

HOUSE JOURNAL

Second Regular Session of the Fifty-third Legislature

of the State of Oklahoma

Eleventh Legislative Day, Wednesday, February 22, 2012

The House was called to order by Speaker Steele.

The roll was called with 95 Members present.

The following Members were excused: Morgan, Tibbs, Trebilcock—3.

Vacancy: District 1, District 71, District 88.—3.

The Speaker declared a quorum present.

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

The Journal for the last legislative day was approved.

ENGROSSED AND ENROLLED MEASURES

HBs 2280, 2306, 2310, 2371, 2568, 2925 and **HCR 1019** were reported correctly engrossed, properly signed, in open session, and ordered transmitted to the Honorable Senate.

RESOLUTIONS

The following were introduced and read:

HCR 1029 – By Wesselhoft.

A Concurrent Resolution supporting the Nation of Israel and congratulating Israel on the sixty-fourth anniversary of its founding; and directing distribution.

HCR 1030 – By Billy.

A Concurrent Resolution disapproving the Department of Human Services plan to change or discontinue services at certain resource centers; and directing distribution.

SECOND READING

The following was read for the second time and referred to committee:

HJR 1096 – Administrative Rules and Government Oversight

MEASURES REASSIGNED

The following measures were reassigned:

HB 2382 – Withdrawn from General Government and referred to Rules.

HB 2384 – Withdrawn from Public Safety and referred to Rules.

HB 2438 – Withdrawn from Rules and referred to Transportation.

HB 2439 – Withdrawn from Rules and referred to Judiciary.

CERTIFICATION OF HOUSE MEMBER

Representative DeWitt moved that the Communication dated February 21, 2012, from the Secretary of the State Election Board to the Speaker of the House of Representatives and furnished to the Clerk of the House of Representatives naming Curtis McDaniel as the person elected to House District 1 in the Special General Election be accepted as prima facie evidence of election to the House of Representatives and the above-named communication be printed in the House Journal, which motion was declared adopted.

COMMUNICATION

The following communication was received by the Office of the Speaker from the Oklahoma State Election Board and ordered printed as follows:

February 21, 2012

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

Dear Rep. Steele:

This is to certify that pursuant to the provisions of 26 O.S. 2011, § 12-109, the State Election Board on February 21, 2012, issued a Certificate of Election to Curtis McDaniel, the nominee of the Democratic Party, for the office of State Representative, District 1.

I herewith transmit to you the official returns of the votes cast at the special General Election held on February 14, 2012.

JOE M. SILK	Republican	Broken Bow	995
CURTIS McDANIEL	Democrat	Smithville	2190
JAMES SKIPPER	Independent	Smithville	89
BETHANY FARLEY	Independent	Idabel	271

Sincerely,

/s/ PAUL ZIRIAX, Secretary
State Election Board

OATH OF OFFICE

The official Oath of Office, as required by Article XV, Sections 1 and 2, Oklahoma Constitution was administered in the House Chamber to Representative-elect Curtis McDaniel on February 22, 2012, by Supreme Court Chief Justice Steven W. Taylor.

QUALIFICATION OF HOUSE MEMBERSHIP

Representative DeWitt declared that whereas the members of the House of Representatives, having examined the above-named communication, election returns and qualifications of Curtis McDaniel, find him to be duly elected to the House of Representatives for the Fifty-third Oklahoma Legislature.

Representative DeWitt moved that the said representative-elect, Curtis McDaniel, be declared duly elected and qualified to take his seat as a member of the House of Representatives beginning from such time the Oath of Office was taken and continuing for the remainder of the Fifty-third Oklahoma Legislature, having taken the required Oath of Office and said Oath having been filed with the Secretary of State.

The roll was ordered called on the DeWitt motion and resulted as follows:

Aye: Armes, Bennett, Billy, Blackwell, Brown, Brumbaugh, Cannaday, Casey, Christian, Cockroft, Condit, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Enns, Faught, Fourkiller, Glenn, Grau, Hall, Hamilton, Hardin, Hickman, Hilliard, Holland, Hoskin, Inman, Jackson, Johnson, Jordan, Joyner, Kern, Kirby, Kouplén, Liebmann, Martin (Scott), Martin (Steve), McCullough, McDaniel (Jeannie), McDaniel (Randy), McNiell, McPeak, Moore, Morrissette, Mulready, Murphey, Nelson, Newell, Nollan, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Quinn, Renegar, Richardson, Ritze, Roan, Roberts (Dustin), Roberts (Sean), Rousselot, Russ, Sanders, Schwartz, Scott, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Stiles, Terrill, Thomsen, Vaughan, Virgin, Walker, Watson, Wesselhoft, Williams, Wright, Mr. Speaker.--91.

Excused: Banz, Key, Lockhart, Morgan, Reynolds, Tibbs, Trebilcock.--7.

Vacancy: District 1, District 71, District 88.--3.

Speaker Steele declared the motion adopted having received a majority of those elected to and constituting the House of Representatives and Representative Curtis McDaniel was duly seated in the House.

ROLL CALL

With Representative McDaniel (Curtis) duly seated in the House, 96 members were present.

MILEAGE REPORT

The following mileage report was submitted to the Office of the Chief Clerk:

Name	Mileage Round Trip	Amount Due
Curtis McDaniel, Smithville and return	446	\$247.53

APPOINTMENTS

The Speaker announced the appointment of Representative McDaniel (Curtis) to the following Standing House Committees:

- Agriculture, Wildlife and Environment
- Economic Development, Tourism and Financial Services
- Transportation
- Veterans and Military Affairs

MOTION

Representative DeWitt moved that the Honorable Senate be notified by message that the House of Representatives is organized and ready to convene in Joint Session, which was the order.

JOINT SESSION

The Second Joint Session of the Second Regular Session of the Fifty-third Legislature assembled in the House Chamber on Wednesday, February 22, 2012, 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 DeWitt 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.

President Lamb recognized Bill Davis, Comanche County Veterans Council, who offered the invocation.

President Lamb recognized Richard Devine, Sgt. At Arms, who led the Pledge of Allegiance.

President Lamb recognized Speaker Steele who addressed the Joint Session.

President Lamb recognized President Pro Tempore Bingman who addressed the Joint Session.

Lieutenant Governor Lamb addressed the Joint Session.

President Lamb recognized Oklahoma Veterans Council Chairman Pete Peterson who conducted the Veterans Awareness Day Ceremony.

Chairman Peterson recognized Senator Russell, Chair of the Senate Veterans and Military Committee who introduced the Senate Veterans Committee members.

Chairman Peterson recognized Representative Wesselhoft, Chair of the House Veterans and Military Affairs Committee who introduced the House Veterans committee members.

Chairman Peterson addressed the Joint Session.

President Lamb recognized Bill Davis, Comanche County Veterans Council, who offered the closing benediction.

Upon motion of Representative DeWitt, the Joint Session was ordered dissolved at 2:50 p.m.

Speaker Pro Tempore Hickman Presiding

MESSAGE FROM THE SENATE

Announcing the passage of **SBs 1042, 1316 and 1433**. The measures were introduced and read for the first time.

SB 1042 – By Justice of the Senate and Wright of the House.

An Act relating to solid waste management; amending 27A O.S. 2011, Section 2-10-103, which relates to the Oklahoma Solid Waste Management Act; defining terms; modifying certain definitions; stating applicability of the Oklahoma Solid Waste Management Act to recycling of certain roofing materials; requiring owners to install scales and assess certain fees; instructing owners to remit certain fees; providing for retention of certain monies for certain purpose; stating exception; authorizing Environmental Quality Board to promulgate rules; providing for codification; and declaring an emergency.

SB 1316 – By Justice of the Senate and Jordan of the House.

An Act relating to the Governmental Tort Claims Act; amending 51 O.S. 2011, Section 155, which relates to exemptions from liability; adding exemption; and providing an effective date.

SB 1433 – By Crain, Russell, Marlatt, David, Justice, Childers, Simpson, Brown, Barrington, Halligan, Anderson, Stanislawski, Sykes, Newberry, Ford, Schulz, Bingman, Brecheen, Shortey, Allen, Holt, Treat, Brinkley, Jolley, Mazzei, Fields, Nichols and Johnson (Rob) of the Senate and Billy and Vaughan of the House.

An Act relating to unborn children; creating the Personhood Act; providing short title; stating legislative findings; specifying the interpretation of certain laws; defining certain terms; prohibiting certain interpretation; providing for codification; and providing an effective date.

PENDING CONSIDERATION OF SAs

SAs to HB 1464 were rejected upon motion of Representative Johnson. The Speaker named the Conference Committee on Public Safety, Judiciary and Military Affairs.

PENDING CONSIDERATION OF SAs

SAs to HB 1465 were rejected upon motion of Representative Johnson. The Speaker named the Conference Committee on Education.

MEASURE REREFERRED

Upon motion of Representative Scott, **HB 1893** was withdrawn from the Calendar and rereferred to the Judiciary Committee.

GENERAL ORDER

HJR 1093 by Steele et al of the House and Bingman et al of the Senate was read and considered.

Coauthored by Representative(s) Hilliard, Ritze

Speaker Steele moved that **HJR 1093** be advanced from General Order, which motion was declared adopted.

THIRD READING

HJR 1093 was read at length for the third time. On passage of the measure and emergency, the roll call was as follows:

Aye: Armes, Banz, Billy, Blackwell, Brown, Brumbaugh, Cannaday, Casey, Cockroft, Condit, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Enns, Faught, Fourkiller, Glenn, Hall, Hamilton, Hardin, Hickman, Hilliard, Holland, Hoskin, Inman, Jackson, Johnson, Joyner, Kern, Kirby, Kouplen, Liebmann, Lockhart, Martin (Scott),

Martin (Steve), McCullough, McDaniel (Curtis), McDaniel (Jeannie), McDaniel (Randy), McNiell, McPeak, Moore, Morrisette, Mulready, Murphey, 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, Shannon, Shelton, Shoemake, Shumate, Stiles, Terrill, Thomsen, Vaughan, Virgin, Walker, Watson, Wesselhoft, Wright, Mr. Speaker.--87.

Nay: Sherrer.--1.

Excused: Bennett, Christian, Jordan, Key, Morgan, Nelson, Sears, Tibbs, Trebilcock.--9.

Constitutional Priv: Grau, Williams.--2.

Vacancy: District 71, District 88.--2.

The measure and emergency passed.

HJR 1093 was referred for engrossment.

GENERAL ORDER

HB 2449 by Quinn of the House and Brinkley of the Senate was read and considered.

Representative Quinn moved that **HB 2449** be advanced from General Order, which motion was declared adopted.

THIRD READING

HB 2449 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, Derby, DeWitt, Dorman, Enns, Faught, Fourkiller, Glenn, Grau, Hall, Hamilton, Hardin, Hickman, Hilliard, Holland, Hoskin, Inman, Jackson, Johnson, Joyner, Kern, Kirby, Kouplen, Liebmann, Martin (Scott), Martin (Steve), McCullough, McDaniel (Curtis), McDaniel (Jeannie), McDaniel (Randy), McNiell, McPeak, Moore, 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, Shannon, Shelton, Sherrer, Shoemake, Shumate, Stiles, Terrill, Thomsen, Vaughan, Virgin, Walker, Watson, Wesselhoft, Williams, Wright, Mr. Speaker.--91.

Excused: Christian, Jordan, Key, Lockhart, Morgan, Sears, Tibbs, Trebilcock.--8.

Vacancy: District 71, District 88.--2.

The measure and emergency passed.

HB 2449 was referred for engrossment.

GENERAL ORDER

HB 2484 by Grau of the House and Barrington of the Senate was read and considered.

Representative Grau moved that **HB 2484** be advanced from General Order, which motion was declared adopted.

THIRD READING

HB 2484 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, Cockroft, Condit, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Enns, Faught, Fourkiller, Glenn, Grau, Hall, Hamilton, Hardin, Hickman, Hilliard, Holland, Hoskin, Inman, Jackson, Johnson, Jordan, Joyner, Kern, Kirby, Kouplen, Liebmann, Lockhart, Martin (Scott), Martin (Steve), McCullough, McDaniel (Curtis), McDaniel (Jeannie), McDaniel (Randy), McNiel, McPeak, Moore, 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, Shannon, Shelton, Sherrer, Shoemake, Shumate, Stiles, Terrill, Thomsen, Vaughan, Virgin, Walker, Watson, Wesselhoft, Williams, Wright, Mr. Speaker.--93.

Excused: Christian, Key, Morgan, Sears, Tibbs, Trebilcock.--6.

Vacancy: District 71, District 88.--2.

The measure passed.

HB 2484 was referred for engrossment.

COMMITTEE REPORTS

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

DO PASS:

HB 2207 – Veterans and Military Affairs, Coauthored by Representative(s) Hoskin, Stiles, and Authored by Senator Allen (principal Senate author)

HB 2220 – Administrative Rules and Government Oversight

HB 2221 – Administrative Rules and Government Oversight

HB 2222 – Administrative Rules and Government Oversight

HB 2374 – Public Safety, Authored by Senator Sykes (principal Senate author)

HB 2548 – Agriculture, Wildlife and Environment, Authored by Senator Newberry (principal Senate author)

HB 2967 – Higher Education and Career Tech

HB 2969 – Rules, Authored by Senator Paddack (principal Senate author)

HB 3073 – Higher Education and Career Tech, Authored by Senator Paddack (principal Senate author)

HB 3131 – Rules

HJR 1015 – Rules

HJR 1081 – Rules, Coauthored by Representative(s) Reynolds

HJR 1087 – Rules, Authored by Senator Mazzei (principal Senate author)

DO PASS, As Amended:

CS for HB 1357 – Energy and Utility Regulation

CS for HB 2223 – Administrative Rules and Government Oversight

CS for HB 2224 – Administrative Rules and Government Oversight

CS for HB 2225 – Administrative Rules and Government Oversight

CS for HB 2226 – Administrative Rules and Government Oversight

CS for HB 2227 – Administrative Rules and Government Oversight

CS for HB 2323 – Transportation, Authored by Senator Simpson (principal Senate author)

CS for HB 2544 – Rules, Authored by Senator Stanislawski (principal Senate author)

CS for HB 2560 – Public Health, Remove Representative Wesselhoft as principal House author and substitute with Representative Kern, and Coauthored by Representative(s) Wesselhoft, Ritze

CS for HB 2565 – Veterans and Military Affairs, Coauthored by Representative(s) Hoskin

CS for HB 2629 – Transportation, Remove Representative McAffrey as principal House author and substitute with Representative Condit, and Authored by Senator Wilson (principal Senate author)

CS for HB 2833 – Energy and Utility Regulation

CS for HB 2941 – Public Health, Coauthored by Representative(s) Ritze, and Authored by Senator Brinkley (principal Senate author)

CS for HB 2970 – Higher Education and Career Tech

CS for HB 2971 – Higher Education and Career Tech, Authored by Senator Paddack
(principal Senate author)

CS for HCR 1021 – Rules, Authored by Senator Treat (principal Senate author)

CS for SJR 25 – Rules, Coauthored by Representative(s) Tibbs

Representative DeWitt moved that when the clerk's desk is clear, the House stand adjourned to reconvene at 9:00 a.m., Thursday, February 23, 2012, which was the order.

Pursuant to the motion of Representative DeWitt, the House was adjourned at 3:15 p.m., to reconvene Thursday, February 23, 2012, at 9:00 a.m.