomsen, Tibbs, Trebilcock, Vaughan, Watson, Wright, Mr. Speaker.--57.

Excused: Bennett, Billy, Blackwell, Cannaday, Derby, Dorman, Kirby, Kouplén, McAffrey, McPeak, Ortega, Renegar, Shannon, Sherrer, Walker.--15.

Representative Peters pressed his motion to advance the question, which motion was declared adopted upon roll call as follows:

Aye: Armes, Banz, Billy, Brumbaugh, Casey, Cockroft, Coody, Cooksey, Cox, Dank, Denney, DeWitt, Enns, Farley, Faught, Grau, Hall, Hardin, Hickman, Jackson, Jordan, Joyner, Liebmann, Martin (Scott), Martin (Steve), McCullough, McDaniel (Randy), McNiell, Moore, Nelson, Nollan, Ownbey, Peters, Peterson, Quinn, Richardson, Roberts (Dustin), Roberts (Sean), Russ, Sanders, Schwartz, Shannon, Sullivan, Thomsen, Tibbs, Trebilcock, Vaughan, Watson, Wright, Mr. Speaker.--50.

Nay: Brown, Christian, Condit, Derby, Dorman, Fourkiller, Hamilton, Hilliard, Holland, Hoskin, Inman, Johnson, Kern, Key, Kouplén, Lockhart, McDaniel (Jeannie), Morgan, Morrissette, Murphey, Ortega, Osborn, Pittman, Proctor, Pruett, Reynolds, Ritze, Roan, Rousselot, Scott, Shelton, Shoemake, Shumate, Terrill, Virgin, Wesselhoft, Williams.--37.

Excused: Bennett, Blackwell, Cannaday, Glenn, Kirby, McAffrey, McPeak, Mulready, Newell, Renegar, Sears, Sherrer, Stiles, Walker.--14.

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

Aye: Armes, Banz, Billy, Casey, Coody, Cooksey, Cox, Dank, Denney, DeWitt, Enns, Farley, Grau, Hall, Hickman, Hilliard, Jackson, Jordan, Liebmann, Martin (Scott), Martin (Steve), McCullough, McDaniel (Jeannie), McDaniel (Randy), McNiel, Mulready, Nelson, Newell, Nollan, Ownbey, Peters, Peterson, Pittman, Proctor, Quinn, Richardson, Rousselot, Russ, Sanders, Scott, Sears, Shelton, Shumate, Sullivan, Thomsen, Tibbs, Trebilcock, Vaughan, Watson, Wright, Mr. Speaker.--51.

Nay: Bennett, Blackwell, Brown, Brumbaugh, Cannaday, Christian, Cockroft, Condit, Derby, Faught, Fourkiller, Glenn, Hamilton, Hardin, Holland, Hoskin, Inman, Johnson, Joyner, Kern, Key, Kouplén, Lockhart, Morgan, Morrissette, Murphey, Ortega, Osborn, Reynolds, Ritze, Roan, Roberts (Dustin), Schwartz, Shannon, Shoemake, Stiles, Terrill, Virgin, Wesselhoft, Williams.--40.

Excused: Dorman, Kirby, McAffrey, McPeak, Moore, Pruett, Renegar, Roberts (Sean), Sherrer, Walker.--10.

The measure passed.

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

Aye: Armes, Banz, Casey, Cockroft, Coody, Cooksey, Cox, Dank, Denney, DeWitt, Enns, Farley, Grau, Hall, Hickman, Hilliard, Holland, Jackson, Johnson, Jordan, Kirby, Liebmann, Martin (Scott), Martin (Steve), McCullough, McDaniel (Jeannie), McDaniel (Randy), McNiel, Mulready, Nelson, Newell, Nollan, Ortega, Osborn, Ownbey, Peters, Peterson, Quinn, Richardson, Russ, Sanders, Sears, Sullivan, Thomsen, Tibbs, Trebilcock, Vaughan, Wright, Mr. Speaker.--49.

Nay: Bennett, Brown, Brumbaugh, Cannaday, Christian, Condit, Derby, Dorman, Faught, Fourkiller, Glenn, Hamilton, Hardin, Hoskin, Inman, Joyner, Kern, Key, Lockhart, McPeak, Morgan, Morrissette, Murphey, Pittman, Proctor, Reynolds, Ritze, Roan, Roberts (Dustin), Roberts (Sean), Rousselot, Schwartz, Scott, Shannon, Shelton, Shoemake, Shumate, Stiles, Terrill, Virgin, Wesselhoft, Williams.--42.

Excused: Billy, Blackwell, Kouplén, McAffrey, Moore, Pruett, Renegar, Sherrer, Walker, Watson.--10.

The emergency failed.

Representative Blackwell served notice to reconsider the vote whereby the emergency failed.

## MOTION

Representative Banz asked unanimous consent that the Journal reflect that the Rules Committee voted on March 10, 2011, to approve the principal authors' requests to strike the title on the following measures: **HB 1268** by Representative Coody, **HB 1411** by Representative Joyner, **HB 1744** by Representative Nelson and **HB 2079** by Representative Key, which was the order.

## GENERAL ORDER

**HB 1652** by Enns et al of the House and Russell of the Senate was read and considered.

Coauthored by Representative(s) Faught, Ritze, Rousselot, Newell, Reynolds, Roberts (Sean), Holland, Tibbs, Derby, Kirby, Trebilcock, Kern, Wright, Wesselhoft

Representative Enns moved that **HB 1652** be advanced from General Order, which motion was declared adopted.

## THIRD READING

**HB 1652** 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, Cox, Dank, Denney, Derby, Dorman, Enns, Farley, Faught, Fourkiller, Grau, Hall, Hamilton, Hardin, Hickman, Hilliard, Holland, Hoskin, Inman, Jackson, Johnson, Jordan, Joyner, Kern, Key, Kirby, Kouplen, Liebmann, Lockhart, Martin (Scott), Martin (Steve), McCullough, McDaniel (Randy), McNiel, Moore, Morrissette, Mulready, Murphey, Nelson, Newell, Nollan, Ortega, Osborn, Ownbey, Peters, Peterson, Proctor, Pruett, Quinn, Reynolds, Richardson, Ritze, Roberts (Dustin), Roberts (Sean), Rousselot, Russ, Sanders, Schwartz, Scott, Sears, Shannon, Shoemake, Stiles, Sullivan, Terrill, Thomsen, Tibbs, Trebilcock, Vaughan, Watson, Wesselhoft, Wright, Mr. Speaker.--84.

Nay: Coody, Cooksey, DeWitt, Glenn, McDaniel (Jeannie), McPeak, Morgan, Pittman, Renegar, Roan, Shelton, Shumate, Virgin, Williams.--14.

Excused: McAffrey, Sherrer, Walker.--3.

The measure passed.

**HB 1652** was referred for engrossment.

**GENERAL ORDER**

**HB 1555** by Jordan et al of the House was read and considered.

Coauthored by Representative(s) McDaniel (Jeannie), Inman, Dorman, Derby, Pittman, Shelton

Authored by Senator Simpson (principal Senate author)

Representative Jordan moved that **HB 1555** be advanced from General Order, which motion was declared adopted.

**THIRD READING**

**HB 1555** 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, Enns, 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), 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, Watson, Wesselhoft, Williams, Wright, Mr. Speaker.--98.

Excused: McAffrey, Sherrer, Walker.--3.

The measure and emergency passed.

**HB 1555** was referred for engrossment.

**GENERAL ORDER**

**SB 553** by Sykes of the Senate and Jordan of the House was read and considered.

Representative Jordan moved that **SB 553** be advanced from General Order, which motion was declared adopted.

### THIRD READING

**SB 553** 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, Enns, 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), 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, Watson, Wesselhoft, Williams, Wright, Mr. Speaker.--98.

Excused: McAffrey, Sherrer, Walker.--3.

The measure and emergency passed.

The Presiding Officer signed, in open session, Engrossed **SB 553** and ordered same returned to the Honorable Senate.

### GENERAL ORDER

**HB 1381** by Cox et al of the House and Jolley of the Senate was read and considered.

Coauthored by Representative(s) Pittman

Representative Cox moved that **HB 1381** be advanced from General Order, which motion was declared adopted.

### THIRD READING

**HB 1381** was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Armes, Banz, Billy, Blackwell, Brown, Cannaday, Casey, Condit, Coody, Cooksey, Cox, Denney, DeWitt, Dorman, Enns, Farley, Fourkiller, Glenn, Grau, Hamilton, Hardin, Hickman, Hilliard, Hoskin, Inman, Jackson, Johnson, Jordan, Joyner, Kirby, Kouplen, Liebmann, Lockhart, Martin (Scott), Martin (Steve), McDaniel (Jeannie), McDaniel (Randy), McNiel, McPeak, Moore, Morgan, Morrissette, Mulready, Nelson, Newell, Nollan, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Quinn, Renegar, Richardson, Roan, Roberts (Dustin), Roberts (Sean), Rousselot, Russ, Scott,

Sears, Shelton, Shoemake, Shumate, Sullivan, Thomsen, Tibbs, Vaughan, Virgin, Watson, Williams, Wright, Mr. Speaker.--76.

Nay: Bennett, Brumbaugh, Christian, Cockroft, Dank, Derby, Faught, Hall, Holland, Kern, Key, McCullough, Murphey, Reynolds, Ritze, Sanders, Schwartz, Shannon, Stiles, Terrill, Trebilcock, Wesselhoft.--22.

Excused: McAffrey, Sherrer, Walker.--3.

The measure passed.

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

Aye: Armes, Banz, Billy, Blackwell, Brown, Cockroft, Condit, Coody, Cooksey, Cox, Denney, DeWitt, Enns, Farley, Fourkiller, Glenn, Grau, Hamilton, Hardin, Hickman, Hilliard, Jackson, Johnson, Jordan, Joyner, Liebmann, Martin (Scott), Martin (Steve), McDaniel (Jeannie), McDaniel (Randy), McNiel, Moore, Morgan, Mulready, Nelson, Newell, Nollan, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Pruett, Renegar, Richardson, Roan, Roberts (Dustin), Roberts (Sean), Russ, Scott, Sears, Shelton, Shoemake, Shumate, Sullivan, Thomsen, Tibbs, Vaughan, Virgin, Watson, Wright, Mr. Speaker.--63.

Nay: Bennett, Brumbaugh, Cannaday, Casey, Christian, Dank, Derby, Dorman, Faught, Hall, Holland, Hoskin, Inman, Kern, Key, Kouplen, McCullough, McPeak, Morrisette, Murphey, Proctor, Quinn, Reynolds, Ritze, Rousselot, Sanders, Schwartz, Shannon, Stiles, Terrill, Trebilcock, Wesselhoft, Williams.--33.

Excused: Kirby, Lockhart, McAffrey, Sherrer, Walker.--5.

The emergency failed.

Representative Blackwell served notice to reconsider the vote whereby the emergency failed.

## **GENERAL ORDER**

**HB 1446** by Faught of the House was read and considered.

Coauthored by Representative(s) Osborn, Cockroft

Authored by Senator Justice (principal Senate author)

Representative Faught moved to amend **HB 1446** by striking the title, which amendment was declared adopted.

## Representative Peters Presiding

Representative Dorman 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: Bennett, Blackwell, Cannaday, Christian, Condit, Derby, Dorman, Fourkiller, Glenn, Grau, Hamilton, Hoskin, Inman, Key, Kirby, Kouplen, Lockhart, Martin (Scott), McDaniel (Jeannie), McPeak, Moore, Morgan, Morrisette, Mulready, Pittman, Proctor, Pruett, Renegar, Rousselot, Scott, Shelton, Shoemake, Shumate, Terrill, Trebilcock, Virgin, Williams.--37.

Nay: Armes, Banz, Billy, Brumbaugh, Casey, Cockroft, Coody, Cooksey, Cox, Dank, Denney, DeWitt, Enns, Farley, Faught, Hall, Hardin, Hickman, Holland, Jackson, Johnson, Jordan, Joyner, Kern, Liebmann, Martin (Steve), McCullough, McDaniel (Randy), McNiel, Murphey, Nelson, Newell, Nollan, Ortega, Osborn, Ownbey, Peters, Peterson, Quinn, Reynolds, Richardson, Ritze, Roberts (Dustin), Roberts (Sean), Russ, Sanders, Schwartz, Sears, Shannon, Stiles, Sullivan, Thomsen, Tibbs, Vaughan, Watson, Wesselhoft, Wright, Mr. Speaker.--58.

Excused: Brown, Hilliard, McAffrey, Roan, Sherrer, Walker.--6.

Representative Proctor 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: Bennett, Cannaday, Christian, Condit, Derby, Dorman, Fourkiller, Glenn, Hamilton, Holland, Hoskin, Inman, Kirby, Kouplen, Lockhart, McDaniel (Jeannie), McPeak, Moore, Morgan, Morrisette, Pittman, Proctor, Pruett, Renegar, Rousselot, Scott, Shumate, Terrill, Trebilcock, Virgin, Wesselhoft, Williams.--32.

Nay: Armes, Banz, Brumbaugh, Casey, Cockroft, Coody, Cooksey, Cox, Dank, Denney, DeWitt, Enns, Farley, Faught, Grau, Hall, Hardin, Hickman, Jackson, Johnson, Jordan, Joyner, Kern, Liebmann, Martin (Scott), Martin (Steve), McCullough, McDaniel (Randy), McNiel, Mulready, Murphey, Nelson, Newell, Nollan, Ortega, Osborn, Ownbey, Peters, Peterson, Quinn, Reynolds, Richardson, Ritze, Roberts (Dustin), Roberts (Sean), Russ, Sanders, Schwartz, Sears, Shannon, Stiles, Sullivan, Thomsen, Tibbs, Vaughan, Watson, Wright, Mr. Speaker.--58.

Excused: Billy, Blackwell, Brown, Hilliard, Key, McAffrey, Roan, Shelton, Sherrer, Shoemake, Walker.--11.

Representative Faught moved that **HB 1446** be advanced from General Order, which motion was declared adopted.

**THIRD READING**

**HB 1446** 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, Brumbaugh, Cannaday, Casey, Christian, Cockroft, Condit, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Enns, Farley, Faught, Fourkiller, Glenn, Grau, Hall, Hardin, Hickman, Holland, Hoskin, Inman, Jackson, Jordan, Joyner, Kern, Key, Kirby, Kouplen, Liebmann, Lockhart, Martin (Scott), Martin (Steve), McCullough, McDaniel (Randy), McNiel, McPeak, Moore, Morgan, Mulready, Murphey, Nelson, Newell, Nollan, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Quinn, Renegar, Reynolds, Richardson, Ritze, Roberts (Dustin), Roberts (Sean), Rousselot, Russ, Sanders, Schwartz, Sears, Shannon, Stiles, Sullivan, Terrill, Thomsen, Tibbs, Trebilcock, Vaughan, Watson, Wesselhoft, Wright, Mr. Speaker.--85.

Nay: Hamilton, McDaniel (Jeannie), Scott, Shelton, Shumate, Virgin, Williams.--7.

Excused: Brown, Hilliard, Johnson, McAffrey, Morrissette, Roan, Sherrer, Shoemake, Walker.--9.

The measure passed.

**HB 1446** was referred for engrossment.

**GENERAL ORDER**

**HB 1321** by Wright of the House and Justice of the Senate was read and considered.

Coauthored by Representative(s) Russ, Ritze

Representative Wright moved that **HB 1321** be advanced from General Order, which motion was declared adopted.

**Representative Armes Presiding****THIRD READING**

**HB 1321** 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, Brumbaugh, Casey, Christian, Cockroft, Condit, Coody, Cooksey, Dank, Denney, Derby, DeWitt, Dorman, Enns, Farley, Faught, Glenn, Grau, Hall, Hamilton, Hardin, Hickman, Holland, Inman, Jackson, Jordan, Joyner, Kern, Key, Kouplen, Liebmann, Lockhart, Martin (Scott), McCullough, McDaniel (Randy),

McNiel, Moore, Morgan, Mulready, Murphey, Nelson, Newell, Nollan, Ortega, Osborn, Ownbey, Peters, Peterson, Proctor, Pruett, Quinn, Reynolds, Richardson, Ritze, Roberts (Dustin), Roberts (Sean), Rousselot, Russ, Sanders, Schwartz, Scott, Sears, Shannon, Shoemake, Shumate, Stiles, Sullivan, Terrill, Thomsen, Tibbs, Trebilcock, Vaughan, Watson, Wesselhoft, Wright, Mr. Speaker.--80.

Nay: Cannaday, Cox, Fourkiller, Hoskin, Martin (Steve), McDaniel (Jeannie), McPeak, Pittman, Renegar, Roan, Shelton, Virgin, Williams.--13.

Excused: Brown, Hilliard, Johnson, Kirby, McAffrey, Morrissette, Sherrer, Walker.--8.

The measure passed.

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

Aye: Armes, Banz, Billy, Brumbaugh, Casey, Cockroft, Coody, Cooksey, Denney, Derby, DeWitt, Enns, Farley, Faught, Grau, Hall, Hardin, Hickman, Holland, Jackson, Jordan, Joyner, Kern, Liebmann, Martin (Scott), McCullough, McDaniel (Randy), McNiel, Moore, Mulready, Murphey, Nelson, Newell, Nollan, Ortega, Osborn, Ownbey, Peters, Quinn, Richardson, Roberts (Dustin), Roberts (Sean), Russ, Sanders, Schwartz, Sears, Shannon, Sullivan, Thomsen, Tibbs, Trebilcock, Vaughan, Watson, Wesselhoft, Wright, Mr. Speaker.--56.

Nay: Bennett, Cannaday, Christian, Condit, Cox, Dorman, Fourkiller, Hamilton, Hoskin, Inman, Key, Kouplen, Lockhart, Martin (Steve), McDaniel (Jeannie), McPeak, Morgan, Pittman, Proctor, Pruett, Renegar, Reynolds, Ritze, Roan, Rousselot, Scott, Shelton, Shumate, Stiles, Terrill, Virgin, Williams.--32.

Excused: Blackwell, Brown, Dank, Glenn, Hilliard, Johnson, Kirby, McAffrey, Morrissette, Peterson, Sherrer, Shoemake, Walker.--13.

The emergency failed.

**HB 1321** was referred for engrossment.

## **GENERAL ORDER**

**HB 1275** by Ownbey of the House and Jolley of the Senate was read and considered.

Representative Ownbey moved that **HB 1275** be advanced from General Order, which motion was declared adopted.

**THIRD READING**

**HB 1275** 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, Dank, Denney, Derby, DeWitt, Dorman, Enns, Farley, Faught, Fourkiller, Glenn, Grau, Hall, Hamilton, Hardin, Hickman, Holland, Hoskin, Inman, Jackson, Jordan, Joyner, Kern, Key, Kouplen, Liebmann, Lockhart, Martin (Scott), Martin (Steve), 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, Ritze, Roan, Roberts (Dustin), Roberts (Sean), Rousselot, Russ, Sanders, Schwartz, Scott, Sears, Shannon, Shelton, Shoemake, Shumate, Stiles, Sullivan, Terrill, Thomsen, Tibbs, Trebilcock, Vaughan, Virgin, Watson, Wesselhoft, Williams, Wright, Mr. Speaker.--94.

Excused: Hilliard, Johnson, Kirby, McAffrey, Morrissette, Sherrer, Walker.--7.

The measure passed.

**HB 1275** was referred for engrossment.

**GENERAL ORDER**

**HB 1361** by Peters of the House and Johnson (Rob) of the Senate was read and considered.

Representative Peters moved that **HB 1361** be advanced from General Order, which motion was declared adopted.

**THIRD READING**

**HB 1361** 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, Dank, Denney, Derby, DeWitt, Dorman, Enns, Farley, Faught, Fourkiller, Glenn, Grau, Hall, Hardin, Hickman, Holland, Hoskin, Inman, Jackson, Johnson, Jordan, Joyner, Kern, Key, Kouplen, Liebmann, Lockhart, Martin (Scott), Martin (Steve), McCullough, McDaniel (Jeannie), McDaniel (Randy), McNiel, McPeak, Moore, Morgan, Mulready, Murphey, Nelson, Newell, Nollan, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Quinn, Renegar, Richardson, Roan, Roberts (Dustin), Roberts (Sean), Rousselot, Russ, Sanders, Schwartz,

Scott, Sears, Shannon, Shelton, Shoemake, Shumate, Stiles, Sullivan, Terrill, Thomsen, Tibbs, Trebilcock, Vaughan, Virgin, Watson, Wesselhoft, Williams, Wright, Mr. Speaker.--92.

Nay: Reynolds, Ritze.--2.

Excused: Hamilton, Hilliard, Kirby, McAffrey, Morrisette, Sherrer, Walker.--7.

The measure passed.

**HB 1361** was referred for engrossment.

### **MOTION EXPIRED**

Time expired for consideration of the motion to reconsider the vote whereby **HB 1352** failed.

### **MOTION EXPIRED**

Time expired for consideration of the motion to reconsider the vote whereby the emergency failed on **HB 1595**.

**HB 1595** was referred for engrossment.

### **MESSAGES FROM THE SENATE**

Announcing the passage of engrossed **SBs 22, 94, 104, 115, 124, 145, 157, 228, 274, 282, 363, 443, 447, 532, 534, 536, 568, 574, 603, 629, 648, 658, 674, 701, 704, 740, 774, 798, 816, 856, 858, 928, 929, 940, 941, 942, 943** and **SJR 36**. The measures were introduced and read for the first time.

**SB 22** – By Barrington of the Senate and Brown of the House.

[ elections of judicial officers - written rulings and opinions - codification - effective date ]

**SB 94** – By Ballenger of the Senate and Shoemake of the House.

An Act relating to fishing and hunting licenses; amending 29 O.S. 2001, Sections 4-110, 4-112 and 4-114, as last amended by Sections 3, 4 and 6, Chapter 317, O.S.L. 2010 (29 O.S. Supp. 2010, Sections 4-110, 4-112 and 4-114), which relate to fishing and hunting licenses and combination lifetime fishing and hunting licenses; adding exemptions; and providing an effective date.

**SB 104** – By Aldridge of the Senate and Banz of the House.

An Act relating to ad valorem taxes; amending 68 O.S. 2001, Section 2915, which relates to collection and payment of ad valorem taxes; authorizing county treasurer to provide certain statement by electronic mail under specified circumstances.

**SB 115** – By Ivester, Sparks, David, Bass, Garrison and Brinkley of the Senate and Trebilcock of the House.

An Act relating to the Uniform Military and Overseas Voters Act; providing short title; defining terms; specifying application of voting procedures; specifying duties of Secretary of State Election Board; providing procedures for registration of overseas voters; providing procedures relating to ballot applications; specifying certain duties of covered voters; providing procedures for processing of ballot applications and transmittal of ballots; requiring receipt of ballots by certain date and time to be valid; specifying offices and ballot measures for which certain ballot may be used; requiring ballot be counted if delivered by certain date and time; requiring certain declaration; requiring implementation of electronic free-access system; providing for request of electronic-mail addresses from certain voters; exempting certain information from Open Records Act; requiring certain election notice and providing procedures therefor; providing for processing of ballots containing mistake or omission; specifying that notarization of ballot not required; specifying circumstances under which court may issue injunction to enforce act; providing for application and construction of uniform act; specifying laws modified, limited or superseded; repealing 26 O.S. 2001, Sections 14-116 and 14-117, as last amended by Sections 1 and 2, Chapter 272, O.S.L. 2009, 14-118, as last amended by Section 1, Chapter 149, O.S.L. 2010, Section 17, Chapter 485, O.S.L. 2003, as amended by Section 4, Chapter 272, O.S.L. 2009, 14-119 and 14-120, as amended by Sections 5 and 6, Chapter 272, O.S.L. 2009 and 14-120.1, as last amended by Section 2, Chapter 149, O.S.L. 2010 (26 O.S. Supp. 2010, Sections 14-116, 14-117, 14-118, 14-118.1, 14-119, 14-120 and 14-120.1), which relate to absentee ballots for overseas and military voters; providing for codification; and providing an effective date.

**SB 124** – By Justice, Marlatt, Brecheen, David, Shortey, Brinkley and Garrison of the Senate and Newell of the House.

An Act relating to the power of eminent domain; amending 27 O.S. 2001, Section 7, which relates to granting the power of eminent domain to furnish light, heat, or power by electricity or gas; prohibiting use of eminent domain for certain purpose; and declaring an emergency.

**SB 145** – By Schulz of the Senate and Wright of the House.

An Act relating to the Oklahoma Energy Independence Act; amending Section 1, Chapter 71, O.S.L. 2010 (19 O.S. Supp. 2010, Section 460.2a), which relates to the County Energy District Authority; modifying membership of authority; and providing an effective date.

**SB 157** – By Jolley of the Senate and McCullough of the House.

An Act relating to schools; amending 70 O.S. 2001, Section 3311, as last amended by Section 1, Chapter 131, O.S.L. 2009 (70 O.S. Supp. 2010, Section 3311), which relates to the Council on Law Enforcement Education and Training; clarifying requirement for undergoing certain psychological evaluation; and providing an effective date.

**SB 228** – By Justice of the Senate and Jackson of the House.

[ Oklahoma Agricultural Code - certain damages - effective date - emergency ]

**SB 274** – By Stanislawski of the Senate and Liebmann of the House.

An Act relating to the Oklahoma Turnpike Authority; amending 69 O.S. 2001, Section 1701, as last amended by Section 1, Chapter 68, O.S.L. 2005 (69 O.S. Supp. 2010, Section 1701), which relates to the purpose of the Oklahoma Turnpike Authority; removing language stating certain intent; and declaring an emergency.

**SB 282** – By Holt and Ivester of the Senate and Grau of the House.

An Act relating to sex offenders; amending 57 O.S. 2001, Section 584, as last amended by Section 1, Chapter 407, O.S.L. 2010 (57 O.S. Supp. 2010, Section 584), which relates to the Sex Offenders Registration Act; requiring certain offenders to provide certain documents to local law enforcement agencies; and providing an effective date.

**SB 363** – By Shortey of the Senate and Christian of the House.

An Act relating to the State Fire Marshal; amending 74 O.S. 2001, Sections 320 and 324.20b, as last amended by Section 4, Chapter 269, O.S.L. 2005 (74 O.S. Supp. 2010, Section 324.20b), which relate to prohibitions on the State Fire Marshal and the State Fire Marshal Revolving Fund; prohibiting engaging in business that is a conflict of interest; removing monetary limit on the State Fire Marshal Revolving Fund; and providing an effective date.

**SB 443** – By Rice and Halligan of the Senate and Moore of the House.

An Act relating to driver license examination; amending 47 O.S. 2001, Section 6-110, as last amended by Section 2, Chapter 310, O.S.L. 2009 (47 O.S. Supp. 2010, Section 6-110), which relates to examination of applicants; specifying certain content to be included in examination; and providing an effective date.

**SB 447** – By Barrington of the Senate and Armes of the House.

An Act relating to criminal procedure; amending 22 O.S. 2001, Sections 60.4, as last amended by Section 4, Chapter 116, O.S.L. 2010, and 60.9, as amended by Section 5, Chapter 284, O.S.L. 2006 (22 O.S. Supp. 2010, Sections 60.4 and 60.9), which relate to protective orders; modifying time for certain filing; requiring peace officers to make certain arrests; modifying procedure for setting certain bond; and providing an effective date.

**SB 532** – By Ivester of the Senate and Russ of the House.

An Act relating to motor vehicles; authorizing certain vehicles to operate on state roads or highways; providing for codification; and declaring an emergency.

**SB 534** – By Ford of the Senate and Denney of the House.

[ school employment - grounds for the dismissal or nonreemployment - career teacher - recommendation for dismissal - effective date ]

**SB 536** – By Stanislawski, Branam and Fields of the Senate and Hickman of the House.

An Act relating to school administration; creating the Task Force on Creating Administrative Efficiencies; stating duties; providing for membership, appointment, designation of officers, quorum, staff support, and travel reimbursement; requiring report of findings and recommendations; providing for noncodification; and declaring an emergency.

**SB 568** – By Russell of the Senate and Faught of the House.

[ emergency responders - "Volunteer Emergency Responders Act" - codification - effective date ]

**SB 574** – By Jolley of the Senate and Trebilcock of the House.

An Act relating to the practice of dentistry; amending 59 O.S. 2001, Sections 328.27, as amended by Section 3, Chapter 377, O.S.L. 2005, 328.32, 328.36a, and 328.44a, as last amended by Section 6, Chapter 377, O.S.L. 2005 (59 O.S. Supp. 2010, Sections 328.27 and 328.44a), which relate to the State Dental Act; requiring faculty permit holders to show

certain proof; modifying list of acts by a dentist which constitute grounds for penalties by Board of Dentistry; modifying requirements of laboratory prescriptions issued by a dentist; requiring Board to make certain forms readily available; permitting dentists to produce, transfer and retain certain copies electronically; permitting Board to collect certain fees; requiring professional liability insurance for dentists; permitting the Board to promulgate certain rules; providing for codification; and providing an effective date.

**SB 603** – By Schulz of the Senate and Blackwell of the House.

An Act relating to endangered species; creating the Endangered Species and Economic Development Task Force; providing expiration date; specifying duties; providing for membership; directing selection of chair and vice-chair; requiring quorum; providing for travel reimbursement; providing for staff support; requiring certain report; providing for noncodification; and declaring an emergency.

**SB 629** – By Jolley of the Senate and Jackson of the House.

[ carbon sequestration - Oklahoma Conservation Commission - certification program - fees - Oklahoma Geological Survey - codification - noncodification - emergency ]

**SB 648** – By Aldridge of the Senate and Kirby of the House.

An Act relating to Oklahoma Real Estate Commission; amending 59 O.S. 2001, Section 858-307.2, as amended by Section 4, Chapter 274, O.S.L. 2008 (59 O.S. Supp. 2010, Section 858-307.2), which relates to continuing education; requiring certain licensee to complete continuing education requirements of this state under certain circumstance; amending 59 O.S. 2001, Section 858-401, as amended by Section 3, Chapter 142, O.S.L. 2004 (59 O.S. Supp. 2010, Section 858-401), which relates to penalties for unlicensed acts; making certain Commission orders binding on parties; providing for appeal from certain orders; authorizing collection of judgment in certain manner; and providing an effective date.

**SB 658** – By Jolley of the Senate and Peters of the House.

An Act relating to alcoholic beverages; creating a joint task force to analyze, study and identify amendments and modifications to certain laws for certain purpose; stating membership and appointing authorities; providing for chair and vice-chair, voting, vacancy, and quorum; designating staff assistance and duty; requiring certain document or report within certain time and conditions; allowing creation of committees and subcommittees; providing for committee or subcommittee chair; allowing addition of other persons for certain purpose; clarifying purpose of added persons; allowing travel reimbursement; setting termination date; and providing for noncodification.

**SB 674** – By Jolley of the Senate and Peters of the House.

An Act relating to child care facilities background investigations; amending 10 O.S. 2001, Sections 402, as amended by Section 2, Chapter 230, O.S.L. 2009, 404.1, as last amended by Section 5, Chapter 230, O.S.L. 2009, 405, as last amended by Section 1, Chapter 338, O.S.L. 2009, Section 9, Chapter 296, O.S.L. 2008, and 408 (10 O.S. Supp. 2010, Sections 402, 404.1, 405 and 405.3), which relate to the Oklahoma Child Care Facilities Licensing Act; modifying definitions; renaming certain registry; modifying language; providing for certain background investigations in specified circumstances; making certain exceptions; directing the Commission for Human Services to promulgate certain rules; updating statutory references; deleting language permitting the release of certain information; deleting language providing for certain confidentiality; modifying procedure for sanctioning certain entities on specified registry; modifying procedures for certain appeal; and providing an effective date.

**SB 701** – By Aldridge of the Senate and Sullivan of the House.

[ medical records - access - costs - effective date ]

**SB 704** – By Johnson (Rob) of the Senate and Sullivan of the House.

[ class actions - modifying procedures - effective date ]

**SB 740** – By Schulz of the Senate and Blackwell of the House.

An Act relating to airspace property rights; amending Section 1, Chapter 334, O.S.L. 2010 (60 O.S. Supp. 2010, Section 820.1), which relates to airspace severance; creating the Airspace Severance Restriction Act; providing short title; clarifying legal information required to be recorded for certain purposes; and declaring an emergency.

**SB 774** – By Aldridge of the Senate and Cooksey of the House.

[ Oklahoma Real Estate Appraiser Board - authority to deny registration - emergency ]

**SB 798** – By Jolley of the Senate and Russ of the House.

[ mortgaged property - notification - codification - effective date ]

**SB 816** – By Newberry of the Senate and McNeil of the House.

An Act relating to section line highways; amending 69 O.S. 2001, Section 1201, as amended by Section 1, Chapter 73, O.S.L. 2008 (69 O.S. Supp. 2010, Section 1201), which relates to public highways; expanding prohibition to opening a public highway; providing an effective date; and declaring an emergency.

**SB 856** – By Russell, Brecheen, Brinkley and Shortey of the Senate and Wesselhoft of the House.

An Act relating to firearm transactions; defining terms; making certain conduct between persons and licensed dealers or private sellers unlawful; providing applicability to other persons under certain circumstances; providing exception; providing penalties; providing for codification; and providing an effective date.

**SB 858** – By Russell and Reynolds of the Senate and Ritze of the House.

An Act relating to firearm information; stating legislative findings; defining terms; providing guidelines for certain inquiries regarding firearms; providing exclusions; providing penalties; providing for codification; providing for noncodification; and providing an effective date.

**SB 928** – By Newberry of the Senate and Jordan of the House.

[ roofing contractors - suspension of registration - volunteer labor - cancellation of contract - refund - codification - effective date - emergency ]

**SB 929** – By Newberry of the Senate and Sullivan of the House.

An Act relating to professional licenses; creating a task force; stating purpose; providing for appointment of membership, term, quorum, travel reimbursement and vacancy; designating chair; providing for vice-chair; requiring certain report by certain date; and providing for noncodification.

**SB 940** – By Anderson of the Senate and Grau of the House.

An Act relating to service of process; amending 12 O.S. 2001, Section 990A, as amended by Section 6, Chapter 468, O.S.L. 2002, and Section 17, Chapter 228, O.S.L. 2009 (12 O.S. Supp. 2010, Sections 990A and 2056), which relate to appeal and summary judgment; modifying requirements for certain service; and providing an effective date.

**SB 941** – By Anderson of the Senate and Grau of the House.

An Act relating to discovery procedure; amending 12 O.S. 2001, Section 3226, as last amended by Section 4, Chapter 50, O.S.L. 2010 (12 O.S. Supp. 2010, Section 3226), which relates to general provisions governing discovery; modifying procedures for discovery of certain trial preparation materials; and providing an effective date.

**SB 942** – By Anderson of the Senate and Grau of the House.

An Act relating to dismissal of actions; amending 12 O.S. 2001, Sections 683, as last amended by Section 5, Chapter 228, O.S.L. 2009, and 684, as last amended by Section 6, Chapter 228, O.S.L. 2009 (12 O.S. 2001, Sections 683 and 684), which relate to grounds for dismissal and court orders; expanding certain exception; modifying procedures for certain dismissal; and providing an effective date.

**SB 943** – By Anderson of the Senate and Grau of the House.

[ judicial review - petition - service - effective date ]

**SJR 36** – By Jolley of the Senate and Sullivan of the House.

A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection the repeal of Section 3 of Article VII-B, which relates to the Judicial Nominating Commission, and the proposed amendment to Section 4 of Article VII-B of the Oklahoma Constitution; modifying certain appointment procedure; requiring Senate confirmation of certain judicial appointments; providing ballot title; and directing filing.

Announcing the passage of the following engrossed measure:

The measure was introduced and read.

**SCR 8** – By Reynolds, Russell, Adelson, Aldridge, Allen, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, Brown, Burrage, Coates, Crain, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (Constance), Johnson (Rob), Jolley, Justice, Laster, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Rice, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick of the Senate and Ritze of the House.

A Concurrent Resolution commending the life of Frank Woodruff Buckles; offering condolences; and directing distribution.

### **Returning enrolled measure**

Announcing that Enrolled **HCR 1005** has been signed by the Presiding Officer of Senate, in open session.

The above measure was ordered filed with the Secretary of State.

Representative Sullivan moved that when the clerk's desk is clear, the House stand adjourned to reconvene at 9:00 a.m., Monday, March 14, 2011, which was the order.

Pursuant to the motion of Representative Sullivan, the House was adjourned at 1:30 p.m., to reconvene Monday, March 14, 2011, at 9:00 a.m.