

# HOUSE JOURNAL

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

**of the State of Oklahoma**

**Thirteenth Legislative Day, Monday, February 27, 2012**

The House was called to order by Speaker Steele.

The roll was called with 94 Members present.

The following Members were excused: Joyner, Kouplen, McCullough, Tibbs, Trebilcock.—5.

Vacancy: District 71, District 88.—2.

The Speaker declared a quorum present.

Prayer was offered by Pastor Bill Ledbetter, Fairview Baptist Church, Durant. Pastor Ledbetter was sponsored by Representative Faught.

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

The Journal for the last legislative day was approved.

## **ENGROSSED AND ENROLLED MEASURES**

**HBs 2281, 2318, 2547 and 2787** were reported correctly engrossed, properly signed, in open session, and ordered transmitted to the Honorable Senate.

**RESOLUTIONS**

The following were introduced and read:

**HR 1043** – By Kern.

An Act proclaiming April 2012 as National Poetry Month; and directing distribution.

**HR 1044** – By Cox.

A Resolution recognizing the many contributions made by citizens of the Republic of Turkey; and directing distribution.

**Speaker Pro Tempore Hickman Presiding****GENERAL ORDER**

**HB 2577** by Ownbey of the House and Mazzei of the Senate was read and considered.

Representative Ownbey moved that **HB 2577** be advanced from General Order, which motion was declared adopted.

**THIRD READING**

**HB 2577** was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Armes, Banz, Billy, Blackwell, Brown, Brumbaugh, Cannaday, Casey, Christian, Cockroft, Condit, Coody, Cooksey, Dank, Denney, Derby, DeWitt, Dorman, Enns, Faught, Fourkiller, Glenn, Grau, Hall, Hardin, Hickman, Holland, Hoskin, Inman, Jackson, Johnson, Jordan, Kern, Kirby, Liebmann, Lockhart, Martin (Scott), Martin (Steve), McDaniel (Curtis), McDaniel (Jeannie), McDaniel (Randy), McNiel, McPeak, Moore, Morgan, Morrissette, Mulready, Nelson, Newell, Nollan, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Quinn, Renegar, Richardson, Roan, Roberts (Dustin), Roberts (Sean), Rousselot, Russ, Sanders, Schwartz, Scott, Sears, Shannon, Shelton, Sherrer, Shumate, Stiles, Terrill, Thomsen, Vaughan, Virgin, Walker, Watson, Wesselhoft, Williams, Wright, Mr. Speaker.--85.

Nay: Bennett, Murphey, Reynolds, Ritze.--4.

Excused: Cox, Hamilton, Hilliard, Joyner, Key, Kouplen, McCullough, Shoemake, Tibbs, Trebilcock.--10.

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

The measure passed.

**HB 2577** was referred for engrossment.

## MEASURES REASSIGNED

The following measures were reassigned:

**HB 2515** – Withdrawn from Appropriations and Budget and referred to Rules.

**HB 2647** – Withdrawn from Appropriations and Budget and referred to Government Modernization.

**HB 2755** – Withdrawn from Common Education and referred to Appropriations and Budget.

**HB 3079** – Withdrawn from Rules and referred to Government Modernization.

## RESOLUTION FOR CONSIDERATION

**HCR 1030** was called up for consideration.

Coauthored by Representative(s) Russ

Authored by Senator Paddack (principal Senate author)

Upon motion of Representative Billy, **HCR 1030** was considered and adopted.

**HCR 1030** was referred for engrossment.

## MESSAGE FROM THE SENATE

Announcing the passage of **SBs 1069, 1075 and 1149**. The measures were introduced and read for the first time.

**SB 1069** – By Barrington of the Senate and Cockroft of the House.

An Act relating to prisons and reformatories; amending 57 O.S. 2011, Section 530.2, which relates to designating persons to receive personal property of deceased; authorizing costs of cremation to be deducted from the balance due an inmate's designee under certain circumstances; making gender neutral; and providing an effective date.

**SB 1075** – By Barrington of the Senate and Dorman of the House.

An Act relating to municipal contracting; amending 11 O.S. 2011, Section 8-113, which relates to prohibiting municipal employees from contracting for certain services; modifying certain population restrictions; providing exception for certain competitive bidding; and providing an effective date.

**SB 1149** – By Lerblance of the Senate and Renegar of the House.

An Act relating to memorial bridge designations; designating the Lt. Colonel Warren Pingleton Memorial Bridge; designating the Major Bill Morgan Memorial Bridge; designating the Ronnie Sumpter, Sonny Harris and Rhonda Howard Memorial Bridge; requiring certain markers; providing for codification; providing an effective date; and declaring an emergency.

**GENERAL ORDER**

**HB 2319** by McDaniel (Randy) of the House and Anderson of the Senate was read and considered.

Representative McDaniel (Randy) moved that **HB 2319** be advanced from General Order, which motion was declared adopted.

**THIRD READING**

**HB 2319** was read at length for the third time. On passage of the measure and emergency, the roll call was as follows:

Aye: Banz, Bennett, Billy, Blackwell, Brown, Brumbaugh, Cannaday, Casey, Christian, Cockroft, Condit, Coody, Cooksey, Dank, Denney, Derby, DeWitt, Dorman, Enns, Faught, Fourkiller, Glenn, Grau, Hall, Hardin, Hickman, Holland, Hoskin, Inman, Jackson, Johnson, Jordan, Kern, Key, Kirby, Liebmann, Lockhart, Martin (Scott), Martin (Steve), McDaniel (Curtis), McDaniel (Jeannie), McDaniel (Randy), McNiel, McPeak, Moore, Morgan, 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, Sherrer, Shoemake, Shumate, Stiles, Terrill, Thomsen, Vaughan, Virgin, Walker, Watson, Wesselhoft, Williams, Wright, Mr. Speaker.--87.

Nay: Hamilton, Morrissette, Shelton.--3.

Excused: Armes, Cox, Hilliard, Joyner, Kouplén, McCullough, Reynolds, Tibbs, Trebilcock.--9.

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

The measure and emergency passed.

**HB 2319** was referred for engrossment.

**GENERAL ORDER**

**HB 2390** by Liebmann of the House and Bingman of the Senate was read and considered.

Representative Liebmann moved that **HB 2390** be advanced from General Order, which motion was declared adopted.

### THIRD READING

**HB 2390** 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, Grau, Hall, Hamilton, Hardin, Hickman, Holland, Hoskin, Inman, Jackson, Johnson, Jordan, Kern, Key, Kirby, Liebmann, Lockhart, Martin (Scott), Martin (Steve), McDaniel (Curtis), 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, Sherrer, Shoemake, Shumate, Stiles, Terrill, Thomsen, Vaughan, Virgin, Walker, Watson, Wesselhoft, Williams, Wright, Mr. Speaker.--91.

Nay: Bennett, Christian.--2.

Excused: Hilliard, Joyner, Kouplen, McCullough, Tibbs, Trebilcock.--6.

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

The measure and emergency passed.

**HB 2390** was referred for engrossment.

### GENERAL ORDER

**HB 2392** by Liebmann of the House was read and considered.

Authored by Senator Mazzei (principal Senate author)

Representative Liebmann moved to amend **HB 2392**, Page 2, Section 1, Line 16 by striking the word "Seven" and by inserting in lieu thereof the word "Five", which amendment was declared adopted.

Representative Liebmann moved that **HB 2392** be advanced from General Order, which motion was declared adopted.

### THIRD READING

**HB 2392** was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Armes, Billy, Blackwell, Brumbaugh, Casey, Cockroft, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Enns, Faught, Grau, Hall, Hardin, Hickman, Holland,

Jackson, Johnson, Jordan, Kern, Kirby, Liebmann, Lockhart, Martin (Scott), Martin (Steve), McDaniel (Randy), McNiel, Moore, Morgan, Mulready, Murphey, Nelson, Newell, Nollan, Ortega, Osborn, Ownbey, Peters, Peterson, Pruett, Quinn, Richardson, Ritze, Roan, Roberts (Dustin), Roberts (Sean), Russ, Sanders, Schwartz, Scott, Sears, Shannon, Thomsen, Vaughan, Walker, Watson, Wesselhoft, Wright, Mr. Speaker.--63.

Nay: Bennett, Brown, Cannaday, Christian, Condit, Dorman, Fourkiller, Glenn, Hamilton, Hoskin, Inman, Key, McDaniel (Curtis), McDaniel (Jeannie), McPeak, Morrisette, Pittman, Proctor, Renegar, Reynolds, Rousselot, Shelton, Sherrer, Shoemake, Shumate, Stiles, Terrill, Virgin, Williams.--29.

Excused: Banz, Hilliard, Joyner, Kouplen, McCullough, Tibbs, Trebilcock.--7.

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

The measure passed.

**HB 2392** was referred for engrossment.

## **GENERAL ORDER**

**HB 2367** by Billy et al of the House was read and considered.

Coauthored by Representative(s) Sherrer, Reynolds

Authored by Senator Sykes (principal Senate author)

Representative Morgan moved to suspend House Rule 8.6(b) for the purpose of allowing consideration of an untimely filed floor amendment, which motion was declared adopted upon roll call as follows:

Aye: Armes, Banz, Billy, Blackwell, Brown, Brumbaugh, Cannaday, Casey, Cockroft, Condit, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Enns, Faught, Fourkiller, Grau, Hall, Hamilton, Hardin, Hickman, Holland, Hoskin, Inman, Jordan, Key, Kirby, Liebmann, Lockhart, Martin (Scott), McDaniel (Curtis), McDaniel (Jeannie), McNiel, Moore, Morgan, Morrisette, Mulready, Murphey, Nelson, Newell, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Quinn, Renegar, Richardson, Roan, Roberts (Dustin), Roberts (Sean), Rousselot, Russ, Sanders, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Terrill, Thomsen, Vaughan, Virgin, Walker, Watson, Wright, Mr. Speaker.--76.

Nay: Reynolds, Ritze.--2.

Excused: Bennett, Christian, Glenn, Hilliard, Jackson, Johnson, Joyner, Kern, Kouplen, Martin (Steve), McCullough, McDaniel (Randy), McPeak, Nollan, Schwartz, Scott, Stiles, Tibbs, Trebilcock, Wesselhoft, Williams.--21.

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

Upon request of Representative Billy, **HB 2367** was laid over.

## GENERAL ORDER

**HB 2502** by Watson of the House and David of the Senate was read and considered.

Representative Inman moved to amend **HB 2502**, Page 2, Section 1, Lines 19-23 by restoring the stricken language, which amendment was declared adopted.

Representative Watson moved that **HB 2502** be advanced from General Order, which motion was declared adopted.

## THIRD READING

**HB 2502** was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Armes, Billy, Brown, Cannaday, Casey, Condit, Coody, Cox, Dank, Denney, DeWitt, Dorman, Enns, Fourkiller, Glenn, Grau, Hall, Hamilton, Hickman, Holland, Hoskin, Inman, Jackson, Jordan, Kirby, Liebmann, Lockhart, Martin (Scott), Martin (Steve), McDaniel (Curtis), McDaniel (Jeannie), McDaniel (Randy), McNiel, McPeak, Moore, Morgan, Morrisette, Mulready, Nelson, Nollan, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Pruett, Renegar, Richardson, Roberts (Dustin), Rousselot, Russ, Sanders, Sears, Shelton, Shoemake, Shumate, Stiles, Thomsen, Vaughan, Virgin, Walker, Watson, Wright, Mr. Speaker.--65.

Nay: Banz, Bennett, Blackwell, Brumbaugh, Christian, Cockroft, Cooksey, Derby, Faught, Hardin, Johnson, Kern, Key, Murphey, Newell, Proctor, Quinn, Reynolds, Ritze, Roberts (Sean), Schwartz, Scott, Shannon, Sherrer, Terrill, Wesselhoft, Williams.--27.

Excused: Hilliard, Joyner, Kouplen, McCullough, Roan, Tibbs, Trebilcock.--7.

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

The measure passed.

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

Aye: Armes, Billy, Brown, Casey, Coody, Cox, Dank, Denney, DeWitt, Dorman, Enns, Hall, Hickman, Holland, Jackson, Jordan, Kirby, Liebmann, Martin (Scott),

Martin (Steve), McDaniel (Randy), Morgan, Morrissette, Ortega, Osborn, Ownbey, Peterson, Pruett, Richardson, Roberts (Dustin), Russ, Sanders, Sears, Vaughan, Walker, Watson, Wright, Mr. Speaker.--38.

Nay: Banz, Bennett, Blackwell, Brumbaugh, Cannaday, Christian, Cockroft, Condit, Cooksey, Derby, Faught, Fourkiller, Glenn, Grau, Hamilton, Hardin, Hoskin, Inman, Johnson, Kern, Key, Lockhart, McDaniel (Curtis), McDaniel (Jeannie), McPeak, Mulready, Murphey, Nelson, Newell, Nollan, Pittman, Proctor, Quinn, Renegar, Reynolds, Ritze, Roberts (Sean), Rousselot, Schwartz, Scott, Shannon, Shelton, Sherrer, Shoemake, Shumate, Stiles, Terrill, Virgin, Wesselhoft, Williams.--50.

Excused: Hilliard, Joyner, Kouplen, McCullough, McNiel, Moore, Peters, Roan, Thomsen, Tibbs, Trebilcock.--11.

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

The emergency failed.

**HB 2502** was referred for engrossment.

## **GENERAL ORDER**

**HB 2503** by Watson of the House and David of the Senate was read and considered.

Representative Reynolds moved to amend **HB 2503**, Page 2, Section 1, Line 16 by inserting after the word “monies” the language “not in excess of \$5,000.00”.

Representative Watson moved to table the Reynolds amendment, which tabling motion failed of adoption upon roll call as follows:

Aye: Armes, Banz, Billy, Coody, Cooksey, Cox, Denney, DeWitt, Hickman, Liebmann, Martin (Scott), Martin (Steve), McDaniel (Randy), Morgan, Nollan, Ortega, Ownbey, Peters, Pruett, Richardson, Rousselot, Russ, Sears, Watson, Wright, Mr. Speaker.--26.

Nay: Bennett, Blackwell, Brown, Brumbaugh, Cannaday, Casey, Christian, Cockroft, Condit, Dank, Derby, Dorman, Enns, Faught, Fourkiller, Glenn, Grau, Hall, Hamilton, Hardin, Holland, Hoskin, Inman, Jackson, Johnson, Jordan, Kern, Key, Kirby, Lockhart, McDaniel (Curtis), McDaniel (Jeannie), McPeak, Moore, Morrissette, Mulready, Murphey, Nelson, Newell, Osborn, Peterson, Proctor, Quinn, Renegar, Reynolds, Ritze, Roan, Roberts (Dustin), Roberts (Sean), Sanders, Schwartz, Scott, Shannon, Shelton, Sherrer, Shoemake, Shumate, Stiles, Terrill, Vaughan, Virgin, Wesselhoft, Williams.--63.

Excused: Hilliard, Joyner, Kouplen, McCullough, McNiel, Pittman, Thomsen, Tibbs, Trebilcock, Walker.--10.

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

Upon request of Representative Watson, **HB 2503** was laid over and withdrawn from further consideration.

Representative Reynolds raised a point of order stating that the request made by Representative Watson to lay the bill over was out of order because the House was considering the amendment and not the bill itself.

The Presiding Officer ruled that pursuant to House Rule 10.4(b) the author may withdraw the bill from consideration at any point until the vote is ordered on final passage of the measure, and therefore ruled the point not well taken.

## GENERAL ORDER

**HB 1968** by Mulready of the House was read and considered.

Authored by Senator Brown (principal Senate author)

Representative Mulready moved that **HB 1968** be advanced from General Order, which motion was declared adopted.

## THIRD READING

**HB 1968** 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, Christian, Coody, Cooksey, Cox, Dank, Denney, DeWitt, Enns, Faught, Grau, Hardin, Hickman, Holland, Jackson, Johnson, Jordan, Key, Kirby, Liebmann, Martin (Scott), McDaniel (Randy), McNeil, Mulready, Murphey, Nelson, Newell, Nollan, Ortega, Osborn, Ownbey, Peters, Quinn, Richardson, Roberts (Sean), Russ, Sanders, Schwartz, Sears, Shannon, Stiles, Terrill, Vaughan, Watson, Wright, Mr. Speaker.--51.

Nay: Brown, Cannaday, Casey, Cockroft, Condit, Derby, Dorman, Fourkiller, Glenn, Hall, Hamilton, Hoskin, Inman, Kern, Lockhart, Martin (Steve), McDaniel (Curtis), McDaniel (Jeannie), McPeak, Moore, Morgan, Morrissette, Peterson, Pittman, Proctor, Pruett, Renegar, Reynolds, Ritze, Roan, Roberts (Dustin), Rousselot, Scott, Shelton, Sherrer, Shoemake, Shumate, Virgin, Walker, Wesselhoft, Williams.--41.

Excused: Hilliard, Joyner, Kouplen, McCullough, Thomsen, Tibbs, Trebilcock.--7.

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

The measure passed.

**HB 1968** was referred for engrossment.

**GENERAL ORDER**

**HB 2367** by Billy et al of the House and Sykes of the Senate as read, considered and laid over on Page 301 was considered further.

Coauthored by Representative(s) Denney

Representative Morgan moved to amend **HB 2367**, Page 24, Section 3, by inserting a new subsection to read as follows:

“E. 1. Any motor license agent of the Oklahoma Tax Commission, including any employee or contractor employed by a motor license agent, shall be eligible to apply to be a designated examiner of the Department of Public Safety for the purposes of administering the Class D written portion of the Oklahoma driving examination to any person who has applied for a learner permit or a Class D driver license.

2. The Department of Public Safety shall adopt a curriculum of required courses and training to be offered to motor license agents, employees or contractors employed by a motor license agent who are qualified to apply to be a designated examiner. The courses and training for certification shall meet the same standards as required for driver examiners of the Department of Public Safety and as required for commercial driver training instructors, as provided in Section 801 et seq. of this title.

3. Each motor license agent, employee or contractor employed by a motor license agent applying to be a designated examiner shall be required to pay an initial designated examiner certification fee of One Thousand Dollars (\$1,000.00). Upon successful completion of training prescribed by paragraph 2 of this subsection, the person shall be required to pay an annual designated examiner certification fee of Five Hundred Dollars (\$500.00). Each designated examiner certification shall expire on the last day of the calendar year and may be renewed upon application to the Department of Public Safety. The designated examiner certification fees collected by the Department pursuant to this subsection shall be deposited to the credit of the Department of Public Safety Restricted Revolving Fund to be used for the purposes of this subsection. No designated examiner certification fee shall be refunded in the event that certification is denied, suspended or revoked.

4. A designated examiner may charge a fee of no more than Four Dollars (\$4.00) for each Class D written examination given, whether the person being examined passes or fails the examination.

5. The Department of Public Safety shall promulgate rules to implement and administer the provisions of this subsection.”,

which amendment was declared adopted.

Representative Billy moved that **HB 2367** be advanced from General Order, which motion was declared adopted.

### THIRD READING

**HB 2367** 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, Enns, Faught, Fourkiller, Glenn, Grau, Hall, Hamilton, Hardin, Hickman, Hilliard, Holland, Hoskin, Inman, Jackson, Johnson, Jordan, Kern, Key, Kirby, Liebmann, Lockhart, Martin (Scott), Martin (Steve), McDaniel (Curtis), McDaniel (Jeannie), McDaniel (Randy), McNiell, 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, Sherrer, Shoemake, Shumate, Stiles, Terrill, Vaughan, Virgin, Walker, Watson, Wesselhoft, Williams, Wright, Mr. Speaker.--93.

Excused: Joyner, Kouplen, McCullough, Thomsen, Tibbs, Trebilcock.--6.

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

The measure passed.

**HB 2367** 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 2447** – Insurance, Authored by Senator Brinkley (principal Senate author)

**HB 2864** – Insurance

DO PASS, As Amended:

**CS for HB 2249** – Appropriations and Budget, Authored by Senator Marlatt (principal Senate author)

**CS for HB 2541** – Appropriations and Budget, Authored by Senator Sykes (principal Senate author)

**CS for HB 2606** – Insurance, Authored by Senator Brecheen (principal Senate author)

**CS for HB 2927** – Appropriations and Budget, Coauthored by Representative(s) DeWitt, and Authored by Senator Marlatt (principal Senate author)

**CS for HB 2946** – Appropriations and Budget, Authored by Senator Anderson  
(principal Senate author)

**CS for HB 2981** – Appropriations and Budget, Authored by Senator Anderson  
(principal Senate author)

Representative DeWitt moved that when the clerk's desk is clear, the House stand adjourned to reconvene at 9:00 a.m., Tuesday, February 28, 2012, which was the order.

Pursuant to the motion of Representative DeWitt, the House was adjourned at 3:30 p.m., to reconvene Tuesday, February 28, 2012, at 9:00 a.m.