

HOUSE JOURNAL

First Regular Session of the Fifty-third Legislature

of the State of Oklahoma

Thirty-eighth Legislative Day, Wednesday, April 13, 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.

The Journal for the last legislative day was approved.

ENGROSSED AND ENROLLED MEASURES

HAs to SB 919 were reported correctly engrossed, properly signed, in open session, and the measure, as amended, was ordered returned to the Honorable Senate.

HBs 1047, 1255 and 1460 were reported correctly enrolled and, after fourth reading, properly signed, in open session, and ordered transmitted to the Honorable Senate.

HCRs 1010 and 1011 were reported correctly enrolled, properly signed, in open session, and ordered transmitted to the Honorable Senate.

MESSAGES FROM THE SENATE

Advising fourth reading of and transmitting for signature Enrolled **SBs 104** and **603**.

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

Advising the signing of and transmitting for signature Enrolled **SCR 11**.

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

Returning engrossed measure, as amended

Announcing the passage of and returning engrossed measure as amended **HB 1034**.

Senate amendments were read on the above-numbered measure.

RESOLUTION FOR CONSIDERATION

HCR 1015 was called up for consideration.

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

Upon motion of Representative Sullivan, **HCR 1015** was considered and adopted.

HCR 1015 was referred for engrossment.

RESOLUTION FOR CONSIDERATION

HCR 1014 was called up for consideration.

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

Upon motion of Representative Thomsen, **HCR 1014** was considered and adopted.

HCR 1014 was referred for engrossment.

RESOLUTION FOR CONSIDERATION

HCR 1012 was called up for consideration.

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

Upon motion of Representative Richardson, **HCR 1012** was considered and adopted.

HCR 1012 was referred for engrossment.

PENDING CONSIDERATION OF SAs

SAs to HB 1888 were called up for consideration.

Coauthored by Representative(s) Grau, Ownbey, Christian, Bennett, Walker

Upon motion of Representative Peterson, the House concurred in the **SAs to HB 1888**.

HB 1888, as amended by the Honorable Senate, was read at length for the fourth time and the roll was called on the measure as follows:

Aye: Armes, Bennett, Billy, Blackwell, 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, Kouplén, Liebmann, Lockhart, Martin (Scott), Martin (Steve), McCullough, McDaniel (Randy), McNiell, Moore, Morgan, Morrissette, Mulready, Murphey, Nelson, Newell, Nollan, Ortega, Ownbey, Peters, Peterson, Proctor, Pruett, Quinn, Renegar, Reynolds, Richardson, Ritze, Roberts (Dustin), Roberts (Sean), Rousselot, Russ, Sanders, Schwartz, Scott, Shannon, Sherrer, Shoemake, Stiles, Sullivan, Terrill, Tibbs, Trebilcock, Vaughan, Walker, Watson, Wesselhoft, Wright, Mr. Speaker.--85.

Nay: Cox, McAffrey, McDaniel (Jeannie), Pittman, Shelton, Virgin, Williams.--7.

Excused: Banz, Brown, Enns, McPeak, Osborn, Roan, Sears, Shumate, Thomsen.--9.

The measure passed.

Senate amendments were properly signed, in open session, and the above-numbered measure was referred for enrollment.

RECONSIDERATION

Representative Key moved to reconsider the vote whereby **SB 801** failed, which motion prevailed upon roll call as follows:

Aye: Armes, Banz, Bennett, Blackwell, Brumbaugh, Cannaday, Casey, Christian, Cockroft, Condit, Coody, Cooksey, Cox, Derby, DeWitt, Dorman, Farley, Faught, Fourkiller, Glenn, Grau, Hall, Hamilton, Hardin, Hickman, Hilliard, Hoskin, Inman, Jackson, Johnson, Jordan, Kern, Key, Kirby, Kouplén, Lockhart, Martin (Scott), Martin (Steve), McCullough, McDaniel (Jeannie), McDaniel (Randy), McNiel, Moore, Morgan, Mulready, Murphey, Nelson, Ortega, Osborn, Ownbey, Peterson, Pittman, Proctor, Pruett, Quinn, Renegar, Reynolds, Richardson, Ritze, Roan, Roberts (Dustin), Roberts (Sean), Rousselot, Russ, Sanders, Schwartz, Shannon, Shelton, Sherrer, Shoemake, Shumate, Stiles, Sullivan, Terrill, Thomsen, Trebilcock, Vaughan, Virgin, Walker, Watson, Williams, Wright, Mr. Speaker.--83.

Nay: Billy, Denney, Holland, Joyner, Liebmann, McPeak, Morrissette, Newell, Peters.--9.

Excused: Brown, Dank, Enns, McAffrey, Nollan, Scott, Sears, Tibbs, Wesselhoft.--9.

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, Bennett, Blackwell, Brumbaugh, Cannaday, Casey, Christian, Cockroft, Condit, Coody, Cooksey, Cox, Denney, Derby, DeWitt, Dorman, Farley, Faught, Fourkiller, Glenn, Grau, Hall, Hamilton, Hardin, Hickman, Hilliard, Hoskin, Inman, Jackson, Johnson, Jordan, Kern, Key, Kirby, Kouplén, Lockhart, Martin (Scott), Martin (Steve), McAffrey, McCullough, McDaniel (Jeannie), McDaniel (Randy), McNiel, Moore, Morgan, Mulready, Murphey, Nelson, Newell, Ortega, Osborn, Ownbey, Peterson, Pittman, Proctor, Pruett, Quinn, Renegar, Reynolds, Richardson, Ritze, Roan, Roberts (Dustin), Roberts (Sean), Rousselot, Russ, Sanders, Schwartz, Scott, Shannon, Shelton, Sherrer, Shoemake, Shumate, Stiles, Sullivan, Terrill, Thomsen, Tibbs, Trebilcock, Vaughan, Virgin, Walker, Watson, Wesselhoft, Williams, Wright, Mr. Speaker.--88.

Nay: Billy, Holland, Joyner, Liebmann, McPeak, Morrissette, Nollan, Peters.--8.

Excused: Banz, Brown, Dank, Enns, Sears.--5.

The measure passed.

The Presiding Officer signed, in open session, Engrossed **SB 801** and ordered same returned to the Honorable Senate.

ENGROSSED AND ENROLLED MEASURES

HCRs 1012 and **1014** were reported correctly engrossed, properly signed, in open session, and ordered transmitted to the Honorable Senate.

GENERAL ORDER

SB 12 by Anderson of the Senate and Denney of the House was read and considered.

Coauthored by Representative(s) Pittman

Representative Denney moved that **SB 12** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 12 was read at length for the third time.

Representative Sullivan moved to advance the question, which motion was declared adopted upon a division of the question.

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

Aye: Armes, Banz, Billy, Blackwell, Brown, Brumbaugh, Cannaday, Casey, Condit, Coody, Cooksey, Cox, Dank, Denney, Dorman, Farley, Faught, Fourkiller, Glenn, Grau, Hall, Hickman, Hilliard, Holland, Jackson, Johnson, Jordan, Kern, Key, Kirby, Kouplen, Liebmann, Lockhart, Martin (Scott), Martin (Steve), McAffrey, McDaniel (Jeannie), McDaniel (Randy), McNiel, McPeak, Morgan, Mulready, Murphey, Nelson, Nollan, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Pruett, Quinn, Renegar, Richardson, Roan, Roberts (Dustin), Roberts (Sean), Russ, Sanders, Sears, Shannon, Shelton, Shoemake, Stiles, Sullivan, Tibbs, Trebilcock, Vaughan, Virgin, Walker, Watson, Williams, Wright, Mr. Speaker.--75.

Nay: Christian, Cockroft, Derby, Hamilton, Hardin, Inman, Joyner, Moore, Morrisette, Newell, Proctor, Reynolds, Ritze, Rousselot, Schwartz, Scott, Sherrer, Shumate, Terrill, Wesselhoft.--20.

Excused: Bennett, DeWitt, Enns, Hoskin, McCullough, Thomsen.--6.

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, Farley, Faught, Fourkiller, Grau, Hall, Hickman, Hilliard, Holland, Jackson, Johnson, Jordan, Kern, Key, Kirby, Kouplen, Liebmann, Martin (Scott),

Martin (Steve), McDaniel (Randy), McNiell, Moore, Morgan, Mulready, Murphey, Nelson, Newell, Nollan, Ortega, Osborn, Ownbey, Peters, Peterson, Quinn, Richardson, Roberts (Dustin), Roberts (Sean), Russ, Sanders, Schwartz, Sears, Shannon, Stiles, Sullivan, Tibbs, Trebilcock, Vaughan, Walker, Watson, Williams, Mr. Speaker.--62.

Nay: Bennett, Brown, Cannaday, Christian, Condit, Derby, Dorman, Glenn, Hamilton, Hardin, Hoskin, Inman, Joyner, Lockhart, McAffrey, McDaniel (Jeannie), McPeak, Morrissette, Pittman, Proctor, Pruett, Reynolds, Ritze, Roan, Rousselot, Scott, Shelton, Sherrer, Shoemake, Shumate, Terrill, Virgin, Wesselhoft.--33.

Excused: DeWitt, Enns, McCullough, Renegar, Thomsen, Wright.--6.

The emergency failed.

The Presiding Officer signed Engrossed **SB 12** and ordered same returned to the Honorable Senate.

POINT OF ORDER

Representative McPeak raised a point of order stating that when **SB 801** was under reconsideration the Presiding Officer called for questions and debate on the reconsideration motion but did not call for questions or debate when the measure was on Third Reading.

The Presiding Officer stated that Representative McPeak did not request debate on Third Reading prior to the vote being ordered and that pursuant to *Mason's Manual*, Section 471, debate could have been offered pertaining to passage of the bill itself when the motion to reconsider was before the House.

POINT OF INQUIRY

Representative Reynolds raised a point of inquiry regarding Representative McPeak's previous point of order. Representative Reynolds inquired as to whether the Chair had ruled that debate would not be recognized on Third Reading after a motion to reconsider had been adopted.

The Presiding Officer stated that requests for debate on Third Reading would continue to be recognized and that debate offered on a motion to reconsider could include discussion of the merits of the bill under reconsideration.

GENERAL ORDER

SB 547 by Sykes of the Senate and Ritze et al of the House was read and considered.

Remove Representative Ritze as principal House author and substitute with Representative Johnson

Coauthored by Representative(s) Reynolds, Kern, Faught, Derby, Brumbaugh, Peterson

Representative Johnson moved that **SB 547** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 547 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, 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, Liebmann, Lockhart, Martin (Scott), Martin (Steve), McDaniel (Randy), McNiel, Moore, Morrisette, Mulready, Murphey, Nelson, Newell, Nollan, Ortega, Osborn, Ownbey, Peters, Peterson, Proctor, Pruett, Quinn, Renegar, Reynolds, Richardson, Ritze, Roberts (Dustin), Roberts (Sean), Rousselot, Russ, Sanders, Schwartz, Shannon, Sherrer, Shoemake, Stiles, Sullivan, Terrill, Thomsen, Tibbs, Trebilcock, Vaughan, Walker, Watson, Wesselhoft, Wright, Mr. Speaker.--84.

Nay: Cox, McAffrey, McDaniel (Jeannie), Morgan, Pittman, Roan, Scott, Shelton, Virgin, Williams.--10.

Excused: Brown, Enns, Kouplen, McCullough, McPeak, Sears, Shumate.--7.

The measure passed.

The Presiding Officer signed, in open session, Engrossed **SB 547** and ordered same returned to the Honorable Senate.

GENERAL ORDER

SB 170 by Holt of the Senate and Grau of the House was read and considered.

Coauthored by Representative(s) Walker

Representative Grau moved that **SB 170** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 170 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, Dorman, Faught, Fourkiller, Glenn, Grau, Hall, Hamilton, Hardin, Hickman, Hilliard, Holland, Hoskin, Inman, Jackson, Johnson, Jordan, Joyner, Kern, Key, Kirby, Liebmann, Lockhart, Martin (Scott), Martin (Steve), McAffrey, McDaniel (Jeannie), McDaniel (Randy), McNiel, McPeak, Moore, Morgan, Morrissette, Mulready, Murphey, Nelson, Newell, Nollan, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Quinn, Renegar, Reynolds, Richardson, Ritze, Roan, Roberts (Dustin), Roberts (Sean), Rousselot, Sanders, Schwartz, Scott, Shannon, Shelton, Sherrer, Shoemake, Stiles, Sullivan, Terrill, Thomsen, Tibbs, Trebilcock, Vaughan, Virgin, Walker, Watson, Wesselhoft, Williams, Mr. Speaker.--91.

Nay: Farley.--1.

Excused: Brown, DeWitt, Enns, Kouplen, McCullough, Russ, Sears, Shumate, Wright.--9.

The measure passed.

The Presiding Officer signed, in open session, Engrossed **SB 170** and ordered same returned to the Honorable Senate.

MESSAGES FROM THE SENATE

Announcing the passage of **HBs 1061**, Coauthored by Senator Ivester, **1274**, Coauthored by Representative Walker, **1310, 1327**, Coauthored by Representative Walker, **1339, 1372, 1472, 1826** and **HCR 1014**, Coauthored by all Senators.

The above-numbered measures were referred for enrollment.

Returning enrolled measures

Announcing that Enrolled **HBs 1047, 1255** and **1460** 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.

Announcing that Enrolled **HCRs 1010** and **1011** have been signed by the Presiding Officer of Senate, in open session.

The above measures were ordered filed with the Secretary of State.

Conference requested, conferees named

Advising rejection of **HAs** to **SB 435** and requesting conference thereon, the Senate naming conferees as follows: Bingman, Ford, Stanislawski, Jolley, Eason McIntyre, Sparks

RESOLUTION

The following was introduced and read:

HR 1026 – By Morgan.

A Resolution honoring Mark A. Sellers, President of the Oklahoma Elks Association; and directing distribution.

COMMITTEE REPORTS

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

DO PASS:

SB 931 – Rules

SJR 24 – Rules

DO PASS, As Amended:

CS for SB 2 – Common Education

CS for SB 143 – Public Safety, Remove Representative Denney as principal House author and substitute with Representative Hoskin

CS for SB 248 – Energy and Utility Regulation

CS for SB 250 – Public Safety, Coauthored by Representative(s) Hilliard, Cockroft

SB 335 – Agriculture, Wildlife and Environment

CS for SB 420 – Agriculture, Wildlife and Environment

CS for SB 534 – Common Education

CS for SB 574 – Public Health, Coauthored by Representative(s) Derby, Cox

CS for SB 602 – Rules

CS for SB 629 – Energy and Utility Regulation

MESSAGES FROM THE GOVERNOR

Advising of her approval of **HBs 1015, 1016, 1017, 1018, 1019, 1026, 1323, 1374, 1564, 1606, 1669, 1685** and **1909** on April 13, 2011.

APPOINTMENTS

The Speaker announced the following standing House Conference Committees on Wednesday, April 13, 2011:

General Conference Committee on Appropriations

Appropriations and Budget

Sears, Chair

Martin (Scott), Vice-Chair

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

Conference Committee on Education

Common Education Higher Education and Career Tech

Coody, Chair
Thomsen, Vice-Chair

Blackwell	Holland
Cannaday	Kouplen
Casey	McDaniel (Jeannie)
Cooksey	Nollan
Denney	Shumate
Hall	

Conference Committee on General Government and Transportation

General Government Transportation

Johnson, Chair
Shannon, Vice-Chair

Christian	Liebmann
Condit	Lockhart
Glenn	Martin (Scott)
Grau	Shoemake
Hardin	Wright
Joyner	

Conference Committee on Government Modernization and Rules

Administrative Rules and Government Oversight Government Modernization Rules

Banz, Chair
Murphey, Vice-Chair

Brumbaugh	Moore
Cockroft	Quinn
Dorman	Stiles
Faught	Walker
Hamilton	Watson
Hilliard	

Conference Committee on Health and Human Services

Human Services
Long Term Care and Senior Services
Public Health

Peterson, Chair
 Enns, Vice-Chair

Billy	Nelson
Cox	Pruett
Derby	Roberts (Sean)
Fourkiller	Sanders
Kern	Scott
McAffrey	

Conference Committee on Insurance and Economic Development

Insurance
Economic Development, Tourism and Financial Services

McDaniel (Randy), Chair
 Ortega, Vice-Chair

Dank	Mulready
Key	Ownbey
Kirby	Pittman
McNiel	Shelton
Morrisette	

Conference Committee on Natural Resources

Agriculture, Wildlife and Environment
Energy and Utility Regulation

Richardson, Chair
 Trebilcock, Vice-Chair

Armes	Proctor
Farley	Renegar
Jackson	Rousselot
Morgan	Russ
Osborn	Vaughan
Peters	

Conference Committee on Public Safety, Judiciary and Military Affairs

Judiciary Public Safety Veterans and Military Affairs

Tibbs, Chair
Jordan, Vice-Chair

Martin (Steve)	Schwartz
McCullough	Sherrer
Moore	Sullivan
Morrisette	Wesselhoft
Roan	Williams
Roberts (Dustin)	

Conference Committee on Redistricting

Redistricting

DeWitt, Chair
Morgan, Vice-Chair

Armes	Newell
Billy	Nollan
Casey	Peters
Cox	Pittman
Dank	Quinn
Faught	Roan
Hickman	Roberts (Sean)
Hilliard	Rousselot
Hoskin	Shumate
Inman	Trebilcock
Jackson	Virgin
Martin (Scott)	Walker
McDaniel (Randy)	

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

Pursuant to the motion of Representative Sullivan, the House was adjourned at 3:05 p.m., to reconvene Thursday, April 14, 2011, at 9:00 a.m.