

# HOUSE JOURNAL

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

**of the State of Oklahoma**

**Thirteenth Legislative Day, Thursday, February 21, 2013**

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

The roll was called with 96 Members present.

The following Members were excused: Cooksey, Enns, Hamilton, Vaughan, Williams—5.

The Speaker Pro Tempore declared a quorum present.

Prayer was offered by Pastor Blake Gideon, Edmond's First Baptist Church, Edmond. Pastor Gideon was sponsored by Representative Cooksey.

The Journal for the last legislative day was approved.

## **ENGROSSED AND ENROLLED MEASURES**

**HBs 1078, 1999 and 2078** were reported correctly engrossed, properly signed, in open session, and ordered transmitted to the Honorable Senate.

## **GENERAL ORDER**

**HB 1009** by Brown of the House and Burrage of the Senate was read and considered.

Representative Brown moved that **HB 1009** be advanced from General Order, which motion was declared adopted.

**THIRD READING**

**HB 1009** was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Armes, Banz, Bennett, Biggs, Blackwell, Brown, Brumbaugh, Cannaday, Casey, Christian, Cockroft, Condit, Coody, Cox, Dank, Denney, Derby, Dorman, Echols, Fisher, Floyd, Fourkiller, Glenn, Grau, Hall, Hardin, Henke, Hoskin, Hulbert, Inman, Jackson, Johnson, Jordan, Joyner, Kern, Kirby, Kouplén, Lockhart, Martin (Scott), Martin (Steve), Matthews, McBride, McCall, McCullough, McDaniel (Curtis), McDaniel (Jeannie), Moore, Morrisette, Mulready, Murphey, Nelson, Newell, Nollan, O'Donnell, Ortega, Osborn, Ownbey, Perryman, Peterson, Pittman, Proctor, Pruett, Quinn, Renegar, Reynolds, Ritze, Roberts (Dustin), Roberts (Sean), Rousselot, Russ, Sanders, Schwartz, Sears, Shelton, Sherrer, Shoemake, Smalley, Stiles, Thomsen, Turner, Virgin, Walker, Watson, Wesselhoft, Wood, Wright, Mr. Speaker.--87.

Excused: Billy, Cleveland, Cooksey, DeWitt, Enns, Hamilton, Hickman, McDaniel (Randy), McNeil, McPeak, Scott, Trebilcock, Vaughan, Williams.--14.

The measure passed.

**HB 1009** was referred for engrossment.

**GENERAL ORDER**

**HB 1996** by Grau of the House was read and considered.

Authored by Senator Jolley (principal Senate author)

Representative Grau moved to amend **HB 1996**, by inserting on Page 6, Line 22, after the word "The" and before the word "address" the words "association's street"; by deleting the language beginning with the first comma "," on Line 22, through the word "association" on Line 23; by deleting on Line 23, the word "an" after the word "have" and inserting in lieu thereof the words "a street"; and by deleting on Line 24, the language beginning with the word "its" through the word "address" and inserting in lieu thereof the language "the street address in the state in which the association has its main place of activities". Paragraph 2 on Page 6, Lines 22-24 will now read: "2. The association's street address in this state or, if the association does not have a street address in this state, the street address in the state in which the association has its main place of activities;"; Page 7, Line 9, by deleting the language "A filing officer" before the word "may" and inserting in lieu thereof the words "The county clerk"; Lines 10 and 11, by deleting the language after the word "a" on Line 10 through the word "property" on Line 11, and inserting in lieu thereof the word "deed"; Pages 9 and 22, by deleting Sections 11 and 30 and renumbering subsequent sections; Page 10, Lines 12, 13 and 14, by deleting the language beginning with the word "on" on Line 12 through the comma "," on Line 13 and by deleting the comma "," on Line 14; and Page 12, Line 2, by deleting the language beginning with the word "or" through the word "act", which amendment was declared adopted.

Representative Blackwell moved to amend **HB 1996**, Page 19, Section 27, Line 7 by deleting the word “shall” after the word “association” and before the word “reimburse” and inserting in lieu thereof the word “may”, which amendment was declared adopted.

### **Representative Murphey Presiding**

Representative Sherrer moved pursuant to House Rule 8.14 that **HB 1996** be rereferred to the Economic Development and Financial Services Committee.

Representative Grau moved to table the Sherrer motion, which motion was declared adopted upon a division of the question.

Representative Grau moved that **HB 1996** be advanced from General Order, which motion was declared adopted upon a division of the question.

### **THIRD READING**

**HB 1996** 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, Cleveland, Cockroft, Coody, Cox, Dank, Denney, Derby, DeWitt, Echols, Grau, Hall, Henke, Hickman, Hulbert, Jackson, Johnson, Jordan, Joyner, Kern, Kirby, Martin (Scott), Martin (Steve), McCall, McCullough, McDaniel (Randy), McNiel, Moore, Mulready, Nelson, Nollan, O'Donnell, Ortega, Osborn, Ownbey, Peterson, Quinn, Roberts (Dustin), Russ, Sanders, Schwartz, Sears, Thomsen, Trebilcock, Watson, Wood, Wright, Mr. Speaker.--52.

Nay: Bennett, Brown, Cannaday, Casey, Christian, Condit, Dorman, Fisher, Floyd, Fourkiller, Glenn, Hardin, Hoskin, Inman, Kouplen, Matthews, McBride, McDaniel (Curtis), McPeak, Morrissette, Murphey, Newell, Perryman, Pittman, Proctor, Pruett, Renegar, Reynolds, Ritze, Roberts (Sean), Rousselot, Scott, Shelton, Sherrer, Shoemake, Smalley, Stiles, Virgin, Walker, Wesselhoft.--40.

Excused: Biggs, Cooksey, Enns, Hamilton, Lockhart, McDaniel (Jeannie), Turner, Vaughan, Williams.--9.

The measure passed.

Representative Grau served notice to reconsider the vote whereby **HB 1996** passed.

**MEASURE REREFERRED**

Upon motion of Representative Kern, **HB 1060** was withdrawn from the Calendar and rereferred to the Judiciary Committee.

**MOTION**

Representative Turner asked that the Journal reflect that had he been present in the Chamber, he would have voted aye on **HB 1996**, which was the order.

**MOTION EXPIRED**

Time expired for consideration of the motion to reconsider the vote whereby **HB 1340** passed.

**HB 1340** was referred for engrossment.

**MESSAGES FROM THE SENATE**

Announcing the passage of **SBs 196, 331, 332, 347, 375, 931** and **1016**. The measures were introduced and read for the first time.

**SB 196** – By Ellis of the Senate and Lockhart of the House.

An Act relating to tourism and recreation; naming the pavilion at Lake Wister the Henry J. Heflin Pavilion; providing for codification; providing an effective date; and declaring an emergency.

**SB 331** – By Mazzei of the Senate and Sears of the House.

An Act relating to sales tax; amending 68 O.S. 2011, Section 1357, as amended by Section 1, Chapter 233, O.S.L. 2012 (68 O.S. Supp. 2012, Section 1357), which relates to sales tax exemptions; modifying time period during which exemption for rolling stock is applicable; and providing an effective date.

**SB 332** – By Mazzei of the Senate and Sears of the House.

[ gross production tax - eliminating specified reporting requirements - effective date ]

**SB 347** – By Ballenger of the Senate and Sanders of the House.

An Act relating to the Fire Extinguisher Licensing Act; transferring licensure of fire extinguishers from the State Department of Health to the Office of the State Fire Marshal; establishing authority to transfer personnel, committees, records, contracts, obligations, equipment, funds and responsibilities; transferring certain funds; prohibiting use of transferred funds or property for purposes unrelated to the Fire Extinguisher Licensing Act; restricting the State Department of Health from entering into certain contracts without approval; providing for certain board and committee members; transferring licenses, registrations and certifications; directing the Director of the Office of Management and Enterprise Services to coordinate transfer of certain employees, funds and financial obligations; amending 59 O.S. 2011, Sections 1820.3, 1820.6, 1820.7, 1820.8, 1820.9,

1820.10, 1820.11, 1820.12, 1820.13, 1820.14, 1820.16, 1820.17, as amended by Section 284, Chapter 304, O.S.L. 2012, 1820.19 and 1820.20 (59 O.S. Supp. 2012, Section 1820.17), which relate to definitions, Fire Extinguisher Industry Committee, creation, members, meetings, quorum, powers and duties, license requirements, marketing, distribution, selling portable fire extinguisher or fire suppression system, service tags, application for license, contents of applications, fees, issuance, term renewal and expiration of license, alteration, assignment, posting of license, investigations and sanctions, fire extinguisher industry revolving fund, rule-making authority and violations, punishment and penalties; modifying language; modifying certain membership; modifying authority; amending 63 O.S. 2011, Section 122.2, which relates to state agency jurisdictional areas; adding Fire Extinguisher Licensing Act to authority; amending 74 O.S. 2011, Section 324.2, which relates to the State Fire Marshal Commission, Chairman, rules, quorum, and meetings; making chair selection gender neutral; providing for rules; providing for noncodification; and providing an effective date.

**SB 375** – By Allen and Brecheen of the Senate and Enns of the House.

An Act relating to horsemeat; amending 63 O.S. 2011, Sections 1-1136, 1-1137 and 1-1138, which relate to unlawful possession of horsemeat intended for sale for human consumption, unlawful transferring of possession of horsemeat to any person with the intent to sell for human consumption, prima facie evidence of horsemeat intended for human consumption; making it lawful to internationally export horsemeat intended for human consumption; making language gender neutral; making it lawful to transfer possession of horsemeat intended for human consumption outside the United States; modifying facts that shall be prima facie evidence of horsemeat intended to be sold unlawfully for human consumption; and providing an effective date.

**SB 931** – By Justice of the Senate and Biggs of the House.

An Act relating to liability for agritourism activities; creating the Oklahoma Agritourism Activities Liability Limitations Act; providing short title; defining terms; limiting liability for certain professional under certain circumstances; requiring certain warning; prohibiting certain actions; requiring certain plea under specified circumstances; providing exceptions; requiring certain warning; specifying contents of certain warning notice; requiring certain warning notice in certain contracts; providing for loss of immunity for certain noncompliance; providing for codification; and declaring an emergency.

**SB 1016** – By Crain of the Senate and Osborn of the House.

[ consumer lawsuit loans - requiring production of documents - requiring filing of agreements - codification - effective date ]

Announcing the passage of **SCR 7**. The measure was introduced and read.

**SCR 7** – By Brooks and Justice of the Senate and Biggs, Billy and Cleveland of the House.

A Concurrent Resolution congratulating the Blanchard High School Football Team on its Class 3A state championship; and directing distribution.

**COMMITTEE REPORTS**

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

DO PASS:

**HB 1091** – Administrative Rules, Government Oversight and Repealer

**HB 1100** – Appropriations and Budget, Coauthored by Representative(s) Sears, O'Donnell, Kern and Authored by Senator Sharp (principal Senate author)

**HB 1248** – Appropriations and Budget, Authored by Senator Stanislawski (principal Senate author)

**HB 1357** – Appropriations and Budget, Authored by Senator Brooks (principal Senate author)

**HB 1369** – Appropriations and Budget, Coauthored by Representative(s) Kern, Sears, Shannon, Authored by Senator Mazzei (principal Senate author)

**HB 1399** – Appropriations and Budget, Authored by Senator Sykes (principal Senate author)

**HB 1499** – General Government, Coauthored by Representative(s) Murphey

**HB 1526** – Energy and Aerospace, Authored by Senator Schulz (principal Senate author)

**HB 1711** – Appropriations and Budget, Authored by Senator Brecheen (principal Senate author)

**HB 1829** – Economic Development and Financial Services, Authored by Senator Newberry (principal Senate author)

**HB 1882** – Energy and Aerospace, Authored by Senator Schulz (principal Senate author)

**HB 1885** – Administrative Rules, Government Oversight and Repealer

**HB 1886** – Economic Development and Financial Services

**HB 1902** – Appropriations and Budget, Remove Representative Armes as principal House author and substitute with Representative Roberts (Dustin), and Authored by Senator Fields (principal Senate author)

**HB 1908** – Appropriations and Budget, Coauthored by Representative(s) Nelson, Kern, McCullough, and Authored by Senator Holt (principal Senate author)

**HB 1930** – Administrative Rules, Government Oversight and Repealer

**HB 1933** – General Government, Authored by Senator Marlatt (principal Senate author)

**HB 2000** – Economic Development and Financial Services, Authored by Senator Brinkley (principal Senate author)

**HB 2161** – Administrative Rules, Government Oversight and Repealer

**HB 2164** – Economic Development and Financial Services, Authored by Senator Sparks (principal Senate author)

**HB 2167** – Appropriations and Budget, Authored by Senator Marlatt (principal Senate author)

**HB 2269** – Economic Development and Financial Services

**HJR 1041** – Economic Development and Financial Services, Authored by Senator Johnson (Rob) (principal Senate author)

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

DO PASS, As Amended:

**CS for HB 1082** – Public Safety, Coauthored by Representative(s) Ritze, and Authored by Senator Simpson (principal Senate author)

**CS for HB 1113** – General Government, Authored by Senator Garrison (principal Senate author)

**CS for HB 1118** – Human Services, Authored by Senator Brinkley (principal Senate author)

**CS for HB 1234** – Common Education, Authored by Senator Shumate (principal Senate author)

**CS for HB 1328** – Judiciary, Authored by Senator Sykes (principal Senate author)

**CS for HB 1385** – Common Education, Authored by Senator Holt (principal Senate author)

**CS for HB 1516** – Public Safety, Coauthored by Representative(s) Ritze

**CS for HB 1525** – Energy and Aerospace

**CS for HB 1549** – Administrative Rules, Government Oversight and Repealer, Authored by Senator Brecheen (principal Senate author)

**CS for HB 1558** – Judiciary, Authored by Senator Loveless (principal Senate author)

**CS for HB 1622** – Public Safety, Coauthored by Representative(s) Ritze, and Authored by Senator Treat (principal Senate author)

**CS for HB 1623** – Common Education

**CS for HB 1700** – Administrative Rules, Government Oversight and Repealer

**CS for HB 1718** – Energy and Aerospace, Authored by Senator Justice (principal Senate author)

**CS for HB 1722** – Judiciary, Authored by Senator Johnson (Rob) (principal Senate author)

**CS for HB 1796** – Economic Development and Financial Services

**CS for HB 1826** – Economic Development and Financial Services, Authored by Senator Barrington (principal Senate author)

**CS for HB 1828** – Economic Development and Financial Services, Authored by Senator Newberry (principal Senate author)

**CS for HB 1890** – Judiciary

**CS for HB 1917** – States' Rights, Coauthored by Representative(s) Murphey, Moore, and Authored by Senator Bingman (principal Senate author)

**CS for HB 1940** – Common Education, Coauthored by Representative(s) Fisher, Reynolds, Russ, Blackwell, Roberts (Sean)

**CS for HB 1981** – Agriculture and Wildlife, Remove Representative DeWitt as principal House author and substitute with Representative Wood

**CS for HB 2044** – Common Education, Coauthored by Representative(s) Trebilcock, and Authored by Senator Fields (principal Senate author)

**CS for HB 2059** – Public Safety, Authored by Senator Ellis (principal Senate author)

**CS for HB 2077** – Economic Development and Financial Services, Authored by Senator Brinkley (principal Senate author)

**CS for HB 2221** – Judiciary, Authored by Senator Griffin (principal Senate author)

Representative Johnson moved that when the clerk's desk is clear, the House stand adjourned to reconvene at 1:30 p.m., Monday, February 25, 2013, which was the order.

Pursuant to the motion of Representative Johnson, the House was adjourned at 10:30 a.m., to reconvene Monday, February 25, 2013, at 1:30 p.m.