

HOUSE JOURNAL

Second Regular Session of the Fifty-fourth Legislature

of the State of Oklahoma

Fifty-fifth Legislative Day, Monday, May 12, 2014

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

The roll was called with 98 Members present.

The following Members were excused: Cox, Fourkiller, Shannon.—3.

Speaker Pro Tempore Jackson declared a quorum present.

Prayer was offered by Director John Talley, Fellowship of Christian Athletes, Stillwater. Director Talley was sponsored by Representative Thomsen.

The Journal for the last legislative day was approved.

ENGROSSED AND ENROLLED MEASURES

HBs 1378, 2338 and 2837 were reported correctly enrolled and, after fourth reading, properly signed, in open session, and ordered transmitted to the Honorable Senate.

Representative Newell Presiding

MESSAGES FROM THE SENATE

Advising fourth reading of and transmitting for signature Enrolled **SBs 341, 991, 1508 and 1538**.

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

Advising the signing of and transmitting for signature Enrolled **SCR 42**.

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

Rejection of HAs rescinded

Advising the Honorable House of Representatives that the Senate has rescinded the rejection of **HAs** to the following:

SB 1744

SB 1746

PENDING CONSIDERATION OF CCR

The **2nd CCR** on **HB 1875** was called up for consideration.

Coauthored by Representative(s) Murphey, Walker

Upon motion of Representative McCall, the **2nd CCR** on **HB 1875** was adopted.

HB 1875, as amended in conference, 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, Brown, Brumbaugh, Cannaday, Casey, Christian, Cleveland, Cockroft, Condit, Coody, Cooksey, Dank, Denney, Derby, DeWitt, Dorman, Echols, Enns, Fisher, Floyd, Glenn, Grau, Hall, Hardin, Henke, Hoskin, Hulbert, Inman, Jackson, Jackson, Johnson, Jordan, Joyner, Kern, Kirby, Kouplen, Martin (Scott), Matthews, McBride, McCall, McCullough, McDaniel (Curtis), McDaniel (Jeannie), McDaniel (Randy), McNiel, McPeak, Moore, Morrissette, Mulready, Murphey, Nelson, Newell, Nollan, O'Donnell, Ortega, Osborn, Ownbey, Perryman, Peterson, Pittman, Proctor, Pruett, Quinn, Renegar, Roberts (Dustin), Roberts (Sean), Russ, Sanders, Schwartz, Sears, Shelton, Sherrer, Shoemake, Smalley, Stiles, Thomsen, Trebilcock, Turner, Vaughan, Virgin, Walker, Watson, Wesselhoft, Wood, Wright, Mr. Speaker.--91.

Nay: Reynolds, Ritze, Williams.--3.

Excused: Cox, Fourkiller, Hamilton, Lockhart, Rousselot, Scott, Shannon.--7.

The measure passed.

HB 1875, together with the conference committee report, thereon, was ordered transmitted to the Honorable Senate.

GENERAL ORDER

SB 2126 by Jolley et al of the Senate and Martin (Scott) et al of the House was read and considered.

Representative Reynolds raised a point of order that **SB 2126** was not available on the Floor Agenda, to which the Presiding Officer ruled the point well taken and **SB 2126** was laid over.

Speaker Pro Tempore Jackson Presiding

MESSAGES FROM THE SENATE

Advising naming Senate Conferees as follows:

SB 1887 - Justice, Fields, Barrington, Marlatt, Garrison, Ballenger

Conference granted

Advising conference granted and the Senate naming conferees as follows:

HB 2130 - Griffin, Sykes, Johnson (Rob), Treat, McAffrey, Burrage

HB 2241 - Griffin, Crain, Johnson (Rob), Loveless, McAffrey, Ivester

HB 2249 - Standridge, Sykes, Brecheen, Simpson, Ivester, Garrison

HB 2748 - Newberry, Brown, Treat, Sykes, Sparks, Ballenger

HB 3345 - Loveless, Newberry, David, Sharp, Shumate, Paddack

HB 3472 - Griffin, Sykes, Johnson (Rob), Loveless, McAffrey, Burrage

HB 3473 - Treat, Sykes, Brinkley, Griffin, Garrison, Ivester

HB 3474 - Treat, Barrington, Brinkley, Griffin, Garrison, Ivester

Returning enrolled measures

Announcing that Enrolled **HBs 1378, 2338** and **2837** 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.

Conference granted, GCCA

Advising conference granted and the Senate naming GCCA as Senate conferees to the following:

HB 2562

HB 3211

HB 3213

PENDING CONSIDERATION OF SAs

SAs to HB 2625 were called up for consideration.

Coauthored by Representative(s) Dorman, Hulbert, McBride, Brown

Representative Nelson moved to reject the **SAs to HB 2625**, request conference with instructions as follows:

“That Section 1 be deleted and replaced with a new Section 1; and by inserting a new Section 2.”

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

Aye: Armes, Banz, Bennett, Biggs, Billy, Blackwell, Brown, Brumbaugh, Cannaday, Casey, Christian, Cleveland, Cockroft, Condit, Coody, Cooksey, Denney, Derby, DeWitt, Dorman, Floyd, Glenn, Grau, Hall, Hardin, Henke, Hoskin, Hulbert, Inman, Jackson, Jackson, Jordan, Joyner, Kirby, Kouplén, Martin (Scott), McBride, McCall, McCullough, McDaniel (Curtis), McDaniel (Jeannie), McNiel, McPeak, Moore, Morrisette, Mulready, Nollan, O'Donnell, Ortega, Osborn, Ownbey, Perryman, Pittman, Proctor, Pruett, Quinn, Renegar, Roberts (Dustin), Russ, Sanders, Schwartz, Scott, Sears, Shelton, Sherrer, Shoemake, Smalley, Stiles, Thomsen, Vaughan, Virgin, Walker, Watson, Williams, Wood, Wright, Mr. Speaker.--77.

Nay: Dank, Echols, Enns, Fisher, Johnson, Kern, Murphey, Nelson, Newell, Peterson, Reynolds, Ritze, Roberts (Sean), Turner, Wesselhoft.--15.

Excused: Cox, Fourkiller, Hamilton, Lockhart, Matthews, McDaniel (Randy), Rousselot, Shannon, Trebilcock.--9.

Representative Inman moved to extend debate time to thirty (30) minutes per side, which motion failed of adoption upon a division of the question.

Upon motion of Representative Henke, the House concurred in the **SAs to HB 2625** upon roll call as follows:

Aye: Armes, Banz, Bennett, Biggs, Billy, Blackwell, Brown, Brumbaugh, Cannaday, Casey, Christian, Cleveland, Cockroft, Condit, Coody, Cooksey, Dank, Denney, Derby, DeWitt, Dorman, Echols, Fisher, Floyd, Glenn, Grau, Hall, Hardin, Henke, Hoskin, Hulbert, Inman, Jackson, Jackson, Jordan, Joyner, Kirby, Kouplén, Lockhart, Martin (Scott), McBride, McCall, McCullough, McDaniel (Curtis), McDaniel (Jeannie), McDaniel (Randy), McNiel, McPeak, Morrisette, Mulready, Newell, Nollan, O'Donnell, Ortega, Osborn, Ownbey, Perryman, Pittman, Proctor, Pruett, Quinn, Renegar, Roberts (Dustin), Roberts (Sean), Russ, Sanders, Schwartz, Scott, Sears, Shelton, Shoemake, Smalley, Stiles, Thomsen, Turner, Vaughan, Virgin, Walker, Watson, Williams, Wood, Wright, Mr. Speaker.--83.

Nay: Enns, Johnson, Kern, Moore, Murphey, Nelson, Peterson, Reynolds, Ritze, Trebilcock, Wesselhoft.--11.

Excused: Cox, Fourkiller, Hamilton, Matthews, Rousselot, Shannon, Sherrer.--7.

Representative Stiles Presiding

HB 2625, 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, Brown, Brumbaugh, Cannaday, Casey, Christian, Cleveland, Cockroft, Condit, Coody, Cooksey, Dank, Denney, Derby, DeWitt, Dorman, Echols, Fisher, Floyd, Glenn, Grau, Hall, Hamilton, Hardin, Henke, Hoskin, Hulbert, Inman, Jackson, Jackson, Johnson, Jordan, Joyner, Kern, Kirby, Kouplen, Lockhart, Martin (Scott), Matthews, McBride, McCall, McCullough, McDaniel (Curtis), McDaniel (Jeannie), McDaniel (Randy), McNiel, Moore, Morrissette, Mulready, Murphey, Newell, Nollan, O'Donnell, Ortega, Osborn, Ownbey, Perryman, Peterson, Pittman, Proctor, Pruett, Quinn, Renegar, Roberts (Dustin), Roberts (Sean), Rousselot, Russ, Sanders, Schwartz, Sears, Shelton, Shoemake, Smalley, Stiles, Thomsen, Turner, Vaughan, Virgin, Walker, Watson, Williams, Wood, Wright, Mr. Speaker.--89.

Nay: Enns, Nelson, Reynolds, Ritze, Trebilcock, Wesselhoft.--6.

Excused: Cox, Fourkiller, McPeak, Scott, Shannon, Sherrer.--6.

The measure passed.

Representative Henke served notice to reconsider the vote whereby **HB 2625** passed.

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

Aye: Armes, Banz, Bennett, Biggs, Billy, Blackwell, Brown, Brumbaugh, Cannaday, Casey, Christian, Cockroft, Condit, Coody, Cooksey, Dank, Denney, Derby, DeWitt, Dorman, Echols, Enns, Floyd, Glenn, Hall, Hamilton, Hardin, Henke, Hoskin, Hulbert, Inman, Jackson, Jackson, Johnson, Jordan, Joyner, Kirby, Kouplen, Lockhart, Martin (Scott), Matthews, McBride, McCall, McCullough, McDaniel (Curtis), McDaniel (Jeannie), McDaniel (Randy), McNiel, Moore, Morrissette, Mulready, Murphey, Newell, Nollan, O'Donnell, Ortega, Osborn, Ownbey, Perryman, Peterson, Pittman, Proctor, Pruett, Quinn, Renegar, Roberts (Dustin), Roberts (Sean), Rousselot, Russ, Sanders, Schwartz, Sears, Shelton, Shoemake, Smalley, Stiles, Turner, Vaughan, Walker, Watson, Wood, Wright, Mr. Speaker.--83.

Nay: Fisher, Kern, Nelson, Reynolds, Ritze, Wesselhoft.--6.

Excused: Cleveland, Cox, Fourkiller, Grau, McPeak, Scott, Shannon, Sherrer, Thomsen, Trebilcock, Virgin, Williams.--12.

The emergency passed.

Representative Reynolds served notice to reconsider the vote whereby the emergency passed.

Representative Henke moved to reconsider the vote whereby **HB 2625** passed.

Representative Blackwell moved to table the Henke motion, which tabling motion prevailed.

CONFERENCE GRANTED

Upon motion of Representative Peterson, the House granted the request of the Honorable Senate for conference on the following measures and the Speaker named conferees:

SB 331 – GCCA

SB 1820 – Conference Committee on Public Safety

SB 1905 – Conference Committee on Judiciary

SB 1914 – Conference Committee on Judiciary

CCRs SUBMITTED

The conference committee reports were read on the following measures:

HB 1020

HB 1623 (3rd), Remove Senator McAffrey as principal Senate author and substitute with Senator Griffin

HB 2614, Coauthored by Representative(s) Kern, Enns, and Senator(s) Boggs

FIRST READING

The following were introduced and read for the first time:

HB 3509 – By Hickman of the House and Bingman of the Senate.

An Act relating to revenue and taxation; amending 68 O.S. 2011, Section 1357, as last amended by Section 1, Chapter 364, O.S.L. 2013 (68 O.S. Supp. 2013, Section 1357), which relates to exemptions; directing the Oklahoma Tax Commission to issue a separate exemption card to certain persons authorized to make purchases on behalf of an eligible veteran; and declaring an emergency.

HB 3510 – By Hickman of the House and Bingman of the Senate.

An Act relating to crimes and punishments; amending 21 O.S. 2011, Section 733, which relates to justifiable homicide; clarifying certain provision; defining term; and declaring an emergency.

HB 3511 – By Hickman of the House and Bingman of the Senate.

An Act relating to state government; amending 74 O.S. 2011, Sections 85.5, as amended by Section 737, Chapter 304, O.S.L. 2012 and 85.12 (74 O.S. Supp. 2013, Section 85.5), which relate to The Oklahoma Central Purchasing Act; modifying provisions related to use of state purchasing card; modifying provisions related to acquisition of certain utility services; and declaring an emergency.

RESOLUTIONS

The following was introduced and read:

HR 1064 – By Roberts (Sean).

A Resolution recognizing the year 2014 as the 60th anniversary of "under God" addition to the United States Pledge of Allegiance.

MESSAGES FROM THE GOVERNOR

Advising of her approval of **HBs 1384, 2328, 2334, 2375, 2387, 2533, 2909** and **2977** on May 9, 2014.

Advising of her veto of **HB 2527** on May 9, 2014. The veto message reads as follows:

To the Honorable Speaker of the House
and Members of the House of Representatives
Second Regular Session, Fifty-fourth Oklahoma Legislature

Enrolled House Bill No. **2527**

By: Floyd et al of the House and Ivester et al of the Senate

This is to advise you that on this date, pursuant to the authority vested in me by Section 11 of Article VI of the Oklahoma Constitution to approve or object to legislation presented to me, I have VETOED House Bill **2527**.

House Bill **2527** creates the Domestic Violence Legal Assistance Revolving Fund by allowing Oklahoma taxpayers to make a donation out of their state tax return. Taxpayers would be able to indicate their wish to make the donation on their individual or corporate income tax return. The Fund, which would be administered by the Attorney General, would provide financial assistance to indigent domestic violence victims for legal services.

Current law already provides for this benefit for domestic violence victims. In fact, current law provides a much broader benefit for domestic violence *and* sexual assault victims. Title 68 Section 2368.22, enacted January 1, 2012 created the Domestic Violence and Sexual Assault Services Revolving Fund. Taxpayers currently have the identical ability to indicate on individual and corporate income tax returns their desire to donate to this fund. This fund is identically administered by the Attorney General and can provide financial

assistance to victims of domestic violence and sexual assault for any services, including legal services, relating to their victimization.

Additionally, current law provides if the total contributions to any one of the funds created through donations or contributions from income tax refunds by checking the appropriate box on the income tax return forms do not equal \$15,000.00 or more for three consecutive years, the designation for the fund shall be removed from the forms. In its first year, the Domestic Violence and Sexual Assault Services Revolving Fund did not meet this threshold. Thus, the creation of a fund with a more narrow purpose puts at risk both funds, which would result in fewer resources for victims of domestic violence and sexual assault.

By the Governor of the State of Oklahoma

/s/ Mary Fallin

Advising of her approval of **HBs 2100, 2190, 2486, 2676, 2912, 3018, 3157, 3184, 3251 and 3280** on May 12, 2014.

Representative Peterson moved that when the clerk's desk is clear, the House stand adjourned to reconvene at 9:00 a.m., Tuesday, May 13, 2014, which was the order.

Pursuant to the motion of Representative Peterson, the House was adjourned at 4:30 p.m., to reconvene Tuesday, May 13, 2014, at 9:00 a.m.