

HOUSE JOURNAL

Second Regular Session of the Fifty-third Legislature

of the State of Oklahoma

Thirtieth Legislative Day, Wednesday, March 28, 2012

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

The roll was called with 96 Members present.

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

Vacancy: District 71, District 88.—2.

The Speaker Pro Tempore declared a quorum present.

Prayer was offered by Pastor Walter Mullican, Portland Avenue Baptist Church, Oklahoma City. Pastor Mullican was sponsored by Representative Kern.

The Journal for the last legislative day was approved.

ENGROSSED AND ENROLLED MEASURES

HBs 2188 and **2189** 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SB 1716 – Withdrawn from Judiciary and referred to Agriculture, Wildlife and Environment.

FIRST READING

The following was introduced and read for the first time:

HJR 1108 – By Richardson.

A Joint Resolution approving permanent rules of the Oklahoma Department of Agriculture, Food, and Forestry; and directing distribution.

GENERAL ORDER

SB 1704 by Sykes of the Senate and Jordan of the House was read and considered.

Representative Jordan moved that **SB 1704** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 1704 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, Christian, Cockroft, Condit, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Faught, Fourkiller, Glenn, Hall, Hardin, Hickman, Hilliard, Holland, Hoskin, Inman, Jackson, Johnson, Jordan, Joyner, Kern, Key, Kirby, Kouplen, Liebmann, Lockhart, Martin (Scott), Martin (Steve), McCullough, McDaniel (Curtis), McDaniel (Jeannie), McDaniel (Randy), 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.--93.

Nay: Hamilton.--1.

Excused: Enns, Grau, McNiel, Tibbs, Trebilcock.--5.

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

The measure and emergency passed.

The Presiding Officer signed, in open session, Engrossed **SB 1704** and ordered same returned to the Honorable Senate.

RESOLUTION FOR CONSIDERATION

HCR 1032 was called up for consideration.

Upon motion of Representative Morgan, **HCR 1032** was considered and adopted.

HCR 1032 was referred for engrossment.

RESOLUTION FOR CONSIDERATION

HCR 1029 was called up for consideration.

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

Authored by Senator Adelson (principal Senate author)

Upon motion of Representative Wesselhoft, **HCR 1029** was considered and adopted.

HCR 1029 was referred for engrossment.

ENGROSSED AND ENROLLED MEASURE

HCR 1032 was reported correctly engrossed, properly signed, in open session, and ordered transmitted to the Honorable Senate.

MOTION

Representative DeWitt moved that the House stand in recess until 2:30 p.m., which was the order.

Speaker Pro Tempore Hickman Presiding

GENERAL ORDER

HJR 1097 by Cox of the House and Jolley of the Senate was read and considered.

Representative Cox moved that **HJR 1097** be advanced from General Order, which motion was declared adopted.

THIRD READING

HJR 1097 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, Faught, Glenn, Grau, Hall, Hamilton, Hardin, Hickman, Hilliard, Holland, Hoskin, Inman, Jackson, Johnson, Jordan, Joyner, Kern, Key, 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, Richardson, Roan, Roberts (Dustin), Roberts (Sean), Rousselot, Russ, Sanders, Schwartz, Scott, Sears, Shannon, Shoemake, Shumate, Stiles, Terrill, Thomsen, Vaughan, Virgin, Walker, Watson, Wesselhoft, Williams, Wright, Mr. Speaker.--90.

Nay: Reynolds, Ritze.--2.

Excused: Enns, Fourkiller, Morgan, Shelton, Sherrer, Tibbs, Trebilcock.--7.

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

The measure passed.

HJR 1097 was referred for engrossment.

MESSAGES FROM THE SENATE

Advising fourth reading of and transmitting for signature Enrolled **SB 301**.

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

Transmitting engrossed measure

Announcing the passage of **SCR 33**. The measure was introduced and read.

SCR 33 – By Newberry, Holt, Jolley, Brecheen, Schulz, Brinkley, Crain, David, Fields, Aldridge, Anderson, Barrington, Halligan, Simpson, Mazzei, Justice, Ford, Allen, Marlatt, Bingman, Sykes, Coates, Brown, Treat and Stanislawski of the Senate and Mulready of the House.

A Concurrent Resolution calling upon the Congress of the United States to initiate an amendment to the United States Constitution requiring a balanced budget annually; and directing distribution.

Returning engrossed measures

Announcing the passage of **HBs 2443** and **2768**, Coauthored by Representative Pittman and **HCR 1032**, Coauthored by all Members of the Senate.

The above-numbered measures were referred for enrollment.

Returning enrolled measures

Announcing that Enrolled **HBs 2188** and **2189** 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.

GENERAL ORDER

HJR 1095 by Peters of the House and David of the Senate was read and considered.

Representative Peters moved that **HJR 1095** be advanced from General Order, which motion was declared adopted.

THIRD READING

HJR 1095 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, Denney, Derby, DeWitt, Dorman, Faught, Glenn, Hall, Hamilton, Hardin, Hickman, Hilliard, Holland, Hoskin, Inman, Jackson, Johnson, Jordan, Joyner, Kern, Key, Kirby, Liebmann, Lockhart, Martin (Scott), Martin (Steve), McCullough, McDaniel (Curtis), McDaniel (Jeannie), McDaniel (Randy), McNiel, McPeak, Moore, 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.--89.

Nay: Morrissette.--1.

Excused: Brown, Dank, Enns, Fourkiller, Grau, Kouplen, Morgan, Tibbs, Trebilcock.--9.

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

The measure passed.

HJR 1095 was referred for engrossment.

RESOLUTION FOR CONSIDERATION

HR 1052 was called up for consideration.

Representative Jordan moved to table consideration of **HR 1052**, which motion was declared adopted upon roll call as follows:

Aye: Armes, Bennett, Blackwell, Brumbaugh, Cannaday, Christian, Cockroft, Condit, Derby, Dorman, Faught, Fourkiller, Glenn, Hall, Hamilton, Hilliard, Inman, Jackson, Johnson, Jordan, Joyner, Kern, Key, Kirby, Kouplen, Liebmann, Martin (Scott), Martin (Steve), McCullough, McDaniel (Curtis), McNiell, McPeak, Moore, Morrissette, Mulready, Murphey, Newell, Osborn, Ownbey, Peterson, Pittman, Proctor, Renegar, Reynolds, Ritze, Roan, Sanders, Schwartz, Scott, Shannon, Shelton, Shoemake, Stiles, Terrill, Thomsen, Virgin, Wesselhoft, Williams.--58.

Nay: Banz, Billy, Brown, Casey, Coody, Cooksey, Cox, Dank, Denney, DeWitt, Grau, Hardin, Hickman, Holland, Hoskin, Lockhart, McDaniel (Jeannie), McDaniel (Randy), Nelson, Nollan, Ortega, Peters, Pruett, Quinn, Richardson, Roberts (Sean), Rousselot, Russ, Sears, Sherrer, Shumate, Vaughan, Walker, Watson, Wright, Mr. Speaker.--36.

Excused: Enns, Morgan, Roberts (Dustin), Tibbs, Trebilcock.--5.

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

GENERAL ORDER

HJR 1101 by Faught of the House was read and considered.

Authored by Senator Ford (principal Senate author)

Representative Faught moved that **HJR 1101** be advanced from General Order, which motion was declared adopted.

THIRD READING

HJR 1101 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, 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), McCullough, 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, Richardson, Ritze, Roan, 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.--93.

Excused: Enns, Renegar, Reynolds, Roberts (Dustin), Tibbs, Trebilcock.--6.

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

The measure passed.

HJR 1101 was referred for engrossment.

GENERAL ORDER

HJR 1098 by Banz of the House and Aldridge of the Senate was read and considered.

Representative Banz moved that **HJR 1098** be advanced from General Order, which motion was declared adopted.

THIRD READING

HJR 1098 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, Faught, Fourkiller, Glenn, Grau, Hall, Hamilton, Hardin, Hickman, Holland, Inman, Jackson, Johnson, Jordan, Joyner, Kern, Key, Kirby, Kouplen, Liebmann, Lockhart, Martin (Scott), Martin (Steve), McCullough, 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 (Sean), Rousselot, Russ, Sanders, Schwartz, Scott, Sears, Shannon, Shoemake, Stiles, Terrill, Thomsen, Vaughan, Virgin, Walker, Watson, Wesselhoft, Wright, Mr. Speaker.--87.

Nay: Hilliard, Hoskin, Morrissette, Shelton, Sherrer, Shumate, Williams.--7.

Excused: Enns, Reynolds, Roberts (Dustin), Tibbs, Trebilcock.--5.

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

The measure passed.

HJR 1098 was referred for engrossment.

RESOLUTION FOR CONSIDERATION

HCR 1023 was called up for consideration.

Authored by Senator Brinkley (principal Senate author)

Upon motion of Representative Kern, **HCR 1023** was considered and adopted.

HCR 1023 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:

SB 178 – Public Health

SB 1043 – Agriculture, Wildlife and Environment

SB 1111 – Higher Education and Career Tech

SB 1170 – Rules

SB 1228 – Common Education

SB 1274 – Public Health, Coauthored by Representative(s) Christian, Ritze

SB 1338 – Rules

SB 1466 – Rules

SB 1518 – Agriculture, Wildlife and Environment

SB 1569 – Rules

SB 1592 – Public Health

SB 1686 – Public Health

SB 1698 – Rules

SB 1706 – Rules, Coauthored by Representative(s) Morrissette
SB 1707 – Rules
SB 1751 – Agriculture, Wildlife and Environment

DO PASS, As Amended:

CS for **SB 1040** – Agriculture, Wildlife and Environment
CS for **SB 1162** – Rules, Coauthored by Representative(s) Dorman
CS for **SB 1189** – Energy and Utility Regulation
CS for **SB 1299** – Judiciary
CS for **SB 1309** – Rules
CS for **SB 1313** – Judiciary
CS for **SB 1314** – Judiciary
CS for **SB 1320** – Transportation, Coauthored by Representative(s) Faught
CS for **SB 1433** – Public Health, Coauthored by Representative(s) Ritze, Christian, Bennett, Faught, Cockroft, Derby
SB 1532 – Rules
SJR 52 – Rules

Representative DeWitt moved that when the clerk's desk is clear, the House stand adjourned to reconvene at 9:00 a.m., Thursday, March 29, 2012, which was the order.

Pursuant to the motion of Representative DeWitt, the House was adjourned at 3:00 p.m., to reconvene Thursday, March 29, 2012, at 9:00 a.m.