

# HOUSE JOURNAL

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

**of the State of Oklahoma**

**Thirty-third Legislative Day, Tuesday, April 5, 2011**

The House was called to order by Representative Peters.

The roll was called with 101 Members present.

Representative Peters declared a quorum present.

Prayer was offered by Pastor Toby Walker, Eastside Baptist Church, Marlow.  
Pastor Walker was sponsored by Representative Holland.

Upon motion of Representative Thomsen, Pastor Walker was confirmed as House Chaplain for this legislative day.

The Journal for the last legislative day was approved.

## **ENGROSSED AND ENROLLED MEASURES**

**HBs 1377 and 2017** were reported correctly enrolled and, after fourth reading, properly signed, in open session, and ordered transmitted to the Honorable Senate.

**HRs 1018 and 1023** were reported correctly enrolled, properly signed, in open session, and ordered transmitted to the Secretary of State.

**HAs to SBs 10, 214 and 445** were reported correctly engrossed, properly signed, in open session, and the measures, as amended, were ordered returned to the Honorable Senate.

**SECOND READING**

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

**HJR 1044** – Administrative Rules and Government Oversight

**HJR 1045** – Administrative Rules and Government Oversight

**MEASURE REREFERRED**

Upon motion of Representative Russ, **SB 798** was withdrawn from the Calendar and rereferred to the Economic Development, Tourism and Financial Services Committee.

**GENERAL ORDER**

**SB 162** by Justice of the Senate and Nelson of the House was read and considered.

Representative Bennett moved to amend **SB 162**, Page 2, Section 1 by inserting a new subsection C to read as follows:

“C. A legislator or former legislator may carry a firearm on his or her person anywhere in the state to use only for personal protection if the person has successfully completed an approved course of firearm training conducted by a state-certified firearms instructor which meets the minimum requirements for firearms training as set forth by the Council on Law Enforcement Education and Training.”

Representative Nelson asked a ruling of the Presiding Officer as to whether the Bennett amendment was germane to **SB 162**.

The Presiding Officer ruled the point well taken and the amendment nongermane.

Representative Bennett appealed the ruling of the Presiding Officer receiving the required 15 seconds.

"The question is, shall the decision of the Presiding Officer be the decision of the House? All those in favor signify by voting 'Aye'; those opposed 'Nay'. The vote is now in progress."

The decision of the Presiding Officer was upheld upon roll call as follows:

Aye: Armes, Banz, Billy, Coody, Cooksey, Cox, Dank, Denney, DeWitt, Enns, Farley, Glenn, Hall, Holland, Jackson, Johnson, Jordan, Joyner, Kirby, Kouplen, Liebmann, Martin (Scott), Martin (Steve), McCullough, McDaniel (Randy), McNiel, Mulready, Nelson, Nollan, Ortega, Osborn, Ownbey, Peters, Peterson, Quinn, Richardson, Roan, Rousselot, Schwartz, Sears, Shannon, Shoemake, Sullivan, Thomsen, Tibbs, Trebilcock, Vaughan, Watson, Wright, Mr. Speaker.--50.

Nay: Bennett, Brown, Brumbaugh, Cannaday, Casey, Christian, Cockroft, Condit, Derby, Dorman, Fourkiller, Grau, Hamilton, Hardin, Hilliard, Inman, Kern, Lockhart, McAffrey, McDaniel (Jeannie), McPeak, Moore, Morgan, Morrissette, Murphey, Newell, Pittman, Proctor, Pruett, Renegar, Reynolds, Ritze, Roberts (Dustin), Roberts (Sean), Sanders, Sherrer, Shumate, Stiles, Terrill, Virgin, Walker, Wesselhoft, Williams.--43.

Excused: Blackwell, Faught, Hickman, Hoskin, Key, Russ, Scott, Shelton.--8.

Representative Reynolds moved to suspend House Rule 8.11 for the purpose of allowing consideration of the Bennett amendment, which motion failed of adoption upon roll call as follows:

Aye: Bennett, Brumbaugh, Cannaday, Casey, Christian, Cockroft, Condit, Derby, Dorman, Faught, Fourkiller, Glenn, Hamilton, Hardin, Hilliard, Hoskin, Inman, Jackson, Johnson, Jordan, Kern, Lockhart, Martin (Scott), McAffrey, McPeak, Moore, Morgan, Morrissette, Murphey, Newell, Pittman, Proctor, Pruett, Renegar, Reynolds, Ritze, Roberts (Dustin), Roberts (Sean), Russ, Sanders, Schwartz, Shannon, Shelton, Sherrer, Shoemake, Stiles, Terrill, Trebilcock, Vaughan, Virgin, Walker, Wesselhoft, Williams.--53.

Nay: Armes, Banz, Billy, Brown, Coody, Cooksey, Dank, Denney, DeWitt, Enns, Farley, Grau, Hall, Holland, Joyner, Liebmann, Martin (Steve), McCullough, McDaniel (Jeannie), McDaniel (Randy), McNiell, Mulready, Nelson, Nollan, Ortega, Ownbey, Peters, Peterson, Quinn, Richardson, Roan, Rousselot, Sears, Sullivan, Tibbs, Watson, Wright.--37.

Excused: Blackwell, Cox, Hickman, Key, Kirby, Kouplen, Osborn, Scott, Shumate, Thomsen, Mr. Speaker.--11.

Representative Nelson moved that **SB 162** be advanced from General Order.

Representative Reynolds moved to table the Nelson motion, which tabling motion failed of adoption upon roll call as follows:

Aye: Bennett, Brown, Casey, Christian, Condit, Derby, Dorman, Fourkiller, Glenn, Hamilton, Hardin, Hilliard, Hoskin, Inman, Jackson, Kern, Lockhart, McAffrey, McDaniel (Jeannie), Moore, Morgan, Morrissette, Murphey, Proctor, Pruett, Renegar, Reynolds, Ritze, Roberts (Sean), Shelton, Sherrer, Terrill, Virgin, Walker, Wesselhoft, Williams.--36.

Nay: Banz, Billy, Brumbaugh, Cockroft, Coody, Cooksey, Dank, Denney, DeWitt, Enns, Farley, Faught, Grau, Hall, Holland, Johnson, Jordan, Joyner, Kirby, Kouplen, Liebmann, Martin (Scott), Martin (Steve), McCullough, McDaniel (Randy), Mulready, Nelson, Newell, Nollan, Ortega, Osborn, Ownbey, Peters, Peterson, Quinn, Richardson, Roan, Rousselot, Russ, Sanders, Schwartz, Sears, Shannon, Sullivan, Tibbs, Vaughan, Watson, Wright, Mr. Speaker.--49.

Excused: Armes, Blackwell, Cannaday, Cox, Hickman, Key, McNiell, McPeak, Pittman, Roberts (Dustin), Scott, Shoemake, Shumate, Stiles, Thomsen, Trebilcock.--16.

Representative Nelson pressed his motion that **SB 162** be advanced from General Order, which motion was declared adopted upon a division of the question.

Representative Reynolds raised a point of order as to whether there was a fiscal impact statement available for **SB 162**.

The Presiding Officer stated that there was a fiscal impact statement available and ruled the point not well taken.

Representative Reynolds moved to recommit **SB 162** to the Public Safety Committee.

The Presiding Officer ruled the motion out of order pursuant to House Rule 8.14.

### **THIRD READING**

**SB 162** 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, Cockroft, Condit, Coody, Cox, Dank, Denney, Derby, DeWitt, Dorman, Enns, Farley, Faught, Fourkiller, Glenn, Grau, Hall, Hamilton, Hickman, Hilliard, Holland, Hoskin, Inman, Jackson, Johnson, Jordan, Joyner, Kern, Kirby, Kouplen, Liebmann, Lockhart, Martin (Scott), McCullough, McDaniel (Jeannie), McDaniel (Randy), McNiel, McPeak, Morgan, Morrisette, Mulready, Murphey, Nelson, Newell, Nollan, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Quinn, Renegar, Richardson, Roan, Roberts (Dustin), Roberts (Sean), Rousselot, Russ, Sanders, Schwartz, Sears, Shannon, Sherrer, Shoemake, Shumate, Stiles, Sullivan, Terrill, Thomsen, Tibbs, Trebilcock, Vaughan, Virgin, Walker, Watson, Wesselhoft, Williams, Wright, Mr. Speaker.--88.

Nay: Bennett, Christian, Cooksey, Hardin, Martin (Steve), McAffrey, Moore, Reynolds, Ritze, Shelton.--10.

Excused: Brown, Key, Scott.--3.

The measure passed.

The Presiding Officer signed, in open session, Engrossed **SB 162** and ordered same returned to the Honorable Senate.

## GENERAL ORDER

**SB 42** by Garrison et al of the Senate and Rousselot et al of the House was read and considered.

Coauthored by Representative(s) Bennett

Representative Rousselot moved that **SB 42** be advanced from General Order, which motion was declared adopted.

## THIRD READING

**SB 42** was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Armes, Bennett, Billy, Blackwell, Brown, Brumbaugh, Casey, Christian, Cockroft, Condit, Coody, Cooksey, Dank, Denney, Derby, DeWitt, Dorman, Enns, Farley, Fourkiller, Glenn, Grau, Hall, Hamilton, Hardin, Hickman, Hilliard, Holland, Inman, Jackson, Johnson, Jordan, Joyner, Kern, Kirby, Liebmann, Lockhart, Martin (Scott), McCullough, McDaniel (Randy), McNiel, McPeak, Moore, Morgan, Morrisette, Mulready, Murphey, Nelson, Newell, Nollan, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Quinn, Renegar, Reynolds, Richardson, Ritze, Roan, Roberts (Dustin), Roberts (Sean), Rousselot, Russ, Sanders, Schwartz, Sears, Shannon, Shoemake, Shumate, Stiles, Sullivan, Terrill, Thomsen, Tibbs, Trebilcock, Vaughan, Walker, Watson, Wesselhoft, Williams, Wright, Mr. Speaker.--86.

Nay: Cannaday, Cox, Hoskin, Martin (Steve), McAffrey, McDaniel (Jeannie), Shelton, Sherrer, Virgin.--9.

Excused: Banz, Faught, Key, Kouplen, Ortega, Scott.--6.

The measure passed.

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

Aye: Armes, Banz, Billy, Blackwell, Brumbaugh, Casey, Cockroft, Coody, Cooksey, Dank, Denney, Derby, DeWitt, Dorman, Enns, Farley, Grau, Hall, Hamilton, Hardin, Hickman, Holland, Jackson, Johnson, Jordan, Joyner, Kern, Kirby, Liebmann, Martin (Scott), Martin (Steve), McCullough, McDaniel (Randy), McNiel, McPeak, Moore, Morgan, Mulready, Murphey, Nelson, Newell, Nollan, Osborn, Ownbey, Peters, Peterson, Pittman, Pruett, Quinn, Renegar, Richardson, Roberts (Dustin), Roberts (Sean), Rousselot, Sanders, Schwartz, Sears, Shannon, Shoemake, Shumate, Stiles, Sullivan, Tibbs, Vaughan, Walker, Watson, Wesselhoft, Wright, Mr. Speaker.--69.

Nay: Bennett, Brown, Cannaday, Christian, Condit, Cox, Fourkiller, Glenn, Hilliard, Hoskin, Inman, Kouplen, McAffrey, McDaniel (Jeannie), Morrisette, Proctor, Reynolds, Ritze, Roan, Shelton, Sherrer, Thomsen, Virgin, Williams.--24.

Excused: Faught, Key, Lockhart, Ortega, Russ, Scott, Terrill, Trebilcock.--8.

The emergency passed.

**SB 42** was referred for engrossment.

### **GENERAL ORDER**

**SB 96** by Coates of the Senate and Liebmann of the House was read and considered.

Representative Sherrer moved to amend **SB 96**, Page 3, Section 2, Line 14 by restoring the stricken word "sworn", which amendment was declared adopted.

Representative Liebmann moved that **SB 96** be advanced from General Order, which motion was declared adopted.

### **THIRD READING**

**SB 96** 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, Cannaday, Casey, Christian, Condit, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Enns, Fourkiller, Glenn, Grau, Hall, Hamilton, Hardin, Hickman, Hilliard, Holland, Hoskin, Inman, Jackson, Johnson, Jordan, Joyner, Kern, Kirby, Kouplen, Liebmann, Lockhart, Martin (Scott), Martin (Steve), McAffrey, McCullough, McDaniel (Jeannie), McDaniel (Randy), McNiel, McPeak, Moore, Morgan, Morrissette, Mulready, Nelson, Newell, Nollan, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Quinn, Renegar, Richardson, Roan, Roberts (Dustin), Roberts (Sean), Rousselot, Russ, Sanders, Schwartz, Sears, Shannon, Sherrer, Shoemake, Shumate, Stiles, Sullivan, Terrill, Thomsen, Tibbs, Trebilcock, Vaughan, Virgin, Walker, Watson, Wesselhoft, Williams, Wright, Mr. Speaker.--90.

Nay: Bennett, Brumbaugh, Cockroft, Faught, Key, Murphey, Reynolds, Ritze, Shelton.--9.

Excused: Farley, Scott.--2.

The measure passed.

**SB 96** was referred for engrossment.

### **MOTION**

Representative Ortega asked that the Journal reflect that had he been present in the Chamber, he would have voted aye on **SB 42**, which was the order.

## MESSAGE FROM THE SENATE

Announcing the passage of **HB 2128**, Coauthored by Representative Hall.

The above-numbered measure was referred for enrollment.

## ENGROSSED AND ENROLLED MEASURES

**HB 2128** was reported correctly enrolled and, after fourth reading, properly signed, in open session, and ordered transmitted to the Honorable Senate.

## MESSAGES FROM THE SENATE

Announcing the passage of **HBs 1194, 1249**, Coauthored by Senators Schulz, Fields, Sparks and **1380** (emergency failed).

The above-numbered measures were referred for enrollment.

## Returning enrolled measures

Announcing that Enrolled **HBs 1377, 2017** and **2128** 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 100, 145, 253, 498** and **666**.

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

## COMMITTEE REPORTS

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

DO PASS:

- SB 95** – Transportation
- SB 193** – Transportation
- SB 274** – Transportation

**SB 595** – Transportation  
**SB 630** – Transportation  
**SB 633** – Judiciary  
**SB 722** – Judiciary  
**SB 742** – Transportation  
**SB 816** – Transportation  
**SB 828** – Judiciary  
**SB 885** – Energy and Utility Regulation

DO PASS, As Amended:

**CS** for **SB 124** – Judiciary  
**SB 738** – Energy and Utility Regulation  
**CS** for **SB 763** – Judiciary  
**CS** for **SB 837** – Judiciary

#### **MESSAGE FROM THE GOVERNOR**

Advising of her approval of **HB 2128** on April 5, 2011.

Representative Sullivan moved that when the clerk's desk is clear, the House stand adjourned to reconvene at 1:30 p.m., Wednesday, April 6, 2011, which was the order.

Pursuant to the motion of Representative Sullivan, the House was adjourned at 10:45 a.m., to reconvene Wednesday, April 6, 2011, at 1:30 p.m.