

# HOUSE JOURNAL

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

**of the State of Oklahoma**

**Seventh Legislative Day, Wednesday, February 15, 2012**

The House was called to order by Speaker Pro Tempore Hickman.

The roll was called with 96 Members present.

The following Members were excused: Bennett, Hilliard, Trebilcock—3.

Vacancy: District 1, District 71.—2.

The Speaker Pro Tempore declared a quorum present.

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

The Journal for the last legislative day was approved.

## **ENGROSSED AND ENROLLED MEASURES**

**HBs 2211, 2364, 2579 and 2748** were reported correctly engrossed, properly signed, in open session, and ordered transmitted to the Honorable Senate.

**MEASURES REASSIGNED**

The following measures were reassigned:

**HB 2304** – Withdrawn from General Government and referred to Government Modernization.

**HB 2585** – Withdrawn from Human Services and referred to Appropriations and Budget.

**HB 2610** – Withdrawn from Appropriations and Budget and referred to Rules.

**MOTION**

Speaker Steele requested by unanimous consent that the Honorable Senate be notified by message that the House of Representatives requests the return of **SJR 25** for the purpose of further consideration, to which objection was heard.

Speaker Steele pressed his motion, which motion was declared adopted.

**MEASURE REREFERRED**

Upon motion of Representative Roberts (Dustin), **HB 1485** was withdrawn from the Calendar and rereferred to the Public Safety Committee.

**GENERAL ORDER**

**HB 2494** by Denney of the House and Halligan of the Senate was read and considered.

Representative Blackwell moved to amend **HB 2494** by inserting after the period “.” the following language: “The rules shall not become effective until approved by the Legislature.”, which amendment was declared adopted.

Representative Denney moved that **HB 2494** be advanced from General Order, which motion was declared adopted.

**THIRD READING**

**HB 2494** was read at length for the third time. On passage of the measure and emergency, the roll call was as follows:

Aye: Armes, Banz, 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, Holland, Hoskin, Inman, Jackson, Johnson, Jordan, Joyner, Kern, Key, 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, Sherrer, Shoemake, Shumate, Stiles, Terrill, Thomsen, Tibbs, Vaughan, Virgin, Walker, Watson, Wesselhoft, Williams, Wright, Mr. Speaker.--93.

Excused: Bennett, Billy, Hilliard, Kirby, Shelton, Trebilcock.--6.

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

The measure and emergency passed.

**HB 2494** was referred for engrossment.

### **GENERAL ORDER**

**HB 2519** by Nelson et al of the House and Anderson of the Senate was read and considered.

Coauthored by Representative(s) Kern, Tibbs

Representative Nelson moved that **HB 2519** be advanced from General Order, which motion was declared adopted.

### **THIRD READING**

**HB 2519** 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, Fourkiller, Glenn, Grau, Hall, Hamilton, Hardin, Hickman, Holland, Hoskin, Inman, 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.--96.

Excused: Bennett, Hilliard, Trebilcock.--3.

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

The measure passed.

**HB 2519** was referred for engrossment.

## GENERAL ORDER

**HB 1910** by Jackson of the House was read and considered.

Authored by Senator Anderson (principal Senate author)

Representative Jackson moved to amend **HB 1910**, by deleting all of subsection H, beginning on Page 8, Line 3 through Page 9, Line 7, and by relettering subsequent subsections; by deleting on Page 9, Line 9 the comma “,” and inserting the word “or”; by deleting all of the language beginning with the word “or” on Line 10 through the comma “,” on Line 11; by deleting on Line 13 the comma “,” and inserting the word “or”; by deleting all of the language beginning with the first comma “,” on Line 14 through the word “vehicles” on Line 15; and by deleting all of the language beginning with the word “and” on Line 16 through the word “collected” on Line 17, which amendment was declared adopted.

Representative Jackson moved to amend **HB 1910** by striking the title, which amendment was declared adopted.

Representative Jackson moved that **HB 1910** be advanced from General Order, which motion was declared adopted.

## THIRD READING

**HB 1910** was read at length for the third time. On passage of the measure and emergency, 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, Fought, Fourkiller, Glenn, Grau, Hall, Hamilton, Hardin, Hickman, Holland, Hoskin, Inman, Jackson, Johnson, 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: Bennett, Hilliard, Jordan, Trebilcock.--4.

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

The measure and emergency passed.

**HB 1910** was referred for engrossment.

## GENERAL ORDER

**HJR 1082** by Roberts (Sean) et al of the House and Fields of the Senate was read and considered.

Coauthored by Representative(s) Ritze, Casey, Derby, Enns

Representative Reynolds moved to amend **HJR 1082**, by deleting the new language on Page 2, Lines 4 through 8 and adding in lieu thereof the following language:

“The provisions of this section shall not prevent a person who holds an office under the laws of this state or who is a member of Congress from this state from retaining such office if the person is a member of the Oklahoma National Guard or any reserve component of any branch of the United States Military and is ordered by the proper authority to active service.”, which amendment was declared adopted.

Representative Roberts (Sean) moved that **HJR 1082** be advanced from General Order, which motion was declared adopted.

## THIRD READING

**HJR 1082** was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Armes, Banz, Billy, Blackwell, Brumbaugh, Cannaday, Casey, Christian, Cockroft, Condit, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Enns, Faught, Fourkiller, Glenn, Grau, Hall, Hamilton, Hardin, Hickman, Holland, Hoskin, Inman, Jackson, Johnson, Jordan, Joyner, Kern, Key, Kirby, Kouplen, Liebmann, Lockhart, Martin (Scott), Martin (Steve), McAffrey, McCullough, McDaniel (Jeannie), McDaniel (Randy), McNiel, McPeak, Moore, Morgan, Morrisette, Mulready, Murphey, Nelson, Newell, Nollan, Ortega, Osborn, 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, Wright, Mr. Speaker.--93.

Nay: Williams.--1.

Excused: Bennett, Brown, Hilliard, Ownbey, Trebilcock.--5.

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

The measure passed.

**HJR 1082** was referred for engrossment.

### **MESSAGE FROM THE SENATE**

Advising the Honorable House that **SJR 25** was recalled from Senate Engrossing and Enrolling and returned to the House for further consideration.

### **GENERAL ORDER**

**HB 2192** by Murphey of the House was read and considered.

Authored by Senator Anderson (principal Senate author)

Representative Murphey moved that **HB 2192** be advanced from General Order, which motion was declared adopted.

### **THIRD READING**

**HB 2192** 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, Fourkiller, Glenn, Grau, Hall, Hamilton, Hardin, Hickman, Holland, Hoskin, Inman, Jackson, Johnson, Jordan, Joyner, Kern, Key, Kirby, Kouplen, Liebmann, Lockhart, Martin (Scott), Martin (Steve), McAffrey, McCullough, McDaniel (Jeannie), McDaniel (Randy), McNiel, Moore, Morgan, Morrissette, Mulready, Murphey, Nelson, Newell, Nollan, Ortega, Osborn, Peters, Peterson, Pittman, Proctor, Pruett, Quinn, Renegar, Reynolds, Richardson, Ritze, Roan, Roberts (Dustin), Roberts (Sean), Rousselot, Russ, Sanders, Schwartz, Scott, Sears, Shannon, Sherrer, Shoemake, Shumate, Stiles, Terrill, Thomsen, Tibbs, Vaughan, Walker, Watson, Wesselhoft, Williams, Wright, Mr. Speaker.--92.

Nay: McPeak, Shelton.--2.

Excused: Bennett, Hilliard, Ownbey, Trebilcock, Virgin.--5.

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

The measure passed.

**HB 2192** was referred for engrossment.

### **MEASURE REREFERRED**

Upon motion of Representative Stiles, **HB 1605** was withdrawn from the Calendar and rereferred to the Judiciary Committee.

### **MOTION**

Speaker Steele requested by unanimous consent to rescind the Third Reading of **SJR 25** whereby it passed, to which objection was heard.

Speaker Steele pressed his motion, which motion was declared adopted.

Speaker Steele requested by unanimous consent to rescind the motion whereby **SJR 25** was advanced from General Order, to which objection was heard.

Speaker Steele pressed his motion, which motion was declared adopted.

Speaker Steele requested by unanimous consent to recommit **SJR 25** to the Rules Committee, to which objection was heard.

Speaker Steele pressed his motion, which motion was declared adopted.

### **RESOLUTION**

The following was introduced and read:

**HR 1041** – By Hamilton and Wesselhoft.

A Resolution disapproving certain rule; urging Congress to adopt laws nullifying its effect; 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:

**HB 2198** – Agriculture, Wildlife and Environment, Authored by Senator Wyrick (principal Senate author)

**HB 2215** – Administrative Rules and Government Oversight

**HB 2219** – Administrative Rules and Government Oversight

**HB 2254** – Public Safety, Coauthored by Representative(s) Hoskin

**HB 2264** – Agriculture, Wildlife and Environment, Authored by Senator David (principal Senate author)

**HB 2314** – Public Health, Coauthored by Representative(s) Ritze, and Authored by Senator Barrington (principal Senate author)

**HB 2381** – Public Health, Coauthored by Representative(s) Roberts (Sean), Ritze

**HB 2449** – Rules, Authored by Senator Brinkley (principal Senate author)

**HB 2587** – Public Health, Authored by Senator Shortey (principal Senate author)

**HB 2786** – Agriculture, Wildlife and Environment, Authored by Senator Fields (principal Senate author)

**HB 2899** – Public Safety, Authored by Senator Shortey (principal Senate author)

**HB 2915** – Agriculture, Wildlife and Environment, Authored by Senator Justice (principal Senate author)

**HB 2920** – Agriculture, Wildlife and Environment, Remove Representative Richardson as principal House author and substitute with Representative Martin (Steve)

**HB 2924** – Agriculture, Wildlife and Environment, Authored by Senator Marlatt (principal Senate author)

**HB 2925** – Agriculture, Wildlife and Environment

**HB 2977** – Rules

**HB 3055** – Agriculture, Wildlife and Environment, Authored by Senator Fields (principal Senate author)

**HJR 1070** – Rules, Authored by Senator Wyrick (principal Senate author)

**HJR 1093** – Rules

DO PASS, As Amended:

CS for **HB 2212** – Administrative Rules and Government Oversight

CS for **HB 2213** – Administrative Rules and Government Oversight

CS for **HB 2214** – Administrative Rules and Government Oversight

CS for **HB 2216** – Administrative Rules and Government Oversight

CS for **HB 2217** – Administrative Rules and Government Oversight

CS for **HB 2218** – Administrative Rules and Government Oversight

CS for **HB 2266** – Public Health, Authored by Senator David (principal Senate author)

CS for **HB 2284** – Transportation, Authored by Senator Halligan (principal Senate author)

**CS for HB 2306** – Common Education, Authored by Senator Halligan (principal Senate author)

**CS for HB 2356** – Agriculture, Wildlife and Environment, Coauthored by Representative(s) Vaughan, Shoemake and Authored by Senator Fields (principal Senate author)

**CS for HB 2367** – Public Safety, Coauthored by Representative(s) Hoskin

**CS for HB 2429** – Transportation

**CS for HB 2521** – Judiciary, Authored by Senator Paddack (principal Senate author)

**CS for HB 2573** – Agriculture, Wildlife and Environment, Authored by Senator Simpson (principal Senate author)

**CS for HB 2700** – Common Education

**CS for HB 2738** – Energy and Utility Regulation, Authored by Senator Johnson (Rob) (principal Senate author)

**CS for HB 3108** – Transportation, Coauthored by Representative(s) Vaughan, and Authored by Senator Anderson (principal Senate author)

Representative DeWitt moved that when the clerk's desk is clear, the House stand adjourned to reconvene at 9:00 a.m., Thursday, February 16, 2012, which was the order.

Pursuant to the motion of Representative DeWitt, the House was adjourned at 2:40 p.m., to reconvene Thursday, February 16, 2012, at 9:00 a.m.