

# HOUSE JOURNAL

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

**of the State of Oklahoma**

**Thirtieth Legislative Day, Tuesday, March 26, 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: Dank, Hamilton, McBride, Renegar, Watson—5.

The Speaker Pro Tempore declared a quorum present.

Prayer was offered by Pastor Jay Badry, Wewoka First Baptist Church, Wewoka. Pastor Badry was sponsored by Representative Newell.

The Journal for the last legislative day was approved.

## **ENGROSSED AND ENROLLED MEASURE**

**HR 1007** was reported correctly enrolled, properly signed, in open session, and ordered transmitted to the Secretary of State.

## **GENERAL ORDER**

**SB 1036** by Sykes of the Senate and Biggs of the House was read and considered.

Representative Biggs moved that **SB 1036** be advanced from General Order, which motion was declared adopted.

**THIRD READING**

**SB 1036** was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Armes, Banz, Bennett, Biggs, Billy, Blackwell, Brown, Brumbaugh, Cannaday, Casey, Christian, Cleveland, Cockroft, Condit, Coody, Cooksey, Cox, Denney, Derby, DeWitt, Dorman, Echols, Enns, Fisher, Fourkiller, Glenn, Grau, Hall, Hardin, Henke, Hulbert, Inman, Jackson, Johnson, Jordan, Joyner, Kern, Kirby, Kouplen, Lockhart, Martin (Scott), Martin (Steve), McCall, McCullough, McDaniel (Randy), McNiel, McPeak, Mulready, Murphey, Nelson, Newell, Nollan, O'Donnell, Ortega, Osborn, Ownbey, Perryman, Peterson, Proctor, Pruett, Quinn, Reynolds, Ritze, Roberts (Dustin), Roberts (Sean), Rousselot, Sanders, Schwartz, Sears, Sherrer, Shoemake, Smalley, Stiles, Thomsen, Turner, Vaughan, Walker, Wesselhoft, Williams, Wood, Wright, Mr. Speaker.--82.

Nay: Floyd, Hoskin, Matthews, McDaniel (Curtis), McDaniel (Jeannie), Morrissette, Pittman, Russ, Shelton, Virgin.--10.

Excused: Dank, Hamilton, Hickman, McBride, Moore, Renegar, Scott, Trebilcock, Watson.--9.

The measure passed.

The Presiding Officer signed, in open session, Engrossed **SB 1036** and ordered same returned to the Honorable Senate.

**GENERAL ORDER**

**SB 301** by Standridge of the Senate and Nelson of the House was read and considered.

Representative Nelson moved that **SB 301** be advanced from General Order, which motion was declared adopted.

**THIRD READING**

**SB 301** was read at length for the third time. On passage of the measure and emergency, the roll call was as follows:

Aye: Armes, Banz, Bennett, Biggs, Billy, Brown, Brumbaugh, Cannaday, Casey, Christian, Cleveland, Cockroft, Condit, Coody, Cooksey, Cox, Denney, Derby, DeWitt, Echols, Enns, Fisher, Floyd, Fourkiller, Glenn, Grau, Hall, Hardin, Henke, Hoskin, Hulbert, Inman, Jackson, Johnson, Jordan, Joyner, Kern, Kirby, Kouplen, Lockhart, Martin (Scott), Martin (Steve), Matthews, McCall, McCullough, McDaniel (Jeannie), McDaniel (Randy), McNiel, Mulready, Murphey, Nelson, Newell, Nollan, O'Donnell, Ortega, Osborn, Ownbey, Perryman, Peterson, Pittman, Proctor, Pruett, Quinn, Roberts (Dustin), Roberts (Sean), Rousselot, Russ, Sanders, Schwartz, Scott, Sears, Shelton, Sherrer, Shoemake,

Smalley, Stiles, Thomsen, Trebilcock, Turner, Vaughan, Virgin, Walker, Wesselhoft, Williams, Wood, Wright, Mr. Speaker.--87.

Nay: McDaniel (Curtis), McPeak, Morrissette, Reynolds, Ritze.--5.

Excused: Blackwell, Dank, Dorman, Hamilton, Hickman, McBride, Moore, Renegar, Watson.--9.

The measure and emergency passed.

**SB 301** was referred for engrossment.

### **GENERAL ORDER**

**SB 369** by Ivester of the Senate and Sherrer of the House was read and considered.

Coauthored by Representative(s) Hoskin

Representative Sherrer moved that **SB 369** be advanced from General Order, which motion was declared adopted.

### **THIRD READING**

**SB 369** was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Armes, Banz, Bennett, Biggs, Billy, Blackwell, Brown, Brumbaugh, Cannaday, Casey, Christian, Cleveland, Cockroft, Condit, Coody, Cooksey, Cox, Denney, Derby, DeWitt, Echols, Enns, Fisher, Floyd, Fourkiller, Glenn, Grau, Hall, Hardin, Henke, Hoskin, Hulbert, Inman, Jackson, Johnson, Jordan, Joyner, Kern, Kirby, Kouplen, Lockhart, Martin (Scott), Martin (Steve), Matthews, McCall, McCullough, McDaniel (Curtis), McDaniel (Jeannie), McDaniel (Randy), McNiel, McPeak, Moore, Morrissette, Mulready, Murphey, Nelson, Newell, Nollan, O'Donnell, Ortega, Osborn, Ownbey, Perryman, Peterson, Pittman, Proctor, Pruett, Quinn, Reynolds, Ritze, Roberts (Dustin), Roberts (Sean), Rousselot, Russ, Sanders, Schwartz, Scott, Sears, Shelton, Sherrer, Shoemake, Smalley, Stiles, Thomsen, Trebilcock, Turner, Vaughan, Virgin, Walker, Wesselhoft, Wood, Wright, Mr. Speaker.--93.

Excused: Dank, Dorman, Hamilton, Hickman, McBride, Renegar, Watson, Williams.--8.

The measure passed.

The Presiding Officer signed, in open session, Engrossed **SB 369** and ordered same returned to the Honorable Senate.

**GENERAL ORDER**

**SB 372** by Paddock of the Senate and Thomsen of the House was read and considered.

Representative Thomsen moved that **SB 372** be advanced from General Order, which motion was declared adopted.

**THIRD READING**

**SB 372** was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Armes, Banz, Bennett, Biggs, Billy, Brown, Brumbaugh, Cannaday, Casey, Christian, Cleveland, Cockroft, Condit, Coody, Cooksey, Cox, Denney, Derby, DeWitt, Echols, Enns, Floyd, Fourkiller, Glenn, Grau, Hall, Hardin, Henke, Hoskin, Hulbert, Inman, Jackson, Johnson, Jordan, Joyner, Kern, Kirby, Kouplen, Martin (Scott), Martin (Steve), McCullough, McDaniel (Curtis), McDaniel (Jeannie), McDaniel (Randy), McNiell, McPeak, Moore, Mulready, Murphey, Nelson, Newell, Nollan, O'Donnell, Ortega, Osborn, Ownbey, Perryman, Peterson, Pittman, Proctor, Pruett, Quinn, Roberts (Dustin), Roberts (Sean), Rousselot, Russ, Sanders, Schwartz, Scott, Sears, Sherrer, Shoemake, Smalley, Stiles, Thomsen, Trebilcock, Turner, Vaughan, Virgin, Walker, Wesselhoft, Williams, Wood, Wright, Mr. Speaker.--85.

Nay: Fisher, Morrissette, Reynolds, Ritze, Shelton.--5.

Excused: Blackwell, Dank, Dorman, Hamilton, Hickman, Lockhart, Matthews, McBride, McCall, Renegar, Watson.--11.

The measure passed.

The Presiding Officer signed, in open session, Engrossed **SB 372** and ordered same returned to the Honorable Senate.

**GENERAL ORDER**

**SB 549** by Treat et al of the Senate and Grau of the House was read and considered.

Coauthored by Representative(s) Lockhart, Turner, Roberts (Sean)

Representative Perryman moved to suspend House Rule 8.6 for the purpose of allowing consideration of an untimely filed floor amendment, which motion was declared adopted upon roll call as follows:

Aye: Armes, Banz, Bennett, Billy, Brown, Brumbaugh, Cannaday, Casey, Christian, Cleveland, Cockroft, Condit, Coody, Cooksey, Cox, Denney, Derby, DeWitt, Dorman, Echols, Enns, Fisher, Floyd, Fourkiller, Glenn, Grau, Hall, Hardin, Henke, Hoskin, Hulbert,

Inman, Jackson, Johnson, Jordan, Joyner, Kern, Kirby, Kouplen, Martin (Scott), Martin (Steve), Matthews, McCullough, McDaniel (Curtis), McDaniel (Jeannie), McDaniel (Randy), McNiel, McPeak, Moore, Morrisette, Mulready, Murphey, Nelson, Newell, Nollan, O'Donnell, Ortega, Osborn, Ownbey, Perryman, Peterson, Pittman, Proctor, Pruett, Quinn, Roberts (Dustin), Roberts (Sean), Rousselot, Russ, Sanders, Schwartz, Scott, Sears, Shelton, Sherrer, Shoemake, Smalley, Stiles, Thomsen, Trebilcock, Turner, Vaughan, Virgin, Walker, Wesselhoft, Wood, Mr. Speaker.--87.

Nay: Ritze.--1.

Excused: Biggs, Blackwell, Dank, Hamilton, Hickman, Lockhart, McBride, McCall, Renegar, Reynolds, Watson, Williams, Wright.--13.

Representative Perryman moved to amend **SB 549**, Page 7, Section 1, Line 8 by striking the word “and” and replacing it with the word “or”, which amendment was declared adopted.

Representative Grau moved that **SB 549** be advanced from General Order, which motion was declared adopted.

### THIRD READING

**SB 549** was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Armes, Banz, Bennett, Biggs, Billy, Blackwell, Brown, Brumbaugh, Cannaday, Casey, Christian, Cleveland, Cockroft, Condit, Coody, Cooksey, Cox, Denney, Derby, DeWitt, Dorman, Echols, Enns, Fourkiller, Glenn, Grau, Hall, Hardin, Henke, Hoskin, Hulbert, Jackson, Johnson, Jordan, Joyner, Kern, Kirby, Kouplen, Lockhart, Martin (Scott), Martin (Steve), Matthews, McCullough, McDaniel (Curtis), McDaniel (Jeannie), McDaniel (Randy), McNiel, Moore, Mulready, Murphey, Nelson, Newell, Nollan, O'Donnell, Ortega, Osborn, Ownbey, Perryman, Peterson, Pittman, Proctor, Pruett, Quinn, Roberts (Dustin), Roberts (Sean), Rousselot, Sanders, Schwartz, Scott, Sears, Sherrer, Shoemake, Smalley, Stiles, Thomsen, Trebilcock, Turner, Vaughan, Walker, Wesselhoft, Williams, Wood, Wright, Mr. Speaker.--84.

Nay: Fisher, Floyd, McPeak, Morrisette, Reynolds, Ritze, Russ, Shelton, Virgin.--9.

Excused: Dank, Hamilton, Hickman, Inman, McBride, McCall, Renegar, Watson.--8.

The measure passed.

**SB 549** was referred for engrossment.

**GENERAL ORDER**

**SB 580** by Brinkley of the Senate and Derby of the House was read and considered.

Representative Derby moved that **SB 580** be advanced from General Order, which motion was declared adopted.

**THIRD READING**

**SB 580** was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Armes, Banz, Bennett, Biggs, Billy, Blackwell, Brown, Brumbaugh, Cannaday, Casey, Christian, Cleveland, Cockroft, Condit, Coody, Cooksey, Cox, Denney, Derby, DeWitt, Dorman, Echols, Enns, Fisher, Floyd, Fourkiller, Glenn, Grau, Hall, Hardin, Henke, Hoskin, Hulbert, Jackson, Johnson, Jordan, Joyner, Kern, Kirby, Kouplen, Lockhart, Martin (Scott), Martin (Steve), Matthews, McCullough, McDaniel (Curtis), McDaniel (Jeannie), McDaniel (Randy), McNeil, McPeak, Moore, Mulready, Murphey, Nelson, Newell, Nollan, O'Donnell, Ortega, Osborn, Ownbey, Perryman, Peterson, Pittman, Proctor, Pruett, Quinn, Reynolds, Ritze, Roberts (Dustin), Roberts (Sean), Rousselot, Russ, Sanders, Schwartz, Scott, Sears, Sherrer, Shoemake, Smalley, Stiles, Thomsen, Trebilcock, Turner, Vaughan, Virgin, Walker, Wesselhoft, Williams, Wood, Wright, Mr. Speaker.--91.

Nay: Morrissette.--1.

Excused: Dank, Hamilton, Hickman, Inman, McBride, McCall, Renegar, Shelton, Watson.--9.

The measure passed.

The Presiding Officer signed, in open session, Engrossed **SB 580** and ordered same returned to the Honorable Senate.

**ADJOURNMENT CONSENT REQUEST**

Representative Peterson moved that the House grant the request of the Honorable Senate to adjourn for more than three (3) days beginning Thursday, March 28, 2013, and ending Monday, April 1, 2013, pursuant to Article V, Section 30, which motion was declared adopted upon a division of the question.

**MESSAGE FROM THE SENATE**

Announcing the passage of **HB 1999**.

The above-numbered measure was referred for enrollment.

## RESOLUTIONS

The following were introduced and read:

**HCR 1007** – By DeWitt and Biggs of the House and Fields of the Senate.

A Concurrent Resolution relating to agriculture; extending appreciation to the agriculture industry of Oklahoma for its efforts and contributions to this state; proclaiming April 4, 2013, as Agriculture Day at the State Capitol; and directing distribution.

**HR 1010** – By DeWitt.

A Resolution proclaiming April 2, 2013, as the 17th Annual 4-H Day at the State Capitol; recognizing 4-H as the largest youth development organization in the state and the nation; and challenging others to join their Revolution of Responsibility.

## REPORT FROM CALENDAR COMMITTEE

The Calendar Committee met on Tuesday, March 26, 2013, and approved the following measures with an Open Rule to be placed on the Floor Agenda: **SB 498, SB 520, SB 817, SB 977, SB 1053, SB 1096, SB 1101** and **SB 1111**.

## COMMITTEE REPORTS

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

DO PASS:

**SB 91** – Common Education

**SB 170** – Common Education

**SB 199** – Common Education

**SB 207** – Common Education

**SB 208** – Common Education

**SB 244** – Common Education

**SB 251** – Common Education

**SB 256** – Common Education

**SB 431** – Common Education

**APPOINTMENTS**

March 26, 2013 – The Speaker announced the following appointments as Members of the Standing Committees of the Council of State Governments (CSG) for the 2013-2014 term of the 54th Oklahoma Legislature (Bylaws of the Council of State Governments):

Education Public Policy Committee – Representative Coody  
Energy and Environment Public Policy Committee – Representative Watson  
Fiscal and Economic Development Public Policy Committee – Representative  
Martin (Scott)  
Governing Board – Representative(s) Jackson and Peterson  
Health Public Policy Committee – Representative Cox  
Interbranch Affairs Committee – Representative Echols  
Intergovernmental Affairs Committee – Representative Hall  
Suggested State Legislation Committee – Representative McCullough  
Transportation Public Policy Committee – Representative Joyner

Representative Peterson moved that when the clerk's desk is clear, the House stand adjourned to reconvene at 1:30 p.m., Wednesday, March 27, 2013, which was the order.

Pursuant to the motion of Representative Peterson, the House was adjourned at 10:35 a.m., to reconvene Wednesday, March 27, 2013, at 1:30 p.m.