

HOUSE JOURNAL

Second Regular Session of the Fifty-third Legislature

of the State of Oklahoma

Thirty-first Legislative Day, Thursday, March 29, 2012

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

The roll was called with 95 Members present.

The following Members were excused: Enns, Reynolds, Tibbs, Trebilcock.—4.

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

HJRs 1095, 1097, 1098, 1101 and **HCR**s 1023 and 1029 were reported correctly engrossed, properly signed, in open session, and ordered transmitted to the Honorable Senate.

HBs 2443 and 2768 were reported correctly enrolled and, after fourth reading, properly signed, in open session, and ordered transmitted to the Honorable Senate.

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

GENERAL ORDER

SB 1210 by Simpson et al of the Senate and Hardin et al of the House was read and considered.

Coauthored by Representative(s) Roberts (Dustin), Walker

Representative Hardin moved that **SB 1210** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 1210 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, Brown, Brumbaugh, Cannaday, Casey, Condit, Coody, Cooksey, Cox, Denney, Derby, DeWitt, Dorman, Faught, Fourkiller, Glenn, Grau, Hall, Hardin, Hickman, Hilliard, Holland, Hoskin, Inman, Jackson, Johnson, Jordan, Joyner, Kern, Key, Liebmann, Lockhart, Martin (Scott), McCullough, McDaniel (Curtis), McDaniel (Jeannie), McNiel, McPeak, Moore, Mulready, Murphey, Nelson, Newell, Ownbey, Peters, Peterson, Proctor, Pruett, Quinn, Renegar, Richardson, Ritze, Roan, Roberts (Dustin), Rousselot, Russ, Sanders, Sears, Shannon, Shelton, Sherrer, Shoemake, Stiles, Terrill, Thomsen, Vaughan, Walker, Watson, Wright, Mr. Speaker.--72.

Excused: Billy, Blackwell, Christian, Cockroft, Dank, Enns, Hamilton, Kirby, Kouplun, Martin (Steve), McDaniel (Randy), Morgan, Morrissette, Nollan, Ortega, Osborn, Pittman, Reynolds, Roberts (Sean), Schwartz, Scott, Shumate, Tibbs, Trebilcock, Virgin, Wesselhoft, Williams.--27.

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

The measure and emergency passed.

The Presiding Officer signed, in open session, Engrossed **SB 1210** and ordered same returned to the Honorable Senate.

SECOND READING

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

HJR 1108 – Administrative Rules and Government Oversight

GENERAL ORDER

SB 1386 by Crain of the Senate and Cox of the House was read and considered.

Representative Cox moved that **SB 1386** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 1386 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, Condit, Coody, Cox, Dank, Denney, Derby, DeWitt, Dorman, Faught, Fourkiller, Glenn, Grau, Hall, Hamilton, Hardin, Hickman, Hilliard, Holland, Hoskin, Inman, Jackson, Johnson, Jordan, Joyner, Kern, 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, Pruet, Quinn, Renegar, Richardson, Roan, Roberts (Dustin), Roberts (Sean), Rousselot, Russ, Sanders, Scott, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Stiles, Terrill, Thomsen, Vaughan, Virgin, Walker, Watson, Wesselhoft, Williams, Wright, Mr. Speaker.--87.

Nay: Bennett, Key, Ritze.--3.

Excused: Cockroft, Cooksey, Enns, Kirby, McNiel, Reynolds, Schwartz, Tibbs, Trebilcock.--9.

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

The measure passed.

SB 1386 was referred for engrossment.

GENERAL ORDER

SB 1321 by Brinkley et al of the Senate and Derby of the House was read and considered.

Representative Derby moved that **SB 1321** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 1321 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, Condit, Coody, Cox, Dank, Denney, Derby, DeWitt, Dorman, Faught, Fourkiller, Glenn, Grau, 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), McNiel, Moore, Morrisette, Mulready, Murphey, Nelson, Newell, Nollan, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Quinn, Renegar, Ritze, Roan, Roberts (Dustin), Roberts (Sean), Rousselot, Russ, Sanders, Scott, Sears, Shannon, Sherrer, Shoemake, Shumate, Stiles, Terrill, Thomsen, Vaughan, Virgin, Walker, Watson, Wesselhoft, Williams, Wright, Mr. Speaker.--86.

Nay: Hamilton, McPeak, Morgan, Shelton.--4.

Excused: Christian, Cockroft, Cooksey, Enns, Reynolds, Richardson, Schwartz, Tibbs, Trebilcock.--9.

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

The measure passed.

The Presiding Officer signed, in open session, Engrossed **SB 1321** and ordered same returned to the Honorable Senate.

GENERAL ORDER

SB 1316 by Justice of the Senate and Jordan of the House was read and considered.

Coauthored by Representative(s) Walker

Representative Jordan moved that **SB 1316** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 1316 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, Condit, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Faught, Fourkiller, Glenn, Grau, 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), McNiell, McPeak, Moore, Morgan, Mulready, Murphey, Nelson, Newell, Nollan, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Quinn, Richardson, Ritze, Roan, Roberts (Dustin), Roberts (Sean), Rousselot, Russ, Sanders, Scott, Sears, Shannon, Shelton, Sherrer, Shoemake, Stiles, Terrill, Thomsen, Vaughan, Virgin, Walker, Watson, Wesselhoft, Williams, Wright, Mr. Speaker.--89.

Nay: Hamilton, Morrissette, Renegar, Shumate.--4.

Excused: Cockroft, Enns, Reynolds, Schwartz, Tibbs, Trebilcock.--6.

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

The measure passed.

The Presiding Officer signed, in open session, Engrossed **SB 1316** and ordered same returned to the Honorable Senate.

MESSAGE FROM THE SENATE

Advising fourth reading of and transmitting for signature Enrolled **SB 1704**.

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

GENERAL ORDER

SB 1882 by Treat et al of the Senate and Jordan et al of the House was read and considered.

Coauthored by Representative(s) Morrissette, Walker

Representative Jordan moved that **SB 1882** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 1882 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, 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), McNiell, McPeak, Moore, Morgan, 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, Scott, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Stiles, Terrill, Thomsen, Vaughan, Virgin, Walker, Watson, Wesselhoft, Williams, Wright, Mr. Speaker.--93.

Excused: Cockroft, Enns, Reynolds, Schwartz, Tibbs, Trebilcock.--6.

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

The measure passed.

The Presiding Officer signed, in open session, Engrossed **SB 1882** and ordered same returned to the Honorable Senate.

GENERAL ORDER

SB 327 by Johnson (Rob) et al of the Senate and Grau of the House was read and considered.

Coauthored by Representative(s) Cockroft, Pruett, Roberts (Dustin)

Representative Grau moved that **SB 327** be advanced from General Order, which motion was declared adopted upon a division of the question.

THIRD READING

SB 327 was read at length for the third time.

Representative Sherrer raised a point of order stating that **SB 327** was not in order for consideration because a bill with substantially the same language, **HB 1238**, had failed during the previous session in the House General Government Committee.

The Presiding Officer noted that no House Rule prohibited consideration of **SB 327** and stated that without a rule with which to raise a point of order, the House would proceed with consideration of the measure.

Representative Terrill objected to the consideration of the question.

The Presiding Officer stated that pursuant to *Mason's Manual*, Section 296, objection to consideration was not presently in order.

Representative Terrill moved to table the consideration of **SB 327**, which motion failed of adoption upon roll call as follows:

Aye: Armes, Banz, Bennett, Billy, Blackwell, Brumbaugh, Christian, Denney, Derby, DeWitt, Holland, Hoskin, Johnson, Jordan, Joyner, Kern, Key, Kirby, Martin (Scott), Martin (Steve), McDaniel (Curtis), McDaniel (Jeannie), Moore, Morgan, Mulready, Murphey, Nollan, Peters, Peterson, Proctor, Quinn, Renegar, Ritze, Schwartz, Sherrer, Stiles, Terrill, Vaughan, Watson, Wesselhoft, Wright.--41.

Nay: Brown, Cannaday, Casey, Cockroft, Condit, Coody, Cooksey, Cox, Dank, Dorman, Faught, Glenn, Grau, Hall, Hamilton, Hardin, Hickman, Inman, Jackson, Kouplen, Liebmann, McCullough, McPeak, Morrissette, Nelson, Newell, Ortega, Osborn, Ownbey, Pruett, Richardson, Roan, Roberts (Dustin), Roberts (Sean), Rousselot, Russ, Sanders, Scott, Sears, Shannon, Shelton, Shoemake, Shumate, Thomsen, Virgin, Walker, Williams, Mr. Speaker.--48.

Excused: Enns, Fourkiller, Hilliard, Lockhart, McDaniel (Randy), McNiel, Pittman, Reynolds, Tibbs, Trebilcock.--10.

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

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

Aye: Brown, Cannaday, Casey, Cockroft, Condit, Cox, Dank, Dorman, Faught, Glenn, Grau, Hamilton, Hardin, Hickman, Hilliard, Hoskin, Inman, Kouplen, Liebmann, Lockhart, McCullough, McDaniel (Curtis), McDaniel (Jeannie), McDaniel (Randy), McPeak, Morgan, Morrissette, Nelson, Newell, Ortega, Ownbey, Pittman, Proctor, Pruett, Renegar, Richardson, Roan, Roberts (Dustin), Roberts (Sean), Rousselot, Russ, Scott, Shelton, Shoemake, Shumate, Thomsen, Virgin, Walker, Williams, Mr. Speaker.--50.

Nay: Armes, Banz, Bennett, Billy, Blackwell, Brumbaugh, Christian, Coody, Cooksey, Denney, Derby, DeWitt, Hall, Holland, Jackson, Johnson, Jordan, Joyner, Kern, Key, Kirby, Martin (Scott), Martin (Steve), McNiel, Moore, Mulready, Murphey, Nollan, Osborn, Peters, Peterson, Quinn, Ritze, Sanders, Schwartz, Sears, Shannon, Sherrer, Stiles, Terrill, Vaughan, Watson, Wesselhoft, Wright.--44.

Excused: Enns, Fourkiller, Reynolds, Tibbs, Trebilcock.--5.

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

The measure failed.

Representative Grau served notice to reconsider the vote whereby **SB 327** failed.

GENERAL ORDER

SB 1304 by Crain of the Senate and Schwartz of the House was read and considered.

Representative Schwartz moved that **SB 1304** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 1304 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, Glenn, Grau, Hall, Hamilton, Hardin, Hickman, 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, Richardson, Ritze, Roan, Roberts (Dustin), Roberts (Sean), Roussetot, Russ, Sanders, Schwartz, Scott, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Stiles, Terrill, Thomsen, Vaughan, Virgin, Walker, Watson, Wesselhoft, Williams, Wright, Mr. Speaker.--92.

Excused: Enns, Fourkiller, Hilliard, McNeil, Reynolds, Tibbs, Trebilcock.--7.

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

The measure and emergency passed.

The Presiding Officer signed, in open session, Engrossed **SB 1304** and ordered same returned to the Honorable Senate.

MESSAGES FROM THE SENATE

Announcing that enrolled **HBs 2443** and **2768** 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 **HCR 1032** has been signed by the Presiding Officer of Senate, in open session.

The above measure was ordered filed with the Secretary of State.

MOTION

Representative Dank asked that the Journal reflect that had he been present in the Chamber, he would have voted aye on **SB 1210**, which was the order.

COMMITTEE REPORTS

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

DO PASS:

- SB 1006** – General Government
- SB 1041** – General Government
- SB 1051** – Government Modernization
- SB 1067** – Public Safety
- SB 1213** – Economic Development, Tourism and Financial Services
- SB 1214** – Economic Development, Tourism and Financial Services
- SB 1218** – Public Safety
- SB 1263** – Public Safety
- SB 1279** – Economic Development, Tourism and Financial Services
- SB 1287** – General Government
- SB 1352** – Appropriations and Budget
- SB 1354** – Public Safety
- SB 1401** – Long Term Care and Senior Services
- SB 1497** – Economic Development, Tourism and Financial Services
- SB 1734** – Public Safety, Coauthored by Representative(s) Peterson
- SB 1874** – Public Safety
- SB 1877** – Government Modernization
- SB 1913** – Appropriations and Budget

DO PASS, As Amended:

- SB 456** – Appropriations and Budget
- CS for SB 1053** – Economic Development, Tourism and Financial Services
- CS for SB 1075** – General Government
- CS for SB 1131** – General Government
- SB 1230** – Appropriations and Budget
- CS for SB 1231** – Appropriations and Budget
- SB 1232** – Appropriations and Budget
- SB 1234** – Appropriations and Budget
- SB 1235** – Appropriations and Budget
- CS for SB 1257** – General Government
- SB 1264** – Appropriations and Budget

CS for SB 1420 – Agriculture, Wildlife and Environment, Coauthored by Representative(s) Lockhart, and Coauthored by Senator(s) Jolley

SB 1434 – Appropriations and Budget

SB 1437 – Appropriations and Budget

SB 1535 – Appropriations and Budget

CS for SB 1551 – Public Safety

CS for SB 1774 – Appropriations and Budget

CS for SB 1798 – Public Safety

CS for SB 1799 – Agriculture, Wildlife and Environment

SB 1868 – Appropriations and Budget

CS for SB 1890 – Government Modernization

Representative DeWitt moved that when the clerk's desk is clear, the House stand adjourned to reconvene at 1:30 p.m., Monday, April 2, 2012, which was the order.

Pursuant to the motion of Representative DeWitt, the House was adjourned at 10:40 a.m., to reconvene Monday, April 2, 2012, at 1:30 p.m.