

HOUSE JOURNAL

Second Regular Session of the Fifty-third Legislature

of the State of Oklahoma

Thirty-third Legislative Day, Tuesday, April 3, 2012

The House was called to order by Representative Banz.

The roll was called with 97 Members present.

The following Members were excused: Hamilton, Tibbs.—2.

Vacancy: District 71, District 88.—2.

Representative Banz declared a quorum present.

Prayer was offered by Pastor Coby Cook, Trinity Faith Fellowship, Laverne.
Pastor Cook was sponsored by Representative Blackwell.

The Journal for the last legislative day was approved.

ENGROSSED AND ENROLLED MEASURES

HJR 1100 and **HCRs 1031** and **1035** were reported correctly engrossed, properly signed, in open session, and ordered transmitted to the Honorable Senate.

HAs to SBs 1309, 1313, 1314, 1701 and **SCR 33** were reported correctly engrossed, properly signed, in open session, and the measures, as amended, were ordered returned to the Honorable Senate.

SECOND READING

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

HJR 1109 – Administrative Rules and Government Oversight

HJR 1110 – Administrative Rules and Government Oversight

HJR 1111 – Administrative Rules and Government Oversight

Speaker Pro Tempore Hickman Presiding**GENERAL ORDER**

SB 1287 by Halligan of the Senate and Denney of the House was read and considered.

Representative Denney moved that **SB 1287** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 1287 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, Casey, Condit, Coody, Cooksey, Denney, DeWitt, Glenn, Grau, Hall, Hardin, Hickman, Jackson, Johnson, Jordan, Kern, Liebmann, Lockhart, Martin (Scott), Martin (Steve), McCullough, McDaniel (Jeannie), McDaniel (Randy), McNiel, McPeak, Mulready, Murphey, Nollan, Ortega, Osborn, Ownbey, Peters, Peterson, Pruett, Quinn, Roan, Roberts (Dustin), Russ, Sanders, Sears, Shumate, Thomsen, Vaughan, Watson, Williams, Wright, Mr. Speaker.--51.

Nay: Brown, Brumbaugh, Cannaday, Christian, Cockroft, Dank, Derby, Dorman, Enns, Faught, Fourkiller, Hilliard, Holland, Hoskin, Inman, Joyner, Key, Kirby, Kouplen, McDaniel (Curtis), Moore, Morrissette, Nelson, Newell, Proctor, Renegar, Reynolds, Ritze, Roberts (Sean), Schwartz, Scott, Shelton, Sherrer, Shoemake, Stiles, Terrill, Virgin, Wesselhoft.--38.

Excused: Cox, Hamilton, Morgan, Pittman, Richardson, Rousselot, Shannon, Tibbs, Trebilcock, Walker.--10.

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

The measure passed.

Representative Morrisette raised a point of order as to whether consideration of the emergency clause on **SB 1287** would be in violation of the Oklahoma Constitution and House Rules.

The Presiding Officer stated that it was up to the House itself to decide whether to adopt the emergency clause and the point was not well taken.

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

Aye: Armes, Billy, Blackwell, Coody, Cooksey, Cox, Denney, Fourkiller, Glenn, Hall, Jackson, Johnson, Jordan, Kouplen, Lockhart, Martin (Scott), Martin (Steve), McDaniel (Jeannie), McDaniel (Randy), Nollan, Ortega, Osborn, Ownbey, Peters, Sears, Shannon, Shoemake, Shumate, Vaughan, Mr. Speaker.--30.

Nay: Banz, Bennett, Brown, Brumbaugh, Cannaday, Casey, Christian, Cockroft, Condit, Dank, Derby, Dorman, Enns, Faught, Grau, Hickman, Hilliard, Holland, Hoskin, Inman, Joyner, Kern, Kirby, McPeak, Moore, Morrisette, Mulready, Murphey, Nelson, Newell, Peterson, Proctor, Pruett, Quinn, Renegar, Reynolds, Ritze, Roberts (Dustin), Roberts (Sean), Russ, Schwartz, Scott, Shelton, Sherrer, Stiles, Terrill, Thomsen, Virgin, Walker, Watson, Wesselhoft, Wright.--52.

Excused: DeWitt, Hamilton, Hardin, Key, Liebmann, McCullough, McDaniel (Curtis), McNiel, Morgan, Pittman, Richardson, Roan, Rousselot, Sanders, Tibbs, Trebilcock, Williams.--17.

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

The emergency failed.

The Presiding Officer signed Engrossed **SB 1287** and ordered same returned to the Honorable Senate.

GENERAL ORDER

SB 1551 by Shortey of the Senate and Denney of the House was read and considered.

Representative Denney moved that **SB 1551** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 1551 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, Glenn, Grau, Hall, Hardin, Hickman, Hilliard, Holland, Hoskin, Inman, Jackson, Johnson, Jordan, Joyner, Kern, Key, Kirby, Kouplen, 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, Ritze, Roan, Roberts (Dustin), Roberts (Sean), Rousselot, Russ, Sanders, Schwartz, Scott, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Stiles, Terrill, Thomsen, Trebilcock, Vaughan, Virgin, Walker, Watson, Wesselhoft, Williams, Wright, Mr. Speaker.--94.

Excused: Fourkiller, Hamilton, McCullough, Richardson, Tibbs.--5.

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

The measure passed.

SB 1551 was referred for engrossment.

GENERAL ORDER

SB 1686 by Treat et al of the Senate and Grau of the House was read and considered.

Coauthored by Representative(s) Pittman

Representative Grau moved that **SB 1686** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 1686 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, Hardin, Hickman, Hilliard, Holland, Hoskin, Inman, Jackson, Johnson, Jordan, Joyner, Kern, Key, Kirby, Kouplen, 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, Ritze, Roan, Roberts (Dustin), Roberts (Sean), Rousselot, Russ, Sanders, Schwartz, Scott, Sears, Shannon, Sherrer, Shoemake, Shumate, Stiles, Terrill, Thomsen, Trebilcock, Vaughan, Virgin, Walker, Watson, Wesselhoft, Williams, Wright, Mr. Speaker.--94.

Excused: Hamilton, McCullough, Richardson, Shelton, Tibbs.--5.

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

The measure passed.

The Presiding Officer signed, in open session, Engrossed **SB 1686** and ordered same returned to the Honorable Senate.

GENERAL ORDER

SB 1170 by Stanislawski of the Senate and Mulready of the House was read and considered.

Representative Mulready moved to amend **SB 1170**, Page 2, Section 1, Line 7 by inserting “from any person” after “certificate” and before “or”, which amendment was declared adopted.

Representative Mulready moved that **SB 1170** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 1170 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, Faight, Fourkiller, Glenn, Grau, Hall, Hardin, Hickman, Hilliard, Holland, Inman, Jackson, Johnson, Jordan, Joyner, Kern, Key, Kirby, Kouplen, 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, Ritze, Roan, Roberts (Dustin), Roberts (Sean), Rousselot, Russ, Sanders, Schwartz, Scott, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Stiles, Terrill, Thomsen, Trebilcock, Vaughan, Virgin, Walker, Watson, Wesselhoft, Williams, Wright, Mr. Speaker.--94.

Excused: Hamilton, Hoskin, McCullough, Richardson, Tibbs.--5.

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

The measure passed.

SB 1170 was referred for engrossment.

GENERAL ORDER

SB 1299 by Crain of the Senate and Sherrer of the House was read and considered.

Representative Sherrer moved that **SB 1299** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 1299 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, Hall, Hardin, Hickman, Hilliard, Holland, Hoskin, Inman, Jackson, Johnson, Jordan, Kern, Key, Kirby, Kouplen, 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, Ritze, Roan, Roberts (Dustin), Roberts (Sean), Rousselot, Russ, Sanders, Schwartz, Scott, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Stiles, Terrill, Thomsen, Trebilcock, Vaughan, Virgin, Walker, Watson, Wesselhoft, Williams, Wright, Mr. Speaker.--93.

Excused: Grau, Hamilton, Joyner, McCullough, Richardson, Tibbs.--6.

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

The measure passed.

SB 1299 was referred for engrossment.

GENERAL ORDER

SB 1420 by Shortey et al of the Senate and Bennett et al of the House was read and considered.

Coauthored by Representative(s) Ritze, Cooksey

Representative Bennett moved that **SB 1420** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 1420 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, Enns, 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), McDaniel (Curtis), McDaniel (Jeannie), McDaniel (Randy), McNiel, McPeak, Moore, Morgan, Morrissette, Murphey, Nelson, Newell, Nollan, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Quinn, Renegar, Reynolds, Ritze, Roan, Roberts (Dustin), Roberts (Sean), Rousselot, Russ, Sanders, Schwartz, Scott, Sears, Shannon, Sherrer, Shoemake, Shumate, Stiles, Terrill, Thomsen, Trebilcock, Vaughan, Virgin, Walker, Watson, Wesselhoft, Williams, Wright, Mr. Speaker.--92.

Excused: Cockroft, Hamilton, McCullough, Mulready, Richardson, Shelton, Tibbs.--7.

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

The measure passed.

SB 1420 was referred for engrossment.

GENERAL ORDER

SB 1500 by Fields of the Senate and Watson of the House was read and considered.

Representative Watson moved that **SB 1500** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 1500 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, Condit, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Enns, Faught, Fourkiller, Grau, Hall, 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, Morgan, Morrissette, Murphey, Nelson, Newell, Nollan, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Quinn, Renegar, Reynolds, Ritze, Roan, Roberts (Dustin), Roberts (Sean), Rousselot, Russ, Sanders, Schwartz, Scott, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Stiles, Terrill, Thomsen, Trebilcock, Vaughan, Virgin, Walker, Watson, Wesselhoft, Williams, Wright, Mr. Speaker.--91.

Excused: Cockroft, Dorman, Glenn, Hamilton, Kouplen, Mulready, Richardson, Tibbs.--8.

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

The measure and emergency passed.

The Presiding Officer signed, in open session, Engrossed **SB 1500** and ordered same returned to the Honorable Senate.

GENERAL ORDER

SB 1228 by Stanislawski of the Senate and Coody of the House was read and considered.

Representative Coody moved that **SB 1228** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 1228 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, Condit, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Enns, Faught, Fourkiller, Grau, Hall, 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, Morgan, Morrisette, Murphey, Nelson, Newell, Nollan, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Quinn, Renegar, Reynolds, Ritze, Roan, Roberts (Dustin), Roberts (Sean), Rousselot, Russ, Sanders, Scott, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Stiles, Terrill, Thomsen, Trebilcock, Vaughan, Virgin, Walker, Watson, Wesselhoft, Williams, Wright, Mr. Speaker.--90.

Excused: Cockroft, Dorman, Glenn, Hamilton, Kouplen, Mulready, Richardson, Schwartz, Tibbs.--9.

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

The measure and emergency passed.

The Presiding Officer signed, in open session, Engrossed **SB 1228** and ordered same returned to the Honorable Senate.

GENERAL ORDER

SB 1131 by Anderson of the Senate and Jackson of the House was read and considered.

Representative Jackson moved that **SB 1131** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 1131 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, Enns, Faught, Fourkiller, Grau, Hall, 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, Morrisette, Murphey, Nelson, Newell, Nollan, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Quinn, Renegar, Reynolds, Ritze, Roan, Roberts (Dustin), Roberts (Sean), Rousselot, Russ, Sanders, Scott, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Stiles, Terrill, Thomsen, Trebilcock, Virgin, Walker, Watson, Wesselhoft, Williams, Wright, Mr. Speaker.--87.

Nay: Hardin, Hickman.--2.

Excused: Cockroft, Dorman, Glenn, Hamilton, Morgan, Mulready, Richardson, Schwartz, Tibbs, Vaughan.--10.

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

The measure passed.

SB 1131 was referred for engrossment.

GENERAL ORDER

SB 1041 by Justice of the Senate and Osborn of the House was read and considered.

Representative Hardin raised a point of order stating that there was no fiscal summary available for **SB 1041**.

The Presiding Officer ruled the point well taken and **SB 1041** was laid over.

FIRST READING

The following was introduced and read for the first time:

HJR 1112 – By McPeak.

A Joint Resolution approving permanent rules of the State Board of Cosmetology; and directing distribution.

RESOLUTION

The following was introduced and read:

HCR 1037 – By Denney of the House and Halligan of the Senate.

A Concurrent Resolution congratulating Miss Anna-Marie Ahrberg upon her selection as the Distinguished Young Woman of Oklahoma for 2012; wishing her the best for further competition; and directing distribution.

MESSAGES FROM THE SENATE

Announcing the passage of **HBs 2211, 2285**, Coauthored by Representative Walker **2310, 2499**, Coauthored by Senator Brecheen, **2580**, Coauthored by Senator Johnson (Constance), **2618** and **2619**.

The above-numbered measures were referred for enrollment.

Transmitting enrolled measures

Advising fourth reading of and transmitting for signature enrolled **SBs 1164, 1466, 1518, 1592** and **1751**.

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

Adjournment consent requested

Pursuant to Article 5, Section 30 of the Oklahoma Constitution, the Senate requests the Honorable House of Representatives to consent to the adjournment of the Senate for more than three days beginning Thursday, April 5, 2012, and ending Monday, April 9, 2012.

COMMITTEE REPORTS

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

DO PASS:

SB 134 – Judiciary, Coauthored by Representative(s) Grau, and Coauthored by Senator(s) Jolley

SB 1016 – Judiciary

SB 1201 – Transportation

SB 1277 – Public Health

SB 1505 – Judiciary

SB 1578 – Public Health

SB 1695 – Public Health

SB 1830 – Judiciary

SB 1884 – Judiciary

DO PASS, As Amended:

CS for SB 1072 – Judiciary

CS for SB 1183 – Human Services

CS for SB 1196 – Judiciary, Coauthored by Representative(s) McCullough

CS for SB 1199 – Judiciary

SB 1233 – Economic Development, Tourism and Financial Services

CS for SB 1246 – Judiciary

CS for SB 1366 – Judiciary

SB 1406 – Judiciary

CS for SB 1439 – Judiciary

CS for SB 1443 – Common Education

CS for SB 1471 – Human Services

SB 1588 – Economic Development, Tourism and Financial Services, Coauthored by Representative(s) Pittman

CS for SB 1761 – Judiciary

CS for SB 1800 – Human Services

DO NOT PASS:

SB 395 – Veterans and Military Affairs, Remove Representative Faught as principal House author and substitute with Representative Moore, and Coauthored by Representative(s) Faught

MOTION EXPIRED

Time expired for consideration of the motion to reconsider the vote whereby **SB 327** failed.

Representative DeWitt moved that when the clerk's desk is clear, the House stand adjourned to reconvene at 1:30 p.m., Wednesday, April 4, 2012, which was the order.

Pursuant to the motion of Representative DeWitt, the House was adjourned at 11:00 a.m., to reconvene Wednesday, April 4, 2012, at 1:30 p.m.