HOUSE JOURNAL

First Regular Session of the Fifty-fifth Legislature

of the State of Oklahoma

Tenth Legislative Day, Monday, February 16, 2015

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

The roll was called with 96 Members present.

The following Members were excused: Enns, Fourkiller, Murdock, Scott, Williams.—5.

The Speaker Pro Tempore declared a quorum present.

Prayer was offered by Minister Steve Minor, Kingfisher Church of Christ, Kingfisher. Minister Minor was sponsored by Representative Sanders.

The Journal for the last legislative day was approved.

ENGROSSED AND ENROLLED MEASURES

HBs 1007, 1034, 1066, 1079, 1273, 1320, 1330 and **1450** were reported correctly engrossed, properly signed, in open session, and ordered transmitted to the Honorable Senate.

HR 1006 was reported correctly enrolled, properly signed, in open session, and ordered transmitted to the Secretary of State.

MEASURES REASSIGNED

The following measures were reassigned:

HB 1283 – Withdrawn from Rules and referred to Energy and Natural Resources.
HB 1735 – Withdrawn from Rules and referred to Business, Labor and Retirement Laws.
HB 2132 – Withdrawn from Rules and referred to Common Education.

GENERAL ORDER

HB 1033 by Kirby of the House and Sparks of the Senate was read and considered.

Representative Kirby moved that **HB 1033** be advanced from General Order, which motion was declared adopted.

THIRD READING

HB 1033 was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Banz, Biggs, Billy, Brown, Brumbaugh, Caldwell, Calvey, Cannaday, Casey, Christian, Cleveland, Cockroft, Condit, Coody (Ann), Coody (Jeff), Cooksey, Cox, Dank, Denney, Derby, Dunlap, Dunnington, Echols, Faught, Fisher, Grau, Griffith, Hall, Hardin, Hoskin, Inman, Johnson, Jordan, Joyner, Kannady, Kern, Kirby, Leewright, Lepak, Lockhart, Loring, Martin (Scott), Matthews, McBride, McCall, McCullough, McDaniel (Jeannie), McDaniel (Randy), McPeak, Montgomery, Moore, Mulready, Murphey, Nelson, Newell, Nollan, O'Donnell, Ortega, Osborn, Ownbey, Park, Perryman, Peterson, Pfeiffer, Proctor, Pruett, Renegar, Ritze, Roberts (Dustin), Roberts (Sean), Rogers, Rousselot, Russ, Sanders, Sears, Shelton, Sherrer, Shoemake, Stone, Strohm, Tadlock, Thomsen, Vaughan, Walker, Wallace, Wesselhoft, Wood, Wright, Young, Mr. Speaker.--90.

Excused: Bennett, Enns, Fourkiller, Henke, Kouplen, Morrissette, Murdock, Scott, Virgin, Watson, Williams.--11.

The measure passed.

HB 1033 was referred for engrossment.

GENERAL ORDER

HB 1806 by Banz of the House and Justice of the Senate was read and considered.

Representative Loring moved to amend **HB 1806**, Page 1, Section 1, Line 17 by inserting before the word "If" the letter "A."; Page 2, Section 1, Line 7 by striking all language beginning with the word "at" through the word "facility" and inserting in lieu thereof the following language: "as authorized by Section 752 of this title"; and Page 3, Section 1, Line 3 by inserting a new subsection "B." to read as follows:

"B. The Department shall immediately reinstate the driving privilege of the person if:

1. The arrested person was required to submit to the testing of his or her blood or breath pursuant to the provisions of a search warrant despite his or her refusal to submit to testing; and

2. The Department receives a written blood or breath test report that reflects the arrested person did not have any measurable quantity of alcohol, any other intoxicating substance, or the combination of alcohol and any other intoxicating substance in the arrested person's blood or breath.", which amendment was declared adopted.

Representative Banz moved that **HB 1806** be advanced from General Order, which motion was declared adopted.

THIRD READING

HB 1806 was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Banz, Biggs, Brown, Brumbaugh, Caldwell, Calvey, Cannaday, Casey, Christian, Cleveland, Cockroft, Condit, Coody (Ann), Coody (Jeff), Cooksey, Cox, Dank, Denney, Derby, Dunlap, Dunnington, Echols, Faught, Fisher, Grau, Hall, Hardin, Hoskin, Inman, Johnson, Jordan, Joyner, Kannady, Kern, Kirby, Leewright, Lepak, Lockhart, Loring, Martin (Scott), McBride, McCall, McCullough, McDaniel (Randy), McPeak, Montgomery, Moore, Mulready, Murphey, Nelson, Newell, Nollan, O'Donnell, Ortega, Osborn, Ownbey, Park, Perryman, Peterson, Pfeiffer, Proctor, Pruett, Ritze, Roberts (Dustin), Roberts (Sean), Rogers, Rousselot, Russ, Sanders, Sears, Shoemake, Stone, Strohm, Tadlock, Thomsen, Vaughan, Walker, Wallace, Watson, Wesselhoft, Wood, Wright, Mr. Speaker.--83.

Nay: Griffith, Matthews, McDaniel (Jeannie), Shelton, Sherrer, Virgin, Young.--7.

Excused: Bennett, Billy, Enns, Fourkiller, Henke, Kouplen, Morrissette, Murdock, Renegar, Scott, Williams.--11.

The measure passed.

HB 1806 was referred for engrossment.

MESSAGES FROM THE SENATE

Announcing the passage of **SCR 8**. The measure was introduced and read.

SCR 8 – By Mazzei of the Senate and Peterson of the House.
A Concurrent Resolution congratulating the Class 3A volleyball state champions, the Regent Prep Lady Rams; applauding their years of hard work and dedication leading to five consecutive state titles; wishing the team's five seniors well in their future endeavors; and directing distribution.

GENERAL ORDER

HB 1275 by Cockroft of the House was read and considered.

Coauthored by Representative(s) Ritze, Strohm

Authored by Senator Jolley (principal Senate author)

Representative Cockroft moved to suspend House Rule 8.6 for the purpose of allowing consideration of an untimely filed floor amendment, which motion was declared adopted upon roll call as follows:

Aye: Banz, Biggs, Brumbaugh, Caldwell, Calvey, Casey, Christian, Cleveland, Cockroft, Coody (Ann), Coody (Jeff), Cooksey, Cox, Dank, Denney, Derby, Dunlap, Echols, Faught, Fisher, Grau, Hall, Hardin, Johnson, Jordan, Joyner, Kannady, Kern, Kirby, Leewright, Lepak, Martin (Scott), McBride, McCall, McCullough, McDaniel (Randy), Montgomery, Moore, Mulready, Murphey, Nelson, Newell, Nollan, O'Donnell, Ortega, Osborn, Ownbey, Park, Peterson, Pfeiffer, Pruett, Ritze, Roberts (Dustin), Roberts (Sean), Rogers, Russ, Sanders, Sears, Strohm, Thomsen, Vaughan, Walker, Wallace, Watson, Wesselhoft, Wood, Wright, Mr. Speaker.--68.

Nay: Brown, Cannaday, Condit, Dunnington, Griffith, Hoskin, Inman, Lockhart, Loring, Matthews, McDaniel (Jeannie), McPeak, Perryman, Proctor, Renegar, Rousselot, Shelton, Sherrer, Shoemake, Stone, Tadlock, Virgin, Young.--23.

Excused: Bennett, Billy, Enns, Fourkiller, Henke, Kouplen, Morrissette, Murdock, Scott, Williams.--10.

Representative Cockroft moved to amend **HB 1275** by striking Sections 1, 2 and 3 in their entirety and inserting the following language:

"SECTION 1. AMENDATORY 26 O.S. 2011, Section 13A-103, is amended to read as follows:
A. The ~~election~~ Primary Election of members of the board of education of every school district and technology center school district shall be conducted on the second

Tuesday in February of each year, except in any year when a Presidential Preferential Primary is held in February, then the election shall be held on the same day as the Presidential Preferential Primary.

~~If no candidate receives more than fifty percent (50%) of the votes cast in the election provided for in this subsection, an election between the two candidates with the highest number of votes shall be conducted on the first Tuesday in April of that year.~~

If more than two candidates qualify to have their names appear on the ballot for the board of education, the names of all such candidates shall appear on the Primary Election ballot. The names of the two candidates receiving the highest number of votes at the Primary Election shall appear on the General Election ballot to be held on the first Tuesday in April of that year. If only two candidates qualify to have their names appear on the ballot for the board of education, the names of both candidates shall appear on the General Election ballot to be held on the first Tuesday in April of that year.

B. Elections on the question of making a levy or levies for schools under Section 9, Section 9B or Section 10 of Article X of the Oklahoma Constitution shall be held on the second Tuesday in February of each year, except in any year when a Presidential Preferential Primary is held in February, then the election shall be held on the same day as the Presidential Preferential Primary.

C. The board of education of every school district or technology center school district may call a special election for the purpose of voting on any matter or question authorized by law.", which amendment was declared adopted.

Representative Cockroft moved that **HB 1275** be advanced from General Order, which motion was declared adopted.

THIRD READING

HB 1275 was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Banz, Biggs, Billy, Brumbaugh, Caldwell, Calvey, Christian, Cleveland, Cockroft, Coody (Ann), Coody (Jeff), Cooksey, Cox, Dank, Denney, Derby, Dunlap, Echols, Faught, Fisher, Grau, Hall, Johnson, Jordan, Joyner, Kannady, Kern, Leewright, Lepak, Martin (Scott), McBride, McCall, McCullough, McDaniel (Randy), Montgomery, Moore, Mulready, Murphey, Nelson, Newell, O'Donnell, Ortega, Osborn, Ownbey, Park, Peterson, Pfeiffer, Pruett, Ritze, Roberts (Dustin), Roberts (Sean), Rogers, Russ, Sanders, Strohm, Vaughan, Walker, Wallace, Watson, Wesselhoft, Wood, Wright, Mr. Speaker.--63.

Nay: Brown, Cannaday, Casey, Condit, Dunnington, Griffith, Hardin, Hoskin, Inman, Kirby, Lockhart, Loring, Matthews, McDaniel (Jeannie), McPeak, Morrissette, Nollan, Perryman, Proctor, Renegar, Rousselot, Sears, Shelton, Sherrer, Shoemake, Stone, Tadlock, Thomsen, Virgin, Young.--30.

Excused: Bennett, Enns, Fourkiller, Henke, Kouplen, Murdock, Scott, Williams.--8.

The measure passed.

HB 1275 was referred for engrossment.

MOTION EXPIRED

Time expired for consideration of the motion to reconsider the vote whereby **HB 1409** passed.

Coauthored by Representative(s) Vaughan

HB 1409 was referred for engrossment.

COMMITTEE REPORTS

The following were reported by the committees named, ordered printed and placed on the Calendar unless otherwise indicated:

DO PASS:

HB 1772 – Banking and Financial Services

DO PASS, As Amended:

CS for **HB 1113** – Public Safety, Authored by Senator Paddack (principal Senate author)
CS for **HB 1776** – Public Safety
CS for **HJR 1016** – Rules, Authored by Senator Griffin (principal Senate author)

Representative Nelson moved that when the clerk's desk is clear, the House stand adjourned to reconvene at 9:00 a.m., Tuesday, February 17, 2015, which was the order.

Pursuant to the motion of Representative Nelson, the House was adjourned at 2:15 p.m., to reconvene Tuesday, February 17, 2015, at 9:00 a.m.