

HOUSE JOURNAL

Second Regular Session of the Fifty-third Legislature

of the State of Oklahoma

Fifty-first Legislative Day, Thursday, May 3, 2012

The House was called to order by Speaker Steele.

The roll was called with 87 Members present.

The following Members were excused: Bennett, Billy, Coody, Enns, Lockhart, Pruett, Richardson, Stiles, Trebilcock, Virgin, Williams.—11.

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

HBs 2204, 2374, 2561, 2654, 2710, 2835, 2941 and 3052 were reported correctly enrolled and, after fourth reading, properly signed, in open session, and ordered transmitted to the Honorable Senate.

RESOLUTION

The following was introduced and read:

HR 1056 – By Denney.

A Resolution observing May 3, 2012, as the National Day of Prayer.

SECOND READING

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

HJR 1130 – Administrative Rules and Government Oversight

PENDING CONSIDERATION OF SAs

SAs to HB 2578 were called up for consideration.

Upon motion of Representative Mulready, the House concurred in the **SAs to HB 2578**.

HB 2578, 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, Blackwell, Brown, Brumbaugh, Cannaday, Casey, Cockroft, Condit, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Faught, Fourkiller, Glenn, Grau, Hall, Hardin, Hilliard, Holland, Hoskin, Inman, Johnson, Jordan, Joyner, Kouplen, Liebmann, Martin (Scott), Martin (Steve), McDaniel (Curtis), McDaniel (Jeannie), McDaniel (Randy), McNiel, McPeak, Moore, Morgan, Mulready, Nelson, Newell, Nollan, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Quinn, Roan, Roberts (Dustin), Roberts (Sean), Rousselot, Russ, Sanders, Schwartz, Shannon, Sherrer, Shoemake, Terrill, Thomsen, Vaughan, Watson, Wright, Mr. Speaker.--66.

Nay: Christian, Hamilton, Morrissette, Murphey, Ritze, Shelton.--6.

Excused: Banz, Bennett, Billy, Coody, Dorman, Enns, Hickman, Jackson, Kern, Key, Kirby, Lockhart, McCullough, Pruett, Renegar, Reynolds, Richardson, Scott, Sears, Shumate, Stiles, Trebilcock, Virgin, Walker, Wesselhoft, Williams.--26.

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.

RESOLUTION FOR CONSIDERATION

HR 1055 was called up for consideration.

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

Upon motion of Representative Terrill, **HR 1055** was considered and adopted.

HR 1055 was referred for enrollment.

RESOLUTION FOR CONSIDERATION

HR 1056 was called up for consideration.

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

Upon motion of Representative Denney, **HR 1056** was considered and adopted.

HR 1056 was referred for enrollment.

PENDING CONSIDERATION OF SAs

SAs to HB 2247 were rejected upon motion of Representative Faught. The Speaker named the Conference Committee on Government Modernization and Rules.

PENDING CONSIDERATION OF SAs

SAs to HB 2396 were rejected upon motion of Representative Rousselot. The Speaker named the Conference Committee on Public Safety, Judiciary and Military Affairs.

PENDING CONSIDERATION OF SAs

SAs to HB 2653 were rejected upon motion of Representative Roberts (Dustin). The Speaker named GCCA.

PENDING CONSIDERATION OF SAs

SAs to HB 2746 were rejected upon motion of Representative Kirby. The Speaker named the Conference Committee on Insurance and Economic Development.

PENDING CONSIDERATION OF SAs

SAs to **HB 3119** were rejected upon motion of Representative Hickman. The Speaker named the Conference Committee on Education.

MESSAGES FROM THE SENATE

Advising fourth reading of and transmitting for signature enrolled **SBs 987, 1071, 1095, 1096, 1366, 1493, 1537, 1539, 1774, 1800** and **1935**.

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

Returning enrolled measures

Announcing that enrolled **HBs 2204, 2374, 2561, 2654, 2710, 2835, 2941** and **3052** 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 engrossed measure

Announcing the passage of **HCR 1019**.

The above-numbered measure was referred for enrollment.

GENERAL ORDER

HJR 1117 by Grau of the House was read and considered.

Authored by Senator David (principal Senate author)

Representative Grau moved that **HJR 1117** be advanced from General Order, which motion was declared adopted.

THIRD READING

HJR 1117 was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Armes, Banz, Blackwell, Brown, Brumbaugh, Cannaday, Casey, Cockroft, Condit, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Faught, Glenn, Grau, Hall, Hamilton, Hickman, Holland, Hoskin, Inman, Jackson, Johnson, Jordan, Joyner, Kern, Kirby, Kouplen, Liebmann, Martin (Scott), McCullough, McDaniel (Curtis), McDaniel (Randy), McNiel, Moore, Morgan, Morrissette, Mulready, Murphey, Nelson, Newell, Nollan, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Quinn, Roan, Roberts (Dustin), Roberts (Sean), Rousselot, Russ, Sanders, Schwartz, Scott, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Terrill, Thomsen, Vaughan, Watson, Wesselhoft, Wright, Mr. Speaker.--74.

Nay: Christian, Hardin, Key, Reynolds, Ritze.--5.

Excused: Bennett, Billy, Coody, Enns, Fourkiller, Hilliard, Lockhart, Martin (Steve), McDaniel (Jeannie), McPeak, Ortega, Pruett, Renegar, Richardson, Stiles, Trebilcock, Virgin, Walker, Williams.--19.

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

The measure passed.

HJR 1117 was referred for engrossment.

Representative Peters Presiding

GENERAL ORDER

HJR 1118 by Faught of the House was read and considered.

Authored by Senator David (principal Senate author)

Representative Faught moved that **HJR 1118** be advanced from General Order, which motion was declared adopted.

THIRD READING

HJR 1118 was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Armes, Banz, Blackwell, Brown, Brumbaugh, Cannaday, Casey, Cockroft, Condit, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Faught, Fourkiller, Glenn,

Grau, Hall, Hamilton, Hickman, Hilliard, Holland, Hoskin, Inman, Jackson, Johnson, Jordan, Joyner, Kern, Kirby, Kouplen, Liebmann, Martin (Scott), Martin (Steve), McCullough, McDaniel (Curtis), McDaniel (Randy), McNiel, McPeak, Moore, Morgan, Morrisette, Mulready, Murphey, Nelson, Newell, Nollan, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Quinn, Roan, Roberts (Sean), Rousselot, Russ, Sanders, Schwartz, Scott, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Terrill, Thomsen, Vaughan, Watson, Wesselhoft, Wright, Mr. Speaker.--77.

Nay: Christian, Hardin, Reynolds, Ritze, Roberts (Dustin).--5.

Excused: Bennett, Billy, Coody, Enns, Key, Lockhart, McDaniel (Jeannie), Ortega, Pruett, Renegar, Richardson, Stiles, Trebilcock, Virgin, Walker, Williams.--16.

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

The measure passed.

HJR 1118 was referred for engrossment.

GENERAL ORDER

HJR 1122 by Faught of the House was read and considered.

Authored by Senator David (principal Senate author)

Representative Faught moved that **HJR 1122** be advanced from General Order, which motion was declared adopted.

THIRD READING

HJR 1122 was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Armes, Banz, Blackwell, Brown, Brumbaugh, Cannaday, Casey, Christian, Cockroft, Condit, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Faught, 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 (Randy), McNiel, McPeak, Moore, Morgan, Morrisette, Mulready, Murphey, Nelson, Newell, Nollan, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Quinn, Reynolds, Ritze, Roan, Roberts (Sean), Rousselot, Russ, Sanders, Schwartz, Scott, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Terrill, Thomsen, Vaughan, Watson, Wesselhoft, Wright, Mr. Speaker.--81.

Nay: Roberts (Dustin).--1.

Excused: Bennett, Billy, Coody, Enns, Fourkiller, Lockhart, McDaniel (Curtis), McDaniel (Jeannie), Pruett, Renegar, Richardson, Stiles, Trebilcock, Virgin, Walker, Williams.--16.

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

The measure passed.

HJR 1122 was referred for engrossment.

GENERAL ORDER

HJR 1123 by Faught of the House was read and considered.

Authored by Senator Brown (principal Senate author)

Representative Faught moved that **HJR 1123** be advanced from General Order, which motion was declared adopted.

THIRD READING

HJR 1123 was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Armes, Banz, Blackwell, Brown, Brumbaugh, Cannaday, Casey, Christian, Cockroft, Condit, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Faught, Fourkiller, Glenn, Grau, Hall, 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), McNiel, McPeak, Moore, Morgan, Morrissette, Mulready, Murphey, Nelson, Newell, Nollan, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Quinn, Reynolds, Ritze, Roan, Roberts (Sean), Rousselot, Russ, Sanders, Schwartz, Scott, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Terrill, Thomsen, Vaughan, Watson, Wesselhoft, Wright, Mr. Speaker.--82.

Nay: Hamilton, Hardin, Roberts (Dustin).--3.

Excused: Bennett, Billy, Coody, Enns, Lockhart, Pruett, Renegar, Richardson, Stiles, Trebilcock, Virgin, Walker, Williams.--13.

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

The measure passed.

HJR 1123 was referred for engrossment.

RESOLUTION FOR CONSIDERATION

HR 1053 was called up for consideration.

Upon motion of Representative Nollan, **HR 1053** was considered and adopted.

HR 1053 was referred for enrollment.

PENDING CONSIDERATION OF SAs

SAs to **HB 2236** were called up for consideration.

Coauthored by Representative(s) Cannaday

Upon motion of Representative Faught, the House concurred in the **SAs** to **HB 2236** upon a division of the question.

Representative Terrill raised a point of inquiry as to whether the author of a measure could request to debate in opposition to his or her measure.

The Presiding Officer stated that in the opinion of the Chair it would not be a good precedent for the House for a member to offer a motion to the House and then debate against the motion.

Representative Terrill raised a point of inquiry as to whether House Rules prohibit a member from requesting debate in opposition to a motion and then actually offering debate in favor of the motion.

The Presiding Officer ruled the point well taken and noted that a member should offer debate on the side to which they requested.

Representative Hickman raised a point of inquiry as to whether a member who is the author of a measure could, upon becoming opposed to their measure, just withdraw the measure from consideration.

The Presiding Officer answered in the affirmative.

Representative Dorman raised a point of inquiry as to whether the bill had already become the property of the House rather than of the member.

The Presiding Officer stated that pursuant to House Rule 10.4(b) the principal author may withdraw a measure at any time prior to the ordering of the vote on final passage of the bill or resolution.

Representative Blackwell moved to put the previous question.

Representative Reynolds raised a point of inquiry as to whether the Chair was suggesting that a member must debate for a bill because they are the author of the bill.

The Presiding Officer stated that if a member proposes a bill to the House and then decides he or she is not in favor of the measure, the best procedure would be to withdraw the bill from further consideration.

Representative Terrill raised a point of order as to whether it would be appropriate to object to improper debate, to which the Presiding Officer answered in the affirmative.

Representative Terrill raised a point of inquiry as to whether other members may approach the dais when a member is receiving procedural advice from the Chair.

The Presiding Officer stated that unless the Chair is entertaining a point of order, a member may approach the dais.

Representative Terrill raised a point of inquiry as to whether members are entitled to hear the advice rendered by the Parliamentarian to the Chair or to another member.

The Presiding Officer answered in the affirmative unless a point of order is under consideration by the Chair.

Representative Terrill raised a point of inquiry as to whether the Chair has an obligation to make a disclosure to the House when the Chair takes a course of action contrary to the advice of the Parliamentarian.

The Presiding Officer stated that the Rules do not address this question.

Representative Blackwell pressed his motion to put the Previous Question, which motion failed of adoption upon roll call as follows:

Aye: Armes, Banz, Blackwell, Dank, Denney, DeWitt, Hickman, Hilliard, Jordan, McCullough, Mulready, Nelson, Ownbey, Peters, Peterson, Roan, Russ, Sanders, Sears, Sherrer, Wright, Mr. Speaker.--22.

Nay: Brown, Brumbaugh, Casey, Christian, Cockroft, Condit, Cooksey, Cox, Derby, Dorman, Faught, Glenn, Grau, Hall, Holland, Jackson, Johnson, Joyner, Kern, Key, Kirby, Martin (Scott), McDaniel (Curtis), McNiel, Moore, Morgan, Morrissette, Murphey, Newell, Osborn, Proctor, Quinn, Reynolds, Ritze, Roberts (Sean), Schwartz, Scott, Shannon, Shumate, Terrill, Thomsen, Vaughan, Wesselhoft.--43.

Excused: Bennett, Billy, Cannaday, Coody, Enns, Fourkiller, Hamilton, Hardin, Hoskin, Inman, Kouplen, Liebmann, Lockhart, Martin (Steve), McDaniel (Jeannie), McDaniel (Randy), McPeak, Nollan, Ortega, Pittman, Pruett, Renegar, Richardson, Roberts (Dustin), Rousselot, Shelton, Shoemake, Stiles, Trebilcock, Virgin, Walker, Watson, Williams.--33.

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

Representative Nelson raised a point of order as to whether a member is allowed in their debate to acknowledge the strengths and weaknesses in their debate.

The Presiding Officer responded in the affirmative.

Representative Nelson raised a point of inquiry as to how this would affect a member who requested time for debate because they had additional questions on the measure.

The Presiding Officer stated that if a member requests debate on a certain side of the question, the member should offer debate on the side indicated and that it would be appropriate to pose additional questions as long as the member frames the questions in the form of debate.

Representative Reynolds raised a point of order as to where in the House Rules it states that a member cannot approach the dais during a point of order

The Presiding Officer cited House Rule 9.2(h).

Representative Terrill raised a point of inquiry as to whether the Chair can advise whether it is a violation of the criminal code to influence a member to vote for or against a bill.

The Presiding Officer did not take cognizance of the question.

HB 2236, 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, Blackwell, Brown, Cannaday, Casey, Condit, Cox, Dank, Denney, DeWitt, Dorman, Fourkiller, Glenn, Hamilton, Hickman, Hilliard, Inman, Jackson, Joyner, Kouplun, Martin (Steve), McCullough, McDaniel (Curtis), McDaniel (Jeannie), McPeak, Morgan, Morrissette, Mulready, Nelson, Nollan, Ortega, Ownbey, Peters, Pittman, Proctor, Quinn, Roan, Roberts (Dustin), Rousselot, Russ, Sanders, Scott, Sears, Shelton, Sherrer, Shoemake, Shumate, Thomsen, Vaughan, Watson, Wright, Mr. Speaker.--53.

Nay: Brumbaugh, Christian, Cockroft, Cooksey, Derby, Faught, Grau, Hall, Hardin, Holland, Johnson, Jordan, Kern, Key, Kirby, Martin (Scott), Moore, Murphey, Newell, Osborn, Peterson, Reynolds, Ritze, Roberts (Sean), Schwartz, Shannon, Terrill, Wesselhoft.--28.

Excused: Bennett, Billy, Coody, Enns, Hoskin, Liebmann, Lockhart, McDaniel (Randy), McNeil, Pruett, Renegar, Richardson, Stiles, Trebilcock, Virgin, Walker, Williams.--17.

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.

MESSAGES FROM THE SENATE

Advising fourth reading of and transmitting for signature enrolled **SB 1665**.

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

Conference requested

Advising rejection of **HAs to SBs 1055, 1320, 1397, 1451, 1716, 1743 and 1887** and requesting conference thereon, the Senate naming conferees later.

Concurrence in HAs

Announcing the concurrence of Senate in **HAs to SBs 46, 1182, 1439, 1443 and 1565** and the passage of said measures, as amended thereby.

Conferees named, GCCA

Advising naming GCCA as Senate Conferees on the following measures:

SBs 201, 456, 1230, 1231, 1232, 1234, 1235, 1336, 1434, 1436, 1464, 1525, 1533, 1535, 1820 and SJR 52.

Conferees named

Advising naming Senate conferees as follows:

SB 1327 - Crain, Branan, Marlatt, Schulz, Burrage, Paddack

SB 1328 - Crain, Branan, Marlatt, Schulz, Burrage, Paddack

SB 1520 - Bingman, Sykes, Johnson (Rob), Nichols, Burrage, Sparks

Conference granted, GCCA

Advising conference granted and naming GCCA as Senate Conferees on the following measure:

HBs 2198, 2248, 2249, 2391, 2469, 2510, 2520 and 2684.

Conference granted

Advising conference granted and the Senate naming conferees as follows:

HB 1222 - Sykes, Stanislawski, Simpson, Brecheen, Ellis, Laster
HB 1361 - Johnson (Rob), Sykes, Mazzei, Brinkley, Laster, Burrage
HB 1979 - Eason McIntyre, Coates, Allen, Wilson, Childers, Crain
HB 2075 - Brown, Brecheen, Aldridge, Stanislawski, Bass, Sparks
HB 2286 - Russell, Sykes, Simpson, Treat, Ivester, Laster
HB 2288 - Sparks, Brown, Ford, Ballenger, Justice, Stanislawski
HB 2306 - Halligan, Ford, Barrington, Crain, Garrison, Paddack
HB 2319 - Anderson, Brown, Mazzei, Aldridge, Adelson, Paddack
HB 2320 - Anderson, Brown, Mazzei, Aldridge, Adelson, Paddack
HB 2367 - Sykes, Barrington, Mazzei, David, Burrage, Ivester
HB 2494 - Halligan, Ford, Barrington, Crain, Garrison, Paddack
HB 2522 - Treat, Barrington, Sykes, Russell, Burrage, Garrison
HB 2607 - Schulz, Coates, Marlatt, Ivester, Garrison, Anderson
HB 2646 - Holt, Aldridge, Griffin, Brinkley, Bass, McAffrey
HB 2790 - Ford, Halligan, Fields, Griffin, Ivester, Ellis
HB 2929 - Marlatt, Branana, Crain, Schulz, Burrage, Paddack

Conferees named

Advising naming Senate Conferees as follows:

SB 194 - Anderson, Brown, Griffin, Fields, Bass, Garrison
SB 1192 - Schulz, Branana, Marlatt, Crain, Ivester, Burrage
SB 1355 - Holt, Sykes, Brinkley, Treat, Burrage, Ivester
SB 1887 - Russell, Sykes, Simpson, Treat, Ivester, Laster
SB 1943 - Anderson, Barrington, Fields, Crain, Bass, Ballenger

Representative DeWitt moved that when the clerk's desk is clear, the House stand adjourned to reconvene at 1:30 p.m., Monday, May 7, 2012, which was the order.

Pursuant to the motion of Representative DeWitt, the House was adjourned at 12:40 p.m., to reconvene Monday, May 7, 2012, at 1:30 p.m.