

HOUSE JOURNAL

First Regular Session of the Fifty-fourth Legislature

of the State of Oklahoma

Thirty-fifth Legislative Day, Wednesday, April 3, 2013

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

The roll was called with 98 Members present.

The following Members were excused: Blackwell, Dank, Trebilcock—3.

The Speaker Pro Tempore declared a quorum present.

Prayer was offered by Pastor Darryl Wootton, Bartlesville First Assembly of God, Bartlesville. Pastor Wootton was sponsored by Representative Sears.

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

The Journal for the last legislative day was approved.

ENGROSSED AND ENROLLED MEASURES

HAs to SB 355 were reported correctly engrossed, properly signed, in open session, and the measure, as amended, was ordered returned to the Honorable Senate.

HR 1010 was reported correctly enrolled, properly signed, in open session, and ordered transmitted to the Secretary of State.

FIRST READING

The following was introduced and read for the first time:

HJR 1051 – By Blackwell.

A Joint Resolution approving permanent rules of the Construction Industries Board; and directing distribution.

RESOLUTION FOR CONSIDERATION

HR 1012 was called up for consideration.

Upon unanimous consent request of Representative Christian, all Members of the House were added as coauthors.

Upon motion of Representative Christian, **HR 1012** was considered and adopted.

HR 1012 was referred for enrollment.

MESSAGE FROM THE SENATE

Advising fourth reading of and transmitting for signature Enrolled **SBs 33, 207, 251, 413, 450 and 489.**

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

GENERAL ORDER

SB 716 by Fields of the Senate and Condit et al of the House was read and considered.

Coauthored by Representative(s) Walker, Pittman

Representative Condit moved that **SB 716** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 716 was read at length for the third time. On passage of the measure and emergency, the roll call was as follows:

Aye: Armes, Banz, Biggs, Brown, Brumbaugh, Cannaday, Casey, Cleveland, Cockroft, Condit, Coody, Cooksey, Cox, Denney, Derby, DeWitt, Dorman, Echols, Fisher, Floyd, Fourkiller, Glenn, Grau, Hall, Hamilton, Hardin, Henke, Hickman, Hoskin, Hulbert, Inman,

Jackson, Johnson, Jordan, Joyner, Kern, Kirby, Kouplen, Martin (Scott), Martin (Steve), Matthews, McBride, McCall, McCullough, McDaniel (Jeannie), McDaniel (Randy), McNiel, McPeak, Moore, Morrissette, Mulready, Murphey, Nelson, Newell, Nollan, O'Donnell, Ortega, Ownbey, Perryman, Peterson, Pittman, Proctor, Pruett, Quinn, Renegar, Reynolds, Roberts (Dustin), Roberts (Sean), Rousselot, Russ, Sanders, Schwartz, Scott, Sears, Shelton, Sherrer, Shoemake, Smalley, Stiles, Turner, Vaughan, Virgin, Walker, Watson, Wesselhoft, Williams, Wood, Wright, Mr. Speaker.--89.

Excused: Bennett, Billy, Blackwell, Christian, Dank, Enns, Lockhart, McDaniel (Curtis), Osborn, Ritze, Thomsen, Trebilcock.--12.

The measure and emergency passed.

The Presiding Officer signed, in open session, Engrossed **SB 716** and ordered same returned to the Honorable Senate.

GENERAL ORDER

SB 440 by Johnson (Rob) of the Senate and Grau of the House was read and considered.

Representative Grau moved that **SB 440** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 440 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, Cleveland, Cockroft, Condit, Coody, Cooksey, Cox, Denney, Derby, DeWitt, Dorman, Echols, Fisher, Floyd, Fourkiller, Glenn, Grau, Hall, Hardin, Henke, Hickman, Hoskin, Hulbert, Inman, Jackson, Johnson, Jordan, Joyner, Kern, Kirby, Kouplen, Lockhart, Martin (Scott), Martin (Steve), Matthews, McCall, McCullough, McDaniel (Jeannie), McDaniel (Randy), McNiel, McPeak, Moore, Morrissette, Mulready, Murphey, Nelson, Nollan, O'Donnell, Ortega, Osborn, Ownbey, Peterson, Pittman, Proctor, Pruett, Quinn, Renegar, Roberts (Dustin), Roberts (Sean), Rousselot, Russ, Sanders, Schwartz, Scott, Sears, Shoemake, Smalley, Stiles, Turner, Vaughan, Virgin, Walker, Watson, Wesselhoft, Williams, Wood, Wright, Mr. Speaker.--86.

Nay: Hamilton, Perryman, Reynolds, Ritze, Shelton.--5.

Excused: Blackwell, Christian, Dank, Enns, McBride, McDaniel (Curtis), Newell, Sherrer, Thomsen, Trebilcock.--10.

The measure passed.

The Presiding Officer signed, in open session, Engrossed **SB 440** and ordered same returned to the Honorable Senate.

ENGROSSED AND ENROLLED MEASURE

HR 1012 was reported correctly enrolled, properly signed, in open session, and ordered transmitted to the Secretary of State.

GENERAL ORDER

SB 619 by Brooks of the Senate and Biggs of the House was read and considered.

Coauthored by Representative(s) Hulbert

Representative Biggs moved that **SB 619** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 619 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, Dorman, Echols, Fisher, Fourkiller, Glenn, Grau, Hall, Hardin, Henke, Hickman, Hoskin, Hulbert, Inman, Jackson, Johnson, Jordan, Joyner, Kern, Kirby, Kouplen, Lockhart, Martin (Scott), Martin (Steve), McBride, McCall, McCullough, McDaniel (Randy), McNeil, McPeak, Moore, Mulready, Murphey, Nelson, Newell, Nollan, O'Donnell, Ortega, Osborn, Ownbey, Perryman, Peterson, Proctor, Pruett, Quinn, Renegar, Roberts (Sean), Rousselot, Russ, Sanders, Schwartz, Sears, Shelton, Sherrer, Shoemake, Smalley, Stiles, Thomsen, Turner, Vaughan, Walker, Watson, Wesselhoft, Wood, Wright, Mr. Speaker.--84.

Nay: Floyd, Hamilton, Matthews, McDaniel (Jeannie), Morrissette, Pittman, Reynolds, Ritze, Roberts (Dustin), Scott, Virgin, Williams.--12.

Excused: Blackwell, Dank, Enns, McDaniel (Curtis), Trebilcock.--5.

The measure passed.

The Presiding Officer signed, in open session, Engrossed **SB 619** and ordered same returned to the Honorable Senate.

GENERAL ORDER

SB 91 by Fields of the Senate and Casey of the House was read and considered.

Representative Casey moved that **SB 91** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 91 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, Cleveland, Cockroft, Condit, Coody, Cooksey, Cox, Denney, Derby, DeWitt, Dorman, Echols, Fisher, Floyd, Fourkiller, Glenn, Grau, Hall, Hardin, Henke, Hickman, Hoskin, Hulbert, Inman, Jackson, Johnson, Jordan, Joyner, Kern, Kirby, Kouplen, Lockhart, Martin (Scott), Martin (Steve), Matthews, McBride, McCall, McCullough, McDaniel (Jeannie), McDaniel (Randy), McNiel, 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, Scott, Sears, Shelton, Sherrer, Shoemake, Smalley, Stiles, Thomsen, Turner, Vaughan, Virgin, Walker, Watson, Wesselhoft, Williams, Wood, Wright, Mr. Speaker.--93.

Nay: Hamilton, McPeak.--2.

Excused: Blackwell, Christian, Dank, Enns, McDaniel (Curtis), Trebilcock.--6.

The measure and emergency passed.

The Presiding Officer signed, in open session, Engrossed **SB 91** and ordered same returned to the Honorable Senate.

GENERAL ORDER

SB 1042 by Newberry of the Senate and Schwartz of the House was read and considered.

Representative Schwartz moved that **SB 1042** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 1042 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, Brumbaugh, Cannaday, Casey, Cleveland, Cockroft, Condit, Coody, Cooksey, Cox, Denney, Derby, DeWitt, Dorman, Echols, Fisher, Floyd, Fourkiller, Glenn, Grau, Hall, Hamilton, Hardin, Henke, Hickman, Hoskin, Hulbert, Inman, Jackson, Johnson, Jordan, Joyner, Kern, Kirby, Kouplen, Lockhart, Martin (Scott), Martin (Steve), Matthews, McBride, McCall, McCullough, McDaniel (Jeannie), McDaniel (Randy), McNiel, McPeak, Moore, Morrissette, 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, Scott, Sears, Shelton, Sherrer, Shoemake, Smalley, Stiles, Thomsen, Turner, Vaughan, Virgin, Walker, Watson, Wesselhoft, Williams, Wood, Wright, Mr. Speaker.--95.

Excused: Blackwell, Christian, Dank, Enns, McDaniel (Curtis), Trebilcock.--6.

The measure and emergency passed.

The Presiding Officer signed, in open session, Engrossed **SB 1042** and ordered same returned to the Honorable Senate.

GENERAL ORDER

SB 988 by Sykes of the Senate and McCullough of the House was read and considered.

Representative McCullough moved that **SB 988** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 988 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, Brumbaugh, Cannaday, Cleveland, Cockroft, Condit, Coody, Cox, Denney, Derby, DeWitt, Dorman, Echols, Fisher, Floyd, Fourkiller, Grau, Hall, Hamilton, Henke, Hulbert, Inman, Jackson, Johnson, Jordan, Joyner, Kern, Lockhart, Martin (Scott), Martin (Steve), Matthews, McBride, McCall, McCullough, McDaniel (Jeannie), McDaniel (Randy), McNiel, Moore, Morrissette, Mulready, Murphey, Nelson, Newell, Nollan, O'Donnell, Osborn, Ownbey, Perryman, Peterson, Pittman, Proctor, Pruett, Renegar, Roberts (Dustin), Roberts (Sean), Sanders, Schwartz, Sears, Shoemake, Smalley, Stiles, Thomsen, Turner, Vaughan, Virgin, Watson, Wesselhoft, Williams, Wood, Wright, Mr. Speaker.--75.

Nay: Brown, Casey, Cooksey, Glenn, Hardin, Hickman, Hoskin, Kirby, Kouplen, McPeak, Ortega, Quinn, Reynolds, Ritze, Rousselot, Russ, Scott, Shelton, Sherrer, Walker.--20.

Excused: Blackwell, Christian, Dank, Enns, McDaniel (Curtis), Trebilcock.--6.

The measure passed.

The Presiding Officer signed, in open session, Engrossed **SB 988** and ordered same returned to the Honorable Senate.

RECONSIDERATION

Representative McBride moved to reconsider the vote whereby **SB 1053** failed.

Representative Reynolds moved to table the McBride motion, which tabling motion failed upon a division of the question.

Representative McBride pressed his reconsideration motion, which motion was declared adopted upon roll call as follows:

Aye: Armes, Banz, Biggs, Billy, Brown, Casey, Cleveland, Cockroft, Coody, Cooksey, Denney, Derby, DeWitt, Echols, Grau, Hall, Henke, Hickman, Hulbert, Jackson, Johnson, Jordan, Joyner, Martin (Scott), Martin (Steve), McBride, McCall, McCullough, McDaniel (Randy), Mulready, Nelson, Newell, Nollan, O'Donnell, Ortega, Osborn, Peterson, Roberts (Dustin), Sanders, Schwartz, Sears, Smalley, Stiles, Thomsen, Turner, Vaughan, Walker, Watson, Wood, Wright, Mr. Speaker.--51.

Nay: Bennett, Brumbaugh, Cannaday, Condit, Cox, Dorman, Fisher, Fourkiller, Glenn, Hamilton, Hardin, Hoskin, Inman, Kern, Kirby, Kouplen, Lockhart, Matthews, McDaniel (Jeannie), McNiel, McPeak, Moore, Morrissette, Murphey, Ownbey, Perryman, Pittman, Proctor, Pruett, Quinn, Renegar, Reynolds, Ritze, Roberts (Sean), Rousselot, Russ, Scott, Sherrer, Shoemake, Virgin, Wesselhoft, Williams.--42.

Excused: Blackwell, Christian, Dank, Enns, Floyd, McDaniel (Curtis), Shelton, Trebilcock.--8.

THIRD READING

SB 1053 was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Armes, Banz, Biggs, Billy, Casey, Cleveland, Cockroft, Coody, Cooksey, Denney, Derby, Echols, Grau, Hall, Henke, Hickman, Hulbert, Jackson, Jordan, Joyner, Kirby, Martin (Scott), Martin (Steve), McBride, McCall, McCullough, McDaniel (Randy), McNiel, Moore, Mulready, Nelson, Newell, Nollan, O'Donnell, Ortega, Osborn, Peterson,

Roberts (Dustin), Sanders, Schwartz, Sears, Smalley, Stiles, Thomsen, Turner, Vaughan, Walker, Watson, Wood, Wright, Mr. Speaker.--51.

Nay: Bennett, Brown, Brumbaugh, Cannaday, Condit, Cox, DeWitt, Dorman, Fisher, Fourkiller, Glenn, Hamilton, Hardin, Hoskin, Inman, Johnson, Kern, Kouplen, Lockhart, Matthews, McDaniel (Jeannie), McPeak, Morrissette, Murphey, Ownbey, Perryman, Pittman, Proctor, Pruett, Quinn, Renegar, Reynolds, Ritze, Roberts (Sean), Rousselot, Russ, Scott, Sherrer, Shoemake, Virgin, Williams.--41.

Excused: Blackwell, Christian, Dank, Enns, Floyd, McDaniel (Curtis), Shelton, Trebilcock, Wesselhoft.--9.

The measure passed.

On passage of the emergency, the roll call was as follows:

Aye: Armes, Cleveland, Cockroft, Coody, Cooksey, Derby, Echols, Hall, Henke, Hulbert, Jackson, Jordan, Martin (Scott), Martin (Steve), McBride, McCall, McDaniel (Randy), Mulready, Nelson, O'Donnell, Ortega, Osborn, Peterson, Roberts (Dustin), Russ, Schwartz, Smalley, Stiles, Thomsen, Turner, Vaughan, Walker, Watson, Wood, Wright, Mr. Speaker.--36.

Nay: Banz, Bennett, Biggs, Brown, Brumbaugh, Casey, Condit, Cox, DeWitt, Dorman, Fisher, Fourkiller, Glenn, Grau, Hamilton, Hardin, Hoskin, Johnson, Kern, Kirby, Matthews, McPeak, Morrissette, Murphey, Newell, Nollan, Ownbey, Perryman, Proctor, Pruett, Quinn, Renegar, Ritze, Roberts (Sean), Rousselot, Scott, Sears, Shelton, Sherrer, Shoemake, Virgin, Wesselhoft.--42.

Excused: Billy, Blackwell, Cannaday, Christian, Dank, Denney, Enns, Floyd, Hickman, Inman, Joyner, Kouplen, Lockhart, McCullough, McDaniel (Curtis), McDaniel (Jeannie), McNiel, Moore, Pittman, Reynolds, Sanders, Trebilcock, Williams.--23.

The emergency failed.

SB 1053 was referred for engrossment.

RESOLUTION

The following was introduced and read:

HR 1013 – By Denney.

A Resolution declaring Monday, April 8, 2013, as International Student Awareness Day; recognizing international students and commending all persons involved in international student programs; 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:

SB 27 – Public Health, Coauthored by Senator(s) Allen

SB 64 – Judiciary

SB 169 – Common Education

SB 181 – Public Health, Coauthored by Representative(s) McDaniel (Jeannie)

SB 191 – Energy and Aerospace

SB 257 – Public Safety

SB 258 – Public Safety

SB 259 – Public Safety

SB 276 – Rules

SB 277 – Rules

SB 315 – Public Safety, Coauthored by Representative(s) Pittman, and Coauthored by Senator(s) Ivester

SB 347 – Public Safety

SB 398 – Public Safety

SB 484 – Judiciary

SB 621 – Energy and Aerospace, Coauthored by Senator(s) Allen

SB 631 – Common Education

SB 745 – Judiciary

SB 759 – Common Education, Coauthored by Senator(s) Allen, Ivester

SB 767 – Energy and Aerospace

SB 865 – Judiciary

SB 869 – Judiciary

SB 966 – Public Safety

SJR 4 – Veterans and Military Affairs, Coauthored by Senator(s) Allen

DO PASS, As Amended:

SB 78 – Energy and Aerospace

CS for **SB 89** – Judiciary

CS for **SB 106** – Judiciary

SB 143 – Judiciary

CS for **SB 206** – Judiciary

CS for **SB 233** – Judiciary

CS for **SB 235** – Veterans and Military Affairs, Coauthored by Representative(s) Pittman

CS for **SB 295** – Public Health, Remove Representative Murphey as principal House author and substitute with Representative Derby, and Coauthored by Representative(s) Murphey

CS for **SB 298** – Public Health

CS for **SB 394** – Judiciary
CS for **SB 396** – Judiciary, Coauthored by Representative(s) Hickman
CS for **SB 426** – Common Education
CS for **SB 513** – Common Education
SB 535 – Common Education
CS for **SB 536** – Common Education
SB 574 – Common Education
CS for **SB 668** – Judiciary
CS for **SB 682** – Higher Education and CareerTech
SB 691 – Judiciary, Coauthored by Representative(s) Christian, and Coauthored by Senator(s) Shortey
CS for **SB 708** – Judiciary
CS for **SB 819** – Agriculture and Wildlife
CS for **SB 864** – Judiciary
CS for **SB 920** – Public Health, Coauthored by Representative(s) Pittman
CS for **SB 926** – Energy and Aerospace
SB 971 – Energy and Aerospace
SB 1013 – Judiciary
CS for **SB 1056** – Judiciary
CS for **SB 1083** – Judiciary

REPORT FROM CALENDAR COMMITTEE

The Calendar Committee met on Wednesday, April 3, 2013, and approved the following measures with an Open Rule to be placed on the Floor Agenda: **HR 1012, SB 156, SB 228, SB 254, SB 436, SB 456, SB 478, SB 578, SB 587, SB 630, SB 640, SB 659, SB 670, SB 696, SB 738, SB 751, SB 848, SB 849, SB 853, SB 900, SB 907, SB 915, SB 945, SB 965, SB 970, SB 975, SB 979, SB 1000, SB 1009, SB 1011, SB 1102** and **SJR 8**. The following measures were approved with an Open Rule, Fiscal Analysis required, to be placed on the Floor Agenda: **SB 226, SB 316, SB 527, SB 592** and **SB 639**.

Representative Peterson moved that when the clerk's desk is clear, the House stand adjourned to reconvene at 9:00 a.m., Thursday, April 4, 2013, which was the order.

Pursuant to the motion of Representative Peterson, the House was adjourned at 3:35 p.m., to reconvene Thursday, April 4, 2013, at 9:00 a.m.