

HOUSE JOURNAL

First Regular Session of the Fifty-third Legislature

of the State of Oklahoma

Thirty-sixth Legislative Day, Monday, April 11, 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: Enns.—1.

The Speaker Pro Tempore declared a quorum present.

Prayer was offered by Brother Doyle Pryor, First Baptist Church, Sapulpa. Brother Doyle was sponsored by Representative McCullough.

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

The Journal for the last legislative day was approved.

ENGROSSED AND ENROLLED MEASURES

HCR 1011 was reported correctly engrossed, properly signed, in open session, and ordered transmitted to the Honorable Senate.

HBs 1044, 1296, 1511 and 1812 were reported correctly enrolled and, after fourth reading, properly signed, in open session, and ordered transmitted to the Honorable Senate.

MESSAGES FROM THE GOVERNOR

Advising of her approval of **HB 2139** on April 8, 2011.

Advising of her approval of **HBs 1377** and **2017** on April 11, 2011.

RESOLUTIONS

The following were introduced and read:

HCR 1012 – By Richardson of the House and Fields of the Senate.

A Concurrent Resolution relating to agriculture; extending appreciation to the agriculture industry of Oklahoma for its efforts and contributions to this state; proclaiming April 13, 2011, as Agriculture Day at the State Capitol; and providing for distribution.

HCR 1013 – By Trebilcock.

A Concurrent Resolution endorsing the proposition that Taiwan join the United States Visa Waiver Program; and directing distribution.

HCR 1014 – By Thomsen, Roan and Wright of the House and Paddock and Brecheen of the Senate.

A Concurrent Resolution congratulating and commending Jet and Cord McCoy; distribution.

MESSAGES FROM THE SENATE

Announcing the passage of and returning engrossed measures as amended **HBs 1520**, Coauthored by Senator Johnson (Constance), **1615**, Coauthored by Senators Allen, Russell, Marlatt and **1917**.

Senate amendments were read on the above-numbered measures.

Returning engrossed measures

Announcing the passage of **HBs 1218, 1228** and **1969**.

The above-numbered measures were referred for enrollment.

GENERAL ORDER

SB 331 by Johnson (Rob) of the Senate and Jordan et al of the House was read and considered.

Coauthored by Representative(s) Derby

Representative Reynolds moved to amend **SB 331**, Page 3, Section 2, Lines 8-10 by removing the new language.

Representative Reynolds moved to amend the amendment, Page 3, Section 2, Line 6 by restoring the stricken language “ten resident taxpayers” and by deleting the new underlined language “a number of registered voters” and Page 4, Section 2, Lines 3-13 by restoring the stricken language beginning on Line 3 as follows: “, and one-half” through “as a reward.”; and by deleting the new underlined language beginning on Line 6 “If a court” through “the action.” on Line 13, which amendment failed of adoption upon roll call as follows:

Aye: Bennett, Brown, Christian, Condit, Dorman, Fourkiller, Glenn, Grau, Hamilton, Hilliard, Hoskin, Inman, Kern, Kouplen, Lockhart, McAffrey, McPeak, Morgan, Morrissette, Murphey, Pruett, Renegar, Reynolds, Ritze, Scott, Shelton, Shoemake, Shumate, Terrill, Virgin, Walker, Williams.--32.

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

Excused: Billy, Enns, Farley, Key, McDaniel (Jeannie), McNiel, Pittman, Proctor, Shannon, Sherrer, Stiles, Wesselhoft.--12.

Representative Reynolds moved adoption of the main amendment, which amendment failed of adoption upon roll call as follows:

Aye: Bennett, Brown, Christian, Condit, Dorman, Fourkiller, Glenn, Grau, Hamilton, Hilliard, Hoskin, Inman, Kern, Lockhart, McPeak, Morgan, Morrissette, Murphey, Newell, Proctor, Renegar, Reynolds, Ritze, Scott, Shelton, Shoemake, Shumate, Terrill, Virgin, Walker, Wesselhoft, Williams.--32.

Nay: Armes, Banz, Billy, Blackwell, Brumbaugh, Cannaday, Casey, Cockroft, Coody, Cooksey, Cox, Denney, Derby, DeWitt, Faught, Hall, Hardin, Hickman, Holland, Jackson, Johnson, Jordan, Joyner, Key, Kirby, Liebmann, Martin (Scott), Martin (Steve), McAffrey, McDaniel (Randy), McNiel, Moore, Mulready, Nelson, Nollan, Ortega, Osborn, Ownbey, Peters, Peterson, Quinn, Richardson, Roan, Roberts (Dustin), Roberts (Sean), Rousselot,

Russ, Sanders, Schwartz, Sears, Shannon, Stiles, Sullivan, Thomsen, Tibbs, Trebilcock, Vaughan, Watson, Wright, Mr. Speaker.--60.

Excused: Dank, Enns, Farley, Kouplen, McCullough, McDaniel (Jeannie), Pittman, Pruett, Sherrer.--9.

Representative Jordan moved that **SB 331** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 331 was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Armes, Banz, Billy, Blackwell, Brumbaugh, Casey, Condit, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Faught, Glenn, Hall, Hickman, Holland, Jackson, Johnson, Jordan, Joyner, Kirby, Liebmann, Lockhart, Martin (Scott), Martin (Steve), McAffrey, McCullough, McDaniel (Jeannie), McDaniel (Randy), McNiel, Mulready, Nelson, Nollan, Osborn, Ownbey, Peters, Peterson, Quinn, Richardson, Roan, Roberts (Dustin), Roberts (Sean), Rousselot, Russ, Sanders, Schwartz, Scott, Sears, Shannon, Shoemake, Stiles, Sullivan, Thomsen, Tibbs, Trebilcock, Vaughan, Virgin, Walker, Watson, Williams, Wright, Mr. Speaker.--65.

Nay: Bennett, Brown, Cannaday, Christian, Cockroft, Dorman, Farley, Fourkiller, Grau, Hamilton, Hardin, Hilliard, Hoskin, Inman, Kern, Key, Kouplen, McPeak, Moore, Morgan, Morrisette, Murphey, Newell, Ortega, Pittman, Proctor, Pruett, Renegar, Reynolds, Ritze, Shelton, Shumate, Terrill, Wesselhoft.--34.

Excused: Enns, Sherrer.--2.

The measure passed.

The Presiding Officer signed, in open session, Engrossed **SB 331** and ordered same returned to the Honorable Senate.

GENERAL ORDER

SB 406 by Brecheen of the Senate and Roberts (Dustin) of the House was read and considered.

Coauthored by Representative(s) Reynolds, Bennett, Derby, Cannaday, Ritze

Representative Roberts (Dustin) moved that **SB 406** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 406 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, Farley, Faught, Fourkiller, Glenn, Grau, Hall, Hamilton, Hardin, Hickman, Hilliard, Holland, Hoskin, Inman, Jackson, Johnson, Jordan, Joyner, Kern, Key, Kirby, Kouplen, Liebmann, Lockhart, Martin (Scott), Martin (Steve), McAffrey, McCullough, McDaniel (Jeannie), McDaniel (Randy), McNiel, McPeak, Moore, Morgan, 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, Scott, Sears, Shannon, Shelton, Shoemake, Shumate, Stiles, Sullivan, Terrill, Thomsen, Tibbs, Trebilcock, Vaughan, Virgin, Walker, Watson, Wesselhoft, Williams, Wright, Mr. Speaker.--98.

Excused: Enns, Pittman, Sherrer.--3.

The measure passed.

The Presiding Officer signed, in open session, Engrossed **SB 406** and ordered same returned to the Honorable Senate.

Representative Denney Presiding

GENERAL ORDER

SB 815 by Anderson of the Senate and Stiles of the House was read and considered.

Representative McCullough moved to amend **SB 815**, Page 7, Section 1, Lines 4-7 by deleting subparagraph i. in its entirety, which amendment was declared adopted.

Representative Stiles moved to amend **SB 815**, Page 7, Section 1, Line 9 by deleting the language after the word “of” and before the word “or” and adding in lieu thereof the language “paragraph 1 of this subsection” and Page 7, Line 15 1/2, by adding a new paragraph 3 to read as follows:

“3. Nothing in this subsection shall prohibit a party from conducting further discovery pursuant to the Oklahoma Discovery Code.”, and renumbering subsequent paragraphs., which amendment was declared adopted.

Representative Stiles moved that **SB 815** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 815 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, Farley, Faught, Fourkiller, Grau, Hall, Hardin, Hickman, Hilliard, Holland, Hoskin, Inman, Jackson, Johnson, Jordan, Joyner, Kern, Key, Kirby, Liebmann, Lockhart, Martin (Scott), Martin (Steve), McAffrey, McCullough, McDaniel (Jeannie), McDaniel (Randy), McNiel, Moore, Morgan, Morrissette, Mulready, Murphey, Nelson, Newell, Nollan, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Quinn, Renegar, Reynolds, Ritze, Roan, Roberts (Dustin), Roberts (Sean), Russ, Sanders, Schwartz, Scott, Sears, Shannon, Shelton, Shoemake, Shumate, Stiles, Sullivan, Terrill, Thomsen, Tibbs, Trebilcock, Vaughan, Virgin, Walker, Watson, Wesselhoft, Williams, Wright, Mr. Speaker.--93.

Nay: Glenn, Hamilton, Kouplen, McPeak, Rousselot.--5.

Excused: Enns, Richardson, Sherrer.--3.

The measure passed.

SB 815 was referred for engrossment.

GENERAL ORDER

SB 54 by Justice of the Senate and Osborn of the House was read and considered.

Coauthored by Representative(s) Wright

Representative Osborn moved that **SB 54** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 54 was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Armes, 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, Key, Kirby, 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: Banz, Enns, Kern, Sherrer.--4.

The measure passed.

The Presiding Officer signed, in open session, Engrossed **SB 54** and ordered same returned to the Honorable Senate.

GENERAL ORDER

SB 228 by Justice of the Senate and Jackson of the House was read and considered.

Representative Jackson moved that **SB 228** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 228 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, Farley, Faught, Fourkiller, Glenn, Grau, Hall, Hamilton, Hardin, Hickman, Hilliard, Holland, Hoskin, Inman, Jackson, Johnson, Jordan, Joyner, Kern, Key, Kirby, Kouplun, 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.--99.

Excused: Enns, Sherrer.--2.

The measure 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, Farley, Faught, Grau, Hall, Hardin, Hickman, Holland, Jackson, Johnson, Jordan, Joyner, Kern, Kirby, Liebmann, Martin (Scott), Martin (Steve), McCullough, McDaniel (Randy), McNiel, Mulready, Murphey, Nelson, Newell, Ortega,

Osborn, Ownbey, Peters, Peterson, Quinn, Renegar, Richardson, Roberts (Dustin), Roberts (Sean), Russ, Sanders, Schwartz, Sears, Shannon, 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, Moore, Morgan, Morrisette, Pittman, Proctor, Pruett, Reynolds, Ritze, Roan, Rousselot, Scott, Shelton, Shoemake, Shumate, Stiles, Terrill, Virgin, Walker.--36.

Excused: Enns, Nollan, Sherrer, Williams.--4.

The emergency failed.

SB 228 was referred for engrossment.

GENERAL ORDER

SB 840 by Aldridge of the Senate and McDaniel (Randy) of the House was read and considered.

Representative McDaniel (Randy) moved that **SB 840** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 840 was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Armes, Bennett, Billy, Blackwell, Brumbaugh, Casey, Cockroft, Condit, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Farley, Faught, Grau, Hall, Hardin, Hickman, Holland, Jackson, Johnson, Jordan, Kern, Key, Kirby, Liebmann, Martin (Scott), Martin (Steve), McCullough, McDaniel (Randy), McNiel, Moore, Mulready, Murphey, Nelson, Newell, Nollan, Ortega, Osborn, Ownbey, Peters, Peterson, Pruett, Quinn, Richardson, Roberts (Sean), Russ, Sanders, Schwartz, Sears, Shannon, Shelton, Stiles, Sullivan, Terrill, Thomsen, Tibbs, Trebilcock, Vaughan, Watson, Wright, Mr. Speaker.--65.

Nay: Brown, Cannaday, Christian, Dorman, Fourkiller, Glenn, Hamilton, Hilliard, Hoskin, Inman, Joyner, Kouplen, Lockhart, McAffrey, McDaniel (Jeannie), McPeak, Morrisette, Pittman, Proctor, Renegar, Reynolds, Ritze, Roan, Roberts (Dustin), Rousselot, Scott, Shoemake, Shumate, Virgin, Walker, Williams.--31.

Excused: Banz, Enns, Morgan, Sherrer, Wesselhoft.--5.

The measure passed.

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

Aye: Armes, Banz, Billy, Brumbaugh, Casey, Cockroft, Coody, Cooksey, Dank, Denney, Derby, DeWitt, Farley, Faught, Grau, Hall, Hardin, Hickman, Holland, Jackson, Johnson, Kern, Kirby, Liebmann, Martin (Scott), Martin (Steve), McCullough, McDaniel (Randy), McNeil, Moore, Mulready, Murphey, Nelson, Newell, Nollan, Ortega, Osborn, Ownbey, Peters, Peterson, Richardson, Roberts (Sean), Russ, Sanders, Sears, Shannon, Sullivan, Thomsen, Tibbs, Trebilcock, Vaughan, Watson, Wesselhoft, Wright, Mr. Speaker.--55.

Nay: Bennett, Brown, Cannaday, Christian, Condit, Dorman, Fourkiller, Glenn, Hamilton, Hilliard, Hoskin, Inman, Joyner, Key, Kouplen, Lockhart, McAffrey, McDaniel (Jeannie), McPeak, Morrisette, Pittman, Proctor, Pruett, Renegar, Reynolds, Ritze, Roan, Roberts (Dustin), Rousselot, Schwartz, Scott, Shoemake, Shumate, Stiles, Terrill, Virgin, Walker, Williams.--38.

Excused: Blackwell, Cox, Enns, Jordan, Morgan, Quinn, Shelton, Sherrer.--8.

The emergency failed.

The Presiding Officer signed Engrossed **SB 840** and ordered same returned to the Honorable Senate.

MEASURES REASSIGNED

The following measures were reassigned:

SB 189 – Withdrawn from Judiciary and referred to Insurance.

SB 952 – Withdrawn from Judiciary and referred to Government Modernization.

GENERAL ORDER

SB 801 by Jolley of the Senate and Key of the House was read and considered.

Representative Peters moved that **SB 801** be advanced from General Order, which motion was declared adopted upon a division of the question.

THIRD READING

SB 801 was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Armes, Banz, Bennett, Blackwell, Casey, Cox, DeWitt, Dorman, Grau, Hamilton, Johnson, Kern, Key, Kirby, McDaniel (Randy), Moore, Morgan, Mulready, Murphey,

Nelson, Ownbey, Peterson, Richardson, Roan, Russ, Scott, Shannon, Tibbs, Vaughan, Walker, Wesselhoft.--31.

Nay: Billy, Brown, Brumbaugh, Cannaday, Christian, Cockroft, Condit, Coody, Cooksey, Dank, Denney, Derby, Farley, Faught, Fourkiller, Glenn, Hall, Hardin, Hickman, Hilliard, Holland, Hoskin, Inman, Jackson, Jordan, Joyner, Kouplen, Liebmann, Lockhart, Martin (Scott), Martin (Steve), McAffrey, McCullough, McDaniel (Jeannie), McNiel, McPeak, Morrisette, Newell, Nollan, Ortega, Osborn, Peters, Pittman, Proctor, Pruett, Quinn, Renegar, Reynolds, Ritze, Roberts (Dustin), Roberts (Sean), Rousselot, Sanders, Schwartz, Sears, Shoemake, Shumate, Stiles, Sullivan, Terrill, Thomsen, Trebilcock, Watson, Williams, Wright, Mr. Speaker.--66.

Excused: Enns, Shelton, Sherrer, Virgin.--4.

The measure failed.

Representative Key served notice to reconsider the vote whereby **SB 801** failed.

MESSAGES FROM THE SENATE

Announcing that Enrolled **HBs 1044, 1296, 1511** and **1812** 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.

Transmitting engrossed measure

Announcing the passage of engrossed **SCR 12**.

The measure was introduced and read.

SCR 12 – By Brown of the Senate and Faught of the House.

A Concurrent Resolution recalling from the Office of the Governor Enrolled Senate Bill No. 253, passed by the 1st Session of the 53rd Oklahoma Legislature.

Returning engrossed measures

Announcing the passage of **HBs 1007, 1060, 1412, 1634**, Coauthored by Senators Jolley, Treat, Simpson, Russell, Brecheen, Sparks and Representatives Kern and Ownbey, **1688, 1991**, Coauthored by Senator Shortey and **2038**.

The above-numbered measures were referred for enrollment.

Conference requested

Advising rejection of **HAs** to **SBs 339** and **774** requesting conference thereon, the Senate naming conferees later.

RESOLUTION FOR CONSIDERATION

SCR 12 was called up for consideration.

Upon motion of Representative Faught, **SCR 12** was considered and adopted.

SCR 12 was properly signed, in open session, by the Presiding Officer and ordered returned to the Honorable Senate.

MESSAGE FROM THE SENATE

Advising the signing of and transmitting for signature Enrolled **SCR 12**.

The above-numbered enrolled measure was properly signed and ordered returned to the Honorable Senate.

Representative Sullivan moved that when the clerk's desk is clear, the House stand adjourned to reconvene at 9:00 a.m., Tuesday, April 12, 2011, which was the order.

Pursuant to the motion of Representative Sullivan, the House was adjourned at 4:00 p.m., to reconvene Tuesday, April 12, 2011, at 9:00 a.m.