

# HOUSE JOURNAL

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

**of the State of Oklahoma**

**Twenty-fifth Legislative Day, Monday, March 19, 2012**

The House was called to order by Speaker Steele.

The roll was called with 88 Members present.

The following Members were excused: Bennett, Enns, Faught, Hilliard, Peters, Ritze, Sanders, Tibbs, Trebilcock, Williams, Wright.—11.

Vacancy: District 71, District 88.—2.

The Speaker declared a quorum present.

Prayer was offered by Pastor Fred Rider, First Christian Church, Oklahoma City. Pastor Rider was sponsored by Representative Morgan.

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

The Journal for the last legislative day was approved.

## **ENGROSSED AND ENROLLED MEASURES**

**HBs 1485, 1551, 1577, 1952, 1985, 2288, 2296, 2328, 2421, 2478, 2496, 2509, 2525, 2561, 2640, 2643, 2654, 2695, 2740, 2741, 2751, 2839, 2840, 2864, 2941, 2945, 2967, 2980, 3038, 3043, 3076, 3079, 3090, 3091, 3093, 3119, 3130 and HJR 1015** were reported correctly engrossed, properly signed, in open session, and ordered transmitted to the Honorable Senate.

**SECOND READING**

Representative DeWitt moved pursuant to the list emailed this afternoon from the Majority Floor Leader's office to the membership of the House that said measures be considered read for the second time, which motion was declared adopted.

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

- SB 134** – Judiciary
- SB 178** – Public Health
- SB 221** – General Government
- SB 222** – Appropriations and Budget
- SB 223** – General Government
- SB 284** – Public Safety
- SB 448** – Appropriations and Budget
- SB 456** – Appropriations and Budget
- SB 616** – Economic Development, Tourism and Financial Services
- SB 747** – Economic Development, Tourism and Financial Services
- SB 987** – Judiciary
- SB 988** – Agriculture, Wildlife and Environment
- SB 989** – Agriculture, Wildlife and Environment
- SB 990** – Public Safety
- SB 992** – Transportation
- SB 994** – Transportation
- SB 1000** – General Government
- SB 1001** – Economic Development, Tourism and Financial Services
- SB 1006** – General Government
- SB 1008** – Transportation
- SB 1009** – Transportation
- SB 1012** – Insurance
- SB 1016** – Judiciary
- SB 1019** – Appropriations and Budget
- SB 1035** – Energy and Utility Regulation
- SB 1036** – Appropriations and Budget
- SB 1041** – General Government
- SB 1042** – Appropriations and Budget
- SB 1046** – Appropriations and Budget
- SB 1050** – Agriculture, Wildlife and Environment
- SB 1051** – Government Modernization
- SB 1052** – Appropriations and Budget
- SB 1053** – Economic Development, Tourism and Financial Services
- SB 1055** – Public Safety
- SB 1056** – Appropriations and Budget
- SB 1059** – Insurance

- SB 1060** – Public Safety
- SB 1065** – Public Safety
- SB 1067** – Public Safety
- SB 1068** – Judiciary
- SB 1069** – Appropriations and Budget
- SB 1071** – Appropriations and Budget
- SB 1072** – Judiciary
- SB 1075** – General Government
- SB 1083** – Appropriations and Budget
- SB 1090** – Administrative Rules and Government Oversight
- SB 1095** – Economic Development, Tourism and Financial Services
- SB 1096** – Energy and Utility Regulation
- SB 1100** – Transportation
- SB 1102** – Economic Development, Tourism and Financial Services
- SB 1108** – Economic Development, Tourism and Financial Services
- SB 1111** – Higher Education and Career Tech
- SB 1119** – Appropriations and Budget
- SB 1120** – Appropriations and Budget
- SB 1127** – Economic Development, Tourism and Financial Services
- SB 1131** – General Government
- SB 1134** – Appropriations and Budget
- SB 1138** – Appropriations and Budget
- SB 1142** – Appropriations and Budget
- SB 1144** – Appropriations and Budget
- SB 1149** – Transportation
- SB 1152** – Insurance
- SB 1156** – Judiciary
- SB 1159** – Appropriations and Budget
- SB 1162** – Rules
- SB 1164** – Energy and Utility Regulation
- SB 1170** – Rules
- SB 1178** – Agriculture, Wildlife and Environment
- SB 1179** – Appropriations and Budget
- SB 1180** – Appropriations and Budget
- SB 1182** – Appropriations and Budget
- SB 1183** – Human Services
- SB 1185** – Appropriations and Budget
- SB 1187** – Appropriations and Budget
- SB 1188** – Appropriations and Budget
- SB 1189** – Energy and Utility Regulation
- SB 1191** – Rules
- SB 1192** – Energy and Utility Regulation
- SB 1196** – Judiciary
- SB 1198** – Economic Development, Tourism and Financial Services

**SB 1199** – Judiciary  
**SB 1201** – Transportation  
**SB 1204** – Appropriations and Budget  
**SB 1209** – Public Safety  
**SB 1210** – Veterans and Military Affairs  
**SB 1213** – Economic Development, Tourism and Financial Services  
**SB 1214** – Economic Development, Tourism and Financial Services  
**SB 1215** – Government Modernization  
**SB 1218** – Public Safety  
**SB 1222** – Judiciary  
**SB 1228** – Common Education  
**SB 1229** – Common Education  
**SB 1230** – Appropriations and Budget  
**SB 1231** – Appropriations and Budget  
**SB 1232** – Appropriations and Budget  
**SB 1233** – Economic Development, Tourism and Financial Services  
**SB 1234** – Appropriations and Budget  
**SB 1235** – Appropriations and Budget  
**SB 1239** – Judiciary  
**SB 1242** – Appropriations and Budget  
**SB 1246** – Judiciary  
**SB 1247** – Appropriations and Budget  
**SB 1253** – Appropriations and Budget  
**SB 1254** – Appropriations and Budget  
**SB 1256** – Appropriations and Budget  
**SB 1257** – General Government  
**SB 1263** – Public Safety  
**SB 1264** – Appropriations and Budget  
**SB 1272** – Public Health  
**SB 1274** – Public Health  
**SB 1277** – Public Health  
**SB 1279** – Economic Development, Tourism and Financial Services  
**SB 1280** – Appropriations and Budget  
**SB 1283** – Judiciary  
**SB 1287** – General Government  
**SB 1299** – Judiciary  
**SB 1300** – Rules  
**SB 1304** – Judiciary  
**SB 1309** – Rules  
**SB 1313** – Judiciary  
**SB 1314** – Judiciary  
**SB 1316** – Judiciary  
**SB 1320** – Transportation  
**SB 1321** – Judiciary

- SB 1325** – Agriculture, Wildlife and Environment
- SB 1327** – Agriculture, Wildlife and Environment
- SB 1328** – Agriculture, Wildlife and Environment
- SB 1336** – Appropriations and Budget
- SB 1338** – Rules
- SB 1340** – Energy and Utility Regulation
- SB 1346** – Judiciary
- SB 1352** – Appropriations and Budget
- SB 1355** – Public Safety
- SB 1360** – Appropriations and Budget
- SB 1366** – Judiciary
- SB 1367** – Insurance
- SB 1372** – Appropriations and Budget
- SB 1378** – Judiciary
- SB 1380** – Appropriations and Budget
- SB 1386** – Judiciary
- SB 1389** – Public Health
- SB 1390** – Public Health
- SB 1397** – Appropriations and Budget
- SB 1401** – Long Term Care and Senior Services
- SB 1406** – Judiciary
- SB 1409** – Common Education
- SB 1412** – Appropriations and Budget
- SB 1419** – Government Modernization
- SB 1420** – Agriculture, Wildlife and Environment
- SB 1425** – Agriculture, Wildlife and Environment
- SB 1430** – Judiciary
- SB 1433** – Public Health
- SB 1434** – Appropriations and Budget
- SB 1436** – Appropriations and Budget
- SB 1437** – Appropriations and Budget
- SB 1439** – Judiciary
- SB 1443** – Common Education
- SB 1448** – General Government
- SB 1449** – Appropriations and Budget
- SB 1450** – Appropriations and Budget
- SB 1451** – General Government
- SB 1453** – Judiciary
- SB 1457** – Transportation
- SB 1462** – Appropriations and Budget
- SB 1464** – Appropriations and Budget
- SB 1465** – Appropriations and Budget
- SB 1466** – Rules
- SB 1471** – Human Services

**SB 1474** – Judiciary  
**SB 1475** – Judiciary  
**SB 1476** – Insurance  
**SB 1480** – General Government  
**SB 1483** – Appropriations and Budget  
**SB 1493** – Economic Development, Tourism and Financial Services  
**SB 1497** – Economic Development, Tourism and Financial Services  
**SB 1499** – Transportation  
**SB 1500** – Energy and Utility Regulation  
**SB 1504** – Judiciary  
**SB 1505** – Judiciary  
**SB 1506** – Energy and Utility Regulation  
**SB 1508** – Appropriations and Budget  
**SB 1511** – Appropriations and Budget  
**SB 1518** – Agriculture, Wildlife and Environment  
**SB 1520** – Judiciary  
**SB 1522** – Judiciary  
**SB 1523** – Appropriations and Budget  
**SB 1525** – Appropriations and Budget  
**SB 1530** – Appropriations and Budget  
**SB 1532** – Rules  
**SB 1533** – Appropriations and Budget  
**SB 1535** – Appropriations and Budget  
**SB 1537** – Appropriations and Budget  
**SB 1539** – Appropriations and Budget  
**SB 1541** – Public Safety  
**SB 1543** – Judiciary  
**SB 1544** – General Government  
**SB 1546** – Public Safety  
**SB 1548** – Public Safety  
**SB 1551** – Public Safety  
**SB 1554** – Appropriations and Budget  
**SB 1564** – Rules  
**SB 1565** – Appropriations and Budget  
**SB 1569** – Rules  
**SB 1571** – Appropriations and Budget  
**SB 1578** – Public Health  
**SB 1580** – Appropriations and Budget  
**SB 1582** – Appropriations and Budget  
**SB 1588** – Economic Development, Tourism and Financial Services  
**SB 1592** – Public Health  
**SB 1616** – Insurance  
**SB 1617** – Insurance  
**SB 1618** – Insurance

- SB 1621** – Insurance
- SB 1623** – Appropriations and Budget
- SB 1627** – Energy and Utility Regulation
- SB 1628** – Energy and Utility Regulation
- SB 1634** – Public Health
- SB 1638** – Transportation
- SB 1640** – Appropriations and Budget
- SB 1641** – Appropriations and Budget
- SB 1642** – Appropriations and Budget
- SB 1643** – Appropriations and Budget
- SB 1644** – Appropriations and Budget
- SB 1649** – Appropriations and Budget
- SB 1664** – Appropriations and Budget
- SB 1665** – Judiciary
- SB 1667** – Public Safety
- SB 1676** – Appropriations and Budget
- SB 1678** – Appropriations and Budget
- SB 1686** – Public Health
- SB 1690** – Appropriations and Budget
- SB 1694** – Judiciary
- SB 1695** – Public Health
- SB 1696** – Appropriations and Budget
- SB 1698** – Rules
- SB 1701** – Veterans and Military Affairs
- SB 1704** – Judiciary
- SB 1706** – Rules
- SB 1707** – Rules
- SB 1714** – Appropriations and Budget
- SB 1715** – Appropriations and Budget
- SB 1721** – Judiciary
- SB 1728** – Judiciary
- SB 1733** – Public Safety
- SB 1734** – Public Safety
- SB 1743** – Agriculture, Wildlife and Environment
- SB 1751** – Agriculture, Wildlife and Environment
- SB 1760** – Public Safety
- SB 1761** – Judiciary
- SB 1771** – Judiciary
- SB 1774** – Appropriations and Budget
- SB 1776** – Judiciary
- SB 1780** – Judiciary
- SB 1785** – Public Safety
- SB 1792** – Judiciary
- SB 1793** – Appropriations and Budget

**SB 1795** – Appropriations and Budget  
**SB 1796** – Appropriations and Budget  
**SB 1797** – Appropriations and Budget  
**SB 1798** – Public Safety  
**SB 1799** – Agriculture, Wildlife and Environment  
**SB 1800** – Human Services  
**SB 1811** – Judiciary  
**SB 1814** – Veterans and Military Affairs  
**SB 1816** – Appropriations and Budget  
**SB 1817** – Rules  
**SB 1819** – Higher Education and Career Tech  
**SB 1820** – Appropriations and Budget  
**SB 1827** – Rules  
**SB 1828** – Economic Development, Tourism and Financial Services  
**SB 1830** – Judiciary  
**SB 1831** – Judiciary  
**SB 1834** – Public Safety  
**SB 1847** – Public Safety  
**SB 1851** – Transportation  
**SB 1862** – Appropriations and Budget  
**SB 1863** – Veterans and Military Affairs  
**SB 1865** – Appropriations and Budget  
**SB 1866** – Appropriations and Budget  
**SB 1868** – Appropriations and Budget  
**SB 1869** – Rules  
**SB 1872** – Public Safety  
**SB 1874** – Public Safety  
**SB 1875** – Appropriations and Budget  
**SB 1877** – Government Modernization  
**SB 1879** – Appropriations and Budget  
**SB 1882** – Judiciary  
**SB 1884** – Judiciary  
**SB 1887** – Judiciary  
**SB 1889** – Public Safety  
**SB 1890** – Government Modernization  
**SB 1905** – Insurance  
**SB 1908** – Rules  
**SB 1913** – Appropriations and Budget  
**SB 1919** – Agriculture, Wildlife and Environment  
**SB 1935** – Appropriations and Budget  
**SB 1940** – Appropriations and Budget  
**SB 1943** – Appropriations and Budget  
**SB 1951** – Judiciary  
**SB 1953** – Judiciary  
**SJR 52** – Rules

**PENDING CONSIDERATION OF CCR**

The **2nd CCR** on **SB 91** was called up for consideration.

Upon motion of Representative Banz, the **2nd CCR** on **SB 91** was adopted.

**SB 91**, as amended in conference, was read at length for the fourth time and the roll was called on the measure as follows:

Aye: Armes, Banz, Billy, Blackwell, Brown, Brumbaugh, Cannaday, Casey, Cockroft, Condit, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Fourkiller, Glenn, Grau, Hall, Hickman, Holland, Hoskin, Inman, Jackson, Johnson, Jordan, Joyner, Kern, Key, Kirby, Kouplen, Liebmann, Martin (Scott), Martin (Steve), McCullough, McDaniel (Jeannie), McDaniel (Randy), McNeil, Moore, Morgan, Morrissette, Mulready, Murphey, Nelson, Newell, Nollan, Ortega, Osborn, Ownbey, Peterson, Pittman, Proctor, Pruett, Quinn, Renegar, Richardson, Roan, Roberts (Dustin), Roberts (Sean), Rousselot, Russ, Schwartz, Scott, Sears, Shannon, Shelton, Shoemake, Shumate, Stiles, Terrill, Thomsen, Vaughan, Virgin, Walker, Watson, Wesselhoft, Mr. Speaker.--80.

Nay: Hardin, Lockhart, McDaniel (Curtis), McPeak, Reynolds.--5.

Excused: Bennett, Christian, Enns, Faught, Hamilton, Hilliard, Peters, Ritze, Sanders, Sherrer, Tibbs, Trebilcock, Williams, Wright.--14.

Vacancy: District 71, District 88.--2.

The measure passed.

The roll was called on the emergency and resulted as follows:

Aye: Armes, Banz, Billy, Blackwell, Brown, Brumbaugh, Casey, Cockroft, Condit, Coody, Cox, Dank, Denney, Derby, DeWitt, Dorman, Glenn, Grau, Hall, Hickman, Holland, Hoskin, Inman, Jackson, Johnson, Jordan, Joyner, Kern, Key, Kirby, Kouplen, Liebmann, Martin (Scott), Martin (Steve), McCullough, McDaniel (Jeannie), McDaniel (Randy), McNeil, Moore, Morgan, Morrissette, Mulready, Murphey, Nelson, Newell, Nollan, Ortega, Osborn, Ownbey, Peterson, Pittman, Proctor, Pruett, Quinn, Renegar, Richardson, Roan, Roberts (Dustin), Roberts (Sean), Rousselot, Russ, Schwartz, Scott, Shannon, Shelton, Shoemake, Terrill, Thomsen, Vaughan, Virgin, Walker, Watson, Wesselhoft, Mr. Speaker.--74.

Nay: Hardin, Lockhart, McDaniel (Curtis), McPeak, Reynolds.--5.

Excused: Bennett, Cannaday, Christian, Cooksey, Enns, Faught, Fourkiller, Hamilton, Hilliard, Peters, Ritze, Sanders, Sears, Sherrer, Shumate, Stiles, Tibbs, Trebilcock, Williams, Wright.--20.

Vacancy: District 71, District 88.--2.

The emergency passed.

**SB 91**, together with the conference committee report, thereon, was ordered returned to the Honorable Senate.

## MESSAGES FROM THE SENATE

Announcing the passage of **SBs 1031, 1040, 1043, 1082, 1106, 1354, 1363, 1371, 1381, 1398, 1601, 1624, 1716, 1903** and **SJR 80**.

The measures were introduced and read for the first time.

**SB 1031** – By Ballenger of the Senate and Grau of the House.

An Act relating to municipal streets; amending 11 O.S. 2011, Section 36-113, which relates to county improvements of municipal streets; removing exclusion of certain county expenditures for certain tax purposes; and declaring an emergency.

**SB 1040** – By Marlatt and Fields of the Senate and Armes of the House.

[ water infrastructure revolving funds - Community Water Infrastructure Development Revolving Fund - emergency ]

**SB 1043** – By Marlatt and Fields of the Senate and Martin (Scott) of the House.

An Act relating to water quality; requiring the Department of Environmental Quality to convene certain working group relating to water reuse standards by certain date; stating participants; requiring the Board of Environmental Quality to promulgate water reuse rules by certain date; requiring Board to promulgate rules for certain variance process; stating requirements for rules; providing for codification; and declaring an emergency.

**SB 1082** – By Ballenger and Johnson (Constance) of the Senate and Dorman of the House.

An Act relating to the Deferred Deposit Lending Act; making certain information confidential; prohibiting certain disclosures of information; exempting certain access to confidential information for certain purposes; providing for codification; and declaring an emergency.

**SB 1106** – By Ballenger, Garrison and Brinkley of the Senate and Nelson of the House.

An Act relating to the Precious Metal and Gem Dealer Licensing Act; amending 59 O.S. 2011, Section 1531, which relates to time period for keeping certain goods; increasing certain time period to keep certain goods; providing procedure for written hold order by law enforcement; stating term and requirements for written hold orders; allowing extension of hold orders; providing for release of goods to law enforcement; construing effect of release under hold order; providing for certain notification for criminal proceeding; requiring hold of goods until case disposition or hold order expiration; authorizing release of hold order by

law enforcement; making out-of-state dealers subject to jurisdiction and certain requirements; requiring compliance with holding period and notification of certain transactions of certain value; directing the Administrator of the Department of Consumer Credit to make certain information available to law enforcement for certain purpose; providing for unfair trade practices and criminal investigation of certain dealers; and providing an effective date.

**SB 1354** – By Burrage of the Senate and Quinn of the House.

An Act relating to motor vehicles; stating legislative findings; stating legislative purpose and intent; requiring the Commissioner of Public Safety to promulgate rules to provide for certain restricted driver license; defining term; providing for codification; providing for noncodification; and providing an effective date.

**SB 1363** – By Nichols of the Senate and Martin (Scott) of the House.

[ private prisons - correctional facilities - effective date ]

**SB 1371** – By Sparks of the Senate and Virgin of the House.

An Act relating to examinations conducted by the Insurance Commissioner; amending 36 O.S. 2011, Section 1126, which relates to access to documents; clarifying limitation of confidentiality interpretation; amending 36 O.S. 2011, Section 1219.4, which relates to requirements for discount medical plan organizations; limiting who can make certain information public; clarifying limitation of confidentiality interpretation; amending 36 O.S. 2011, Section 1443, which relates to records associated with the Third-party Administrator Act; limiting who can make certain information public; clarifying limitation of confidentiality interpretation; amending 36 O.S. 2011, Section 1509.1, which relates to confidentiality of information; limiting who can make certain information public; and providing an effective date.

**SB 1381** – By Eason McIntyre, Johnson (Constance) and Garrison of the Senate and Shumate of the House.

An Act relating to school curriculum; requiring instruction regarding the Tulsa Race Riots in public schools; providing for instruction in appropriate course; providing for codification; providing an effective date; and declaring an emergency.

**SB 1398** – By Burrage and Brinkley of the Senate and Nelson of the House.

[ Department of Human Services - privatizing placement services - effective date ]

**SB 1601** – By Burrage, Fields, Garrison and Bass of the Senate and Peters of the House.

An Act relating to the Oklahoma Horse Racing Act; amending 3A O.S. 2011, Section 208.2, which relates to fair associations holding race meetings; clarifying requirement for fair association to apply for race meetings; expanding authorized locations for fair association race meetings; clarifying amount of distribution of certain monies to fair associations; and declaring an emergency.

**SB 1624** – By Sparks and Halligan of the Senate and Virgin and Martin (Scott) of the House.

[ higher education - resident tuition - codification - effective date - emergency ]

**SB 1716** – By Sparks and Brecheen of the Senate and Armes of the House.

[ crimes and punishments - unlawful to cut or damage a fence - penalties - codification effective date ]

**SB 1903** – By Russell, Ivester and Brecheen of the Senate and Osborn of the House.

An Act relating to the United States Constitution; stating legislative findings; setting forth application for amendments convention for specific purpose; limiting convention to proposal for amendment to United States Constitution to require state legislative approval for increase in federal debt; providing that application continue for certain period; and directing distribution by Secretary of State.

**SJR 80** – By Fields, Allen, David, Ivester, Sykes and Jolley of the Senate and Enns of the House.

A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection a proposed amendment to Section 12 of Article II of the Oklahoma Constitution; providing that certain provision not be construed to prohibit certain military service; allowing Legislature to enact implementing laws; providing ballot title; and directing filing.

### **Concurrence in HAs**

Announcing the concurrence of Senate in **HAs** to **SJR 25**, Coauthored by Senator Johnson (Constance) and Representative Walker, and the passage of said measure, as amended thereby.

### **Transmitting enrolled measure**

Advising fourth reading of and transmitting for signature Enrolled **SB 91**.

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

### **FIRST READING**

The following were introduced and read for the first time:

**HJR 1102** – By McCullough.

A Joint Resolution disapproving permanent rules of the Oklahoma Health Care Authority; and directing distribution.

**HJR 1103** – By McCullough.

A Joint Resolution disapproving permanent rules of the Oklahoma Health Care Authority; and directing distribution.

**HJR 1104** – By McCullough.

A Joint Resolution disapproving permanent rules of the Oklahoma Health Care Authority; and directing distribution.

**HJR 1105** – By McCullough.

A Joint Resolution disapproving permanent rules of the Oklahoma Health Care Authority; and directing distribution.

**HJR 1106** – By McCullough.

A Joint Resolution disapproving permanent rules of the Oklahoma Health Care Authority; and directing distribution.

## **COMMITTEE REPORT**

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

DO NOT PASS:

**HCR 1033** – Appropriations and Budget, 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., Tuesday, March 20, 2012, which was the order.

Pursuant to the motion of Representative DeWitt, the House was adjourned at 2:25 p.m., to reconvene Tuesday, March 20, 2012, at 9:00 a.m.