

HOUSE JOURNAL

First Regular Session of the Fifty-third Legislature

of the State of Oklahoma

Ninth Legislative Day, Tuesday, February 22, 2011

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

The roll was called with 98 Members present.

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

The Speaker Pro Tempore declared a quorum present.

Prayer was offered by Pastor James Ray Collins, Frink Baptist Church, McAlester.

The Journal for the last legislative day was approved.

ENGROSSED AND ENROLLED MEASURES

HBs 1059, 1212, 1227, 1308, 1314, 1347, 1689, 1736 and 1991 were reported correctly engrossed, properly signed, in open session, and ordered transmitted to the Honorable Senate.

GENERAL ORDER

HB 1234 by Sherrer et al of the House was read and considered.

Coauthored by Representative(s) Walker

Authored by Senator Burrage (principal Senate author)

Representative Sherrer moved that **HB 1234** be advanced from General Order, which motion was declared adopted.

THIRD READING

HB 1234 was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Armes, Banz, Billy, Brown, Brumbaugh, Cannaday, Casey, Christian, Cockroft, Condit, Coody, Cox, Dank, Denney, Derby, DeWitt, Dorman, Enns, Faught, Fourkiller, Glenn, Grau, Hall, Hamilton, 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), McNiell, McPeak, Morrisette, 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, Sullivan, Terrill, Thomsen, Tibbs, Vaughan, Virgin, Walker, Watson, Wesselhoft, Williams, Wright, Mr. Speaker.--94.

Excused: Bennett, Blackwell, Cooksey, Farley, Moore, Morgan, Trebilcock.--7.

The measure passed.

HB 1234 was referred for engrossment.

GENERAL ORDER

HB 1048 by Cox of the House was read and considered.

Coauthored by Representative(s) Pittman

Authored by Senator Jolley (principal Senate author)

Representative Cox moved that **HB 1048** be advanced from General Order, which motion was declared adopted.

THIRD READING

HB 1048 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, Cox, Denney, Derby, DeWitt, Dorman, Faught, Fourkiller, Glenn, Grau, Hall, 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), McNiell, McPeak, Moore, 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,

Stiles, Sullivan, Terrill, Thomsen, Tibbs, Vaughan, Virgin, Walker, Watson, Wesselhoft, Williams, Wright, Mr. Speaker.--87.

Nay: Hamilton, Hardin, Reynolds, Ritze.--4.

Excused: Bennett, Cooksey, Dank, Enns, Farley, Morgan, Scott, Shelton, Shumate, Trebilcock.--10.

The measure passed.

HB 1048 was referred for engrossment.

GENERAL ORDER

HB 1271 by Coody of the House and Barrington of the Senate was read and considered.

Representative Coody moved that **HB 1271** be advanced from General Order, which motion was declared adopted.

THIRD READING

HB 1271 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, Cox, Dank, Denney, Derby, Dorman, Enns, Faught, Fourkiller, Glenn, Grau, Hall, Hamilton, 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, McPeak, Moore, Morrisette, 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, Sears, Shannon, Sherrer, Shoemake, Shumate, Stiles, Sullivan, Terrill, Thomsen, Vaughan, Virgin, Walker, Watson, Wesselhoft, Williams, Wright, Mr. Speaker.--92.

Excused: Bennett, Cooksey, DeWitt, Farley, Morgan, Scott, Shelton, Tibbs, Trebilcock.--9.

The measure passed.

HB 1271 was referred for engrossment.

GENERAL ORDER

HB 1310 by Richardson of the House and Fields of the Senate was read and considered.

Representative Richardson moved that **HB 1310** be advanced from General Order, which motion was declared adopted.

THIRD READING

HB 1310 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, Cockroft, Condit, Coody, Cox, Dank, Dorman, Enns, Faught, Fourkiller, Glenn, Hall, Hamilton, Hardin, Hickman, Hilliard, Holland, Hoskin, Inman, Jackson, Johnson, Jordan, Joyner, Kern, Key, Kirby, Kouplen, Liebmann, Martin (Scott), Martin (Steve), McAffrey, McCullough, McDaniel (Jeannie), McDaniel (Randy), McNiel, McPeak, Moore, Morrissette, Mulready, Nelson, Newell, Nollan, Ortega, Osborn, Ownbey, Peters, Proctor, Pruett, Quinn, Renegar, Reynolds, Richardson, Roan, Roberts (Dustin), Roberts (Sean), Rousselot, Russ, Sanders, Schwartz, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Stiles, Sullivan, Terrill, Thomsen, Vaughan, Virgin, Walker, Watson, Wesselhoft, Williams, Wright, Mr. Speaker.--84.

Nay: Brumbaugh, Denney, Derby, Lockhart, Murphey, Peterson, Ritze.--7.

Excused: Bennett, Cooksey, DeWitt, Farley, Grau, Morgan, Pittman, Scott, Tibbs, Trebilcock.--10.

The measure passed.

HB 1310 was referred for engrossment.

GENERAL ORDER

HB 1322 by Wright of the House and Schulz of the Senate was read and considered.

Representative Wright moved that **HB 1322** be advanced from General Order, which motion was declared adopted.

THIRD READING

HB 1322 was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Armes, Banz, Billy, Brown, Brumbaugh, Cannaday, Casey, Christian, Cockroft, Condit, Coody, Cox, Dank, Denney, Derby, Dorman, Enns, 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), McAffrey, McCullough, McDaniel (Jeannie), McDaniel (Randy), McNiel, McPeak, Moore, 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, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Stiles, Sullivan, Terrill, Thomsen, Vaughan, Virgin, Walker, Watson, Wesselhoft, Williams, Wright, Mr. Speaker.--90.

Excused: Bennett, Blackwell, Cooksey, DeWitt, Farley, Inman, Morgan, Morrisette, Scott, Tibbs, Trebilcock.--11.

The measure passed.

HB 1322 was referred for engrossment.

GENERAL ORDER

HB 1359 by Peters et al of the House and Brinkley of the Senate was read and considered.

Coauthored by Representative(s) Tibbs, Derby, Walker, Peterson, Nelson, Nollan

Representative Peters moved that **HB 1359** be advanced from General Order, which motion was declared adopted.

THIRD READING

HB 1359 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, Cox, Dank, Denney, Derby, Dorman, Enns, 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), McAffrey, McCullough, McDaniel (Jeannie), McDaniel (Randy), McNiel, Moore, Morrisette, 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, Sullivan, Terrill, Thomsen, Vaughan, Virgin, Walker, Watson, Wesselhoft, Williams, Wright, Mr. Speaker.--92.

Nay: McPeak.--1.

Excused: Bennett, Cooksey, DeWitt, Farley, Inman, Morgan, Tibbs, Trebilcock.--8.

The measure and emergency passed.

HB 1359 was referred for engrossment.

GENERAL ORDER

HJR 1016 by Blackwell of the House and Marlatt of the Senate was read and considered.

Representative Blackwell moved that **HJR 1016** be advanced from General Order, which motion was declared adopted.

THIRD READING

HJR 1016 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, Cox, Dank, Denney, Derby, Dorman, Enns, 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), McAffrey, McCullough, McDaniel (Randy), McNiel, McPeak, Moore, Morrisette, 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, Sullivan, Terrill, Thomsen, Vaughan, Virgin, Walker, Watson, Wesselhoft, Williams, Wright, Mr. Speaker.--90.

Excused: Bennett, Cooksey, DeWitt, Farley, Inman, McDaniel (Jeannie), Morgan, Mulready, Pittman, Tibbs, Trebilcock.--11.

The measure and emergency passed.

HJR 1016 was referred for engrossment.

MEASURES REASSIGNED

The following measures were reassigned:

HB 1248 – Withdrawn from Insurance and referred to Appropriations and Budget.

HB 1624 – Withdrawn from Insurance and referred to Rules.

MESSAGE FROM THE SENATE

Announcing the passage of engrossed **SBs 59** and **435**. The measures were introduced and read for the first time.

SB 59 – By Justice of the Senate and Osborn of the House.

An Act relating to school employment; amending 70 O.S. 2001, Section 5-142, as amended by Section 1, Chapter 406, O.S.L. 2010 (70 O.S. Supp. 2010, Section 5-142), which relates to criminal history record searches for employees and prospective employees of school districts; exempting former full-time teachers from criminal history record search when applying for substitute teaching positions; providing an effective date; and declaring an emergency.

SB 435 – By Bingman, Ford, David, Shortey and Holt of the Senate and Steele of the House.

An Act relating to the State Board of Education; amending 70 O.S. 2001, Sections 3-101, as amended by Section 15, Chapter 375, O.S.L. 2002, 3-102, and 3-104, as last amended by Section 73, Chapter 2, O.S.L. 2010 (70 O.S. Supp. 2010, Sections 3-101 and 3-104), which relate to the role of the State Board of Education; modifying membership of the Board; modifying frequency of meetings; transferring some powers and duties from the Board to the Superintendent of Public Instruction; providing certain requirements of the State Board of Education; designating the State Department of Education as certain agency; and declaring an emergency.

COMMITTEE REPORTS

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

DO PASS:

HB 1045 – Insurance

HB 1232 – Transportation, Authored by Senator Burrage (principal Senate author)

HB 1251 – Judiciary, Authored by Senator David (principal Senate author)

HB 1355 – Judiciary, Authored by Senator Anderson (principal Senate author)

HB 1412 – Judiciary, Authored by Senator Ballenger (principal Senate author)

HB 1449 – Judiciary, Authored by Senator Rice (principal Senate author)

HB 1464 – Judiciary, Authored by Senator Sykes (principal Senate author)

HB 1556 – Judiciary

HB 1604 – Judiciary, Coauthored by Representative(s) Sullivan

HB 1672 – Judiciary, Authored by Senator Anderson (principal Senate author)

HB 1715 – Human Services, Authored by Senator Brinkley (principal Senate author),
Placed on Consent Calendar

HB 1726 – Judiciary, Authored by Senator Wilson (principal Senate author)

HB 1956 – Transportation

HB 1968 – Insurance

HB 1983 – Judiciary, Coauthored by Representative(s) Sherrer

HB 2049 – Transportation, Authored by Senator Rice (principal Senate author)

DO PASS, As Amended:

CS for HB 1047 – Human Services

CS for HB 1081 – Judiciary, Authored by Senator Russell (principal Senate author),
and Coauthored by Senator(s) Johnson (Constance)

CS for HB 1226 – Judiciary, Coauthored by Representative(s) Reynolds, Ritze, and
Authored by Senator Simpson (principal Senate author)

CS for HB 1249 – Judiciary, Authored by Senator David (principal Senate author)

CS for HB 1276 – Judiciary, Coauthored by Representative(s) Reynolds, Derby, and
Authored by Senator Shortey (principal Senate author)

CS for HB 1452 – Judiciary, Authored by Senator Burrage (principal Senate author)

CS for HB 1562 – Judiciary

CS for HB 1645 – Judiciary, Coauthored by Representative(s) Reynolds, Derby, and
Authored by Senator Ellis (principal Senate author)

CS for HB 1832 – Judiciary

CS for HB 1833 – Judiciary

CS for HB 2001 – Judiciary, Authored by Senator Halligan (principal Senate author)

CS for HB 2021 – Judiciary

CS for HB 2088 – Judiciary

CS for HB 2158 – Judiciary, Remove Representative Steele as principal House author
and substitute with Representative Trebilcock

APPOINTMENTS

The Speaker announced the following appointments:

January 20, 2011 – Representative Faught appointed as a Member and Co-Chair and
Representatives Ortega, Peterson and Sherrer as Members of the Joint Immigration Reform
Committee. (House Rule 1.8(c))

Representative Sullivan moved that when the clerk's desk is clear, the House stand adjourned to reconvene at 1:30 p.m., Wednesday, February 23, 2011, which was the order.

Pursuant to the motion of Representative Sullivan, the House was adjourned at 10:05 a.m., to reconvene Wednesday, February 23, 2011, at 1:30 p.m.