

HOUSE JOURNAL

First Regular Session of the Fifty-third Legislature

of the State of Oklahoma

Thirtieth Legislative Day, Wednesday, March 30, 2011

The House was called to order by Representative Peters.

The roll was called with 99 Members present.

The following Members were excused: Enns, Trebilcock.—2.

Representative Peters declared a quorum present.

Prayer was offered by Pastor Brent Kellogg, Cornerstone Church, Sand Springs.

The Journal for the last legislative day was approved.

ENGROSSED AND ENROLLED MEASURES

HBs 1197, 1441 and 1666 were reported correctly enrolled and, after fourth reading, properly signed, in open session, and ordered transmitted to the Honorable Senate.

RESOLUTIONS

The following were introduced and read:

HR 1022 – By Morrisette.

A Resolution supporting the Resource Conservation and Development Program in Oklahoma.

HR 1023 – By Shelton.

A Resolution congratulating Miki Farris as the 2011 Oklahoma Mother of the Year; and directing distribution.

GENERAL ORDER

SB 187 by Coates of the Senate and Sanders of the House was read and considered.

Representative Sanders moved that **SB 187** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 187 was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Armes, Banz, Bennett, Billy, Brown, Brumbaugh, Cannaday, Casey, Christian, Cockroft, Condit, Cooksey, Dank, Derby, DeWitt, Dorman, Farley, Fourkiller, Glenn, Hamilton, Hardin, Hilliard, Holland, Hoskin, Inman, Jackson, Johnson, Jordan, Joyner, Key, Kirby, Kouplen, Liebmann, Lockhart, Martin (Scott), Martin (Steve), McAffrey, McCullough, McDaniel (Jeannie), McDaniel (Randy), McNiel, McPeak, Moore, Morrisette, Mulready, Murphey, Ortega, Osborn, Peters, Peterson, Pittman, Proctor, Pruett, Quinn, Renegar, Reynolds, Richardson, Ritze, Roan, Roberts (Dustin), Rousselot, Russ, Sanders, Schwartz, Scott, Shannon, Shelton, Sherrer, Shoemake, Shumate, Stiles, Sullivan, Terrill, Tibbs, Virgin, Walker, Watson, Wesselhoft, Williams, Mr. Speaker.--80.

Excused: Blackwell, Coody, Cox, Denney, Enns, Faught, Grau, Hall, Hickman, Kern, Morgan, Nelson, Newell, Nollan, Ownbey, Roberts (Sean), Sears, Thomsen, Trebilcock, Vaughan, Wright.--21.

The measure passed.

The Presiding Officer signed, in open session, Engrossed **SB 187** and ordered same returned to the Honorable Senate.

GENERAL ORDER

SB 179 by Crain of the Senate and Armes of the House was read and considered.

Representative Armes moved that **SB 179** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 179 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, Cooksey, Dank, Derby, Dorman, Farley, Faught, Fourkiller,

Glenn, Hall, Hamilton, Hardin, Hilliard, Holland, Hoskin, Inman, Jackson, Johnson, Jordan, Joyner, Key, Kirby, Kouplen, Liebmann, Lockhart, Martin (Scott), Martin (Steve), McAffrey, McCullough, McDaniel (Jeannie), McDaniel (Randy), McNiel, McPeak, Moore, Morgan, Morrisette, Mulready, Murphey, Ortega, Osborn, Ownbey, Peters, Peterson, Proctor, Pruett, Quinn, Renegar, Reynolds, Richardson, Ritze, Roan, Roberts (Dustin), Rousselot, Sanders, Schwartz, Scott, Shannon, Sherrer, Shoemake, Stiles, Sullivan, Terrill, Thomsen, Tibbs, Vaughan, Virgin, Walker, Watson, Wesselhoft, Williams, Mr. Speaker.--82.

Nay: Russ, Shelton.--2.

Excused: Coody, Cox, Denney, DeWitt, Enns, Grau, Hickman, Kern, Nelson, Newell, Nollan, Pittman, Roberts (Sean), Sears, Shumate, Trebilcock, Wright.--17.

The measure passed.

On passage of the emergency, the roll call was as follows:

Aye: Armes, Banz, Billy, Blackwell, Brumbaugh, Casey, Cockroft, Cooksey, Dank, Derby, DeWitt, Farley, Faught, Hall, Hardin, Holland, Jackson, Johnson, Jordan, Joyner, Kirby, Liebmann, Martin (Scott), Martin (Steve), McCullough, McDaniel (Randy), McNiel, Moore, Mulready, Murphey, Ortega, Osborn, Ownbey, Peters, Peterson, Quinn, Richardson, Roberts (Dustin), Sanders, Schwartz, Shannon, Sullivan, Thomsen, Tibbs, Vaughan, Watson, Wesselhoft, Mr. Speaker.--48.

Nay: Bennett, Brown, Cannaday, Christian, Condit, Dorman, Fourkiller, Glenn, Hamilton, Hilliard, Hoskin, Inman, Kouplen, Lockhart, McAffrey, McDaniel (Jeannie), McPeak, Morrisette, Pittman, Proctor, Renegar, Reynolds, Ritze, Roan, Rousselot, Russ, Scott, Shelton, Sherrer, Shumate, Terrill, Virgin, Walker, Williams.--34.

Excused: Coody, Cox, Denney, Enns, Grau, Hickman, Kern, Key, Morgan, Nelson, Newell, Nollan, Pruett, Roberts (Sean), Sears, Shoemake, Stiles, Trebilcock, Wright.--19.

The emergency failed.

The Presiding Officer signed Engrossed **SB 179** and ordered same returned to the Honorable Senate.

GENERAL ORDER

SB 339 by Branan of the Senate and Shannon of the House was read and considered.

Representative Shannon moved that **SB 339** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 339 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, Cooksey, Dank, Derby, DeWitt, Dorman, Farley, Faught, Fourkiller, Glenn, Hall, Hamilton, Hardin, Hilliard, Holland, Hoskin, Inman, Jackson, Johnson, Jordan, Joyner, Key, Kirby, Kouplen, Liebmann, Lockhart, Martin (Scott), Martin (Steve), McAffrey, McCullough, McDaniel (Jeannie), McDaniel (Randy), McNiel, McPeak, Moore, Morgan, Morrisette, Mulready, Murphey, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Quinn, Renegar, Richardson, Roan, Roberts (Dustin), Rousselot, Russ, Sanders, Schwartz, Scott, Shannon, Shelton, Sherrer, Shoemake, Shumate, Stiles, Sullivan, Terrill, Thomsen, Tibbs, Vaughan, Virgin, Walker, Watson, Williams, Mr. Speaker.--84.

Nay: Reynolds, Ritze.--2.

Excused: Coody, Cox, Denney, Enns, Grau, Hickman, Kern, Nelson, Newell, Nollan, Roberts (Sean), Sears, Trebilcock, Wesselhoft, Wright.--15.

The measure passed.

SB 339 was referred for engrossment.

GENERAL ORDER

SB 257 by Coates of the Senate and McNiel of the House was read and considered.

Coauthored by Representative(s) Bennett

Representative McNiel moved that **SB 257** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 257 was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Bennett, Cockroft, Dank, DeWitt, Grau, Hall, Hamilton, Liebmann, McDaniel (Randy), McNiel, Morgan, Ortega, Ownbey, Peters, Pruett, Russ, Sanders, Sullivan, Thomsen, Tibbs, Walker, Wright, Mr. Speaker.--23.

Nay: Armes, Banz, Blackwell, Brown, Brumbaugh, Cannaday, Casey, Condit, Cooksey, Derby, Dorman, Faught, Fourkiller, Glenn, Hardin, Hilliard, Holland, Hoskin, Jackson, Johnson, Jordan, Joyner, Kern, Key, Kirby, Lockhart, Martin (Scott),

Martin (Steve), McAffrey, McCullough, McPeak, Moore, Mulready, Murphey, Newell, Peterson, Quinn, Renegar, Reynolds, Richardson, Ritze, Roan, Roberts (Dustin), Roberts (Sean), Rousselot, Scott, Sears, Shannon, Sherrer, Stiles, Terrill, Virgin, Watson, Wesselhoft, Williams.--55.

Excused: Billy, Christian, Coody, Cox, Denney, Enns, Farley, Hickman, Inman, Kouplén, McDaniel (Jeannie), Morrissette, Nelson, Nollan, Osborn, Pittman, Proctor, Schwartz, Shelton, Shoemake, Shumate, Trebilcock, Vaughan.--23.

The measure failed.

GENERAL ORDER

SB 263 by Paddack of the Senate and Thomsen of the House was read and considered.

Representative Thomsen moved that **SB 263** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 263 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, Cooksey, Dank, Derby, DeWitt, Dorman, Farley, Faught, Fourkiller, Glenn, Grau, Hall, Hamilton, Hardin, Hilliard, Holland, Hoskin, Jackson, Johnson, Jordan, Joyner, Kern, Key, Kirby, Kouplén, Liebmann, Lockhart, Martin (Scott), Martin (Steve), McAffrey, McCullough, McDaniel (Jeannie), McDaniel (Randy), McNiel, McPeak, Moore, Morgan, Morrissette, Mulready, Murphey, 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, Sullivan, Terrill, Thomsen, Tibbs, Vaughan, Virgin, Walker, Watson, Wesselhoft, Williams, Wright, Mr. Speaker.--92.

Excused: Coody, Cox, Denney, Enns, Hickman, Inman, Nelson, Pittman, Trebilcock.--9.

The measure passed.

The Presiding Officer signed, in open session, Engrossed **SB 263** and ordered same returned to the Honorable Senate.

GENERAL ORDER

SB 282 by Holt et al of the Senate and Grau of the House was read and considered.

Coauthored by Representative(s) Bennett

Representative Grau moved that **SB 282** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 282 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, Cooksey, Dank, Derby, DeWitt, Dorman, Farley, Faught, Fourkiller, Glenn, Grau, Hall, Hamilton, Hardin, Hilliard, Holland, Hoskin, Inman, Jackson, Johnson, Jordan, Joyner, Kern, Key, Kirby, Kouplen, Liebmann, Lockhart, Martin (Scott), Martin (Steve), McCullough, McDaniel (Jeannie), McDaniel (Randy), McNiell, McPeak, Moore, Morgan, Morrissette, Mulready, Murphey, 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, Sullivan, Terrill, Thomsen, Tibbs, Vaughan, Virgin, Walker, Watson, Wesselhoft, Williams, Wright, Mr. Speaker.--92.

Excused: Coody, Cox, Denney, Enns, Hickman, McAffrey, Nelson, Shelton, Trebilcock.--9.

The measure passed.

The Presiding Officer signed, in open session, Engrossed **SB 282** and ordered same returned to the Honorable Senate.

GENERAL ORDER

SB 130 by Reynolds of the Senate and Johnson of the House was read and considered.

Representative Johnson moved that **SB 130** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 130 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, Christian, Cockroft, Condit, Cooksey, Dank, Derby, DeWitt, Dorman, Farley, Faught, Fourkiller, Glenn, Grau, Hall, Hamilton, Hardin, Hilliard, 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, 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, Stiles, Sullivan, Terrill, Thomsen, Tibbs, Vaughan, Virgin, Walker, Watson, Wesselhoft, Williams, Wright, Mr. Speaker.--92.

Excused: Coody, Cox, Denney, Enns, Hickman, Nelson, Shelton, Shumate, Trebilcock.--9.

The measure and emergency passed.

The Presiding Officer signed, in open session, Engrossed **SB 130** and ordered same returned to the Honorable Senate.

GENERAL ORDER

SB 277 by Anderson et al of the Senate and Sullivan of the House was read and considered.

Representative Reynolds moved to amend **SB 277**, Page 2, Section 1, Lines 8-12 by restoring the stricken language.

Representative Sullivan moved to table the Reynolds amendment, which tabling motion was declared adopted upon a division of the question.

Representative Reynolds moved to suspend House Rule 8.6 for the purpose of allowing consideration of an untimely filed floor amendment, which motion failed of adoption upon roll call as follows:

Aye: Bennett, Brown, Dorman, Fourkiller, Glenn, Hamilton, Hilliard, Hoskin, Inman, Joyner, Key, Kouplen, McAffrey, McDaniel (Jeannie), McPeak, Morrissette, Proctor, Reynolds, Ritze, Rousselot, Scott, Shelton, Sherrer, Shoemake, Terrill, Virgin, Williams.--27.

Nay: Armes, Banz, Billy, Brumbaugh, Casey, Cockroft, Condit, Cooksey, Farley, Grau, Hall, Hardin, Holland, Johnson, Jordan, Kern, Kirby, Liebmann, Martin (Scott), Martin (Steve), McCullough, McNiel, Mulready, Murphey, Newell, Nollan, Ortega, Ownbey, Peters, Peterson, Quinn, Renegar, Richardson, Roberts (Sean), Sanders, Schwartz, Shannon, Sullivan, Thomsen, Tibbs, Vaughan, Watson, Wright, Mr. Speaker.--44.

Excused: Blackwell, Cannaday, Christian, Coody, Cox, Dank, Denney, Derby, DeWitt, Enns, Faught, Hickman, Jackson, Lockhart, McDaniel (Randy), Moore, Morgan, Nelson, Osborn, Pittman, Pruett, Roan, Roberts (Dustin), Russ, Sears, Shumate, Stiles, Trebilcock, Walker, Wesselhoft.--30.

Representative Sullivan moved that **SB 277** be advanced from General Order, which motion was declared adopted.

Speaker Pro Tempore Hickman Presiding

THIRD READING

SB 277 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, Farley, Faught, Fourkiller, Glenn, Grau, Hall, Hardin, Hickman, Hilliard, 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, Ownbey, Peters, Peterson, Proctor, Pruett, Quinn, Renegar, Reynolds, Richardson, Ritze, Roan, Roberts (Dustin), Roberts (Sean), Rousselot, Russ, Sanders, Schwartz, Scott, Sears, Shannon, Sherrer, Shoemake, Stiles, Sullivan, Terrill, Thomsen, Tibbs, Vaughan, Virgin, Walker, Watson, Wesselhoft, Wright, Mr. Speaker.--92.

Nay: Dorman, Hamilton, McPeak, Pittman, Shelton, Williams.--6.

Excused: Enns, Shumate, Trebilcock.--3.

The measure passed.

The Presiding Officer signed, in open session, Engrossed **SB 277** and ordered same returned to the Honorable Senate.

GENERAL ORDER

SB 443 by Rice et al of the Senate and Moore et al of the House was read and considered.

Representative Moore moved that **SB 443** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 443 was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Armes, Banz, Bennett, Billy, Brown, Brumbaugh, Cannaday, Casey, Christian, Cockroft, Condit, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Farley, Faught, Fourkiller, Glenn, Grau, Hall, Hamilton, Hardin, Hickman, Hilliard, Holland, 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), Russ, Sanders, Schwartz, Scott, Sears, Shannon, Shoemake, Stiles, Sullivan, Terrill, Thomsen, Tibbs, Vaughan, Virgin, Walker, Watson, Wesselhoft, Williams, Wright, Mr. Speaker.--92.

Nay: Rousselot, Shelton, Sherrer.--3.

Excused: Blackwell, Enns, Hoskin, Jordan, Shumate, Trebilcock.--6.

The measure passed.

The Presiding Officer signed, in open session, Engrossed **SB 443** and ordered same returned to the Honorable Senate.

MOTION EXPIRED

Time expired for consideration of the motion to reconsider the vote whereby **SB 160** passed and the emergency failed.

The Presiding Officer signed, in open session, Engrossed **SB 160** and ordered same returned to the Honorable Senate.

MESSAGES FROM THE SENATE

Announcing that Enrolled **HBs 1197, 1441** and **1666** 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.

Transmitting enrolled measures

Advising fourth reading of and transmitting for signature Enrolled **SBs 862** and **865**.

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 **HBs 1008** and **1359**, Coauthored by Senators David, Holt, Treat, Easton McIntyre, Brecheen and Representatives Brumbaugh, Pittman and **HCRs 1007**, Coauthored by all Senators and **1009**, Coauthored by all Senators.

The above-numbered measures were referred for enrollment.

Returning engrossed measure, as amended

Announcing the passage of and returning engrossed measure as amended: **HB 1321**, Coauthored by Senators Ivester, Garrison, Marlatt, Treat, Shortey, Brinkley, Brecheen, Newberry, Allen, David and Ford.

Senate amendments were read on the above-numbered measure.

COMMITTEE REPORTS

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

DO PASS:

- SB 12** – Higher Education and Career Tech
- SB 54** – General Government
- SB 100** – Energy and Utility Regulation
- SB 117** – General Government
- SB 145** – Energy and Utility Regulation
- SB 147** – General Government

SB 170 – General Government
SB 325 – Public Safety
SB 426 – General Government
SB 532 – Public Safety
SB 574 – Public Health
SB 850 – Administrative Rules and Government Oversight
SB 921 – Public Safety, Coauthored by Representative(s) Bennett

DO PASS, As Amended:

CS for **SB 1** – Common Education, Coauthored by Representative(s) Nelson and Senator(s) Holt

CS for **SB 11** – Transportation
CS for **SB 56** – Rules
CS for **SB 195** – Transportation
CS for **SB 214** – Rules
CS for **SB 228** – Agriculture, Wildlife and Environment
CS for **SB 329** – Long Term Care and Senior Services
SB 333 – Common Education
CS for **SB 336** – Common Education, Coauthored by Representative(s) Nelson
CS for **SB 435** – Common Education, Coauthored by Representative(s) Nelson
CS for **SB 671** – Public Safety
CS for **SB 685** – Agriculture, Wildlife and Environment
CS for **SB 701** – Public Health
CS for **SB 854** – Public Health
CS for **SB 929** – Rules
CS for **SB 956** – Public Safety

Representative Sullivan moved that when the clerk's desk is clear, the House stand adjourned to reconvene at 9:00 a.m., Thursday, March 31, 2011, which was the order.

Pursuant to the motion of Representative Sullivan, the House was adjourned at 3:10 p.m., to reconvene Thursday, March 31, 2011, at 9:00 a.m.