

# HOUSE JOURNAL

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

**of the State of Oklahoma**

**Fifth Legislative Day, Monday, February 13, 2012**

The House was called to order by Speaker Steele.

The roll was called with 96 Members present.

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

Vacancy: District 1, District 71.—2.

The Speaker declared a quorum present.

Prayer was offered by Minister Elwyn Rogers, First Assembly of God, Marlow. Minister Rogers was sponsored by Representative Watson.

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

The Journal for the last legislative day was approved.

## **CONFERENCE GRANTED**

Upon motion of Representative DeWitt, the House granted the request of the Honorable Senate for conference on the following measure and the Speaker named conferees:

**SB 132 – GCCA**

**Speaker Pro Tempore Hickman Presiding****MEASURE REASSIGNED**

The following measure was reassigned:

**SB 447** – Withdrawn from Judiciary and referred to Public Safety.

**RESOLUTION FOR CONSIDERATION**

**HCR 1022** was called up for consideration.

Authored by Senator Crain (principal Senate author)

Upon motion of Speaker Steele, **HCR 1022** was considered and adopted.

**HCR 1022** was referred for engrossment.

**GENERAL ORDER**

**HB 2566** by Wright of the House and Ivester of the Senate was read and considered.

Coauthored by Representative(s) Sanders, Derby, Russ, Kern, Walker

Representative Wright moved that **HB 2566** be advanced from General Order, which motion was declared adopted.

**THIRD READING**

**HB 2566** 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, Cox, Dank, Denney, Derby, DeWitt, Dorman, Faught, Fourkiller, Glenn, Grau, Hall, Hamilton, Hardin, Hickman, Hoskin, Jackson, Johnson, Jordan, Kern, Key, Kirby, Kouplen, Liebmann, Lockhart, Martin (Scott), Martin (Steve), McAffrey, McCullough, McDaniel (Jeannie), McDaniel (Randy), McNiel, McPeak, Moore, Morgan, Morrissette, Murphey, Nelson, Newell, Nollan, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Quinn, Renegar, Reynolds, Richardson, Ritze, Roan, Roberts (Dustin), Roberts (Sean), Rousselot, Russ, Sanders, Scott, Sears, Shannon, Sherrer, Shoemake, Shumate, Stiles, Terrill, Thomsen, Tibbs, Vaughan, Virgin, Walker, Watson, Wesselhoft, Williams, Wright, Mr. Speaker.--88.

Nay: Cooksey, Holland, Joyner, Mulready, Schwartz, Shelton.--6.

Excused: Enns, Hilliard, Inman, Trebilcock.--4.

Constitutional Priv: Pruett.--1.

Vacancy: District 1, District 71.--2.

The measure passed.

**HB 2566** was referred for engrossment.

## **GENERAL ORDER**

**HB 2365** by Billy of the House and Crain of the Senate was read and considered.

Representative Billy moved that **HB 2365** be advanced from General Order, which motion was declared adopted.

## **THIRD READING**

**HB 2365** 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, Hoskin, Jackson, Johnson, Jordan, Joyner, Kern, Key, Kirby, Kouplen, Liebmann, Lockhart, Martin (Scott), Martin (Steve), McAffrey, McCullough, 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, Tibbs, Vaughan, Virgin, Walker, Watson, Wesselhoft, Williams, Wright, Mr. Speaker.--95.

Excused: Enns, Hilliard, Inman, Trebilcock.--4.

Vacancy: District 1, District 71.--2.

The measure passed.

**HB 2365** was referred for engrossment.

**GENERAL ORDER**

**HB 2188** by DeWitt of the House and Schulz of the Senate was read and considered.

Coauthored by Representative(s) Renegar, Enns, Hoskin

Representative DeWitt moved that **HB 2188** be advanced from General Order, which motion was declared adopted.

**THIRD READING**

**HB 2188** 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, Cannaday, Casey, Cockroft, Condit, Coody, Cox, Dank, Denney, DeWitt, Dorman, Faught, Fourkiller, Glenn, Hall, Hardin, Hickman, Holland, Jackson, Jordan, Joyner, Kouplen, Liebmann, Lockhart, Martin (Scott), Martin (Steve), McAffrey, McDaniel (Jeannie), McDaniel (Randy), McNiel, McPeak, Morgan, Morrisette, Mulready, Nelson, Newell, Nollan, Ortega, Osborn, Ownbey, Peters, Pittman, Pruett, Quinn, Renegar, Richardson, Roan, Roberts (Dustin), Roberts (Sean), Rousselot, Russ, Sanders, Scott, Sears, Shannon, Shelton, Sherrer, Shoemake, Stiles, Tibbs, Vaughan, Virgin, Walker, Watson, Wright, Mr. Speaker.--71.

Nay: Brumbaugh, Christian, Cooksey, Derby, Grau, Hamilton, Johnson, Kern, Key, Kirby, McCullough, Moore, Murphey, Peterson, Proctor, Reynolds, Ritze, Schwartz, Terrill, Wesselhoft, Williams.--21.

Excused: Enns, Hilliard, Hoskin, Inman, Shumate, Thomsen, Trebilcock.--7.

Vacancy: District 1, District 71.--2.

The measure and emergency passed.

**HB 2188** was referred for engrossment.

**GENERAL ORDER**

**HB 2189** by DeWitt of the House and Schulz of the Senate was read and considered.

Coauthored by Representative(s) Renegar, Enns, Hoskin

Representative DeWitt moved that **HB 2189** be advanced from General Order, which motion was declared adopted.

### **THIRD READING**

**HB 2189** 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, Cannaday, Casey, Cockroft, Condit, Coody, Cooksey, Cox, Dank, Denney, DeWitt, Dorman, Fourkiller, Glenn, Grau, Hall, Hamilton, Hardin, Hickman, Holland, Jackson, Johnson, Jordan, Kouplen, Liebmann, Lockhart, Martin (Scott), Martin (Steve), McAffrey, McDaniel (Jeannie), McDaniel (Randy), McNiel, McPeak, Morgan, Morrissette, Mulready, Nelson, Newell, Nollan, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Pruett, Quinn, Richardson, Roan, Roberts (Dustin), Roberts (Sean), Rousselot, Russ, Sanders, Scott, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Stiles, Tibbs, Vaughan, Virgin, Walker, Watson, Wesselhoft, Wright, Mr. Speaker.--75.

Nay: Brumbaugh, Christian, Derby, Faught, Joyner, Kern, Key, Kirby, McCullough, Moore, Murphey, Proctor, Reynolds, Ritze, Schwartz, Terrill, Williams.--17.

Excused: Enns, Hilliard, Hoskin, Inman, Renegar, Thomsen, Trebilcock.--7.

Vacancy: District 1, District 71.--2.

The measure and emergency passed.

**HB 2189** was referred for engrossment.

### **GENERAL ORDER**

**HB 2244** by Denney et al of the House and Halligan of the Senate was read and considered.

Coauthored by Representative(s) Pittman, Cooksey

Representative Denney moved that **HB 2244** be advanced from General Order, which motion was declared adopted.

**THIRD READING**

**HB 2244** 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, Jackson, Johnson, Jordan, Joyner, Kern, Key, Kirby, Kouplen, Liebmann, Lockhart, Martin (Scott), Martin (Steve), McAffrey, McCullough, McDaniel (Jeannie), McDaniel (Randy), McNeil, McPeak, Moore, Morgan, Morrissette, Mulready, Murphey, Nelson, Newell, Nollan, Ortega, Osborn, Ownbey, Peterson, Pittman, Proctor, Pruett, Quinn, Richardson, Ritze, Roan, Roberts (Dustin), Roberts (Sean), Rousselot, Russ, Sanders, Schwartz, Scott, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Stiles, Terrill, Tibbs, Vaughan, Virgin, Walker, Watson, Wesselhoft, Williams, Wright, Mr. Speaker.--90.

Nay: Reynolds.--1.

Excused: Enns, Hilliard, Hoskin, Inman, Peters, Renegar, Thomsen, Trebilcock.--8.

Vacancy: District 1, District 71.--2.

The measure passed.

**HB 2244** was referred for engrossment.

**GENERAL ORDER**

**HB 2325** by DeWitt of the House and Justice of the Senate was read and considered.

Coauthored by Representative(s) Walker

Representative DeWitt moved that **HB 2325** be advanced from General Order, which motion was declared adopted.

### **THIRD READING**

**HB 2325** 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, Jackson, Johnson, Jordan, Joyner, Kern, Key, Kirby, Kouplen, Liebmann, Lockhart, Martin (Scott), Martin (Steve), McAffrey, McCullough, McDaniel (Jeannie), McDaniel (Randy), McNiell, McPeak, Moore, Morgan, Morrissette, Mulready, Murphey, Nelson, Newell, Nollan, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Quinn, Reynolds, Richardson, Ritze, Roan, Roberts (Dustin), Roberts (Sean), Rousselot, Russ, Sanders, Schwartz, Scott, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Stiles, Terrill, Tibbs, Vaughan, Virgin, Walker, Watson, Wesselhoft, Williams, Wright, Mr. Speaker.--92.

Excused: Enns, Hilliard, Hoskin, Inman, Renegar, Thomsen, Trebilcock.--7.

Vacancy: District 1, District 71.--2.

The measure passed.

**HB 2325** was referred for engrossment.

### **GENERAL ORDER**

**HB 2353** by Kouplen of the House and Justice of the Senate was read and considered.

Representative Reynolds requested a ruling of the Presiding Officer as to whether **HB 2353** was in order for consideration because no fiscal summary was available.

The Presiding Officer ruled that questions arising under House Rule 7.11, paragraph (a) pertaining to necessity of an accompanying fiscal summary shall be determined on the basis of the informed opinion of the Chair of the House Appropriations and Budget Committee as established for floor amendments by House Precedent 8.10-2 (2009).

The Presiding Officer referred the question of whether **HB 2353** would have a fiscal impact to the Appropriations and Budget Chair.

The Appropriations and Budget Chair stated that a fiscal impact statement was available on the bill and that no fiscal impact would arise from passage of the measure.

Representative Reynolds attempted to appeal the ruling of the Chair but failed to receive the required 15 seconds.

Representative Kouplen moved that **HB 2353** be advanced from General Order, which motion was declared adopted.

### **THIRD READING**

**HB 2353** 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, Cockroft, Condit, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Faught, Fourkiller, Glenn, Grau, Hall, Hamilton, Hardin, Hickman, Holland, Jackson, Johnson, Jordan, Joyner, Kern, Key, Kirby, Kouplen, Liebmann, Lockhart, Martin (Scott), Martin (Steve), McAffrey, McCullough, McDaniel (Jeannie), McDaniel (Randy), McNiel, McPeak, Moore, Morgan, Morrissette, Mulready, Murphey, Nelson, Newell, Nollan, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Quinn, Reynolds, Richardson, Ritze, Roan, Roberts (Dustin), Roberts (Sean), Rousselot, Russ, Sanders, Schwartz, Scott, Sears, Shannon, Sherrer, Shoemake, Shumate, Stiles, Terrill, Tibbs, Vaughan, Virgin, Walker, Watson, Wesselhoft, Williams, Wright, Mr. Speaker.--90.

Excused: Christian, Enns, Hilliard, Hoskin, Inman, Renegar, Shelton, Thomsen, Trebilcock.--9.

Vacancy: District 1, District 71.--2.

The measure passed.

**HB 2353** was referred for engrossment.

### **GENERAL ORDER**

**HB 2768** by Pruett of the House was read and considered.

Authored by Senator Fields (principal Senate author)

Representative Pruett moved that **HB 2768** be advanced from General Order, which motion was declared adopted.

### **THIRD READING**

**HB 2768** 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, Cockroft, Condit, Coody, Cooksey, Cox, Denney, Derby, DeWitt, Dorman, Faught, Fourkiller, Glenn, Grau, Hall, Hamilton, Hardin, Hickman, Holland, Jackson, Johnson, Jordan, Joyner, Kern, Key, Kirby, Kouplen, Liebmann, Lockhart, Martin (Scott), Martin (Steve), McAffrey, McCullough, McDaniel (Jeannie), McDaniel (Randy), McNeil, McPeak, Moore, Morgan, Morrissette, Mulready, Murphey, Nelson, Newell, Nollan, Ortega, Osborn, Ownbey, Peters, Peterson, Proctor, Pruett, Quinn, Reynolds, Richardson, Ritze, Roan, Roberts (Dustin), Roberts (Sean), Rousselot, Russ, Sanders, Schwartz, Scott, Sears, Shannon, Sherrer, Shoemake, Shumate, Stiles, Terrill, Tibbs, Vaughan, Virgin, Walker, Watson, Wesselhoft, Williams, Wright, Mr. Speaker.--88.

Excused: Christian, Dank, Enns, Hilliard, Hoskin, Inman, Pittman, Renegar, Shelton, Thomsen, Trebilcock.--11.

Vacancy: District 1, District 71.--2.

The measure and emergency passed.

**HB 2768** was referred for engrossment.

### **FIRST READING**

The following was introduced and read for the first time:

**HJR 1094** – By Reynolds.

A Joint Resolution disapproving promulgated rules of the Ethics Commission; and directing distribution.

### **COMMITTEE REPORTS**

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

DO PASS, As Amended:

**CS for HB 2192** – Government Modernization

**CS for HB 2857** – Government Modernization, Authored by Senator Brecheen  
(principal Senate author)

**CS for HB 2940** – Government Modernization

Representative DeWitt moved that when the clerk's desk is clear, the House stand adjourned to reconvene at 9:00 a.m., Tuesday, February 14, 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 14, 2012, at 9:00 a.m.