

# HOUSE JOURNAL

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

**of the State of Oklahoma**

**Thirty-seventh Legislative Day, Tuesday, April 12, 2011**

The House was called to order by Speaker Steele.

The roll was called with 99 Members present.

The following Members were excused: Enns, Wesselhoft.—2.

The Speaker declared a quorum present.

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

The Journal for the last legislative day was approved.

## **ENGROSSED AND ENROLLED MEASURES**

**HAs to SBs 228 and 815** were reported correctly engrossed, properly signed, in open session, and the measures, as amended, were ordered returned to the Honorable Senate.

**HBs 1007, 1060, 1218, 1228, 1412, 1634, 1688, 1969, 1991 and 2038** were reported correctly enrolled and, after fourth reading, properly signed, in open session, and ordered transmitted to the Honorable Senate.

## **MEASURE REASSIGNED**

The following measure was reassigned:

**SB 737** – Withdrawn from General Government and referred to Redistricting.

**RESOLUTION**

The following was introduced and read:

**HCR 1015** – By Sullivan of the House and Crain of the Senate.

A Concurrent Resolution in honor of Paul E. Thornbrugh on the occasion of his 90th Birthday; declaring April 15, 2011, to be Paul E. Thornbrugh Day; and directing distribution.

**MOTION**

Representative Sullivan moved that the Honorable Senate be notified by message that the House of Representatives is organized and ready to convene in Joint Session.

**JOINT SESSION**

The Fourth Joint Session of the First Regular Session of the Fifty-third Legislature assembled in the House Chamber on Tuesday, April 12, 2011, and was called to order by Lieutenant Governor Todd Lamb.

Senator Schulz moved that the attendance roll call of the Senate be considered the roll call of the Senate in Joint Session, which was the order.

Representative Sullivan moved that the attendance roll call of the House be considered the roll call of the House in Joint Session, which was the order.

Lieutenant Governor Lamb declared quorums of the Senate and House present and the Joint Session duly assembled.

Invocation was offered by Brother Doyle Pryor of the First Baptist Church, Sapulpa.

Posting of the Colors was presented by the Thunderbird Youth Academy Cadets, Pryor.

Lieutenant Governor Lamb recognized Colonel Brent Wright for introduction of Adjutant General Major General Miles L. Deering.

Major General Deering addressed the Joint Session and conducted the program commemorating the 45<sup>th</sup> Infantry Division Appreciation Day.

Major General Deering introduced Governor Mary Fallin who addressed the Joint Session.

Colonel Wright read a formal Proclamation from Governor Mary Fallin recognizing 45<sup>th</sup> Infantry Division Appreciation Day and presented the Proclamation to Major General Deering.

Lieutenant Governor Lamb addressed the Joint Session.

Upon motion of Representative Sullivan, the Fourth Joint Session was ordered dissolved at 10:15 a.m.

### **Representative Peters Presiding**

### **RESOLUTION FOR CONSIDERATION**

**HCR 1010** was called up for consideration.

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

Upon motion of Representative Schwartz, **HCR 1010** was considered and adopted.

**HCR 1010** was referred for engrossment.

### **GENERAL ORDER**

**SB 919** by Sykes of the Senate and Derby et al of the House was read and considered.

Coauthored by Representative(s) Roan, Ritze, Brown

Representative Derby moved that **SB 919** be advanced from General Order, which motion was declared adopted.

### **THIRD READING**

**SB 919** 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, 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, 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, Sherrer, Shoemake, Shumate, Stiles, Sullivan, Terrill, Thomsen, Tibbs, Vaughan, Virgin, Walker, Williams, Wright, Mr. Speaker.--91.

Excused: Enns, Hickman, Moore, Morgan, Morrissette, Pittman, Shelton, Trebilcock, Watson, Wesselhoft.--10.

The measure passed.

**SB 919** was referred for engrossment.

#### **MESSAGE FROM THE SENATE**

Announcing the passage of engrossed **SCR 11**. The measure was introduced and read.

**SCR 11** – By Halligan of the Senate and Denney and Williams of the House.

A Concurrent Resolution congratulating Miss Devin Kerns upon her selection as the Distinguished Young Woman of Oklahoma for 2011; wishing her the best for further competition; and directing distribution.

#### **ENGROSSED AND ENROLLED MEASURES**

**HCR 1010** was reported correctly engrossed, properly signed, in open session, and ordered transmitted to the Honorable Senate.

#### **PENDING CONSIDERATION OF SAs**

**SAs** to **HB 1321** were rejected upon motion of Representative Wright. Conferees to be named later.

#### **GENERAL ORDER**

**SB 147** by Barrington of the Senate and Holland of the House was read and considered.

Representative Holland moved that **SB 147** be advanced from General Order, which motion was declared adopted.

### THIRD READING

**SB 147** 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, DeWitt, Dorman, Farley, Faught, Fourkiller, Glenn, Grau, Hall, Hamilton, Hardin, Hickman, Holland, Hoskin, Inman, Jackson, Johnson, Joyner, Kern, Key, Kirby, Kouplen, Liebmann, Lockhart, Martin (Scott), Martin (Steve), McAffrey, McCullough, McDaniel (Jeannie), McDaniel (Randy), McNiel, McPeak, Moore, Mulready, Murphey, Nelson, Newell, Ortega, Osborn, Peters, Peterson, Proctor, Pruet, Quinn, Renegar, Reynolds, Richardson, Roan, Rousselot, Russ, Schwartz, Scott, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Stiles, Sullivan, Terrill, Thomsen, Tibbs, Vaughan, Virgin, Walker, Williams, Wright, Mr. Speaker.--85.

Excused: Derby, Enns, Hilliard, Jordan, Morgan, Morrissette, Nollan, Ownbey, Pittman, Ritze, Roberts (Dustin), Roberts (Sean), Sanders, Trebilcock, Watson, Wesselhoft.--16.

The measure passed.

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

Aye: Banz, Billy, Blackwell, Brumbaugh, Casey, Cockroft, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Farley, Faught, Grau, Hall, Hardin, Hickman, Holland, Jackson, Johnson, Joyner, Kern, Kirby, Liebmann, Martin (Scott), Martin (Steve), McCullough, McDaniel (Randy), 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, Vaughan, Wright, Mr. Speaker.--56.

Nay: Bennett, Brown, Cannaday, Christian, Condit, Dorman, Fourkiller, Glenn, Hamilton, Hilliard, Inman, Key, Kouplen, Lockhart, McAffrey, McDaniel (Jeannie), McPeak, Morrissette, Proctor, Pruet, Renegar, Reynolds, Ritze, Roan, Rousselot, Scott, Shelton, Sherrer, Shoemake, Shumate, Stiles, Terrill, Walker, Williams.--34.

Excused: Armes, Enns, Hoskin, Jordan, McNiel, Morgan, Pittman, Trebilcock, Virgin, Watson, Wesselhoft.--11.

The emergency failed.

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

**GENERAL ORDER**

**SB 104** by Aldridge of the Senate and Banz of the House was read and considered.

Representative Banz moved that **SB 104** be advanced from General Order, which motion was declared adopted.

**THIRD READING**

**SB 104** 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, 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), McNiell, Moore, Morgan, Morrissette, Mulready, Murphey, Nelson, Newell, Nollan, Ortega, Osborn, Peters, Peterson, Proctor, Pruett, Quinn, Renegar, Reynolds, Richardson, Ritze, Roan, Roberts (Dustin), Roberts (Sean), Rousselot, Russ, Sanders, Schwartz, Scott, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Stiles, Sullivan, Terrill, Thomsen, Tibbs, Vaughan, Virgin, Walker, Watson, Williams, Wright, Mr. Speaker.--94.

Excused: Cox, Enns, McPeak, Ownbey, Pittman, Trebilcock, Wesselhoft.--7.

The measure passed.

The Presiding Officer signed, in open session, Engrossed **SB 104** and ordered same returned to the Honorable Senate.

**RESOLUTION FOR CONSIDERATION**

**SCR 11** was called up for consideration.

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

Upon motion of Representative Denney, **SCR 11** was considered and adopted.

**SCR 11** was properly signed, in open session, by the Presiding Officer and ordered returned to the Honorable Senate.

## PENDING CONSIDERATION OF SAs

SAs to **HB 2117** were rejected upon motion of Representative Hickman. Conferees to be named later.

## MOTION

Representative Richardson moved to suspend House Rule 4.4(e) for Wednesday, April 13, 2011, in celebration of "Ag" Day, which motion failed of adoption upon roll call as follows:

Aye: Banz, Billy, Blackwell, Brown, Casey, Cockroft, Condit, Coody, Denney, Derby, DeWitt, Farley, Fourkiller, Glenn, Hall, Hamilton, Hilliard, Holland, Hoskin, Inman, Jackson, Johnson, Jordan, Joyner, Key, Kouplen, Liebmann, Lockhart, Martin (Scott), Martin (Steve), McCullough, McDaniel (Jeannie), McDaniel (Randy), McNiel, McPeak, Moore, Morgan, Murphey, Newell, Nollan, Ortega, Osborn, Ownbey, Proctor, Pruett, Quinn, Renegar, Richardson, Roan, Roberts (Dustin), Roberts (Sean), Rousselot, Russ, Schwartz, Scott, Sears, Shannon, Shoemake, Shumate, Thomsen, Vaughan, Virgin, Walker, Williams, Wright, Mr. Speaker.--66.

Nay: Bennett, Brumbaugh, Cannaday, Cooksey, Faight, Grau, Hardin, Kern, Kirby, McAffrey, Mulready, Nelson, Peters, Peterson, Reynolds, Ritze, Shelton, Stiles, Sullivan, Terrill, Tibbs, Watson.--22.

Excused: Armes, Christian, Cox, Dank, Dorman, Enns, Hickman, Morrisette, Pittman, Sanders, Sherrer, Trebilcock, Wesselhoft.--13.

## RECONSIDERATION

Representative Blackwell moved to reconsider the vote whereby the emergency failed on **SB 603**, which motion prevailed upon roll call as follows:

Aye: Armes, Blackwell, Brown, Brumbaugh, Cannaday, Casey, Condit, Coody, Dorman, Farley, Faight, Glenn, Grau, Hall, Hardin, Hickman, Hilliard, Holland, Hoskin, Inman, Jackson, Johnson, Joyner, Kern, Key, Kouplen, Martin (Scott), Martin (Steve), McAffrey, McCullough, McDaniel (Jeannie), McDaniel (Randy), McNiel, Mulready, Murphey, Nelson, Nollan, Ortega, Osborn, Peters, Peterson, Proctor, Pruett, Quinn, Renegar, Richardson, Roan, Roberts (Dustin), Roberts (Sean), Rousselot, Russ, Sanders, Schwartz, Shannon, Shoemake, Sullivan, Terrill, Thomsen, Tibbs, Vaughan, Virgin, Walker, Williams, Mr. Speaker.--64.

Nay: Bennett, Reynolds, Ritze.--3.

Excused: Banz, Billy, Christian, Cockroft, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Enns, Fourkiller, Hamilton, Jordan, Kirby, Liebmann, Lockhart, McPeak, Moore,

Morgan, Morrisette, Newell, Ownbey, Pittman, Scott, Sears, Shelton, Sherrer, Shumate, Stiles, Trebilcock, Watson, Wesselhoft, Wright.--34.

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

Aye: Armes, Billy, Blackwell, Brumbaugh, Casey, Christian, Condit, Coody, Cooksey, Cox, Denney, DeWitt, Dorman, Farley, Faught, Fourkiller, Glenn, Grau, Hall, Hardin, Hickman, Hilliard, Holland, Hoskin, Inman, Jackson, Johnson, Joyner, Kern, Kouplen, Martin (Scott), Martin (Steve), McAffrey, McCullough, McDaniel (Randy), McNiel, Moore, Morgan, Morrisette, Mulready, Murphey, Nelson, Nollan, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Quinn, Richardson, Roan, Roberts (Dustin), Roberts (Sean), Rousselot, Sanders, Schwartz, Shannon, Shelton, Sherrer, Shoemake, Shumate, Sullivan, Terrill, Tibbs, Virgin, Watson, Williams, Wright, Mr. Speaker.--70.

Nay: Ritze.--1.

Excused: Banz, Bennett, Brown, Cannaday, Cockroft, Dank, Derby, Enns, Hamilton, Jordan, Key, Kirby, Liebmann, Lockhart, McDaniel (Jeannie), McPeak, Newell, Ortega, Osborn, Renegar, Reynolds, Russ, Scott, Sears, Stiles, Thomsen, Trebilcock, Vaughan, Walker, Wesselhoft.--30.

The emergency passed.

The Presiding Officer signed Engrossed **SB 603** and ordered same returned to the Honorable Senate.

## **MESSAGES FROM THE SENATE**

Announcing the passage of and returning engrossed measures as amended **HBs 1050, 1051, 1230**, Coauthored by Senator Ivestor, **1231**, Coauthored by Senator Ivestor, **1468, 1533**, Coauthored by Senator Johnson (Constance) and **1648**, Coauthored by Representatives Faught and Hoskin.

Senate amendments were read on the above-numbered measures.

### **Returning engrossed measure**

Announcing the passage of **HCR 1010**, Coauthored by all Senators.

The above-numbered measure was referred for enrollment.

### **Returning enrolled measures**

Announcing that Enrolled **HBs 1007, 1060, 1218, 1228, 1412, 1634, 1688, 1969, 1991** and **2038** 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 enrolled measures**

Advising fourth reading of and transmitting for signature Enrolled **SBs 54, 331, 406** and **840**.

The above-numbered enrolled measures were, after fourth reading, properly signed and ordered returned to the Honorable Senate.

### **Returning engrossed measures**

Announcing the passage of **HBs 1047, 1255, 1460**, Coauthored by Senator Allen and **HCR 1011**.

The above-numbered measures were referred for enrollment.

### **MOTION EXPIRED**

Time expired for consideration of the motion to reconsider the vote whereby **SB 89** failed.

### **COMMITTEE REPORTS**

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

DO PASS:

- SB 235** – Transportation
- SB 417** – Transportation
- SB 499** – Transportation
- SB 710** – Transportation
- SB 923** – Judiciary

DO PASS, As Amended:

**CS for SB 201** – Judiciary  
**SB 242** – Energy and Utility Regulation, Coauthored by Representative(s) Morgan  
**SB 243** – Energy and Utility Regulation  
**SB 266** – Judiciary  
**CS for SB 398** – Judiciary  
**CS for SB 483** – Human Services  
**CS for SB 492** – Human Services  
**CS for SB 494** – Judiciary  
**CS for SB 510** – Human Services  
**CS for SB 597** – Judiciary, Coauthored by Representative(s) Ownbey, Hilliard  
**CS for SB 674** – Human Services  
**CS for SB 704** – Judiciary  
**CS for SB 711** – Judiciary  
**SB 761** – Judiciary, Coauthored by Representative(s) Tibbs  
**SB 878** – Judiciary, Coauthored by Senator(s) Holt

#### **MESSAGES FROM THE GOVERNOR**

Advising of her approval of **HBs 1194, 1249** and **1380** on April 12, 2011.

Representative Sullivan moved that when the clerk's desk is clear, the House stand adjourned to reconvene at 1:30 p.m., Wednesday, April 13, 2011, which was the order.

Pursuant to the motion of Representative Sullivan, the House was adjourned at 11:20 a.m., to reconvene Wednesday, April 13, 2011, at 1:30 p.m.