

HOUSE JOURNAL

First Regular Session of the Fifty-fourth Legislature

of the State of Oklahoma

Fifty-first Legislative Day, Wednesday, May 1, 2013

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

The roll was called with 101 Members present.

The Speaker declared a quorum present.

Prayer was offered by Pastor Randall Faulkner, Metropolitan Baptist Church, Oklahoma City. Pastor Faulkner was sponsored by Representative Nelson.

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

The Journal for the last legislative day was approved.

FIRST READING

The following was introduced and read for the first time:

HJR 1069 – By Mulready.

A Joint Resolution approving permanent rules of the Oklahoma Real Estate Commission; and directing distribution.

RESOLUTIONS

The following were introduced and read:

HCR 1017 – By Echols of the House and Sparks of the Senate.

A Concurrent Resolution recalling from the Office of the Governor Enrolled House Bill No. 2164, passed by the 1st Session of the 54th Oklahoma Legislature.

HR 1022 – By Denney.

A Resolution recognizing the 25th anniversary of The Red Dirt Rangers; and directing distribution.

SECOND READING

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

HJR 1067 – Administrative Rules, Government Oversight and Repealer

HJR 1068 – Administrative Rules, Government Oversight and Repealer

RESOLUTION FOR CONSIDERATION

HCR 1015 was called up for consideration.

Coauthored by Representative(s) Kirby, Sherrer, Banz, Quinn, Cooksey, Wesselhoft, Coody, Wood, Denney, Christian, Dorman, Condit, Brumbaugh, Johnson, Cannaday, McDaniel (Curtis), Cockroft, Rousselot, Sears, Wright, Sanders, Mulready, Ownbey, Perryman, Grau, Martin (Steve), Lockhart, Trebilcock, Casey, Walker

Upon motion of Representative Nelson, **HCR 1015** was considered and adopted.

HCR 1015 was referred for engrossment.

Speaker Pro Tempore Jackson Presiding

PENDING CONSIDERATION OF SAs

SAs to HB 1910 were called up for consideration.

Coauthored by Representative(s) Cooksey, McCullough

Upon motion of Representative Murphey, the House concurred in the **SAs to HB 1910**.

HB 1910, as amended by the Honorable Senate, was read at length for the fourth time and the roll was called on the measure as follows:

Aye: Armes, Banz, Bennett, Biggs, Billy, Blackwell, Brumbaugh, Casey, Christian, Cleveland, Cockroft, Condit, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Echols, Enns, Fisher, Grau, Hall, Hardin, Henke, Hickman, Hulbert, Jackson, Johnson, Jordan, Joyner, Kern, Kirby, Martin (Scott), Martin (Steve), McBride, McCall, McCullough, McDaniel (Randy), McNiel, Moore, Mulready, Murphey, Nelson, Newell, Nollan, O'Donnell, Osborn, Ownbey, Peterson, Pruett, Quinn, Ritze, Roberts (Dustin), Roberts

(Sean), Russ, Sanders, Schwartz, Scott, Sears, Smalley, Stiles, Thomsen, Trebilcock, Turner, Vaughan, Walker, Watson, Wesselhoft, Williams, Wood, Wright, Mr. Speaker.--74.

Nay: Brown, Cannaday, Dorman, Floyd, Fourkiller, Glenn, Hamilton, Inman, Kouplen, Lockhart, Matthews, McDaniel (Curtis), McDaniel (Jeannie), McPeak, Morrissette, Perryman, Pittman, Proctor, Renegar, Rousselot, Shelton, Sherrer, Virgin.--23.

Excused: Hoskin, Ortega, Reynolds, Shoemake.--4.

The measure passed.

The roll was called on the emergency and resulted as follows:

Aye: Armes, Banz, Bennett, Biggs, Billy, Blackwell, Brumbaugh, Casey, Christian, Cleveland, Cockroft, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Echols, Enns, Fisher, Grau, Hall, Hardin, Henke, Hickman, Hulbert, Jackson, Johnson, Jordan, Joyner, Kern, Martin (Scott), Martin (Steve), McBride, McCall, McCullough, McDaniel (Randy), Moore, Mulready, Murphey, Nelson, Newell, Nollan, O'Donnell, Ortega, Osborn, Ownbey, Peterson, Quinn, Roberts (Dustin), Roberts (Sean), Russ, Sanders, Schwartz, Sears, Smalley, Stiles, Thomsen, Trebilcock, Turner, Vaughan, Walker, Watson, Wesselhoft, Wood, Wright, Mr. Speaker.--68.

Nay: Brown, Cannaday, Condit, Dorman, Floyd, Fourkiller, Glenn, Hamilton, Inman, Kouplen, Matthews, McDaniel (Curtis), McDaniel (Jeannie), Morrissette, Perryman, Pittman, Proctor, Pruett, Renegar, Ritze, Rousselot, Scott, Shelton, Sherrer, Williams.--25.

Excused: Hoskin, Kirby, Lockhart, McNiel, McPeak, Reynolds, Shoemake, Virgin.--8.

The emergency passed.

Senate amendments were properly signed, in open session, and the above-numbered measure was referred for enrollment.

MESSAGES FROM THE SENATE

Advising fourth reading of and transmitting for signature Enrolled **SBs 1, 396, 404, 495, 596, 630, 847, 887 and 1000.**

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

Transmitting enrolled measure

Advising the signing of and transmitting for signature Enrolled **SCR 24**.

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

Returning engrossed measure, as amended

Announcing the passage of and returning engrossed measure as amended: **HB 2164**.

Senate amendments were read on the above-numbered measure.

Conferees named

Advising naming of Senate Conferees as follows:

SB 287 - Paddack, Griffin, Johnson (Rob), Marlatt, Burrage, Treat

Advising naming of GCCA as Senate Conferees as follows:

SB 486

SB 521

SB 557

SB 574

Concurrence in HAs

Announcing the concurrence of Senate in **HAs** to **SBs 228, 267, 295, 581, 682, 779** and **886** and the passage of said measures, as amended thereby.

PENDING CONSIDERATION OF SAs

SAs to **HB 2032** were called up for consideration.

Coauthored by Representative(s) Echols, McBride, Hall, Newell, Johnson, McCullough

Upon motion of Representative Martin (Scott) the House concurred in the **SAs** to **HB 2032** upon roll call as follows:

Aye: Armes, Biggs, Billy, Brumbaugh, Casey, Christian, Cleveland, Cockroft, Coody, Cooksey, Dank, Denney, Derby, Echols, Enns, Fisher, Grau, Hall, Henke, Jackson, Johnson, Jordan, Joyner, Kern, Kirby, Martin (Scott), Martin (Steve), McBride, McCall, McCullough, McDaniel (Randy), McNiel, Moore, Mulready, Murphey, Nelson, Newell, O'Donnell, Osborn, Ownbey, Peterson, Quinn, Ritze, Roberts (Sean), Russ, Sanders,

Schwartz, Smalley, Stiles, Thomsen, Trebilcock, Turner, Vaughan, Walker, Watson, Wesselhoft, Wood, Wright, Mr. Speaker.--59.

Nay: Banz, Bennett, Brown, Cannaday, Condit, Cox, DeWitt, Dorman, Floyd, Fourkiller, Glenn, Hamilton, Hardin, Hickman, Hoskin, Hulbert, Kouplén, Lockhart, Matthews, McDaniel (Curtis), McDaniel (Jeannie), Morrissette, Perryman, Pittman, Proctor, Pruett, Renegar, Reynolds, Rousselot, Scott, Shelton, Sherrer, Shoemaker, Virgin, Williams.--35.

Excused: Blackwell, Inman, McPeak, Nollan, Ortega, Roberts (Dustin), Sears.--7.

HB 2032, as amended by the Honorable Senate, was read at length for the fourth time and the roll was called on the measure as follows:

Aye: Armes, Banz, Bennett, Biggs, Billy, Blackwell, Brumbaugh, Casey, Christian, Cleveland, Cockroft, Coody, Cooksey, Dank, Denney, Derby, Echols, Enns, Fisher, Grau, Hall, Henke, Jackson, Johnson, Jordan, Joyner, Kern, Kirby, Martin (Scott), Martin (Steve), McBride, McCall, McCullough, McDaniel (Randy), McNiel, Moore, Mulready, Murphey, Nelson, Newell, Nollan, O'Donnell, Ortega, Osborn, Ownbey, Peterson, Quinn, Roberts (Dustin), Roberts (Sean), Russ, Sanders, Schwartz, Sears, Smalley, Stiles, Thomsen, Trebilcock, Turner, Vaughan, Walker, Watson, Wesselhoft, Wood, Wright, Mr. Speaker.--65.

Nay: Brown, Cannaday, Condit, Cox, DeWitt, Dorman, Floyd, Fourkiller, Glenn, Hamilton, Hardin, Hickman, Hoskin, Hulbert, Inman, Kouplén, Lockhart, Matthews, McDaniel (Jeannie), McPeak, Morrissette, Perryman, Pittman, Proctor, Pruett, Renegar, Reynolds, Ritze, Rousselot, Scott, Shelton, Sherrer, Shoemaker, Virgin, Williams.--35.

Excused: McDaniel (Curtis)--1.

The measure passed.

The roll was called on the emergency and resulted as follows:

Aye: Armes, Banz, Biggs, Blackwell, Brumbaugh, Casey, Christian, Cleveland, Cockroft, Coody, Cooksey, Dank, Denney, Derby, Echols, Enns, Fisher, Grau, Hall, Henke, Hickman, Jackson, Johnson, Jordan, Joyner, Kern, Kirby, Martin (Scott), Martin (Steve), McBride, McCall, McCullough, McDaniel (Randy), McNiel, Moore, Mulready, Murphey, Nelson, Newell, Nollan, O'Donnell, Ortega, Osborn, Ownbey, Peterson, Quinn, Roberts (Dustin), Roberts (Sean), Russ, Sanders, Schwartz, Sears, Smalley, Stiles, Thomsen, Trebilcock, Turner, Vaughan, Walker, Watson, Wesselhoft, Wood, Wright, Mr. Speaker.--64.

Nay: Bennett, Brown, Cannaday, Condit, DeWitt, Dorman, Floyd, Fourkiller, Glenn, Hamilton, Hardin, Hoskin, Hulbert, Inman, Kouplén, Lockhart, Matthews, McDaniel (Jeannie), McPeak, Morrissette, Perryman, Pittman, Proctor, Pruett, Renegar, Reynolds, Ritze, Rousselot, Scott, Shelton, Shoemaker, Virgin, Williams.--33.

Excused: Billy, Cox, McDaniel (Curtis), Sherrer.--4.

The emergency failed.

Representative Martin (Scott) served notice to reconsider the vote whereby the emergency failed on **HB 2032**.

POINT OF ORDER

In reference to a point of order raised on a previous day, Representative Inman raised a point of order as to what House rule permits the Presiding Officer to defer ruling on a point of order to a subsequent day, to which the Presiding Officer responded that no House Rule prohibits a Presiding Officer from deferring to a subsequent day.

MESSAGES FROM THE SENATE

Advising naming Senate Conferees as follows:

SB 408 - Paddack, Barrington, Treat, David, Burrage, Boggs

SB 684 - Jolley, Crain, Standridge, Griffin, McAffrey, Shumate

Conference granted

Advising conference granted and the Senate naming conferees as follows:

HB 1035 - Ford, Halligan, Stanislawski, Holt, Paddack, Garrison

HB 1419 - Standridge, Barrington, Griffin, David, Shumate, Johnson (Constance)

HB 1525 - Branan, Griffin, Schulz, Bingman, Burrage, Marlatt

HB 1622 - Treat, Ford, Schulz, Bingman, Paddack, Burrage

Advising conference granted on **HBs 1352, 1383, 1477, 1660, 1874, 1923, 1942, 2062, 2186** and **2232** and the Senate naming GCAA as Senate conferees.

Conference requested

Advising rejection of **HAs** to **SBs 7, 164, 166, 321, 343, 387, 418, 519, 522, 582, 613, 733, 788, 789, 1022, 1053, 1102, 1103** and **1118** and requesting conference thereon, the Senate naming conferees later.

FIRST READING

The following were introduced and read for the first time:

HB 2301 – By Martin (Scott) and Newell of the House and Jolley and Justice of the Senate.

An Act relating to general appropriations for the expenses of various agencies of the executive, legislative and judicial departments of the state; making appropriations to the State Board of Education, the Oklahoma Arts Council, the Commissioners of the Land Office, the Board of Trustees of the Oklahoma School of Science and Mathematics, the Oklahoma Commission for Teacher Preparation, the State Board of Career and Technology Education, the Oklahoma Educational Television Authority, Oklahoma Department of Libraries, the Oklahoma State Regents for Higher Education, the Physician Manpower Training Commission, the Oklahoma Center for the Advancement of Science and Technology, the Office of the State Auditor and Inspector, the Office of the State Bond Advisor, the State Election Board, the Oklahoma Department of Emergency Management, the Ethics Commission, the Office of the Governor, the Oklahoma House of Representatives, the Legislative Service Bureau, the Office of the Lieutenant Governor, the Office of Management and Enterprise Services, the Oklahoma Merit Protection Commission, the Military Department of the State of Oklahoma, the Oklahoma State Senate, the Oklahoma Tax Commission, the Office of the State Treasurer, the Department of Transportation, the Oklahoma Space Industry Development Authority, the State Department of Health, the Oklahoma Health Care Authority, the J.D. McCarty Center for Children with Developmental Disabilities, the Department of Mental Health and Substance Abuse Services, the University Hospitals Authority, the Oklahoma Department of Veterans Affairs, the Oklahoma Commission on Children and Youth, the Office of Disability Concerns, the Department of Human Services, the Office of Juvenile Affairs, the State Department of Rehabilitation Services, the Oklahoma Department of Agriculture, Food, and Forestry, the Oklahoma Department of Commerce, the Rural Economic Action Plan Fund, the Oklahoma Conservation Commission, the Department of Consumer Credit, the Corporation Commission, the Department of Environmental Quality, the Oklahoma Historical Society, the Oklahoma Horse Racing Commission, the Insurance Department, the J.M. Davis Memorial Commission, the Department of Labor, the Department of Mines, the Scenic Rivers Commission, the Oklahoma Tourism and Recreation Department, the Oklahoma Water Resources Board, the Will Rogers Memorial Commission, the Alcoholic Beverage Laws Enforcement Commission, the Department of Corrections, the Office of the State Fire Marshal, the Oklahoma State Bureau of Investigation, the Council on Law Enforcement Education and Training, the Board of Medicolegal Investigations, the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the Department of Public Safety, the Office of the Attorney General, district attorneys and the District Attorneys Council, the Court of Criminal Appeals, the Supreme Court, the Oklahoma Indigent Defense System, the Pardon and Parole Board and the Workers' Compensation Court; stating amounts of the appropriations; stating purposes and restrictions; authorizing and requiring certain expenditures; authorizing and requiring certain transfers; requiring certain deposit; and providing an effective date.

HB 2302 – By Martin (Scott) and Newell of the House and Jolley and Justice of the Senate.

An Act relating to the Department of Corrections; making an appropriation; stating purpose; requiring budgeting of funds in certain categories and amounts; providing for duties and compensation of employees; limiting salary of the Director; authorizing employment of certain percentage of employees in the unclassified service; providing budgetary limitations; authorizing certain agreement for construction projects; providing lapse dates; requiring and prohibiting certain budget practices; and providing an effective date.

HB 2303 – By Martin (Scott) and Newell of the House and Jolley and Justice of the Senate.

An Act relating to the Department of Public Safety; making appropriation; stating purpose; requiring budgeting in certain categories and amounts; providing for the duties and compensation of employees; providing budgetary limitations; providing exceptions to the budgetary limitations; requiring and authorizing certain expenditures; requiring transfer of funds; authorizing and requiring Patrol Academy; requiring certain funds to be budgeted for certain purposes; providing lapse dates; requiring and prohibiting certain budget practices; and providing an effective date.

HB 2304 – By Martin (Scott) and Newell of the House and Jolley and Justice of the Senate.

An Act relating to the State Department of Health; making an appropriation to the State Department of Health; stating purpose; providing for duties and compensation of employees; requiring compliance with and providing budgetary limitations; exempting certain funds from expenditure and budgetary limitations; providing lapse dates; requiring and prohibiting certain budget procedures; and providing an effective date.

HB 2305 – By Martin (Scott) and Newell of the House and Jolley and Justice of the Senate.

An Act relating to the Oklahoma Health Care Authority; making an appropriation to the Oklahoma Health Care Authority; stating purpose; providing for duties and compensation of employees; authorizing payment of certain expenses; requiring compliance with and providing budgetary limitations; requiring budgeting and expenditure for certain services; providing exemptions to budgetary limitations; providing process for exemptions; authorizing certain transfers; providing procedures; providing lapse dates; requiring and prohibiting certain budget procedures; providing an effective date.

HB 2306 – By Martin (Scott) and Newell of the House and Jolley and Justice of the Senate.

An Act relating to the Department of Mental Health and Substance Abuse Services; making an appropriation to the Department of Mental Health and Substance Abuse Services; stating purpose; requiring budgeting and expenditure for certain services; providing for duties and compensation of employees; requiring compliance with and providing budgetary limitations; authorizing certain transfers; exempting certain funds from expenditure and budgetary limitations; providing lapse dates; requiring and prohibiting certain budget procedures; and providing an effective date.

HB 2307 – By Martin (Scott) and Newell of the House and Jolley and Justice of the Senate.

An Act relating to the University Hospitals Authority; making an appropriation to the University Hospitals Authority; stating purpose; providing for duties and compensation of employees; requiring compliance with and providing budgetary limitations; providing lapse dates; requiring and prohibiting certain budget procedures; and providing an effective date.

HJR 1070 – By Floyd.

A Joint Resolution approving permanent rules of the Board of Chiropractic Examiners; 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, As Amended:

CS for HJR 1056 – Administrative Rules, Government Oversight and Repealer,
Authored by Senator Anderson (principal Senate author)

CS for HJR 1057 – Administrative Rules, Government Oversight and Repealer

Representative Peterson moved that when the clerk's desk is clear, the House stand adjourned to reconvene at 9:00 a.m., Thursday, May 2, 2013, which was the order.

Pursuant to the motion of Representative Peterson, the House was adjourned at 5:30 p.m., to reconvene Thursday, May 2, 2013, at 9:00 a.m.