

HOUSE JOURNAL

Second Regular Session of the Fifty-third Legislature

of the State of Oklahoma

Fiftieth Legislative Day, Wednesday, May 2, 2012

The House was called to order by Speaker Steele.

The roll was called with 95 Members present.

The following Members were excused: Enns, Virgin, Williams.—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.

The Journal for the last legislative day was approved.

ENGROSSED AND ENROLLED MEASURES

HJR 1121 was reported correctly engrossed, properly signed, in open session, and ordered transmitted to the Honorable Senate.

HBs 2419, 2566, 2573, 2841 and 2928 were reported correctly enrolled and, after fourth reading, properly signed, in open session, and ordered transmitted to the Honorable Senate.

HCR 1031 was reported correctly enrolled, properly signed, in open session, and ordered transmitted to the Honorable Senate.

FIRST READING

The following was introduced and read for the first time:

HJR 1130 – By Key.

A Joint Resolution disapproving promulgated rule of the State Board of Medical Licensure and Supervision; and directing distribution.

MESSAGE FROM THE SENATE

Advising fourth reading of and transmitting for signature enrolled **SBs 448, 1075, 1170, 1218, 1506, 1796, 1797, 1798, 1863 and 1875.**

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

Speaker Pro Tempore Hickman Presiding**PENDING CONSIDERATION OF SAs**

SAs to HB 3056 were rejected upon motion of Speaker Steele. The Speaker named GCCA.

PENDING CONSIDERATION OF SAs

SAs to HB 3058 were rejected upon motion of Speaker Steele. The Speaker named GCCA.

PENDING CONSIDERATION OF SAs

SAs to HB 3061 were rejected upon motion of Speaker Steele. The Speaker named GCCA.

PENDING CONSIDERATION OF SAs

SAs to HB 2939 were rejected upon motion of Representative Derby. The Speaker named the Conference Committee on Government Modernization and Rules.

PENDING CONSIDERATION OF SAs

SAs to **HJR 1001** were rejected upon motion of Representative Dank. The Speaker named the Conference Committee on Government Modernization and Rules.

PENDING CONSIDERATION OF SAs

SAs to **HB 2198** were rejected upon motion of Representative Vaughan. The Speaker named the Conference Committee on Natural Resources.

PENDING CONSIDERATION OF SAs

SAs to **HB 2306** were rejected upon motion of Representative Coody. The Speaker named the Conference Committee on Education.

PENDING CONSIDERATION OF SAs

SAs to **HB 2367** were rejected upon motion of Representative Billy. The Speaker named the Conference Committee on Public Safety, Judiciary and Military Affairs.

PENDING CONSIDERATION OF SAs

SAs to **HB 2373** were rejected upon motion of Representative Sanders. The Speaker named the Conference Committee on General Government and Transportation.

PENDING CONSIDERATION OF SAs

SAs to **HB 2440** were rejected upon motion of Representative Stiles. The Speaker named the Conference Committee on Redistricting.

PENDING CONSIDERATION OF SAs

SAs to **HB 2510** were rejected upon motion of Representative Coody. The Speaker named GCCA.

PENDING CONSIDERATION OF SAs

SAs to **HB 2582** were rejected upon motion of Representative McDaniel (Jeannie). The Speaker named the Conference Committee on Health and Human Services.

PENDING CONSIDERATION OF SAs

SAs to **HB 2714** were rejected upon motion of Representative Jackson. The Speaker named the Conference Committee on Government Modernization and Rules.

PENDING CONSIDERATION OF SAs

SAs to **HB 2836** were rejected upon motion of Representative Martin (Scott). The Speaker named the Conference Committee on Natural Resources.

PENDING CONSIDERATION OF SAs

SAs to **HB 2248** were rejected upon motion of Representative Shannon. The Speaker named GCCA.

PENDING CONSIDERATION OF SAs

SAs to **HB 2249** were rejected upon motion of Representative Shannon. The Speaker named GCCA.

PENDING CONSIDERATION OF SAs

SAs to **HB 2579** were rejected upon motion of Representative Mulready. The Speaker named the Conference Committee on Natural Resources.

PENDING CONSIDERATION OF SAs

SAs to **HB 2652** were rejected upon motion of Representative Denney. The Speaker named GCCA.

PENDING CONSIDERATION OF SAs

SAs to **HB 2959** were rejected upon motion of Representative Billy. The Speaker named the Conference Committee on Public Safety, Judiciary and Military Affairs.

PENDING CONSIDERATION OF SAs

SAs to **HB 3090** were rejected upon motion of Representative Nelson. The Speaker named GCCA.

PENDING CONSIDERATION OF SAs

SAs to **HB 3130** were rejected upon motion of Representative Nelson. The Speaker named GCCA.

PENDING CONSIDERATION OF SAs

SAs to **HB 3133** were rejected upon motion of Representative Nelson. The Speaker named the Conference Committee on Health and Human Services.

PENDING CONSIDERATION OF SAs

SAs to **HB 3134** were rejected upon motion of Representative Nelson. The Speaker named the Conference Committee on Health and Human Services.

PENDING CONSIDERATION OF SAs

SAs to **HB 3136** were rejected upon motion of Representative Nelson. The Speaker named the Conference Committee on Health and Human Services.

PENDING CONSIDERATION OF SAs

SAs to **HB 3135** were rejected upon motion of Representative Nelson. The Speaker named the Conference Committee on Health and Human Services.

PENDING CONSIDERATION OF SAs

SAs to **HB 3137** were rejected upon motion of Representative Nelson. The Speaker named the Conference Committee on Health and Human Services.

PENDING CONSIDERATION OF SAs

SAs to **HJR 1092** were rejected upon motion of Representative Nelson. The Speaker named the Conference Committee on Government Modernization and Rules.

PENDING CONSIDERATION OF SAs

SAs to **HB 1222** were rejected upon motion of Representative McCullough. The Speaker named the Conference Committee on General Government and Transportation.

PENDING CONSIDERATION OF SAs

SAs to HB 2535 were rejected upon motion of Representative McCullough. The Speaker named the Conference Committee on Public Safety, Judiciary and Military Affairs.

PENDING CONSIDERATION OF SAs

SAs to HB 2676 were rejected upon motion of Representative Shumate. The Speaker named the Conference Committee on Education.

PENDING CONSIDERATION OF SAs

SAs to HB 1058 were rejected upon motion of Representative Key. The Speaker named the Conference Committee on Government Modernization and Rules.

PENDING CONSIDERATION OF SAs

SAs to HB 3052 were called up for consideration.

Coauthored by Representative(s) Sherrer, Tibbs, Hickman

Upon motion of Speaker Steele, the House concurred in the **SAs to HB 3052**.

HB 3052, 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, Billy, Brown, Brumbaugh, Cannaday, Casey, Condit, Coody, Cooksey, Cox, Dank, DeWitt, Dorman, Fourkiller, Glenn, Grau, Hardin, Hickman, Hilliard, Holland, Hoskin, Inman, Jackson, Johnson, Jordan, Joyner, Kirby, Kouplen, Liebmann, Martin (Scott), Martin (Steve), McCullough, McDaniel (Curtis), McDaniel (Jeannie), McDaniel (Randy), McNiel, McPeak, Moore, Morgan, Mulready, Murphey, Nelson, Nollan, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Quinn, Renegar, Richardson, Roan, Roberts (Dustin), Roberts (Sean), Rousselot, Russ, Schwartz, Scott, Sears, Shannon, Sherrer, Shoemake, Shumate, Stiles, Thomsen, Vaughan, Walker, Watson, Mr. Speaker.--71.

Nay: Bennett, Blackwell, Christian, Cockroft, Derby, Faight, Hall, Hamilton, Kern, Key, Morrissette, Newell, Reynolds, Ritze, Sanders, Shelton, Trebilcock, Wesselhoft.--18.

Excused: Denney, Enns, Lockhart, Ortega, Pruett, Terrill, Virgin, Williams, Wright.--9.

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 2374 were called up for consideration.

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

Upon motion of Representative Roan, the House concurred in the **SAs to HB 2374**.

HB 2374, 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, Faught, Fourkiller, Glenn, Grau, Hall, Hamilton, Hardin, Hickman, Hilliard, Holland, Hoskin, Inman, Jackson, Johnson, Jordan, Joyner, Kern, Key, Kirby, Kouplen, Liebmann, Martin (Scott), Martin (Steve), McCullough, McDaniel (Curtis), McDaniel (Jeannie), McDaniel (Randy), McNeil, 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, Trebilcock, Vaughan, Walker, Watson, Wesselhoft, Mr. Speaker.--93.

Excused: Enns, Lockhart, Virgin, Williams, Wright.--5.

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.

MESSAGE FROM THE SENATE

Advising rejection of **HAs to SBs 243, 1327, 1328, 1336, 1434, 1464 and 1520** and requesting conference thereon, the Senate naming conferees later.

PENDING CONSIDERATION OF SAs

SAs to HB 2561 were called up for consideration.

Upon motion of Representative Wesselhoft, the House concurred in the **SAs to HB 2561**.

HB 2561, 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, Faught, Fourkiller, Glenn, Grau, Hall, Hamilton, Hardin, Hickman, Hilliard, Holland, Hoskin, Jackson, Johnson, Jordan, Joyner, Kern, Key, Kirby, Kouplen, Liebmann, Lockhart, Martin (Scott), Martin (Steve), McCullough, McDaniel (Curtis), McDaniel (Randy), McNiell, McPeak, Moore, Morrisette, Mulready, Murphey, Nelson, Newell, Nollan, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Quinn, Renegar, Reynolds, Richardson, Ritze, Roberts (Dustin), Roberts (Sean), Rousselot, Russ, Sanders, Schwartz, Scott, Sears, Shannon, Sherrer, Shoemake, Shumate, Stiles, Terrill, Thomsen, Trebilcock, Vaughan, Walker, Watson, Wesselhoft, Mr. Speaker.--89.

Excused: Enns, Inman, McDaniel (Jeannie), Morgan, Roan, Shelton, Virgin, Williams, Wright.--9.

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 2710 were called up for consideration.

Upon motion of Representative Jackson, the House concurred in the **SAs to HB 2710**.

HB 2710, 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, Billy, Blackwell, Brown, Cannaday, Casey, Christian, Cockroft, Condit, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Faught, Glenn, Grau, Hall, Hamilton, Hardin, Hickman, Hilliard, Holland, Hoskin, Jackson, Johnson, Jordan, Joyner, Kern, Key, Kirby, Kouplen, Liebmann, Martin (Scott), Martin (Steve), McCullough, McDaniel (Curtis), McDaniel (Randy), McNiell, McPeak, Moore, Morrisette, Mulready, 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, Trebilcock, Vaughan, Walker, Watson, Wesselhoft, Mr. Speaker.--87.

Nay: Brumbaugh, Murphey.--2.

Excused: Enns, Fourkiller, Inman, Lockhart, McDaniel (Jeannie), Morgan, Virgin, Williams, Wright.--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.

MESSAGES FROM THE SENATE

Announcing that enrolled **HBs 2419, 2566, 2573, 2841 and 2928** 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.

Returning enrolled measure

Announcing that enrolled **HCR 1031** has been signed by the Presiding Officer of Senate, in open session.

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

Concurrence in HAs

Announcing the concurrence of Senate in **HAs to SBs 987**, Coauthored by Senators Ivester, Wyrick, Sparks, **1071, 1095, 1096, 1366, 1493, 1537, 1539, 1774, 1800 and 1935** and the passage of said measures, as amended thereby.

PENDING CONSIDERATION OF SAs

SAs to HB 2941 were called up for consideration.

Coauthored by Representative(s) Roberts (Sean), Nollan

Upon motion of Representative Derby, the House concurred in the **SAs to HB 2941**.

HB 2941, 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, 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, Jackson, Johnson, Jordan, Joyner, Kern, Kirby, Kouplen, Liebmann, Martin (Scott), Martin (Steve), McCullough, McDaniel (Curtis), McDaniel (Jeannie), McDaniel (Randy), McNiel, McPeak, Moore, Morgan, Morrisette, Mulready, Murphey, Nelson, Newell, Nollan, Ortega, Osborn, Ownbey, Peters, Peterson, 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, Trebilcock, Vaughan, Walker, Watson, Wesselhoft, Mr. Speaker.--89.

Nay: Key.--1.

Excused: Enns, Fourkiller, Inman, Lockhart, Pittman, Virgin, Williams, Wright.--8.

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 2835 were called up for consideration.

Upon motion of Representative Martin (Scott), the House concurred in the **SAs to HB 2835**.

HB 2835, 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, Faught, Glenn, Grau, Hall, Hamilton, Hardin, Hickman, Holland, Hoskin, Inman, Jackson, Johnson, Joyner, Kern, Key, Kirby, Kouplen, Liebmann, Lockhart, Martin (Scott), Martin (Steve), McCullough, McDaniel (Curtis), McDaniel (Jeannie), McDaniel (Randy), McNiel, McPeak, Moore, Morgan, Morrisette, Mulready, Murphey, Nelson, Newell, Nollan, Ortega, Osborn, Ownbey, Peters, Peterson, Proctor, Pruett, Renegar, Reynolds, Richardson, Ritze, Roan, Roberts (Dustin), Roberts (Sean), Rousselot, Russ, Sanders, Schwartz, Scott, Sears, Shannon, Sherrer, Shoemake, Shumate, Stiles, Terrill, Thomsen, Trebilcock, Vaughan, Walker, Watson, Wesselhoft, Mr. Speaker.--88.

Excused: Enns, Fourkiller, Hilliard, Jordan, Pittman, Quinn, Shelton, Virgin, Williams, Wright.--10.

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 2204 were called up for consideration.

Upon motion of Representative McDaniel (Randy), the House concurred in the **SAs to HB 2204**.

Representative Morrisette raised a point of order that **HB 2204** was in violation of Joint Rule 5 and as such, not in order for consideration.

The Presiding Officer stated that the Chair will not weigh in on the constitutionality of a measure, and the point was not well taken.

Representative Morrisette attempted to appeal the ruling of the Presiding Officer but failed to receive the required 15 seconds.

HB 2204, 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, Billy, Blackwell, Brown, Brumbaugh, Cannaday, Casey, Christian, Cockroft, Condit, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Faught, Grau, Hall, Hamilton, Hardin, Hickman, Hilliard, Holland, Inman, Jackson, Johnson, Jordan, Joyner, Kern, Key, Kirby, Kouplen, Liebmann, Lockhart, Martin (Scott), Martin (Steve), McCullough, McDaniel (Jeannie), McDaniel (Randy), McNiel, McPeak, Moore, Morgan, Mulready, Murphey, Nelson, Newell, Nollan, Ortega, Osborn, Ownbey, Peters, Peterson, Proctor, Pruett, Reynolds, Richardson, Ritze, Roan, Roberts (Dustin), Roberts (Sean), Rousselot, Russ, Sanders, Schwartz, Scott, Sears, Shannon, Sherrer, Shoemake, Terrill, Thomsen, Trebilcock, Vaughan, Walker, Watson, Wesselhoft, Mr. Speaker.--83.

Nay: Glenn, Hoskin, McDaniel (Curtis), Morrisette, Renegar, Shelton, Shumate.--7.

Excused: Enns, Fourkiller, Pittman, Quinn, Stiles, Virgin, Williams, Wright.--8.

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 2929 were rejected upon motion of Representative Armes. The Speaker named the Conference Committee on Natural Resources.

PENDING CONSIDERATION OF SAs

SAs to HB 2605 were rejected upon motion of Representative Blackwell. The Speaker named the Conference Committee on Government Modernization and Rules.

MESSAGES FROM THE SENATE

Advising rejection of **HAs to SBs 456, 1230, 1231, 1232, 1234, 1235, 1436, 1525, 1533, 1535** and **SJR 52** and requesting conference thereon, the Senate naming conferees later.

Conferees named

Advising naming Senate Conferees as follows

SB 243 - Branan, Johnson (Rob), Marlatt, Schulz, Ivester, Bass

SB 1001 - Stanislawski, Brown, Anderson, Simpson, Burrage, Garrison

SB 1067 - Barrington, Crain, Fields, Justice, Garrison, Ellis

SB 1159 - GCCA

SB 1398 - GCCA

SB 1406 - Paddack, Sykes, Russell, Burrage, Brinkley, Anderson

SB 1588 - Barrington, Brown, Anderson, Childers, Ballenger, Garrison

SB 1816 - GCCA

Conference granted

Advising conference granted and naming Senate conferees as follows:

- HB 2659** - Newberry, Treat, Brinkley, Stanislawski, Burrage, Eason McIntyre
- HB 2683** – Fields, Barrington, Brinkley, Garrison, David, Paddack
- HB 2736** - Brinkley, Crain, Griffin, Treat, Burrage, Johnson (Constance)
- HB 2787** - Fields, Sykes, Crain, Burrage, Ivester, Anderson
- HB 2921** - Brecheen, Fields, Ellis, Sykes, Allen, Ivester
- HB 3049** - Griffin, Barrington, Marlatt, Brinkley, Eason McIntyre, Childers, Paddack

Conference granted, naming GCCA

Advising conference granted on **HBs 1464, 1814, 1985, 2390, 2563, 2616, 2689, 2751, 2978, and 3038** and naming GCCA as Senate conferees.

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 243** – Conference Committee on Natural Resources

COMMITTEE REPORTS

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

DO PASS:

- HJR 1125** – Administrative Rules and Government Oversight
- HJR 1126** – Administrative Rules and Government Oversight
- HJR 1127** – Administrative Rules and Government Oversight, Authored by Senator Newberry (principal Senate author)
- HJR 1129** – Administrative Rules and Government Oversight

Representative DeWitt moved that when the clerk's desk is clear, the House stand adjourned to reconvene at 10:00 a.m., Thursday, May 3, 2012, which was the order.

Pursuant to the motion of Representative DeWitt, the House was adjourned at 4:15 p.m., to reconvene Thursday, May 3, 2012, at 10:00 a.m.