

HOUSE JOURNAL

Second Regular Session of the Fifty-third Legislature

of the State of Oklahoma

Tenth Legislative Day, Tuesday, February 21, 2012

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

The roll was called with 98 Members present.

The following Member was excused: Trebilcock—1.

Vacancy: District 1, District 71.—2.

The Speaker Pro Tempore declared a quorum present.

Prayer was offered by Pastor Vep Ellis, Sheridan Christian Church, Tulsa.
Pastor Ellis was sponsored by Representative Tibbs.

The Journal for the last legislative day was approved.

ENGROSSED AND ENROLLED MEASURES

HBs 2264, 2278, 2401, 2511, 2573, 2587, 2727, 2750, 2786 and 2899 were reported correctly engrossed, properly signed, in open session, and ordered transmitted to the Honorable Senate.

MEASURES REASSIGNED

The following measures were reassigned:

HB 1085 – Withdrawn from Judiciary and referred to Government Modernization.

HB 3032 – Withdrawn from Common Education and referred to Appropriations and Budget.

HB 3110 – Withdrawn from Rules and referred to Appropriations and Budget.

RESOLUTION REFERRED

The following was withdrawn from the Calendar and referred to committee:

HCR 1027 – Withdrawn from Calendar and referred to Rules.

GENERAL ORDER

HB 2568 by Wright of the House and Sykes of the Senate was read and considered.

Coauthored by Representative(s) Ritze

Representative Wright moved that **HB 2568** be advanced from General Order, which motion was declared adopted.

THIRD READING

HB 2568 was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Armes, Banz, Blackwell, Brown, Brumbaugh, Cannaday, Casey, Cockroft, Condit, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Enns, Faught, Fourkiller, Glenn, Grau, Hall, Hardin, Hickman, 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, Morgan, Mulready, Murphey, Nelson, Newell, Ortega, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Quinn, Renegar, Reynolds, Richardson, Ritze, Roan, Roberts (Dustin), Roberts (Sean), Russ, Sanders, Schwartz, Sears, Shannon, Sherrer, Shoemake, Stiles, Thomsen, Tibbs, Vaughan, Walker, Watson, Williams, Wright, Mr. Speaker.--82.

Nay: Shelton.--1.

Excused: Bennett, Billy, Christian, Hamilton, Hilliard, Moore, Morrissette, Nollan, Osborn, Rousselot, Scott, Shumate, Terrill, Trebilcock, Virgin, Wesselhoft.--16.

Vacancy: District 1, District 71.--2.

The measure passed.

HB 2568 was referred for engrossment.

MEASURE REREFERRED

Upon motion of Representative Nelson, **HB 1748** was withdrawn from the Calendar and rereferred to the Human Services Committee.

GENERAL ORDER

HB 2925 by Armes of the House was read and considered.

Authored by Senator Marlatt (principal Senate author)

Representative Armes moved that **HB 2925** be advanced from General Order, which motion was declared adopted.

THIRD READING

HB 2925 was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Armes, Banz, Bennett, Blackwell, Brown, Brumbaugh, Cannaday, Casey, Christian, Cockroft, Condit, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Enns, Faught, Fourkiller, Glenn, Grau, Hall, Hardin, Hickman, 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), Russ, Sanders, Schwartz, Scott, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Terrill, Thomsen, Tibbs, Vaughan, Walker, Watson, Wesselhoft, Williams, Wright, Mr. Speaker.--91.

Excused: Billy, Hamilton, Hilliard, McAffrey, Rousselot, Stiles, Trebilcock, Virgin.--8.

Vacancy: District 1, District 71.--2.

The measure passed.

HB 2925 was referred for engrossment.

GENERAL ORDER

HB 2280 by Glenn of the House and Ballenger of the Senate was read and considered.

Representative Glenn moved that **HB 2280** be advanced from General Order, which motion was declared adopted.

THIRD READING

HB 2280 was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Armes, Banz, Bennett, Blackwell, Brown, Brumbaugh, Cannaday, Casey, Christian, Cockroft, Condit, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Enns, Faught, Fourkiller, Glenn, Grau, Hall, Hardin, Hickman, 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, Morrisette, 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, Sherrer, Shoemake, Shumate, Stiles, Terrill, Thomsen, Tibbs, Vaughan, Walker, Watson, Wesselhoft, Williams, Wright, Mr. Speaker.--94.

Excused: Billy, Hamilton, Hilliard, Trebilcock, Virgin.--5.

Vacancy: District 1, District 71.--2.

The measure passed.

HB 2280 was referred for engrossment.

GENERAL ORDER

HB 2310 by Grau of the House and Treat of the Senate was read and considered.

Representative Grau moved that **HB 2310** be advanced from General Order, which motion was declared adopted.

THIRD READING

HB 2310 was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Armes, Banz, Bennett, Blackwell, Brown, Brumbaugh, Cannaday, Casey, Christian, Cockroft, Condit, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Enns, Faught, Fourkiller, Glenn, Grau, Hall, Hardin, Hickman, Holland, Hoskin, Inman, Jackson, Johnson, Jordan, Joyner, Kern, Kirby, Kouplen, Liebmann, Lockhart, Martin (Scott), Martin (Steve), McAffrey, McCullough, McDaniel (Jeannie), McDaniel (Randy), McNiel, McPeak, Moore, Morgan, Morrisette, 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, Sherrer, Shoemake, Shumate,

Stiles, Terrill, Thomsen, Tibbs, Vaughan, Walker, Watson, Wesselhoft, Williams, Wright, Mr. Speaker.--93.

Excused: Billy, Hamilton, Hilliard, Key, Trebilcock, Virgin.--6.

Vacancy: District 1, District 71.--2.

The measure passed.

HB 2310 was referred for engrossment.

GENERAL ORDER

HB 2306 by Coody of the House and Halligan of the Senate was read and considered.

Representative Coody moved that **HB 2306** be advanced from General Order, which motion was declared adopted.

THIRD READING

HB 2306 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, Blackwell, Brown, Brumbaugh, Cannaday, Casey, Christian, Cockroft, Condit, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Enns, Faught, Fourkiller, Glenn, Grau, Hall, Hardin, Hickman, 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, Morrisette, Mulready, Murphey, Nelson, Newell, Nollan, 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, Sherrer, Shoemake, Shumate, Stiles, Terrill, Thomsen, Tibbs, Vaughan, Walker, Watson, Wesselhoft, Williams, Wright, Mr. Speaker.--93.

Excused: Billy, Hamilton, Hilliard, Ortega, Trebilcock, Virgin.--6.

Vacancy: District 1, District 71.--2.

The measure and emergency passed.

HB 2306 was referred for engrossment.

GENERAL ORDER

HB 2371 by Sanders of the House and Ballenger of the Senate was read and considered.

Coauthored by Representative(s) Walker

Representative Sanders moved that **HB 2371** be advanced from General Order, which motion was declared adopted.

THIRD READING

HB 2371 was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Armes, Banz, Bennett, Blackwell, Brown, Brumbaugh, Cannaday, Casey, Christian, Cockroft, Condit, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Enns, Faught, Fourkiller, Glenn, Grau, Hall, Hardin, Hickman, Holland, Hoskin, Inman, Jackson, Johnson, Jordan, Joyner, Kern, Key, Kirby, Kouplen, Liebmann, Lockhart, Martin (Scott), Martin (Steve), McAffrey, McCullough, McDaniel (Jeannie), McDaniel (Randy), McNeil, McPeak, Moore, Morgan, Morrisette, 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, Sherrer, Shoemake, Shumate, Stiles, Terrill, Thomsen, Tibbs, Vaughan, Walker, Watson, Wesselhoft, Williams, Wright, Mr. Speaker.--93.

Excused: Billy, Hamilton, Hilliard, Shelton, Trebilcock, Virgin.--6.

Vacancy: District 1, District 71.--2.

The measure passed.

HB 2371 was referred for engrossment.

GENERAL ORDER

HB 2443 by DeWitt of the House and Fields of the Senate was read and considered.

Coauthored by Representative(s) Vaughan

Representative Denney moved that **HB 2443** be advanced from General Order, which motion was declared adopted.

THIRD READING

HB 2443 was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Armes, Blackwell, Casey, Coody, Cox, Denney, DeWitt, Enns, Grau, Hall, Hoskin, Jackson, Liebmann, Lockhart, Martin (Steve), McDaniel (Jeannie), McDaniel (Randy), McNiell, Nollan, Ortega, Osborn, Peters, Pruett, Richardson, Roberts (Sean), Russ, Sears, Sherrer, Shumate, Stiles, Thomsen, Vaughan, Wright, Mr. Speaker.--34.

Nay: Banz, Bennett, Brown, Brumbaugh, Cannaday, Christian, Cockroft, Condit, Cooksey, Dank, Derby, Faught, Fourkiller, Glenn, Hamilton, Hardin, Hickman, Holland, Inman, Johnson, Jordan, Joyner, Kern, Key, Kirby, Martin (Scott), McAffrey, McCullough, Moore, Morgan, Morrissette, Mulready, Murphey, Nelson, Newell, Ownbey, Peterson, Pittman, Proctor, Quinn, Renegar, Reynolds, Ritze, Roan, Roberts (Dustin), Rousselot, Sanders, Schwartz, Scott, Shannon, Shelton, Shoemake, Terrill, Tibbs, Walker, Watson, Wesselhoft, Williams.--58.

Excused: Billy, Dorman, Hilliard, Kouplen, McPeak, Trebilcock, Virgin.--7.

Vacancy: District 1, District 71.--2.

The measure failed.

Representative Denney served notice to reconsider the vote whereby **HB 2443** failed.

RESOLUTION FOR CONSIDERATION

HCR 1019 was called up for consideration.

Coauthored by Representative(s) Walker

Authored by Senator Jolley (principal Senate author)

Upon motion of Representative Cox, **HCR 1019** was considered and adopted.

HCR 1019 was referred for engrossment.

FIRST READING

The following was introduced and read for the first time:

HJR 1096 – By Brumbaugh.

A Joint Resolution disapproving a promulgated rule of the Oklahoma Tax Commission; and directing distribution.

MESSAGE FROM THE SENATE

Announcing the passage of engrossed **SB 1050**. The measure was introduced and read for the first time.

SB 1050 – By Treat and Allen of the Senate and Osborn of the House.

An Act relating to environmental regulatory agencies; amending 17 O.S. 2011, Section 286, which relates to electric transmission costs; removing reference to certain tribal authority; amending 27A O.S. 2011, Section 2-16-106, which relates to refining facilities; removing reference to certain tribal authority; updating statutory reference; and declaring an emergency.

COMMITTEE REPORTS

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

DO PASS:

HB 2255 – Judiciary, Coauthored by Representative(s) Inman, and Authored by Senator Burrage (principal Senate author)

HB 2277 – Judiciary, Authored by Senator Anderson (principal Senate author)

HB 2296 – Judiciary, Coauthored by Representative(s) Pittman, and Authored by Senator Crain (principal Senate author)

HB 2329 – Judiciary

HB 2393 – Energy and Utility Regulation, Authored by Senator Burrage (principal Senate author)

HB 2419 – Judiciary, Authored by Senator Johnson (Rob) (principal Senate author)

HB 2433 – Judiciary, Authored by Senator Ballenger (principal Senate author)

HB 2564 – Transportation, Authored by Senator Stanislawski (principal Senate author)

HB 2577 – Transportation, Authored by Senator Mazzei (principal Senate author)

HB 2631 – Judiciary, Remove Representative McAffrey as principal House author and substitute with Representative Virgin

HB 2680 – Transportation

HB 2734 – Judiciary, Authored by Senator Sparks (principal Senate author)

HB 2841 – Transportation, Authored by Senator Holt (principal Senate author)

HB 2889 – Judiciary

HB 2904 – Judiciary, Remove Representative Morgan as principal House author and substitute with Representative Brown, Coauthored by Representative(s) Morgan, and Authored by Senator Burrage (principal Senate author)

HB 3091 – Judiciary, Authored by Senator Lerblance (principal Senate author)

DO PASS, As Amended:

CS for HB 2251 – Human Services, Coauthored by Representative(s) Nollan, Kern and Authored by Senator David (principal Senate author)

CS for HB 2286 – Judiciary, Authored by Senator Russell (principal Senate author)

CS for HB 2317 – Judiciary, Authored by Senator Shortey (principal Senate author)

CS for HB 2735 – Human Services, Coauthored by Representative(s) Kern

CS for HB 2736 – Human Services, Authored by Senator Brinkley (principal Senate author)

CS for HB 3074 – Judiciary, Authored by Senator Johnson (Rob) (principal Senate author)

COMMUNICATION

The following communication was received by the Office of the Speaker and ordered printed as follows:

February 21, 2012

The Honorable Kris Steele
Speaker
Oklahoma House of Representatives
State Capitol, Room 401
Oklahoma City, Oklahoma 73105

Dear Speaker Steele:

I hereby resign my position as State Representative, District 88, as of February 21, 2012.

Respectfully yours,

/s/ Al McAffrey
Assistant Democratic Floor Leader
House District 88

Representative DeWitt moved that when the clerk's desk is clear, the House stand adjourned to reconvene at 1:30 p.m., Wednesday, February 22, 2012, which was the order.

Pursuant to the motion of Representative DeWitt, the House was adjourned at 10:50 a.m., to reconvene Wednesday, February 22, 2012, at 1:30 p.m.