

# HOUSE JOURNAL

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

**of the State of Oklahoma**

**Fifty-eighth Legislative Day, Wednesday, May 16, 2012**

The House was called to order by Speaker Steele.

The roll was called with 98 Members present.

Vacancy: District 23, District 71, District 88.—3.

The Speaker declared a quorum present.

Prayer was offered by Reverend Sam Steele, The Federated Church, Kingfisher. Reverend Steele was sponsored by Representative Sanders.

The Journal for the last legislative day was approved.

## **ENGROSSED AND ENROLLED MEASURES**

**HB 2192** and **HJR 1101** were reported correctly enrolled and, after fourth reading, properly signed, in open session, and ordered transmitted to the Honorable Senate.

## **FIRST READING**

The following was introduced and read for the first time:

**HJR 1133** – By Hickman.

A Joint Resolution approving permanent rule of the Department of Transportation; and directing distribution.

**CONFERENCE GRANTED**

Upon motion of Representative DeWitt, the House granted the request of the Honorable Senate for conference on the following measure and the Speaker named conferees:

**SB 1847** – Conference Committee on Public Safety, Judiciary and Military Affairs

**PENDING CONSIDERATION OF CCR**

The **CCR** on **HB 2319** was called up for consideration.

Upon motion of Representative McDaniel (Randy), the **CCR** on **HB 2319** was adopted.

**HB 2319**, as amended in conference, was read at length for the fourth time and the roll was called on the measure and emergency as follows:

Aye: Armes, Bennett, Brown, Brumbaugh, Cannaday, Casey, Christian, Cockroft, Condit, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Enns, Faught, Fourkiller, Glenn, Grau, Hall, Hickman, Hilliard, Holland, Hoskin, Inman, Jackson, Johnson, Joyner, Kern, Key, Kirby, Kouplen, Liebmann, Lockhart, Martin (Scott), Martin (Steve), McCullough, McDaniel (Curtis), 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, Shelton, Sherrer, Shoemake, Shumate, Stiles, Terrill, Thomsen, Vaughan, Virgin, Watson, Mr. Speaker.--84.

Excused: Banz, Billy, Blackwell, Dorman, Hamilton, Hardin, Jordan, Morgan, Scott, Trebilcock, Walker, Wesselhoft, Williams, Wright.--14.

Vacancy: District 23, District 71, District 88.--3.

The measure and emergency passed.

**HB 2319**, together with the conference committee report thereon, was ordered transmitted to the Honorable Senate.

## **MESSAGES FROM THE SENATE**

Announcing the passage of the following engrossed measure:

**SCR 40** – By Eason McIntyre, Adelson, Aldridge, Allen, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, Brown, Burrage, Childers, Coates, Crain, David, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (Constance), Johnson (Rob), Jolley, Justice, Laster, Lerblance, Marlatt, Mazzei, McAffrey, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Stanislawski, Sykes, Treat, Wilson and Wyrick of the Senate and Hardin of the House.

A Concurrent Resolution educating our legislators and bringing support and awareness to the State of Oklahoma by designating May 15, 2012, as "Breast Cancer Awareness Day" in the State of Oklahoma.

The measure was introduced and read.

### **Transmitting enrolled measure**

Advising fourth reading of and transmitting for signature enrolled **SB 1196**.

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

### **Returning enrolled measures**

Announcing that enrolled **HB 2192** and **HJR 1101** 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.

### **Returning engrossed measures**

Announcing the passage of **HJR 1107** and **HCR 1040**, Coauthored by Senator Fields.

The above-numbered measures were referred for enrollment.

## **MOTION**

Representative DeWitt moved that the House stand in recess until 11:15 a.m., which was the order.

**Speaker Pro Tempore Hickman Presiding****GENERAL ORDER**

**HJR 1132** by Banz of the House and Newberry of the Senate was read and considered.

Representative Banz moved that **HJR 1132** be advanced from General Order, which motion was declared adopted.

**THIRD READING**

**HJR 1132** was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Armes, Banz, Billy, Casey, Coody, Cooksey, Cox, Dank, Denney, DeWitt, Enns, Fought, Grau, Hall, Hickman, Hilliard, Holland, Johnson, Jordan, Joyner, Kern, Key, Kirby, Liebmann, Martin (Scott), Martin (Steve), McCullough, McDaniel (Randy), McNiel, Moore, Morgan, Mulready, Murphey, Newell, Nollan, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Pruet, Quinn, Richardson, Roan, Sanders, Schwartz, Sears, Shumate, Terrill, Vaughan, Walker, Watson, Wesselhoft, Wright, Mr. Speaker.--56.

Nay: Bennett, Blackwell, Brown, Cannaday, Christian, Cockroft, Condit, Derby, Dorman, Fourkiller, Glenn, Hamilton, Hardin, Hoskin, Inman, Jackson, Kouplen, Lockhart, McDaniel (Curtis), McDaniel (Jeannie), Morrissette, Proctor, Renegar, Reynolds, Ritze, Roberts (Dustin), Roberts (Sean), Rousselot, Scott, Shannon, Shelton, Sherrer, Shoemake, Stiles, Trebilcock, Virgin, Williams.--37.

Excused: Brumbaugh, McPeak, Nelson, Russ, Thomsen.--5.

Vacancy: District 23, District 71, District 88.--3.

The measure passed.

Representative Williams served notice to reconsider the vote whereby **HJR 1132** passed.

**SECOND READING**

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

**HB 3149** – Joint Committee on Appropriations and Budget

**HB 3150** – Joint Committee on Appropriations and Budget

**HB 3151** – Joint Committee on Appropriations and Budget

**HB 3152** – Joint Committee on Appropriations and Budget

**HB 3153** – Joint Committee on Appropriations and Budget  
**HB 3154** – Joint Committee on Appropriations and Budget  
**HB 3155** – Joint Committee on Appropriations and Budget  
**HB 3156** – Joint Committee on Appropriations and Budget  
**HB 3157** – Joint Committee on Appropriations and Budget  
**HB 3158** – Joint Committee on Appropriations and Budget  
**HB 3159** – Joint Committee on Appropriations and Budget

## **MOTION**

Representative DeWitt moved that the House stand in recess until 1:45 p.m., which was the order.

## **Speaker Pro Tempore Hickman Presiding**

## **PENDING CONSIDERATION OF CCR**

The **CCR** on **HB 2390** was called up for consideration.

Upon motion of Representative Liebmann, the **CCR** on **HB 2390** was adopted.

**HB 2390**, as amended in conference, was read at length for the fourth time and the roll was called on the measure and emergency as follows:

Aye: Armes, Banz, Billy, Blackwell, Brown, Brumbaugh, Cannaday, Casey, Christian, Cockroft, Condit, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Enns, Fourkiller, Grau, Hall, Hardin, Hickman, Holland, Hoskin, Inman, Jackson, Johnson, Jordan, Joyner, Kern, Kirby, Kouplen, Liebmann, Lockhart, Martin (Scott), McCullough, McDaniel (Curtis), McDaniel (Jeannie), McDaniel (Randy), McNiel, McPeak, Mulready, Murphey, Nelson, Newell, Nollan, Ortega, Osborn, Peters, Peterson, Proctor, Pruett, Quinn, Renegar, Richardson, Roan, Roberts (Dustin), Roberts (Sean), Sanders, Shannon, Sherrer, Shoemake, Stiles, Terrill, Thomsen, Trebilcock, Vaughan, Virgin, Watson, Wesselhoft, Wright, Mr. Speaker.--75.

Nay: Hamilton, Ritze.--2.

Excused: Bennett, Faight, Glenn, Hilliard, Key, Martin (Steve), Moore, Morgan, Morrisette, Ownbey, Pittman, Reynolds, Rousselot, Russ, Schwartz, Scott, Sears, Shelton, Shumate, Walker, Williams.--21.

Vacancy: District 23, District 71, District 88.--3.

The measure and emergency passed.

**HB 2390**, together with the conference committee report thereon, was ordered transmitted to the Honorable Senate.

### **PENDING CONSIDERATION OF CCR**

The **CCR** on **HB 2367** was called up for consideration.

Upon motion of Representative Billy, the **CCR** on **HB 2367** was adopted.

**HB 2367**, 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, Christian, Cockroft, Condit, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Enns, Faight, Fourkiller, Grau, Hall, Hamilton, Hardin, Hickman, Holland, Hoskin, Inman, Jackson, Johnson, Jordan, Joyner, Kern, Kirby, Kouplén, Liebmann, Martin (Scott), Martin (Steve), McCullough, McDaniel (Curtis), McDaniel (Jeannie), McDaniel (Randy), McNiel, McPeak, Morgan, Mulready, Murphey, Newell, Nollan, Ortega, Osborn, Peters, Peterson, Proctor, Pruett, Quinn, Renegar, Reynolds, Richardson, Ritze, Roan, Roberts (Dustin), Roberts (Sean), Sanders, Schwartz, Sears, Sherrer, Terrill, Trebilcock, Vaughan, Virgin, Watson, Wesselhoft, Wright, Mr. Speaker.--77.

Excused: Bennett, Glenn, Hilliard, Key, Lockhart, Moore, Morrisette, Nelson, Ownbey, Pittman, Rousselot, Russ, Scott, Shannon, Shelton, Shoemake, Shumate, Stiles, Thomsen, Walker, Williams.--21.

Vacancy: District 23, District 71, District 88.--3.

The measure passed.

**HB 2367**, together with the conference committee report thereon, was ordered transmitted to the Honorable Senate.

### **RECONSIDERATION**

Representative Williams moved to reconsider the vote whereby **HJR 1132** passed.

Representative Banz moved to table the Williams motion, which tabling motion prevailed.

**HJR 1132** was referred for engrossment.

## **MESSAGES FROM THE SENATE**

Advising rejection of **CCR** and requesting further conference thereon, the Senate naming same conferees as follows:

**SB 1887** - Russell, Sykes, Simpson, Treat, Ivester, Laster

### **Conference requested**

Advising rejection of **HAs** to **SB 929** and requesting conference thereon, the Senate naming conferees later.

### **Representative Peters Presiding**

## **PENDING CONSIDERATION OF CCR**

The **CCR** on **HB 2391** was called up for consideration.

Upon motion of Representative Liebmann, the **CCR** on **HB 2391** was adopted.

**HB 2391**, 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, Casey, Cockroft, Condit, Coody, Cooksey, Cox, Dank, Denney, DeWitt, Dorman, Enns, Faught, Fourkiller, Glenn, Grau, Hall, Hardin, Hickman, Jackson, Johnson, Jordan, Joyner, Kern, Kirby, Kouplen, Liebmann, Martin (Steve), McCullough, McDaniel (Curtis), McDaniel (Jeannie), McDaniel (Randy), McNiel, Moore, Mulready, Nelson, Newell, Nollan, Ortega, Osborn, Ownbey, Peters, Peterson, Pruett, Quinn, Richardson, Roan, Roberts (Dustin), Roberts (Sean), Rousselot, Sanders, Schwartz, Scott, Shannon, Sherrer, Shumate, Thomsen, Trebilcock, Vaughan, Virgin, Walker, Watson, Williams, Wright, Mr. Speaker.--70.

Nay: Hamilton, Holland, Hoskin, Inman, Key, McPeak, Morrissette, Murphey, Pittman, Proctor, Renegar, Reynolds, Ritze, Shelton, Terrill, Wesselhoft.--16.

Excused: Bennett, Cannaday, Christian, Derby, Hilliard, Lockhart, Martin (Scott), Morgan, Russ, Sears, Shoemake, Stiles.--12.

Vacancy: District 23, District 71, District 88.--3.

The measure passed.

**HB 2391**, together with the conference committee report thereon, was ordered transmitted to the Honorable Senate.

**PENDING CONSIDERATION OF CCR**

The **CCR** on **HB 2684** was called up for consideration.

Upon motion of Representative Banz, the **CCR** on **HB 2684** was adopted.

**HB 2684**, as amended in conference, was read at length for the fourth time and the roll was called on the measure and emergency as follows:

Aye: Armes, Banz, Billy, Blackwell, Brown, Brumbaugh, Cannaday, Casey, 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, Martin (Steve), McCullough, McDaniel (Curtis), 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, Sanders, Schwartz, Scott, Shannon, Shelton, Sherrer, Shoemake, Shumate, Terrill, Thomsen, Trebilcock, Vaughan, Virgin, Walker, Watson, Wesselhoft, Williams, Wright, Mr. Speaker.--90.

Excused: Bennett, Christian, Hilliard, Lockhart, Martin (Scott), Russ, Sears, Stiles.--8.

Vacancy: District 23, District 71, District 88.--3.

The measure and emergency passed.

**HB 2684**, together with the conference committee report thereon, was ordered transmitted to the Honorable Senate.

**PENDING CONSIDERATION OF CCR**

The **CCR** on **HB 2247** was called up for consideration.

Upon motion of Representative Faught, the **CCR** on **HB 2247** was adopted.

**HB 2247**, 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, Cannaday, Casey, Condit, Coody, Cooksey, Cox, Dank, Denney, DeWitt, Dorman, Enns, Faught, Fourkiller, Glenn, Hamilton, Hardin, Hickman, Hoskin, Inman, Jackson, Johnson, Jordan, Kirby, Kouplen, Liebmann, Lockhart, Martin (Steve), McCullough, McDaniel (Curtis), McDaniel (Jeannie), McNiel, McPeak, Morgan, Morrissette, Mulready, Nollan, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Quinn, Renegar, Richardson, Roan, Roberts (Sean), Rousselot, Sanders, Scott, Shelton, Sherrer, Shoemake, Shumate, Thomsen, Trebilcock, Vaughan, Virgin, Walker, Watson, Williams, Wright, Mr. Speaker.--70.

Nay: Brumbaugh, Cockroft, Derby, Grau, Hall, Holland, Joyner, Kern, Key, McDaniel (Randy), Moore, Murphey, Newell, Reynolds, Ritze, Roberts (Dustin), Schwartz, Shannon, Terrill, Wesselhoft.--20.

Excused: Bennett, Christian, Hilliard, Martin (Scott), Nelson, Russ, Sears, Stiles.--8.

Vacancy: District 23, District 71, District 88.--3.

The measure passed.

**HB 2247**, together with the conference committee report thereon, was ordered transmitted to the Honorable Senate.

### **PENDING CONSIDERATION OF CCR**

Upon motion of Representative Hickman, the **CCR** on **SB 671** was rejected and further conference requested. Conferees to be named later.

### **MESSAGES FROM THE SENATE**

Announcing the passage of **HJR 1111**.

The above-numbered measure was referred for enrollment.

### **Concurrence in HAs**

Announcing the concurrence of Senate in **HAs** to **SB 1247** and the passage of said measure, as amended thereby.

### **Transmitting CCRs**

Transmitting the following measures, together with the conference committee reports thereon, advising adoption of conference committee reports and passage of measures as amended.

**SB 1055**

**SB 1192**, Coauthored by Senator Ivester

Conference committee reports were read on the above-numbered measures.

**RESOLUTION**

The following was introduced and read:

**HR 1060** – By Jackson.

A Resolution prohibiting the Department of Human Services from closing certain resource centers during certain time period; and directing distribution.

**CCRs SUBMITTED**

The conference committee reports were read on the following measures:

**HB 2392**

**HB 2523**

**HB 2535**

**HB 2659**

**HB 2714**

**HB 2790**

**MESSAGE FROM THE GOVERNOR**

Advising of her approval of **HBs 1952, 2388** and **HJR 1110** on May 16, 2012.

Representative DeWitt moved that when the clerk's desk is clear, the House stand adjourned to reconvene at 10:00 a.m., Thursday, May 17, 2012, which was the order.

Pursuant to the motion of Representative DeWitt, the House was adjourned at 3:45 p.m., to reconvene Thursday, May 17, 2012, at 10:00 a.m.