

# HOUSE JOURNAL

## First Extraordinary Session of the Fifty-fourth Legislature

### of the State of Oklahoma

#### First Legislative Day, Tuesday, September 3, 2013

Pursuant to the Call of the Governor, the Honorable Mary Fallin, the House of Representatives of the Fifty-fourth Legislature of the State of Oklahoma convened in the First Extraordinary Session in the House Chamber at 1:00 p.m. and was called to order by Speaker Shannon.

The roll was called with 94 Members present.

The following Members were excused: Cooksey, Cox, Dank, Enns, Ritze, Schwartz, Virgin—7.

The Speaker declared a quorum present.

Prayer was offered by Mrs. Sarah Roberts, Fellowship of Christian Athletes Women's Ministry Director, Edmond. Mrs. Roberts was sponsored by Representative Thomsen.

#### **EXECUTIVE ORDER**

The Governor's Amended Executive Order 2013-30 calling the Fifty-fourth Legislature into First Extraordinary Session was read at length as follows:

To the Honorable Members of the House of Representatives and the Honorable Members of the State Senate of Oklahoma:

I, Mary Fallin, Governor of the State of Oklahoma, pursuant to the authority vested in me by the provisions of Section 7 of Article VI of the Oklahoma Constitution, hereby convoke the First Extraordinary Session of the Fifty-fourth Legislature to convene at the State Capitol on Tuesday, September 3, 2013, at 1:00 p.m. I recommend the following subject for consideration:

Legislation related exclusively to House Bill 1603 which was enacted by the Legislature in 2009. Any legislation should be drafted in such a way to ensure that Article 5, Section 57 of the Oklahoma Constitution, or any other Constitutional provision, is not violated.

Copies of this Executive Order shall be distributed to every member of the Oklahoma House of Representatives, every member of the Oklahoma State Senate, the Clerk of the House of Representatives, The Secretary of Senate, and the Director of the Office of Management and Enterprise Services.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, this 12th day of August, 2013.

BY THE GOVERNOR OF THE STATE OF OKLAHOMA

/s/ Mary Fallin

### **Speaker Pro Tempore Jackson Presiding**

### **ORGANIZATION**

Speaker Pro Tempore Jackson announced that the organization and selection of Officers for the First Extraordinary Session of the Fifty-fourth Legislature shall be the same as for the regular session of the Fifty-fourth Legislature.

### **COMMITTEES**

Speaker Pro Tempore Jackson announced that the membership of the Standing and Special Committees of the First Extraordinary Session of the Fifty-fourth Legislature shall be the same as for the regular session of the Fifty-fourth Legislature.

### **MILEAGE REPORT**

Pursuant to the federal mileage allowable, effective January 1, 2013, Representative Peterson moved adoption of the Report on Mileage Allowance prepared by the Office of the Comptroller and for said Report to be printed in the House Journal, which motion was declared adopted.

| Name                                 | Mileage<br>Round Trip | Amount<br>Due |
|--------------------------------------|-----------------------|---------------|
| Don Armes, Faxon and return          | 223                   | 126.00        |
| Gary Banz, Midwest City and return   | 0                     | 0             |
| John R. Bennett, Sallisaw and return | 328                   | 185.32        |

|  |     |        |
|--|-----|--------|
| Scott Biggs, Chickasha and return          | 108 | 61.02  |
| Lisa Billy, Lindsay and return             | 102 | 57.63  |
| Gus Blackwell, Laverne and return          | 372 | 210.18 |
| Mike Brown, Fort Gibson and return         | 314 | 177.41 |
| David Brumbaugh, Broken Arrow and return   | 216 | 122.04 |
| Ed Cannaday, Porum and return              | 280 | 158.20 |
| Dennis Casey, Morrison and return          | 180 | 101.70 |
| Mike Christian, Oklahoma City and return   | 0   | 0      |
| Bobby Cleveland, Norman and return         | 85  | 48.03  |
| Josh Cockroft, Tecumseh and return         | 86  | 48.59  |
| Donnie Condit, McAlester and return        | 290 | 163.85 |
| Ann Coody, Lawton and return               | 170 | 96.05  |
| Marian Cooksey, Edmond and return          | 24  | 13.56  |
| Doug Cox, Grove and return                 | 446 | 251.99 |
| David Dank, Oklahoma City and return       | 0   | 0      |
| Lee Denney, Cushing and return             | 134 | 75.71  |
| David Derby, Owasso and return             | 252 | 142.38 |
| Dale DeWitt, Braman and return             | 234 | 132.21 |
| Joe Dorman, Rush Springs and return        | 132 | 74.58  |
| Jon Echols, Oklahoma City and return       | 0   | 0      |
| John T. Enns, Enid and return              | 200 | 113.00 |
| Dan Fisher, El Reno and return             | 54  | 30.51  |
| Kay Floyd, Oklahoma City and return        | 3   | 1.70   |
| William T. Fourkiller, Stilwell and return | 412 | 232.78 |
| Larry Glenn, Miami and return              | 392 | 221.48 |
| Randy Grau, Edmond and return              | 26  | 14.69  |
| Elise Hall, Oklahoma City and return       | 0   | 0      |
| Rebecca Hamilton, Oklahoma City and return | 17  | 9.61   |
| Tommy C. Hardin, Madill and return         | 252 | 142.38 |
| Katie Henke, Tulsa and return              | 206 | 116.39 |
| Jeff Hickman, Fairview and return          | 214 | 120.91 |
| Chuck Hoskin, Vinita and return            | 354 | 200.01 |
| Arthur Hulbert, Ft. Gibson and return      | 308 | 174.02 |
| Scott Inman, Del City and return           | 28  | 15.82  |
| Mike Jackson, Enid and return              | 204 | 115.26 |
| Dennis Johnson, Duncan and return          | 170 | 96.05  |
| Fred Jordan, Jenks and return              | 202 | 114.13 |
| Charlie Joyner, Midwest City and return    | 14  | 7.91   |
| Sally Kern, Oklahoma City and return       | 20  | 11.30  |
| Dan Kirby, Tulsa and return                | 222 | 125.43 |
| Steve Kouplen, Beggs and return            | 220 | 124.30 |
| James Lockhart, Heavener and return        | 408 | 230.52 |
| Scott Martin, Norman and return            | 54  | 30.51  |
| Steve Martin, Bartlesville and return      | 316 | 178.54 |
| Kevin Matthews, Tulsa and return           | 213 | 120.35 |
| Mark McBride, Moore and return             | 0   | 0      |
| Charles McCall, Atoka and return           | 262 | 148.03 |
| Mark McCullough, Sapulpa and return        | 198 | 111.87 |

|  |     |        |
|--|-----|--------|
| Curtis McDaniel, Smithville and return       | 446 | 251.99 |
| Jeannie McDaniel, Tulsa and return           | 206 | 116.39 |
| Randy McDaniel, Oklahoma City and return     | 30  | 16.95  |
| Skye McNiel, Bristow and return              | 152 | 85.88  |
| Jerry McPeak, Warner and return              | 270 | 152.55 |
| Lewis Moore, Arcadia and return              | 36  | 20.34  |
| Richard Morrisette, Oklahoma City and return | 20  | 11.30  |
| Glen Mulready, Tulsa and return              | 200 | 113.00 |
| Jason Murphey, Guthrie and return            | 52  | 29.38  |
| Jason Nelson, Oklahoma City and return       | 18  | 10.17  |
| Tom Newell, Seminole and return              | 120 | 67.80  |
| Jadine Nollan, Sand Springs and return       | 208 | 117.52 |
| Terry O'Donnell, Catoosa and return          | 238 | 134.47 |
| Charles Ortega, Altus and return             | 290 | 163.85 |
| Leslie Osborn, Mustang and return            | 50  | 28.25  |
| Pat Ownbey, Ardmore and return               | 192 | 108.48 |
| David Perryman, Chickasha and return         | 105 | 59.33  |
| Pam Peterson, Tulsa and return               | 204 | 115.26 |
| Anastasia Pittman, Oklahoma City and return  | 16  | 9.04   |
| Eric Proctor, Tulsa and return               | 212 | 119.78 |
| R. C. Pruett, Antlers and return             | 300 | 169.50 |
| Marty L. Quinn, Claremore and return         | 272 | 153.68 |
| Brian Renegar, McAlester and return          | 304 | 171.76 |
| Mike Reynolds, Oklahoma City and return      | 34  | 19.21  |
| Mike Ritze, Broken Arrow and return          | 232 | 131.08 |
| Dustin Roberts, Durant and return            | 302 | 170.63 |
| Sean Roberts, Hominy and return              | 240 | 135.60 |
| Wade Rousselot, Wagoner and return           | 314 | 177.41 |
| Todd Russ, Cordell and return                | 206 | 116.39 |
| Mike Sanders, Kingfisher and return          | 104 | 58.76  |
| Colby Schwartz, Yukon and return             | 36  | 20.34  |
| Seneca Scott, Tulsa and return               | 224 | 126.56 |
| Earl Sears, Bartlesville and return          | 290 | 163.85 |
| T. W. Shannon, Lawton and return             | 198 | 111.87 |
| Mike Shelton, Oklahoma City and return       | 6   | 3.39   |
| Ben Sherrer, Chouteau and return             | 276 | 155.94 |
| Jerry Shoemake, Morris and return            | 232 | 131.08 |
| Jason Smalley, Stroud and return             | 111 | 62.72  |
| Aaron Stiles, Norman and return              | 54  | 30.51  |
| Todd Thomsen, Ada and return                 | 185 | 104.53 |
| John Trebilcock, Broken Arrow and return     | 224 | 126.56 |
| Mike Turner, Edmond and return               | 0   | 0      |
| Steven E. Vaughan, Ponca City and return     | 224 | 126.56 |
| Emily Virgin, Norman and return              | 0   | 0      |
| Ken Walker, Tulsa and return                 | 214 | 120.91 |
| Weldon Watson, Tulsa and return              | 214 | 120.91 |
| Paul Wesselhoft, Moore and return            | 24  | 13.56  |
| Cory Williams, Stillwater and return         | 128 | 72.32  |

|                                       |     |       |
|---------------------------------------|-----|-------|
| Justin Wood, Shawnee and return       | 70  | 39.55 |
| Harold Wright, Weatherford and return | 152 | 85.88 |

**FIRST READING**

Speaker Pro Tempore Jackson announced pursuant to House Rule 8.3 the following were introduced and read for the first time:

**HB 1001** – By Blackwell.

An Act relating to officers; amending 51 O.S. 2011, Section 155, as last amended by Section 34, Chapter 15, O.S.L. 2013, which relates to The Governmental Tort Claims Act; modifying exemptions from liability; and making certain provision inapplicable based on certain conditions.

**HB 1002** – By Shannon of the House and Bingman and Sykes of the Senate.

An Act relating to The Governmental Tort Claims Act; repealing Section 85, Chapter 228, O.S.L. 2009, which relates to exclusions from governmental tort liability; amending 51 O.S. 2011, Section 155, as last amended by Section 34, Chapter 15, O.S.L. 2013, which relates to exclusions from governmental tort liability; modifying exclusions; amending 51 O.S. 2011, Section 155, as last amended by Section 2 of this act, which relates to exclusions from governmental tort liability; modifying exclusions; providing for construction of act; providing for noncodification; and declaring an emergency.

**HB 1003** – By Shannon of the House and Bingman and Sykes of the Senate.

An Act relating to civil procedure; repealing 12 O.S. 2011, Section 140.2, which relates to forum non conveniens; authorizing court to decline to exercise jurisdiction under certain circumstances; requiring consideration of certain factors; providing for codification; and declaring an emergency.

**HB 1004** – By Shannon of the House and Bingman and Sykes of the Senate.

An Act relating to liability for manufacture, distribution or sale of firearms; repealing 76 O.S. 2011, Sections 51, 52, 53 and 54, which relate to liability for manufacture, distribution or sale of firearms; stating legislative findings; limiting liability for certain activity; limiting liability of certain associations for specified injury; stating applicability of act; clarifying provisions; providing for codification; and declaring an emergency.

**HB 1005** – By Shannon of the House and Bingman and Sykes of the Senate.

An Act relating to public health and safety; repealing 63 O.S. 2011, Sections 684.14, 684.15, 684.16, 684.17, 684.18, 684.19, 684.20, 684.21, 684.22, 684.23 and 684.24, which relate to the Uniform Emergency Volunteer Health Practitioners Act; repealing Section 19, Chapter 473, O.S.L. 2003 (63 O.S. Supp. 2008, Section 6602), which relates to emergency powers of public health authority; enacting the Uniform Emergency Volunteer Health Practitioners Act; providing short title; defining terms; providing for application; authorizing the State Department of Health to regulate volunteer health practitioners in a declared emergency; requiring certain consultation and compliance of specified host entities; setting requirements for a volunteer health practitioner registration system; permitting certain confirmation; requiring certain notification; authorizing host entities to refuse the services of a volunteer health practitioner; permitting certain volunteer health practitioners to practice in this state during a declared emergency; prohibiting certain volunteer health practitioners from certain protections; defining terms; clarifying

credentialing or privileging standards; requiring adherence to certain scopes of practice; prohibiting the providing of services outside a practitioner's scope of practice; authorizing the Department or a host entity to restrict certain services; providing certain protection; permitting certain licensing boards to impose administrative sanctions; requiring certain reporting; requiring certain consideration; providing for certain rights, privileges or immunities; permitting the Department to incorporate certain volunteer health practitioners; authorizing the State Board of Health to promulgate rules; requiring consideration for uniformity; providing for codification; and declaring an emergency.

**HB 1006** – By Shannon of the House and Bingman and Sykes of the Senate.

An Act relating to civil procedure; repealing Sections 14 and 15, Chapter 228, O.S.L. 2009, which relate to frivolous filings; amending 12 O.S. 2011, Sections 2011 and 2011.1, which relate to frivolous filings; modifying definition of frivolous; amending 12 O.S. 2011, Sections 2011 and 2011.1, as amended by Sections 2 and 4 of this act, which relate to frivolous filings; modifying definition of frivolous; providing for construction of act; providing for noncodification; and declaring an emergency.

**HB 1007** – By Shannon of the House and Bingman and Sykes of the Senate.

An Act relating to public health and safety; repealing Section 28, Chapter 228, O.S.L. 2009, which relates to peer review information; amending 63 O.S. 2011, Section 1-1709.1, which relates to peer review information; modifying definitions; modifying information subject to discovery; amending 63 O.S. 2011, Section 1-1709.1, as amended by Section 2 of this act, which relates to peer review information; modifying definitions; modifying information subject to discovery; providing for construction of act; providing for noncodification; and declaring an emergency.

**HB 1008** – By Shannon of the House and Bingman and Sykes of the Senate.

An Act relating to the Oklahoma Livestock Activities Liability Limitation Act; repealing Section 47, Chapter 228, O.S.L. 2009, which relates to definitions; amending 76 O.S. 2011, Section 50.2, which relates to definitions; modifying definitions; amending 76 O.S. 2011, Section 50.2, as amended by Section 2 of this act, which relates to definitions; modifying definitions; providing for construction of act; providing for noncodification; and declaring an emergency.

**HB 1009** – By Shannon of the House and Bingman and Sykes of the Senate.

An Act relating to schools; repealing 70 O.S. 2011, Sections 6-140, 6-141, 6-142, 6-143, 6-144, 6-145, 6-146, 6-147 and 6-148, which relate to the School Protection Act; creating the School Protection Act; stating purpose; defining terms; prohibiting certain acts and providing penalties therefor; providing for award of costs and reasonable attorney fees, with exception; authorizing expert witness fees; providing that insurance policies do not constitute waiver of any defense; prohibiting certain acts and making violations subject to out-of-school suspension; providing penalty is in addition to criminal liability; providing that certain education employees shall be entitled to leave of absence without loss of benefits; providing that the School Protection Act is in addition to and does not limit or amend The Governmental Tort Claims Act; providing for codification; and declaring an emergency.

**HB 1010** – By Shannon of the House and Bingman and Sykes of the Senate.

An Act relating to schools; repealing 70 O.S. 2011, Section 6-101.7, which relates to restrictions on attorneys involved in due process hearings; providing restrictions on attorneys involved in due process hearings; providing for codification; and declaring an emergency.

**HB 1011** – By Shannon of the House and Bingman and Sykes of the Senate.

An Act relating to civil procedure; repealing Sections 12 and 13, Chapter 228, O.S.L. 2009, which relate to pleadings; amending 12 O.S. 2011, Section 2008, which relates to general rules of pleading; modifying monetary threshold for which amount of damages is not specified; amending 12 O.S. 2011, Section 2008, as amended by Section 2 of this act, which relates to general rules of pleading; modifying monetary threshold for which amount of damages is not specified; amending 12 O.S. 2011, Section 2009, which relates to pleading special matters; removing provisions for motions to clarify damages for limited purpose; amending 12 O.S. 2011, Section 2009, as amended by Section 4 of this act, which relates to pleading special matters; providing for motions to clarify damages for limited purpose; providing for construction of act; providing for noncodification; and declaring an emergency.

**HB 1012** – By Shannon of the House and Bingman and Sykes of the Senate.

An Act relating to interest on judgments; repealing Section 7, Chapter 228, O.S.L. 2009, which relates to interest on judgments; repealing Section 7, Chapter 390, O.S.L. 2003 (63 O.S. Supp. 2008, Section 1-1708.1G), which relates to prejudgment interest in certain actions; amending 12 O.S. 2011, Section 727.1, as amended by Section 1, Chapter 48, O.S.L. 2013, which relates to interest on judgments; modifying time of accrual of prejudgment interest; modifying method of computing prejudgment interest; amending 12 O.S. 2011, Section 727.1, as last amended by Section 3 of this act, which relates to interest on judgments; modifying time of accrual of prejudgment interest; modifying method of computing prejudgment interest; providing for construction of act; providing for noncodification; and declaring an emergency.

**HB 1013** – By Shannon of the House and Bingman and Sykes of the Senate.

An Act relating to class action procedure; repealing Section 9, Chapter 228, O.S.L. 2009, which relates to appeals from certain orders and Section 16, Chapter 228, O.S.L. 2009, which relates to class actions; amending 12 O.S. 2011, Section 993, which relates to appeals from certain orders; modifying grounds for interlocutory orders; amending 12 O.S. 2011, Section 993, as amended by Section 3 of this act, which relates to appeals from certain orders; modifying grounds for interlocutory orders; amending 12 O.S. 2011, Section 2023, which relates to class actions; modifying notice requirements; removing class membership requirements; modifying procedure for dismissal or compromise; eliminating selection procedure for class counsel; eliminating authorization and procedure for attorney fees and nontaxable costs; amending 12 O.S. 2011, Section 2023, as amended by Section 5 of this act; modifying procedure for certification of a class action; providing requirements for orders entered after certain date certifying class action; providing for review of orders; providing for trial court jurisdiction over class action cases; providing for notice for class action cases; modifying notice requirements; limiting class membership; requiring court approval for proposed settlement, voluntary dismissal or compromise in class actions; providing procedures and requirements for motions filed after certain date; providing procedure for appointment of class counsel; providing factors to be considered in appointment of class counsel; authorizing certain orders by the court regarding class counsel; providing for interim counsel; providing for award of attorney fees and nontaxable costs in class actions; providing procedure and requirements for claims for award of attorney fees and costs; providing factors to be considered in motions filed after certain date; providing for appointment of counsel or referral of issue of referee; providing requirements for appointed attorney; providing factor to be considered in determining fair

and reasonable fee; providing for noncash payments in certain circumstances; providing for construction of act; providing for noncodification; and declaring an emergency.

**HB 1014** – By Shannon of the House and Bingman and Sykes of the Senate.

An Act relating to civil procedure; repealing Section 20, Chapter 228, O.S.L. 2009, which relates to discovery; amending 12 O.S. 2011, Section 3226, as last amended by Section 2, Chapter 278, O.S.L. 2012 (12 O.S. Supp. 2012, Section 3226), which relates to discovery; restoring outline; amending 12 O.S. 2011, Section 3226, as last amended by Section 2 of this act, which relates to discovery; correcting outline; providing for construction of act; providing for noncodification; and declaring an emergency.

**HB 1015** – By Shannon of the House and Bingman and Sykes of the Senate.

An Act relating to passenger restraint systems; repealing Sections 26 and 27, Chapter 228, O.S.L. 2009, which relate to passenger restraint systems; amending 47 O.S. 2011, Section 11-1112, as amended by Section 8, Chapter 283, O.S.L. 2012 (47 O.S. Supp. 2012, Section 11-1112), which relates to child passenger restraint systems; providing that certain evidence is not admissible in specific actions; amending 47 O.S. 2011, Section 11-1112, as last amended by Section 2 of this act, which relates to child passenger restraint systems; providing that certain evidence is admissible in specific actions; amending 47 O.S. 2011, Section 12-420, which relates to seat belts; providing that certain evidence is not admissible in civil actions; amending 47 O.S. 2011, Section 12-420, as amended by Section 4 of this act, which relates to seat belts; providing that certain evidence is admissible in civil actions; providing for construction of act; providing for noncodification; and declaring an emergency.

**HB 1016** – By Grau.

An Act relating to The Governmental Tort Claims Act; amending 51 O.S. 2011, Sections 152 and 153, which relate to The Governmental Tort Claims Act; modifying definition; modifying scope of liability; and declaring an emergency.

**HB 1017** – By Derby.

An Act relating to public health and safety; requiring certain emergency contraception to be dispensed by pharmacists to certain individuals without a prescription; providing for codification; and declaring an emergency.

**HB 1018** – By Perryman.

An Act relating to damages; repealing 23 O.S. 2011, Section 61.2, which relates to economic and noneconomic damages; providing for compensation in civil actions arising from claims of bodily injury; providing that economic damages shall not be subject to limitation; providing limit on amount of noneconomic damages, with exceptions; providing there shall be no limit on noneconomic damages in certain circumstances; requiring the jury to return a general verdict accompanied by specific answers to interrogatories; providing procedures for entering judgments; providing procedures regarding determination of noneconomic damages; providing exclusion for actions brought under The Governmental Tort Claims Act and for wrongful death actions; defining terms; providing for codification; and declaring an emergency.

**HB 1019** – By Perryman.

An Act relating to passenger restraint systems; repealing Sections 26 and 27, Chapter 228, O.S.L. 2009, which relate to passenger restraint systems; amending 47 O.S. 2011, Section 11-1112, as amended by Section 8, Chapter 283, O.S.L. 2012 (47 O.S. Supp. 2012, Section 11-1112), which relates to child passenger restraint systems; providing that certain evidence is not admissible in specific actions; amending 47 O.S. 2011, Section 11-1112, as

last amended by Section 2 of this act, which relates to child passenger restraint systems; providing that certain evidence is admissible in specific actions; amending 47 O.S. 2011, Section 12-420, which relates to seat belts; providing that certain evidence is not admissible in civil actions; amending 47 O.S. 2011, Section 12-420, as amended by Section 4 of this act, which relates to seat belts; providing that certain evidence is admissible in civil actions; providing for construction of act; providing for noncodification; and declaring an emergency.

**HB 1020** – By Perryman.

An Act relating to schools; repealing 70 O.S. 2011, Sections 6-140, 6-141, 6-142, 6-143, 6-144, 6-145, 6-146, 6-147 and 6-148, which relate to the School Protection Act; creating the School Protection Act; stating purpose; defining terms; prohibiting certain acts and providing penalties therefor; authorizing award of costs, with exception; authorizing expert witness fees; providing that insurance policies do not constitute waiver of any defense; prohibiting certain acts and making violations subject to out-of-school suspension; providing penalty is in addition to criminal liability; providing that certain education employees shall be entitled to leave of absence without loss of benefits; providing that the School Protection Act is in addition to and does not limit or amend The Governmental Tort Claims Act; providing for codification; and declaring an emergency.

**HB 1021** – By Perryman.

An Act relating to schools; repealing 70 O.S. 2011, Section 6-101.7, which relates to restrictions on attorneys involved in due process hearings; providing restrictions on attorneys involved in due process hearings; providing for codification; and declaring an emergency.

**HB 1022** – By Perryman.

An Act relating to torts; repealing 76 O.S. 2011, Sections 34, 35, 36 and 37, which relate to the Common Sense Consumption Act; creating the Common Sense Consumption Act; providing short title; stating legislative intent; defining terms; providing immunity from civil liability for certain claims; providing exception; establishing pleading requirements; providing for stay of discovery and other proceedings in certain circumstances; stating applicability of act; providing for codification; and declaring an emergency.

**HB 1023** – By Perryman.

An Act relating to civil procedure; repealing Section 8, Chapter 228, O.S.L. 2009, which relates to stays of enforcement of judgments; amending 12 O.S. 2011, Section 990.4, which relates to stays of enforcement of judgments; modifying grounds for obtaining stay of enforcement; limiting amount of appeal bond; authorizing court to enter certain orders; providing that appeal bonds shall not be required for certain appeals; amending 12 O.S. 2011, Section 990.4, as amended by Section 2 of this act, which relates to stays of enforcement of judgments; modifying grounds for obtaining stay of enforcement; modifying amount of appeal bond; providing for construction of act; providing for noncodification; and declaring an emergency.

**HB 1024** – By Perryman.

An Act relating to civil procedure; repealing 12 O.S. 2011, Section 2056, which relates to summary judgment; providing procedure for summary judgment and summary disposition of certain issues; and providing for codification.

**HB 1025** – By Perryman.

An Act relating to interest on judgments; repealing Section 7, Chapter 228, O.S.L. 2009, which relates to interest on judgments; repealing Section 7, Chapter 390, O.S.L. 2003 (63 O.S. Supp. 2008, Section 1-1708.1G), which relates to prejudgment interest in certain actions; amending 12 O.S. 2011, Section 727.1, as amended by Section 1, Chapter 48, O.S.L. 2013, which relates to interest on judgments; modifying time of accrual of prejudgment interest; modifying method of computing prejudgment interest; amending 12 O.S. 2011, Section 727.1, as last amended by Section 3 of this act, which relates to interest on judgments; modifying time of accrual of prejudgment interest; modifying method of computing prejudgment interest; providing for construction of act; providing for noncodification; and declaring an emergency.

**HB 1026** – By Perryman.

An Act relating to civil procedure; repealing Sections 5 and 6, Chapter 228, O.S.L. 2009, which relate to dismissal of actions; amending 12 O.S. 2011, Sections 683 and 684, which relate to dismissal of actions; modifying procedure for dismissal; amending 12 O.S. 2011, Sections 683 and 684, as amended by Sections 2 and 4 of this act, which relate to dismissal of actions; modifying procedure for dismissal; repealing Section 11, Chapter 228, O.S.L. 2009, which relates to process; amending 12 O.S. 2011, Section 2004, as amended by Section 2, Chapter 101, O.S.L. 2012 (12 O.S. Supp. 2013, Section 2004), which relates to process; modifying requirements for dismissal of certain actions; amending 12 O.S. 2011, Section 2004, as last amended by Section 7 of this act, which relates to process; making language gender neutral; requiring dismissal of action under certain circumstances; providing for construction of act; providing for noncodification; and declaring an emergency.

**RESOLUTIONS**

The following were introduced and read:

**HR 1001** – By Peterson.

A Resolution relating to the House of Representatives; establishing an order of business for the House of Representatives for the 1st Extraordinary Session of the 54th Oklahoma Legislature.

**HR 1002** – By Peterson.

A Resolution relating to the House Rules; establishing a Special Rule for House Bills 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014 and 1015 of the 1st Extraordinary Session of the 54th Oklahoma Legislature; providing that the Special Rule shall take precedence when in conflict with the House Rules; providing for strict construction of the Special Rule; and providing for termination of the Special Rule.

**HR 1003** – By Reynolds.

A Resolution memorializing Congress not to support military intervention in Syria; and directing distribution.

**MOTION**

Upon motion of Representative Cockroft, Mrs. Roberts was confirmed as House Chaplain for this legislative week.

**POINT OF ORDER**

Representative Reynolds raised a point of order as to why presently introduced measures should not be individually read for purposes of First Reading, to which the Presiding Officer referred to Section 8.3 of House Rules which states the publication of a bill or joint resolution by its title and bill number in the House Journal shall satisfy the requirements of First Reading. The Presiding Officer further stated that by operation of this rule, all introduced measures would be published in this legislative day's House Journal and considered First Read.

**MOTION**

Representative Dorman moved pursuant to the provisions of the Oklahoma Constitution to amend Amended Executive Order 2013-30 to expand the Call to include school safety and storm shelters.

Representative Watson moved to table the Dorman motion, which tabling motion was declared adopted upon roll call as follows:

Aye: Banz, Biggs, Billy, Blackwell, Brumbaugh, Casey, Cleveland, Cockroft, Coody, Denney, Derby, DeWitt, Echols, Fisher, Grau, Hall, Hardin, Henke, Hulbert, Jackson, Johnson, Jordan, Joyner, Kern, 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, Sears, Smalley, Stiles, Thomsen, Turner, Vaughan, Walker, Watson, Wood, Mr. Speaker.--57.

Nay: Cannaday, Condit, Dorman, Floyd, Fourkiller, Glenn, Hamilton, Hoskin, Inman, Kouplen, Lockhart, Matthews, McDaniel (Curtis), McDaniel (Jeannie), Perryman, Pittman, Proctor, Pruett, Renegar, Reynolds, Rousselot, Scott, Shelton, Sherrer, Shoemake, Wesselhoft.--26.

Excused: Armes, Bennett, Brown, Christian, Cooksey, Cox, Dank, Enns, Hickman, Kirby, McPeak, Morrissette, Ritze, Schwartz, Trebilcock, Virgin, Williams, Wright.--18.

**MOTION**

Representative Cannaday moved that the Legislature call upon the Governor to expand the Call to include school safety and storm shelters.

Representative Watson moved to table the Cannaday motion, which tabling motion was declared adopted upon roll call as follows:

Aye: Armes, Banz, Biggs, Billy, Brumbaugh, Casey, Cleveland, Cockroft, Coody, Denney, Derby, DeWitt, Echols, Fisher, Grau, Hall, Hardin, Henke, Hickman, Jackson, Johnson, Jordan, Kirby, Martin (Scott), Martin (Steve), McBride, McCall, McCullough, McDaniel (Randy), McNiel, Moore, Mulready, Murphey, Newell, O'Donnell, Ortega, Osborn, Ownbey, Peterson, Quinn, Roberts (Dustin), Roberts (Sean), Russ, Sanders, Sears, Smalley, Trebilcock, Turner, Vaughan, Walker, Watson, Wood, Wright, Mr. Speaker.--54.

Nay: Brown, Cannaday, Condit, Dorman, Floyd, Fourkiller, Glenn, Hamilton, Hoskin, Inman, Kouplen, Lockhart, Matthews, McDaniel (Curtis), Perryman, Pittman, Proctor, Pruett, Renegar, Rousselot, Scott, Shelton, Sherrer, Shoemake, Wesselhoft.--25.

Excused: Bennett, Blackwell, Christian, Cooksey, Cox, Dank, Enns, Hulbert, Joyner, Kern, McDaniel (Jeannie), McPeak, Morrisette, Nelson, Nollan, Reynolds, Ritze, Schwartz, Stiles, Thomsen, Virgin, Williams.--22.

**MOTION**

Representative Rousselot moved to amend Amended Executive Order 2013-30 to expand the Call to include the Oklahoma Department of Corrections and the salary of Correctional Officers.

Representative Watson moved to table the Rousselot motion, which tabling motion was declared adopted upon roll call as follows:

Aye: Armes, Banz, Bennett, Billy, Brumbaugh, Christian, Cleveland, Cockroft, Coody, Denney, Derby, DeWitt, Echols, Fisher, Grau, Hall, Henke, Hulbert, Jackson, Johnson, Jordan, Kern, Martin (Scott), Martin (Steve), McCullough, McDaniel (Randy), McNiel, Moore, Mulready, Murphey, Nelson, Newell, Nollan, Ortega, Osborn, Ownbey, Peterson, Quinn, Roberts (Dustin), Russ, Sanders, Sears, Smalley, Thomsen, Trebilcock, Turner, Vaughan, Walker, Watson, Wesselhoft, Wood, Wright, Mr. Speaker.--53.

Nay: Brown, Cannaday, Condit, Dorman, Floyd, Fourkiller, Glenn, Hamilton, Hoskin, Inman, Kirby, Kouplen, Lockhart, Matthews, McDaniel (Curtis), McDaniel (Jeannie), Perryman, Pittman, Proctor, Pruett, Renegar, Rousselot, Scott, Shelton, Sherrer, Shoemake.--26.

Excused: Biggs, Blackwell, Casey, Cooksey, Cox, Dank, Enns, Hardin, Hickman, Joyner, McBride, McCall, McPeak, Morrisette, O'Donnell, Reynolds, Ritze, Roberts (Sean), Schwartz, Stiles, Virgin, Williams.--22.

**MOTION**

Representative Lockhart moved that the Legislature call upon the Governor to expand the Call to include the Oklahoma Department of Corrections and the salary of Correctional Officers.

Representative Watson moved to table the Lockhart motion, which tabling motion was declared adopted upon roll call as follows:

Aye: Armes, Banz, Bennett, Blackwell, Brumbaugh, Casey, Christian, Cleveland, Cockroft, Coody, Denney, Derby, DeWitt, Echols, Fisher, Grau, Hall, Hardin, Henke, Hulbert, Jackson, Jordan, Joyner, Kern, Martin (Scott), Martin (Steve), McBride, McCullough, McDaniel (Randy), McNiel, Moore, Mulready, Murphey, Nelson, Newell, Nollan, O'Donnell, Ortega, Osborn, Ownbey, Peterson, Quinn, Roberts (Dustin), Russ, Sanders, Sears, Smalley, Stiles, Trebilcock, Turner, Walker, Watson, Wesselhoft, Wood, Wright, Mr. Speaker.--56.

Nay: Brown, Cannaday, Condit, Dorman, Floyd, Fourkiller, Glenn, Hamilton, Hickman, Hoskin, Inman, Kirby, Kouplen, Lockhart, Matthews, McDaniel (Curtis), McDaniel (Jeannie), Perryman, Pittman, Proctor, Pruett, Renegar, Rousselot, Scott, Shelton, Sherrer, Shoemake.--27.

Excused: Biggs, Billy, Cooksey, Cox, Dank, Enns, Johnson, McCall, McPeak, Morrisette, Reynolds, Ritze, Roberts (Sean), Schwartz, Thomsen, Vaughan, Virgin, Williams.--18.

**MOTION**

Representative McDaniel (Curtis) moved to amend Amended Executive Order 2013-30 to expand the Call to include the Oklahoma Highway Patrol and compensation of State Troopers.

Representative Watson moved to table the McDaniel (Curtis) motion, which tabling motion was declared adopted upon roll call as follows:

Aye: Armes, Banz, Bennett, Biggs, Billy, Blackwell, Brumbaugh, Casey, Cleveland, Cockroft, Coody, Denney, Derby, DeWitt, Echols, Fisher, Hall, Hardin, Henke, Hickman, Hulbert, Jackson, Johnson, Jordan, Joyner, 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), Sanders, Sears, Smalley, Stiles, Trebilcock, Turner, Vaughan, Walker, Watson, Wesselhoft, Wood, Wright, Mr. Speaker.--59.

Nay: Brown, Cannaday, Condit, Dorman, Floyd, Fourkiller, Glenn, Grau, Hamilton, Hoskin, Inman, Kirby, Kouplen, Lockhart, Matthews, McDaniel (Curtis), McDaniel (Jeannie), Morrisette, Perryman, Pittman, Proctor, Pruett, Renegar, Rousselot, Scott, Shelton, Sherrer, Shoemake.--28.

Excused: Christian, Cooksey, Cox, Dank, Enns, Kern, McPeak, Reynolds, Ritze, Russ, Schwartz, Thomsen, Virgin, Williams.--14.

## **MOTION**

Representative Shelton moved that the Legislature call upon the Governor to expand the Call to include the Oklahoma Highway Patrol and compensation of State Troopers.

Representative Watson moved to table the Shelton motion, which tabling motion was declared adopted upon roll call as follows:

Aye: Armes, Banz, Biggs, Billy, Blackwell, Brumbaugh, Casey, Cleveland, Cockroft, Coody, Denney, Derby, DeWitt, Echols, Fisher, Grau, Hall, Hardin, Henke, Hulbert, Jackson, Johnson, Jordan, Joyner, Kern, Martin (Scott), McBride, McCall, McCullough, McDaniel (Randy), McNiel, Moore, Mulready, Murphey, Nelson, Newell, Nollan, O'Donnell, Ortega, Osborn, Ownbey, Peterson, Quinn, Roberts (Dustin), Roberts (Sean), Sears, Smalley, Trebilcock, Turner, Vaughan, Walker, Watson, Wesselhoft, Wood, Wright, Mr. Speaker.--56.

Nay: Brown, Cannaday, Condit, Dorman, Floyd, Fourkiller, Glenn, Hamilton, Hickman, Hoskin, Inman, Kirby, Kouplén, Matthews, McDaniel (Curtis), McDaniel (Jeannie), Morrissette, Perryman, Pittman, Proctor, Pruett, Renegar, Rousselot, Scott, Shelton, Sherrer, Shoemaker.--27.

Excused: Bennett, Christian, Cooksey, Cox, Dank, Enns, Lockhart, Martin (Steve), McPeak, Reynolds, Ritze, Russ, Sanders, Schwartz, Stiles, Thomsen, Virgin, Williams.--18.

## **MOTION**

Representative McDaniel (Jeannie) moved to amend Amended Executive Order 2013-30 to include Insure Oklahoma.

Representative Watson moved to table the McDaniel (Jeannie) motion, which tabling motion was declared adopted upon roll call as follows:

Aye: Armes, Banz, Biggs, Billy, Blackwell, Brumbaugh, Casey, Cleveland, Cockroft, Coody, Denney, Derby, DeWitt, 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, O'Donnell, Ortega, Ownbey, Peterson, Quinn, Roberts (Dustin), Roberts (Sean), Russ, Sanders, Sears, Trebilcock, Turner, Vaughan, Walker, Watson, Wesselhoft, Wood, Wright, Mr. Speaker.--57.

Nay: Brown, Condit, Dorman, Floyd, Fourkiller, Glenn, Hamilton, Hoskin, Inman, Kouplén, Lockhart, Matthews, McDaniel (Curtis), McDaniel (Jeannie), Morrissette, Perryman, Proctor, Pruett, Rousselot, Scott, Shelton, Sherrer, Shoemaker.--23.

Excused: Bennett, Cannaday, Christian, Cooksey, Cox, Dank, Echols, Enns, McPeak, Nollan, Osborn, Pittman, Renegar, Reynolds, Ritze, Schwartz, Smalley, Stiles, Thomsen, Virgin, Williams.--21.

## **MOTION**

Representative Brown moved that the Legislature call upon the Governor to expand the Call to include Insure Oklahoma.

Representative Watson moved to table the Brown motion, which tabling motion was declared adopted upon roll call as follows:

Aye: Armes, Banz, Bennett, Biggs, Billy, Blackwell, Brumbaugh, Casey, Cleveland, Cockroft, Coody, Denney, Derby, DeWitt, Fisher, Grau, Hall, Hardin, Henke, Hulbert, Jackson, Johnson, Jordan, Joyner, Kern, Kirby, Martin (Scott), Martin (Steve), McBride, McCullough, McDaniel (Randy), McNiell, Moore, Mulready, Murphey, Nelson, Newell, Nollan, O'Donnell, Ortega, Osborn, Ownbey, Peterson, Quinn, Roberts (Dustin), Roberts (Sean), Russ, Sanders, Sears, Smalley, Trebilcock, Turner, Vaughan, Walker, Watson, Wesselhoft, Wright, Mr. Speaker.--58.

Nay: Brown, Cannaday, Condit, Floyd, Fourkiller, Glenn, Hamilton, Hoskin, Inman, Kouplen, Lockhart, Matthews, McDaniel (Curtis), McDaniel (Jeannie), Morrisette, Pittman, Proctor, Pruett, Rousselot, Scott, Shelton, Sherrer, Shoemaker.--23.

Excused: Christian, Cooksey, Cox, Dank, Dorman, Echols, Enns, Hickman, McCall, McPeak, Perryman, Renegar, Reynolds, Ritze, Schwartz, Stiles, Thomsen, Virgin, Williams, Wood.--20.

## **POINT OF INQUIRY**

Representative Reynolds raised a point of inquiry as to why the amendment software was not accepting proposed floor amendments during Special Session, to which the Presiding Officer responded that no measure had yet been scheduled on the Floor Calendar, thus no opportunity presently existed for filing amendments.

## **REPORT FROM CALENDAR COMMITTEE**

The Calendar Committee met on Tuesday, September 3, 2013, and approved the following measure with an Open Rule to be placed on the Floor Agenda: **HR 1001**.

**ANNOUNCEMENTS**

The Speaker announced the following appointments:

June 5, 2013 – Representative Nollan appointed as an ex officio Member of the Oklahoma Juvenile Justice Reform Committee (Executive Order 2013-18)

June 5, 2013 – Representative Watson appointed as an ex officio Member of the Pipeline Safety Task Force (Executive Order 2013-19)

June 5, 2013 – Representative Brumbaugh appointed as an ex officio Member of the Oklahoma Port Task Force (Executive Order 2013-14)

June 5, 2013 – Representative Coody appointed as an ex officio Member of the School Transportation Task Force (Executive Order 2013-13)

June 11, 2013 – Representative Biggs appointed as a Member of the Oklahoma State Council for Interstate Adult Offender Supervision (22 O.S. § 1094)

July 8, 2013 – The Speaker appointed the following as Members of the Standing Committees of the National Conference of State Legislators 2013-2014 term of the 54th Oklahoma Legislature (Bylaws of the National Conference of State Legislators):

Budgets and Revenue – Representatives Hickman, Martin (Scott), McNiell, McPeak, Morrisette, Newell, Proctor, Sanders and Sears

Communications, Financial Services and Interstate Commerce – Representatives Kirby, McCall, Mulready, Quinn, Roberts (Dustin), Rousselot, Schwartz and Shelton

Education – Representatives Blackwell, Cannaday, Casey, Coody, Denney, McDaniel (Jeannie), Smalley, Thomsen, Virgin and Wright

Energy, Transportation and Agriculture – Representatives Armes, Billy, Brown, Brumbaugh, Cockroft, DeWitt, Glenn, Inman, Joyner, Kouplen, Lockhart, Renegar, Roberts (Sean), Trebilcock, Vaughan, Watson and Wesselhoft

Environment – Representatives McBride, Moore, Pruett, Reynolds and Scott

Health – Representatives Banz, Bennett, Cox, Dank, Derby, Enns, Fourkiller, Hamilton, Hardin, Hoskin, Hulbert and Ritze

Human Services and Welfare – Representatives Kern, Nelson, Nollan, Ownbey, Peterson and Pittman

Labor and Economic Development – Representatives Cleveland, Henke, Matthews, McDaniel (Curtis), McDaniel (Randy), Ortega and Perryman

Law and Criminal Justice – Representatives Biggs, Christian, Echols, Floyd, Grau, Johnson, Jordan, Martin (Steve), McCullough, Osborn, Sherrer, Stiles and Williams

Legislative Effectiveness – Representatives Condit, Cooksey, Dorman, Fisher, Hall, Jackson, Murphey, O'Donnell, Russ, Shoemake, Turner, Walker and Wood

July 10, 2013 – Representative Watson appointed as an ex officio Member of the Grand River Dam Authority (GRDA) Task Force (Executive Order 2013-27)

August 19, 2013 – Representative Nelson appointed as a Member of the Rethinking Special Education, Competency and Transition (RESPECT) Task Force (HB 1264, § 1, 2013)

August 22, 2013 – Representative Quinn appointed as a Member of the House Calendar Committee, replacing Representative McNiell (House Rule 1.10)

## **MOTION**

Representative Johnson moved that when the clerk's desk is clear, the House stand adjourned to reconvene at 1:30 p.m., Wednesday, September 4, 2013.

Representative Inman raised a point of order stating that he had previously scheduled a motion to adjourn with the Majority Floor Leader and as such, his motion should receive priority of consideration.

The Presiding Officer stated that when multiple motions of equal rank are scheduled with the Majority Floor Leader, the Majority Floor Leader is not obligated to seek recognition of those motions in a specific order. There is no House precedent that states that motions of equal rank must be recognized in a specific order.

Representative Inman appealed the ruling of the Presiding Officer receiving the required 15 seconds.

"The question is, shall the decision of the Presiding Officer be the decision of the House? All those in favor signify by voting 'Aye'; those opposed 'Nay'. The vote is now in progress."

The decision of the Presiding Officer was upheld upon roll call as follows:

Aye: Armes, Banz, Bennett, Biggs, Billy, Blackwell, Brumbaugh, Casey, Cleveland, Cockroft, Coody, Denney, Derby, DeWitt, Echols, Fisher, Hall, Hardin, Henke, Hulbert, Jackson, Johnson, Jordan, Joyner, Kern, Martin (Scott), Martin (Steve), McBride, McCall, McCullough, McDaniel (Randy), McNiel, Moore, Mulready, Murphey, Nelson, Newell, Nollan, O'Donnell, Ortega, Osborn, Ownbey, Peterson, Quinn, Russ, Sanders, Sears, Smalley, Stiles, Thomsen, Trebilcock, Turner, Vaughan, Walker, Watson, Wesselhoft, Wood, Wright, Mr. Speaker.--59.

Nay: Brown, Cannaday, Condit, Dorman, Floyd, Glenn, Hamilton, Hoskin, Inman, Kouplun, Lockhart, Matthews, McDaniel (Curtis), McDaniel (Jeannie), Morrisette, Perryman, Pittman, Proctor, Pruett, Renegar, Rousselot, Scott, Shelton, Sherrer, Shoemake, Williams.--26.

Excused: Christian, Cooksey, Cox, Dank, Enns, Fourkiller, Grau, Hickman, Kirby, McPeak, Reynolds, Ritze, Roberts (Dustin), Roberts (Sean), Schwartz, Virgin.--16.

Representative Johnson pressed his motion that the House stand adjourned until Wednesday, September 4, 2013, at 1:30 p.m., which motion was declared adopted upon roll call as follows:

Aye: Banz, Bennett, Biggs, Billy, Brumbaugh, Casey, Cleveland, Cockroft, Coody, Denney, Derby, DeWitt, Echols, Fisher, Hall, Hardin, Henke, Hickman, Hulbert, Jackson, Johnson, Jordan, Joyner, Kern, Martin (Scott), Martin (Steve), McBride, McCall, McCullough, McDaniel (Randy), McNiel, Moore, Mulready, Murphey, Nelson, Newell, O'Donnell, Ortega, Osborn, Ownbey, Peterson, Quinn, Roberts (Sean), Russ, Sanders,

Sears, Smalley, Stiles, Thomsen, Trebilcock, Turner, Vaughan, Walker, Watson, Wesselhoft, Wood, Wright, Mr. Speaker.--58.

Nay: Cannaday, Condit, Dorman, Floyd, Glenn, Hamilton, Hoskin, Inman, Lockhart, Matthews, McDaniel (Curtis), Morrissette, Perryman, Pittman, Proctor, Pruett, Renegar, Rousselot, Scott, Shelton, Sherrer, Shoemake, Williams.--23.

Excused: Armes, Blackwell, Brown, Christian, Cooksey, Cox, Dank, Enns, Fourkiller, Grau, Kirby, Kouplen, McDaniel (Jeannie), McPeak, Nollan, Reynolds, Ritze, Roberts (Dustin), Schwartz, Virgin.--20.

Pursuant to the motion of Representative Johnson, the House was adjourned at 2:15 p.m., to reconvene Wednesday, September 4, 2013, at 1:30 p.m.