

HOUSE JOURNAL

First Regular Session of the Fifty-fourth Legislature

of the State of Oklahoma

Thirty-eighth Legislative Day, Tuesday, April 9, 2013

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

The roll was called with 100 Members present.

The following Member was excused: Cooksey—1.

The Speaker Pro Tempore declared a quorum present.

Prayer was offered by Reverend Dr. Stephen Wiley, Praise Center Family Church, Tulsa. Reverend Dr. Wiley was sponsored by Representative Ritze.

The Journal for the last legislative day was approved.

ENGROSSED AND ENROLLED MEASURES

HAs to SBs 285, 629, 633 and 814 were reported correctly engrossed, properly signed, in open session, and the measures, as amended, were ordered returned to the Honorable Senate.

HCR 1009 was reported correctly engrossed, properly signed, in open session, and ordered transmitted to the Honorable Senate.

HBs 1083, 1257, 1402, 1509, 1511, 1638, 1941 and 2166 were reported correctly enrolled and, after fourth reading, properly signed, in open session, and ordered transmitted to the Honorable Senate.

HR 1013 was reported correctly enrolled, properly signed, in open session, and ordered transmitted to the Secretary of State.

SECOND READING

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

HJR 1052 – Administrative Rules, Government Oversight and Repealer

MOTION

Representative Peterson moved that the Honorable Senate be notified by message that the House of Representatives is organized and ready to convene in Joint Session.

JOINT SESSION

The Fourth Joint Session of the First Regular Session of the Fifty-fourth Legislature assembled in the House Chamber on Tuesday, April 9, 2013, and was called to order by Lieutenant Governor Todd Lamb.

Senator Schulz moved that the attendance roll call of the Senate be considered the roll call of the Senate in Joint Session, which was the order.

Representative Peterson moved that the attendance roll call of the House be considered the roll call of the House in Joint Session, which was the order.

Lieutenant Governor Lamb declared quorums of the Senate and House present and the Joint Session duly assembled.

Invocation was offered by Reverend Dr. Stephen Wiley of Praise Center Family Church, Tulsa.

Lieutenant Governor Lamb recognized Representative Grau and Senator Newberry for the Oklahoma Gold Star Medal Presentation Ceremony.

Senator Newberry presented the Oklahoma Gold Star Medal to Mrs. Jane Horton.

Representative Grau presented the Oklahoma Gold Star Medal to Mrs. Megan Ewy.

Posting of the Colors was presented by the Governor's Color Guard.

Lieutenant Governor Lamb recognized Colonel Louis Wilham, Oklahoma National Guard, for introduction of Adjutant General, Major General Miles L. Deering.

Major General Deering addressed the Joint Session and conducted the program commemorating the 45th Infantry Division Appreciation Day.

Major General Deering introduced Governor Mary Fallin who addressed the Joint Session.

Colonel Wilham conducted a Special Presentation Ceremony honoring Private First Class Jeffrey R. Kerchee with the Purple Heart Medal and Corporal Scotty R. Hopper who was promoted to Sergeant.

Colonel Wilham read a formal Proclamation from Governor Mary Fallin recognizing 45th Infantry Division Appreciation Day and presented the Proclamation to Major General Deering.

Lieutenant Governor Lamb made closing remarks to the Joint Session.

Upon motion of Representative Peterson, the Fourth Joint Session was ordered dissolved at 10:25 a.m.

Speaker Pro Tempore Jackson Presiding

MESSAGES FROM THE SENATE

Advising fourth reading of and transmitting for signature Enrolled **SBs 725** and **945**.

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

Returning engrossed measure

Announcing the passage of **HB 1108**.

The above-numbered measure was referred for enrollment.

GENERAL ORDER

SB 156 by Halligan et al of the Senate and Denney of the House was read and considered.

Representative Denney moved that **SB 156** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 156 was read at length for the third time. On passage of the measure and emergency, the roll call was as follows:

Aye: Armes, Bennett, Biggs, Billy, Blackwell, Brown, Brumbaugh, Casey, Cleveland, Cockroft, Condit, Coody, Cox, Dank, Denney, Derby, DeWitt, Dorman, Echols, Enns, Fisher, Floyd, Grau, Hall, Hardin, Henke, Hulbert, Jackson, Johnson, Jordan, Joyner, Kern,

Kirby, Martin (Scott), Martin (Steve), Matthews, McBride, McCall, McCullough, McDaniel (Jeannie), McDaniel (Randy), McNiel, Moore, Mulready, Murphey, Nelson, Newell, Nollan, O'Donnell, Osborn, Ownbey, Peterson, Pruett, Quinn, Roberts (Dustin), Roberts (Sean), Russ, Schwartz, Scott, Sears, Smalley, Trebilcock, Turner, Walker, Watson, Wood, Wright, Mr. Speaker.--68.

Nay: Cannaday, Fourkiller, Glenn, Hoskin, Inman, Kouplen, Lockhart, McDaniel (Curtis), McPeak, Morrissette, Perryman, Proctor, Renegar, Reynolds, Ritze, Rousselot, Shelton, Sherrer, Williams.--19.

Excused: Banz, Christian, Cooksey, Hamilton, Hickman, Ortega, Pittman, Sanders, Shoemake, Stiles, Thomsen, Vaughan, Virgin, Wesselhoft.--14.

The measure and emergency passed.

SB 156 was referred for engrossment.

GENERAL ORDER

SB 1080 by Johnson (Rob) of the Senate and Trebilcock of the House was read and considered.

Representative Trebilcock moved that **SB 1080** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 1080 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, Cleveland, Cockroft, Condit, Coody, Cox, Dank, Denney, Derby, DeWitt, Dorman, Echols, Enns, Fisher, Floyd, Fourkiller, Glenn, Grau, Hall, Hamilton, Hardin, Henke, Hickman, Hoskin, Hulbert, Inman, Jackson, Johnson, Jordan, Kern, Kirby, Kouplen, Lockhart, Martin (Scott), Martin (Steve), Matthews, McBride, McCall, McCullough, McDaniel (Curtis), McDaniel (Jeannie), McDaniel (Randy), McNiel, McPeak, Moore, Morrissette, Mulready, Murphey, Nelson, Newell, Nollan, O'Donnell, Osborn, Ownbey, Perryman, Peterson, Proctor, Pruett, Quinn, Renegar, Reynolds, Ritze, Roberts (Dustin), Roberts (Sean), Rousselot, Russ, Sanders, Schwartz, Scott, Sears, Shelton, Sherrer, Smalley, Thomsen, Trebilcock, Turner, Vaughan, Walker, Watson, Wesselhoft, Wood, Wright, Mr. Speaker.--92.

Excused: Christian, Cooksey, Joyner, Ortega, Pittman, Shoemake, Stiles, Virgin, Williams.--9.

The measure passed.

The Presiding Officer signed, in open session, Engrossed **SB 1080** and ordered same returned to the Honorable Senate.

GENERAL ORDER

SB 226 by Ford of the Senate and Coody et al of the House was read and considered.

Coauthored by Representative(s) McDaniel (Jeannie)

Representative Reynolds moved to suspend House Rule 8.6 for the purpose of allowing consideration of an untimely filed floor amendment, which motion failed of adoption upon roll call as follows:

Aye: Cannaday, Cleveland, Condit, Dank, Denney, Dorman, Floyd, Glenn, Hamilton, Hoskin, Kouplen, Lockhart, Matthews, McDaniel (Curtis), McDaniel (Jeannie), McPeak, Perryman, Pittman, Proctor, Pruett, Renegar, Reynolds, Ritze, Scott, Shelton, Sherrer, Shoemake.--27.

Nay: Armes, Banz, Biggs, Billy, Blackwell, Brumbaugh, Casey, Cockroft, Coody, Cox, DeWitt, Echols, Enns, Fisher, Grau, Hall, Hardin, Henke, Hickman, Hulbert, Jackson, Jordan, Kern, Martin (Scott), Martin (Steve), McCall, McCullough, McDaniel (Randy), McNiel, Moore, Mulready, Murphey, Nelson, Nollan, O'Donnell, Osborn, Ownbey, Peterson, Quinn, Russ, Sanders, Schwartz, Sears, Smalley, Trebilcock, Turner, Vaughan, Walker, Watson, Wesselhoft, Wood, Wright, Mr. Speaker.--53.

Excused: Bennett, Brown, Christian, Cooksey, Derby, Fourkiller, Inman, Johnson, Joyner, Kirby, McBride, Morrissette, Newell, Ortega, Roberts (Dustin), Roberts (Sean), Rousselot, Stiles, Thomsen, Virgin, Williams.--21.

Representative Coody moved that **SB 226** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 226 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, Christian, Condit, Coody, Cox, Dank, Denney, Dorman, Echols, Enns, Floyd, Fourkiller, Hall, Hamilton, Henke, Hickman, Hoskin, Hulbert, Jackson, Johnson, Jordan, Kern, Kirby, Kouplen, Martin (Scott), Martin (Steve), Matthews, McBride, McCullough, McDaniel (Curtis), McDaniel (Jeannie), McDaniel (Randy), McNiel, McPeak, Moore, Morrissette, Mulready, Murphey, Nelson, Newell, Nollan, Osborn, Ownbey, Perryman, Peterson, Pittman, Proctor, Pruett, Renegar, Roberts (Sean), Rousselot, Russ, Sanders, Scott, Sears, Shelton, Sherrer, Shoemake, Smalley, Stiles, Thomsen, Trebilcock, Turner, Vaughan, Virgin, Walker, Watson, Williams, Wood, Wright, Mr. Speaker.--78.

Nay: Blackwell, Casey, Cleveland, Cockroft, Derby, DeWitt, Fisher, Glenn, Grau, Hardin, Joyner, Lockhart, McCall, O'Donnell, Reynolds, Ritze, Roberts (Dustin), Schwartz, Wesselhoft.--19.

Excused: Cooksey, Inman, Ortega, Quinn.--4.

The measure passed.

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

Aye: Armes, Banz, Biggs, Billy, Brown, Brumbaugh, Cockroft, Coody, Cox, Dank, Denney, Dorman, Echols, Enns, Floyd, Hall, Hamilton, Henke, Hickman, Hoskin, Hulbert, Jackson, Johnson, Jordan, Kern, Kirby, Kouplen, Martin (Scott), Martin (Steve), Matthews, McBride, McCullough, McDaniel (Curtis), McDaniel (Jeannie), McDaniel (Randy), McNiel, McPeak, Moore, Morrissette, Mulready, Murphey, Nelson, Newell, Nollan, Osborn, Ownbey, Peterson, Pittman, Proctor, Pruett, Renegar, Rousselot, Russ, Sanders, Scott, Sears, Shelton, Sherrer, Shoemake, Smalley, Stiles, Trebilcock, Vaughan, Virgin, Walker, Watson, Wood, Wright, Mr. Speaker.--69.

Nay: Bennett, Cannaday, Casey, Christian, Cleveland, Condit, Derby, DeWitt, Fisher, Fourkiller, Glenn, Grau, Hardin, Joyner, Lockhart, McCall, O'Donnell, Perryman, Quinn, Reynolds, Ritze, Schwartz, Thomsen, Turner, Wesselhoft.--25.

Excused: Blackwell, Cooksey, Inman, Ortega, Roberts (Dustin), Roberts (Sean), Williams.--7.

The emergency passed.

SB 226 was referred for engrossment.

MESSAGE FROM THE SENATE

Announcing the passage of and returning engrossed measures as amended: **HBs 1060**, Coauthored by Senator Newberry and Representative Walker and **1383**.

Senate amendments were read on the above-numbered measures.

GENERAL ORDER

SB 838 by Justice of the Senate and Sanders et al of the House was read and considered.

Representative Sanders moved that **SB 838** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 838 was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Armes, Banz, Biggs, Billy, Brown, Cannaday, Casey, Christian, Cleveland, Cockroft, Condit, Coody, Cox, Dank, Denney, Derby, DeWitt, Dorman, Echols, Enns, Fisher, Floyd, Fourkiller, Glenn, Grau, Hall, Hamilton, Henke, Hoskin, Hulbert, Jackson, Johnson, Jordan, Joyner, Kern, Kirby, Lockhart, Martin (Scott), Martin (Steve), Matthews, McCall, McCullough, McDaniel (Curtis), McDaniel (Jeannie), McDaniel (Randy), McNiel, McPeak, Moore, Morrisette, Mulready, Nelson, Newell, Nollan, O'Donnell, Osborn, Ownbey, Perryman, Peterson, Pittman, Proctor, Pruet, Quinn, Renegar, Roberts (Dustin), Rousselot, Russ, Sanders, Schwartz, Scott, Sears, Shelton, Sherrer, Shoemake, Smalley, Stiles, Thomsen, Turner, Vaughan, Virgin, Walker, Watson, Wesselhoft, Wood, Wright, Mr. Speaker.--85.

Nay: Brumbaugh, Hardin, Hickman, Murphey, Reynolds, Ritze.--6.

Excused: Bennett, Blackwell, Cooksey, Inman, Kouplen, McBride, Ortega, Roberts (Sean), Trebilcock, Williams.--10.

The measure passed.

The Presiding Officer signed, in open session, Engrossed **SB 838** and ordered same returned to the Honorable Senate.

GENERAL ORDER

SB 228 by Simpson et al of the Senate and Hardin et al of the House was read and considered.

Coauthored by Representative(s) Hoskin, Sherrer

Representative Hardin moved that **SB 228** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 228 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, Condit, Coody, Cox, Dank, Denney, Derby, DeWitt, Dorman, Echols, Enns, Fisher, Floyd, Fourkiller, Glenn, Grau, Hamilton, Hardin, Hickman, Hoskin, Hulbert, Inman, Jackson, Johnson, Jordan, Joyner, Kern, Kirby, Kouplen, Lockhart, Martin (Scott), Martin (Steve), Matthews, McCall, McCullough, McDaniel (Curtis), McDaniel (Jeannie),

McDaniel (Randy), McNeil, McPeak, Moore, Morrisette, Mulready, Murphey, Nelson, Newell, Nollan, O'Donnell, 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, Trebilcock, Turner, Vaughan, Virgin, Walker, Watson, Wesselhoft, Wood, Wright, Mr. Speaker.--92.

Excused: Blackwell, Christian, Cockroft, Cooksey, Hall, Henke, McBride, Ortega, Williams.--9.

The measure passed.

SB 228 was referred for engrossment.

GENERAL ORDER

SB 436 by Stanislawski et al of the Senate and Brumbaugh et al of the House was read and considered.

Representative Brumbaugh moved that **SB 436** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 436 was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Armes, Banz, Biggs, Brumbaugh, Christian, Cleveland, Cockroft, Coody, Cox, Dank, Denney, Derby, Dorman, Echols, Enns, Fisher, Grau, Hall, Hickman, Jackson, Johnson, Jordan, Joyner, Kern, Kirby, Martin (Scott), Martin (Steve), McCall, McCullough, McDaniel (Jeannie), McDaniel (Randy), McNeil, Moore, Mulready, Murphey, Nelson, Newell, Nollan, O'Donnell, Osborn, Ownbey, Peterson, Proctor, Pruett, Quinn, Roberts (Sean), Sanders, Schwartz, Scott, Sears, Smalley, Stiles, Thomsen, Turner, Vaughan, Walker, Watson, Wesselhoft, Wood, Wright, Mr. Speaker.--61.

Nay: Bennett, Billy, Brown, Cannaday, Casey, Condit, DeWitt, Floyd, Fourkiller, Glenn, Hamilton, Hardin, Hoskin, Hulbert, Kouplen, Lockhart, Matthews, McDaniel (Curtis), McPeak, Morrisette, Perryman, Pittman, Renegar, Reynolds, Ritze, Roberts (Dustin), Rousselot, Russ, Shelton, Sherrer, Shoemake, Virgin.--32.

Excused: Blackwell, Cooksey, Henke, Inman, McBride, Ortega, Trebilcock, Williams.--8.

The measure passed.

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

Aye: Armes, Blackwell, Brumbaugh, Cleveland, Cockroft, Coody, Cox, Dank, Denney, Derby, Dorman, Echols, Enns, Fisher, Hall, Hickman, Jackson, Johnson, Jordan, Joyner, Kern, Martin (Scott), Martin (Steve), McCall, McCullough, McDaniel (Randy), McNiel, Moore, Mulready, Murphey, Nelson, O'Donnell, Osborn, Ownbey, Peterson, Pruett, Schwartz, Sears, Smalley, Stiles, Turner, Vaughan, Walker, Watson, Wesselhoft, Williams, Wood, Wright, Mr. Speaker.--49.

Nay: Banz, Bennett, Biggs, Billy, Brown, Cannaday, Casey, Christian, Condit, DeWitt, Floyd, Fourkiller, Glenn, Grau, Hamilton, Hardin, Hoskin, Hulbert, Kirby, Lockhart, McDaniel (Curtis), McDaniel (Jeannie), McPeak, Morrissette, Nollan, Perryman, Pittman, Proctor, Quinn, Renegar, Ritze, Roberts (Dustin), Rousselot, Russ, Sanders, Scott, Shelton, Sherrer, Thomsen, Virgin.--40.

Excused: Cooksey, Henke, Inman, Kouplen, Matthews, McBride, Newell, Ortega, Reynolds, Roberts (Sean), Shoemake, Trebilcock.--12.

The emergency failed.

SB 436 was referred for engrossment.

MESSAGES FROM THE SENATE

Announcing that Enrolled **HBs 1083, 1257, 1402, 1509, 1511, 1638, 1941** and **2166** 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 **HBs 1094**, Coauthored by Senator Dahm and Representatives Bennett, Casey, **1685, 1699, 1757, 1881**, Coauthored by Representative Scott and **1985**.

The above-numbered measures were referred for enrollment.

RESOLUTIONS

The following were introduced and read:

HCR 1011 – By Shoemake.

A Concurrent Resolution authorizing the issuance of certain obligations by the Board of Regents for the Oklahoma Agricultural and Mechanical Colleges, acting on behalf of Oklahoma State University Institute of Technology (OSUIT), Okmulgee; and directing distribution.

HR 1016 – By Wright and Mulready.

A Resolution celebrating the 33rd anniversary of the Sister-State relationship between Oklahoma and Taiwan; welcoming the Honorable Director General Steve Hsia to the Oklahoma House of Representatives; 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 249** – Judiciary
- SB 280** – Common Education
- SB 419** – Common Education
- SB 455** – Judiciary, Coauthored by Representative(s) Sherrer
- SB 638** – Common Education
- SB 775** – Judiciary
- SB 854** – Judiciary
- SB 928** – Judiciary, Coauthored by Senator(s) Shaw
- SB 1090** – Judiciary

DO PASS, As Amended:

- SB 80** – Judiciary
- CS for SB 267** – Common Education
- CS for SB 283** – Common Education
- SB 433** – Judiciary, Coauthored by Senator(s) Ivester
- SB 519** – Judiciary, Remove Representative McBride as principal House author and substitute with Representative Derby, and Coauthored by Representative(s) McBride
- CS for SB 559** – Common Education, Coauthored by Representative(s) Roberts (Dustin), Nollan
- SB 581** – Public Health
- SB 582** – Judiciary
- CS for SB 635** – Common Education
- SB 755** – Public Health
- SB 955** – Appropriations and Budget
- SB 961** – Judiciary, Coauthored by Senator(s) Brecheen

Representative Peterson moved that when the clerk's desk is clear, the House stand adjourned to reconvene at 1:30 p.m., Wednesday, April 10, 2013, which was the order.

Pursuant to the motion of Representative Peterson, the House was adjourned at 12:00 p.m., to reconvene Wednesday, April 10, 2013, at 1:30 p.m.