

# HOUSE JOURNAL

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

**of the State of Oklahoma**

**Forty-eighth Legislative Day, Monday, April 30, 2012**

The House was called to order by Speaker Steele.

The roll was called with 95 Members present.

The following Members were excused: Key, Morrissette, Trebilcock.—3.

Vacancy: District 23, District 71, District 88.—3.

The Speaker declared a quorum present.

Prayer was offered by Pastor James Bond, Emmanuel Baptist Church, McLoud. Pastor Bond was sponsored by Representative Cockroft.

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

The Journal for the last legislative day was approved.

## **ENGROSSED AND ENROLLED MEASURES**

**HAs to SBs 259, 987, 1055, 1096, 1111, 1144, 1254, 1264, 1327, 1336, 1449, 1465, 1474, 1520, 1537, 1565, 1728, 1733, 1743, 1760, 1816 and 1887** were reported correctly engrossed, properly signed, in open session, and the measures, as amended, were ordered returned to the Honorable Senate.

## **MESSAGES FROM THE GOVERNOR**

Advising of her approval of **HBs 2246, 2318, 2321, 2431, 2568 and 2575** on April 27, 2012, and **HBs 1562, 1835, 2325, 2329, 2648, 2920, 2945** and **HJR 1070** on April 30, 2012.

**PENDING CONSIDERATION OF SAs**

**SAs to HB 2643** were called up for consideration.

Representative Reynolds raised a point of order as to whether it was in order, pursuant to the Order of Business, to proceed with consideration of the **SAs to HB 2643**.

The Presiding Officer stated that the custom of the House is to allow flexibility in the Order of Business and that the House frequently considered pending legislation as the initial order of business.

Representative Reynolds appealed the ruling of the Presiding Officer receiving the required 15 seconds.

"The question is, shall the decision of the Presiding Officer be the decision of the House? All those in favor signify by voting 'Aye'; those opposed 'Nay'. The vote is now in progress."

The decision of the Presiding Officer was upheld upon roll call as follows:

Aye: Armes, Banz, Billy, Brown, Brumbaugh, Cannaday, Casey, Cockroft, Condit, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Enns, Glenn, Grau, Hall, 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, Morgan, Mulready, Nelson, Newell, Nollan, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Quinn, Renegar, Richardson, Roan, Roberts (Dustin), Rousselot, Russ, Sanders, Scott, Sears, Shannon, Shelton, Sherrer, Shoemake, Stiles, Thomsen, Vaughan, Virgin, Watson, Wright, Mr. Speaker.--74.

Nay: Bennett, Christian, Dorman, Hamilton, Moore, Murphey, Proctor, Reynolds, Ritze, Terrill, Williams.--11.

Excused: Blackwell, Faught, Fourkiller, Key, McPeak, Morrissette, Pruett, Roberts (Sean), Schwartz, Shumate, Trebilcock, Walker, Wesselhoft.--13.

Vacancy: District 23, District 71, District 88.--3.

Upon motion of Representative Brumbaugh, the House concurred in the **SAs to HB 2643**.

**HB 2643**, as amended by the Honorable Senate, was read at length for the fourth time and the roll was called on the measure and emergency as follows:

Aye: Armes, Banz, Bennett, Blackwell, Brumbaugh, Cannaday, Casey, Cockroft, Condit, Coody, Cooksey, Dank, Denney, Derby, DeWitt, Dorman, Enns, Faught, Glenn, Grau, Hall, Hamilton, Hardin, Hickman, Hilliard, Holland, Hoskin, Inman, Johnson, Jordan, Joyner, Kern, Kirby, Kouplen, Liebmann, Martin (Scott), Martin (Steve),

McCullough, McDaniel (Curtis), McDaniel (Jeannie), McDaniel (Randy), McNeil, Moore, Morgan, Mulready, Murphey, Nelson, Newell, Nollan, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Quinn, Renegar, Reynolds, Richardson, Ritze, Roan, Roberts (Dustin), Roberts (Sean), Rousselot, Russ, Sanders, Schwartz, Scott, Sears, Shannon, Shelton, Shoemake, Stiles, Terrill, Thomsen, Vaughan, Virgin, Walker, Watson, Wesselhoft, Williams, Mr. Speaker.--83.

Nay: Brown, Lockhart, Sherrer.--3.

Excused: Billy, Christian, Cox, Fourkiller, Jackson, Key, McPeak, Morrissette, Pruett, Shumate, Trebilcock, Wright.--12.

Vacancy: District 23, District 71, District 88.--3.

The measure and emergency passed.

Senate amendments were properly signed, in open session, and the above-numbered measure was referred for enrollment.

### **Representative Denney Presiding**

### **MESSAGES FROM THE SENATE**

Advising fourth reading of and transmitting for signature enrolled **SBs 1052, 1083, 1734 and 1811.**

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

### **Returning engrossed measures**

Announcing the passage of and returning engrossed measures as amended: **HBs 1058, 2198, 2204**, Coauthored by Senators Allen and Ivester, **2236, 2247, 2248**, Coauthored by Representative Murphey and Senator Stanislawski, **2249**, Coauthored by Representatives Lockhart, Murphey and Senator Stanislawski, **2250, 2367**, Coauthored by Senator Shortey, **2374**, Coauthored by Senator Shortey, **2388**, Coauthored by Representatives Sanders, Moore and Senator Sparks, **2396**, Coauthored by Senator Brecheen, **2440, 2582**, Coauthored by Senators Johnson (Constance), Burrage and Coates, **2605, 2641**, Coauthored by Representative Williams, **2652**, Coauthored by Senator Johnson (Constance), **2676**, Coauthored by Senator Johnson (Constance) and Representative Pittman, **2714, 2746, 2835**, Coauthored by Senator Fields, **2836**, Coauthored by Senator Fields, **2929**, Coauthored by Senator Fields, **2959**, Coauthored by Representatives Wesselhoft, Glenn and Senators Childers, Shortey and Wyrick, **3052, 3061 and 3130.**

Senate amendments were read on the above-numbered measures.

**Returning enrolled measure**

Announcing that enrolled **HCR 1035** has been signed by the Presiding Officer of Senate, in open session.

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

**Returning enrolled measures**

Announcing that Enrolled **HBs 2090, 2266, 2587, 2669, 2903** and **3091** 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 **HJR 1085** has been read at length for the fourth time and signed by the Presiding Officer of Senate, in open session.

The above measure was ordered transmitted to the Secretary of State.

**PENDING CONSIDERATION OF SAs**

**SAs to HB 3110** were called up for consideration.

Upon motion of Representative Sears, the House concurred in the **SAs to HB 3110**.

**HB 3110**, as amended by the Honorable Senate, was read at length for the fourth time and the roll was called on the measure 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, Jordan, Joyner, Kern, Kirby, Kouplen, Liebmann, Lockhart, Martin (Scott), Martin (Steve), McCullough, McDaniel (Curtis), McDaniel (Jeannie), McDaniel (Randy), McNiell, Moore, Morgan, Mulready, Murphey, Nelson, Newell, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Quinn, Renegar, Richardson, Ritze, Roan, Roberts (Sean), Rousselot, Russ, Sanders, Schwartz, Scott, Sears, Shannon, Shelton, Sherrer, Shumate, Stiles, Terrill, Thomsen, Vaughan, Virgin, Walker, Watson, Wesselhoft, Williams, Wright, Mr. Speaker.--89.

Nay: Reynolds.--1.

Excused: Johnson, Key, McPeak, Morrisette, Nollan, Roberts (Dustin), Shoemake, Trebilcock.--8.

Vacancy: District 23, District 71, District 88.--3.

The measure passed.

Senate amendments were properly signed, in open session, and the above-numbered measure was referred for enrollment.

#### **PENDING CONSIDERATION OF SAs**

**SAs to HB 3000** were called up for consideration.

Upon motion of Representative Newell, the House concurred in the **SAs to HB 3000**.

**HB 3000**, as amended by the Honorable Senate, was read at length for the fourth time and the roll was called on the measure and emergency as follows:

Aye: Armes, Banz, Billy, Blackwell, Brumbaugh, Cannaday, Casey, Cockroft, Condit, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Enns, Faught, Glenn, Grau, Hall, Hardin, Hickman, Holland, Jackson, Jordan, Joyner, Kern, Kirby, Kouplen, Liebmann, Lockhart, Martin (Scott), Martin (Steve), McCullough, McDaniel (Curtis), McDaniel (Jeannie), McDaniel (Randy), McNiel, Moore, Mulready, Murphey, Nelson, Newell, Nollan, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Pruett, Quinn, Renegar, Richardson, Roan, Roberts (Sean), Rousselot, Russ, Sanders, Schwartz, Scott, Sears, Shannon, Shelton, Shoemake, Shumate, Stiles, Thomsen, Vaughan, Virgin, Walker, Watson, Wesselhoft, Wright, Mr. Speaker.--77.

Nay: Bennett, Brown, Christian, Hamilton, Hoskin, Inman, Morgan, Proctor, Reynolds, Ritze, Sherrer, Terrill.--12.

Excused: Fourkiller, Hilliard, Johnson, Key, McPeak, Morrisette, Roberts (Dustin), Trebilcock, Williams.--9.

Vacancy: District 23, District 71, District 88.--3.

The measure and emergency passed.

Senate amendments were properly signed, in open session, and the above-numbered measure was referred for enrollment.

**PENDING CONSIDERATION OF SAs**

**SAs to HB 1910** were called up for consideration.

Upon motion of Representative Jackson, the House concurred in the **SAs to HB 1910**.

**HB 1910**, as amended by the Honorable Senate, was read at length for the fourth time and the roll was called on the measure and emergency as follows:

Aye: Armes, Banz, Billy, Blackwell, Brumbaugh, Cannaday, Casey, Christian, Cockroft, Condit, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Enns, Faught, Glenn, Grau, Hall, Hamilton, Hardin, Hickman, Hilliard, Holland, Hoskin, Inman, Jackson, Jordan, Joyner, Kern, Kirby, Kouplen, Liebmann, Lockhart, Martin (Scott), Martin (Steve), McCullough, McDaniel (Curtis), McDaniel (Jeannie), McDaniel (Randy), McNiel, Moore, Morgan, Mulready, Murphey, Nelson, Newell, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Quinn, Renegar, Richardson, Roan, Roberts (Sean), Rousselot, Sanders, Schwartz, Scott, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Stiles, Terrill, Thomsen, Vaughan, Virgin, Watson, Wesselhoft, Wright, Mr. Speaker.--82.

Nay: Bennett, Brown, Pruett, Reynolds, Ritze, Russ, Walker.--7.

Excused: Fourkiller, Johnson, Key, McPeak, Morrissette, Nollan, Roberts (Dustin), Trebilcock, Williams.--9.

Vacancy: District 23, District 71, District 88.--3.

The measure and emergency passed.

Senate amendments were properly signed, in open session, and the above-numbered measure was referred for enrollment.

**PENDING CONSIDERATION OF SAs**

**SAs to HB 2902** were called up for consideration.

Coauthored by Representative(s) Roan

Upon motion of Representative Morgan, the House concurred in the **SAs to HB 2902**.

**HB 2902**, as amended by the Honorable Senate, was read at length for the fourth time and the roll was called on the measure and emergency 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, Hilliard, Holland, Hoskin, Inman, Jackson, Johnson, Jordan, Joyner, Kern, Kirby, Kouplen, Liebmann, Lockhart, Martin (Scott), Martin (Steve), McCullough, McDaniel (Curtis), McDaniel (Jeannie), McDaniel

(Randy), McNeil, McPeak, Moore, Morgan, 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, Shelton, Sherrer, Shoemake, Shumate, Stiles, Thomsen, Vaughan, Virgin, Walker, Watson, Wesselhoft, Wright, Mr. Speaker.--88.

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

Excused: Hickman, Key, Morrissette, Trebilcock, Williams.--5.

Constitutional Priv: Terrill.--1.

Vacancy: District 23, District 71, District 88.--3.

The measure and emergency passed.

Senate amendments were properly signed, in open session, and the above-numbered measure was referred for enrollment.

#### **PENDING CONSIDERATION OF SAs**

**SAs to HB 2925** were called up for consideration.

Upon motion of Representative Armes, the House concurred in the **SAs to HB 2925**.

**HB 2925**, as amended by the Honorable Senate, was read at length for the fourth time and the roll was called on the measure as follows:

Aye: Armes, Banz, Bennett, Billy, Blackwell, Brown, Brumbaugh, Cannaday, Casey, Cockroft, Condit, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Enns, Faught, Glenn, Hamilton, Hardin, Hickman, Holland, Hoskin, Inman, Johnson, Jordan, Joyner, Kern, Kirby, Kouplen, Liebmann, Lockhart, Martin (Scott), Martin (Steve), McDaniel (Curtis), McDaniel (Jeannie), McDaniel (Randy), McNeil, McPeak, Moore, Morgan, 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, Wright, Mr. Speaker.--87.

Nay: Christian, Grau, Hall, McCullough.--4.

Excused: Fourkiller, Hilliard, Jackson, Key, Morrisette, Trebilcock, Williams.--7.

Vacancy: District 23, District 71, District 88.--3.

The measure passed.

Senate amendments were properly signed, in open session, and the above-numbered measure was referred for enrollment.

## **GENERAL ORDER**

**HJR 1111** by Dank of the House and Treat of the Senate was read and considered.

Representative Dank moved that **HJR 1111** be advanced from General Order, which motion was declared adopted.

## **THIRD READING**

**HJR 1111** 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, Cox, Dank, Denney, Derby, DeWitt, Dorman, Enns, Faught, Glenn, Grau, Hall, Hamilton, Hardin, Hickman, Hilliard, Holland, Hoskin, Inman, Jackson, Johnson, Jordan, Joyner, Kern, Kirby, Kouplen, Liebmann, 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, 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, Wright, Mr. Speaker.--91.

Nay: Bennett.--1.

Excused: Fourkiller, Key, Lockhart, Morrisette, Trebilcock, Williams.--6.

Vacancy: District 23, District 71, District 88.--3.

The measure passed.

**HJR 1111** was referred for engrossment.

**PENDING CONSIDERATION OF SAs**

**SAs to HB 1814** were rejected upon motion of Representative Shannon. The Speaker named the Conference Committee on General Government and Transportation.

**PENDING CONSIDERATION OF SAs**

**SAs to HB 1985** were rejected upon motion of Representative Renegar. The Speaker named the Conference Committee on Government Modernization and Rules.

**PENDING CONSIDERATION OF SAs**

**SAs to HB 2525** were rejected upon motion of Representative Martin (Steve). The Speaker named the Conference Committee on Public Safety, Judiciary and Military Affairs.

**PENDING CONSIDERATION OF SAs**

**SAs to HB 2616** were rejected upon motion of Representative Johnson. The Speaker named GCCA.

**PENDING CONSIDERATION OF SAs**

**SAs to HB 2659** were rejected upon motion of Representative Jordan. The Speaker named GCCA.

**PENDING CONSIDERATION OF SAs**

**SAs to HB 2751** were rejected upon motion of Representative Kirby. The Speaker named GCCA.

**PENDING CONSIDERATION OF SAs**

**SAs to HB 3038** were rejected upon motion of Representative Osborn. The Speaker named GCCA.

**MESSAGE FROM THE SENATE**

Advising rejection of **HAs to SBs 447, 1617 and 1664** and requesting conference thereon, the Senate naming conferees later.

**MOTION EXPIRED**

Time expired for consideration of the motion to reconsider the vote whereby **HB 2155** failed.

Representative DeWitt moved that when the clerk's desk is clear, the House stand adjourned to reconvene at 10:00 a.m., Tuesday, May 1, 2012, which was the order.

Pursuant to the motion of Representative DeWitt, the House was adjourned at 3:10 p.m., to reconvene Tuesday, May 1, 2012, at 10:00 a.m.