

HOUSE JOURNAL

First Regular Session of the Fifty-fifth Legislature

of the State of Oklahoma

Fifteenth Legislative Day, Tuesday, February 24, 2015

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

The roll was called with 98 Members present.

The following Members were excused: Dank, Enns, Matthews.—3.

The Speaker Pro Tempore declared a quorum present.

Prayer was offered by Pastor Semaj Vanzant, Christ United Methodist Church, Oklahoma City. Pastor Vanzant was sponsored by Representative Young.

The Journal for the last legislative day was approved.

ENGROSSED AND ENROLLED MEASURES

HBs 1045, 1114, 1150, 1437, 1514, 1683 and 1749 were reported correctly engrossed, properly signed, in open session, and ordered transmitted to the Honorable Senate.

MEASURES REASSIGNED

The following measure was reassigned:

HB 1858 – Withdrawn from Appropriations and Budget and referred to Joint Committee on Appropriations and Budget.

GENERAL ORDER

HB 1747 by Newell et al of the House and Schulz et al of the Senate was read and considered.

Coauthored by Representative(s) Vaughan

Coauthored by Senator(s) Boggs, Smalley

Representative Newell moved that **HB 1747** be advanced from General Order, which motion was declared adopted.

THIRD READING

HB 1747 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, Cannaday, Casey, Christian, Cleveland, Cockroft, Condit, Coody (Ann), Coody (Jeff), Denney, Derby, Dunlap, Echols, Griffith, Hall, Hardin, Hoskin, Johnson, Jordan, Kannady, Kirby, Kouplen, Leewright, Lepak, Lockhart, Loring, Martin (Scott), McBride, McCall, McCullough, McDaniel (Randy), Mulready, Murdock, Murphey, Newell, Nollan, O'Donnell, Ortega, Ownbey, Park, Perryman, Peterson, Pfeiffer, Pruett, Ritze, Roberts (Dustin), Rogers, Rousselot, Russ, Sanders, Sears, Strohm, Tadlock, Vaughan, Walker, Watson, Wesselhoft, Wood, Wright.--64.

Nay: Brown, Dunnington, McDaniel (Jeannie), McPeak, Morrisette, Proctor, Renegar, Sherrer, Stone, Virgin, Young.--11.

Excused: Bennett, Cooksey, Cox, Dank, Enns, Faught, Fisher, Fourkiller, Grau, Henke, Inman, Joyner, Kern, Matthews, Montgomery, Moore, Nelson, Osborn, Roberts (Sean), Scott, Shelton, Shoemake, Thomsen, Wallace, Williams, Mr. Speaker.--26.

The measure passed.

HB 1747 was referred for engrossment.

GENERAL ORDER

HB 1402 by Pfeiffer of the House was read and considered.

Authored by Senator Smalley (principal Senate author)

Representative Lockhart moved to table **HB 1402**, which motion failed of adoption upon a division of the question.

Upon request of Representative Pfeiffer, **HB 1402** was laid over.

GENERAL ORDER

HB 1825 by Martin of the House and Standridge of the Senate was read and considered.

Representative Martin moved that **HB 1825** be advanced from General Order, which motion was declared adopted.

THIRD READING

HB 1825 was read at length for the third time. On passage of the measure and emergency, the roll call was as follows:

Aye: Banz, Biggs, Billy, Brumbaugh, Caldwell, Calvey, Cannaday, Casey, Cleveland, Cockroft, Condit, Coody (Ann), Coody (Jeff), Cooksey, Cox, Denney, Derby, Dunlap, Dunnington, Fourkiller, Griffith, Hall, Henke, Hoskin, Inman, Johnson, Joyner, Kannady, Kern, Kirby, Kouplen, Leewright, Lepak, Loring, Martin (Scott), McBride, McCall, McCullough, McDaniel (Jeannie), McDaniel (Randy), Montgomery, Moore, Mulready, Murdock, Murphey, Nelson, Newell, Nollan, O'Donnell, Park, Perryman, Peterson, Pfeiffer, Proctor, Pruett, Renegar, Rogers, Rousselot, Russ, Sears, Sherrer, Shoemake, Thomsen, Vaughan, Virgin, Watson, Wesselhoft, Wright, Mr. Speaker.--69.

Nay: Bennett, Christian, Echols, Fisher, Hardin, Jordan, Lockhart, McPeak, Morrisette, Ownbey, Ritze, Roberts (Dustin), Roberts (Sean), Sanders, Shelton, Stone, Strohm, Tadlock, Walker, Wallace, Young.--21.

Excused: Brown, Dank, Enns, Faught, Grau, Matthews, Ortega, Osborn, Scott, Williams, Wood.--11.

The measure and emergency passed.

HB 1825 was referred for engrossment.

GENERAL ORDER

HB 1965 by O'Donnell et al of the House was read and considered.

Coauthored by Representative(s) Perryman, Christian, Sherrer, Virgin, Brown, Shelton, Montgomery, McDaniel (Jeannie), Hoskin

Authored by Senator Sharp (principal Senate author)

Representative Christian moved to amend **HB 1965** by inserting a new Section 1 to read as follows:

“SECTION 1. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

This act shall be known and may be cited as the ‘Trooper Nicholas Dees and Trooper Keith Burch Act of 2015’, and by renumbering subsequent sections.’”, which amendment was declared adopted.

Representative O’Donnell moved to amend **HB 1965**, Page 4, Section 1, Line 17 by deleting the word “operator” and inserting in lieu thereof the word “operation”; and Page 5, Section 1, Line 17 by deleting Paragraph 9 in its entirety beginning with the number “9.” through the word “radio”, which amendment was declared adopted.

Representative Inman 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: Brumbaugh, Cannaday, Christian, Condit, Cooksey, Dunnington, Fourkiller, Griffith, Hoskin, Inman, Kern, Kirby, Kouplen, Lockhart, Loring, McDaniel (Jeannie), McPeak, Morrisette, Perryman, Proctor, Pruett, Renegar, Rousselot, Sherrer, Shoemake, Stone, Tadlock, Virgin, Williams, Young.--30.

Nay: Banz, Bennett, Billy, Caldwell, Calvey, Casey, Cleveland, Cockroft, Coody (Ann), Coody (Jeff), Denney, Derby, Dunlap, Echols, Faught, Fisher, Hall, Hardin, Johnson, Jordan, Joyner, Kannady, Leewright, Lepak, Martin (Scott), McBride, McCall, McCullough, McDaniel (Randy), Montgomery, Moore, Mulready, Murdock, Murphey, Nelson, Newell, O’Donnell, Ownbey, Park, Peterson, Pfeiffer, Ritze, Roberts (Dustin), Rogers, Russ, Sanders, Sears, Shelton, Strohm, Thomsen, Vaughan, Walker, Wallace, Watson, Wood, Wright, Mr. Speaker.--57.

Excused: Biggs, Brown, Cox, Dank, Enns, Grau, Henke, Matthews, Nollan, Ortega, Osborn, Roberts (Sean), Scott, Wesselhoft.--14.

Representative O’Donnell moved that **HB 1965** be advanced from General Order, which motion was declared adopted.

Representative Johnson Presiding

THIRD READING

HB 1965 was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Banz, Bennett, Biggs, Billy, Brown, Brumbaugh, Caldwell, Calvey, Cannaday, Casey, Christian, Cleveland, Cockroft, Condit, Coody (Ann), Coody (Jeff), Cooksey, Cox, Denney, Derby, Dunlap, Dunnington, Echols, Faught, Fisher, Fourkiller, Grau, Griffith, Hall, Hardin, Henke, Hoskin, Inman, Johnson, Jordan, Joyner, Kannady, Kern, Kirby, Kouplen, Leewright, Lepak, Lockhart, Loring, Martin (Scott), McBride, McCall, McCullough, McDaniel (Jeannie), McDaniel (Randy), Montgomery, Moore, Morrisette, Mulready, Murdock, Nelson, Newell, Nollan, O'Donnell, Ortega, Osborn, Ownbey, Park, Perryman, Peterson, Pfeiffer, Proctor, Pruett, Renegar, Ritze, Roberts (Dustin), Roberts (Sean), Rogers, Rousselot, Russ, Sanders, Scott, Sears, Shelton, Sherrer, Shoemake, Stone, Strohm, Tadlock, Thomsen, Vaughan, Virgin, Walker, Wallace, Watson, Wesselhoft, Williams, Wood, Wright, Young, Mr. Speaker.--96.

Nay: McPeak, Murphey.--2.

Excused: Dank, Enns, Matthews.--3.

The measure passed.

HB 1965 was referred for engrossment.

MEASURES REASSIGNED

The following measures were reassigned:

HB 1091 – Withdrawn from Appropriations and Budget and referred to Joint Committee on Appropriations and Budget.

HB 1688 – Withdrawn from Appropriations and Budget and referred to Joint Committee on Appropriations and Budget.

HB 1719 – Withdrawn from Appropriations and Budget and referred to Joint Committee on Appropriations and Budget.

MESSAGES FROM THE SENATE

Announcing the passage of **SBs 42, 57, 134, 267, 352** and **455**. The measures were introduced and read for the first time.

SB 42 – By Barrington of the Senate and Johnson of the House.

An Act relating to memorial highway designations; designating the Representative W.D. "Bill" Bradley Memorial Highway; requiring certain markers; providing for codification; and providing an effective date.

SB 57 – By Anderson of the Senate and Williams of the House.

An Act relating to letters of guardianship; amending 30 O.S. 2011, Sections 1-123 and 4-307, which relate to letters of guardianship and annual reports; placing time limitation on validity of certain letters; updating language; providing for renewal of certain letters; clarifying statutory reference; and providing an effective date.

SB 134 – By Brooks of the Senate and Sanders of the House.

An Act relating to Oklahoma Highway Patrol; amending 47 O.S. 2011, Section 2-150, which relates to retention of property after retirement; modifying cost to be paid; and providing an effective date.

SB 267 – By Barrington and Allen of the Senate and Johnson of the House.

An Act relating to memorial highway designations; amending 69 O.S. 2011, Section 1600.1, as amended by Section 12, Chapter 372, O.S.L. 2013 (69 O.S. Supp. 2014, Section 1600.1), which relates to memorial highway designations; adding exception to requirements for the naming of certain transportation structures; designating the Command Sergeant Major Benny G. Adkins Highway; requiring certain markers; providing for codification; providing an effective date; and declaring an emergency.

SB 352 – By Newberry of the Senate and Echols of the House.

An Act relating to public bidding and public contracts; amending 60 O.S. 2011, Section 176, which relates to trusts in furtherance of public functions; clarifying statutory reference; authorizing certain public trusts and public agencies to provide certain local bid preference of certain amount; requiring entities to adopt certain rules; stating requirements; amending 61 O.S. 2011, Section 103, as last amended by Section 2, Chapter 186, O.S.L. 2013, (61 O.S. Supp. 2014, Section 103), which relates to the Public Competitive Bidding Act of 1974; providing for local bid preference for certain bids; and declaring an emergency.

SB 455 – By Brown of the Senate and Kirby of the House.

An Act relating to insurance; amending 36 O.S. 2011, Section 309.4, which relates to examination reports; eliminating requirement that insurance companies deliver certain reports and orders; amending 36 O.S. 2011, Section 312A, which relates to enforcement and recording of penalties and fees; specifying types of civil penalties and fees that may be enforced in certain manner; amending 36 O.S. 2011, Section 348.1, as amended by Section 3, Chapter 275, O.S.L. 2014 (36 O.S. Supp. 2014, Section 348.1), which relates to fees and licenses; updating citation; amending 36 O.S. 2011, Sections 608 and 609, which relate to authorization of insurers; updating and deleting citations; amending 36 O.S. 2011, Section 903.2, as amended by Section 16, Chapter 254, O.S.L. 2013 (36 O.S. Supp. 2014, Section 903.2), which relates to the Oklahoma Insurance Rating Act; modifying filing requirements; amending 36 O.S. 2011, Section 1435.2, which relates to the Oklahoma Producer Licensing Act; modifying definition; updating citations; amending 36 O.S. 2011,

Section 1441.1, which relates to the Third-Party Administrator Act; updating citations; amending 36 O.S. 2011, Section 1524, as amended by Section 6, Chapter 269, O.S.L. 2013 (36 O.S. Supp. 2014, Section 1524), which relates to the Risk-based Capital for Insurers Act; modifying required contents of certain required plan; amending 36 O.S. 2011, Section 1674, which relates to the Business Transacted with Producer Controlled Insurer Act; updating reference; amending 36 O.S. 2011, Section 4502, which relates to group accident and health insurance policies; modifying required policy provisions; making language gender neutral; amending 36 O.S. 2011, Section 6041, which relates to payments for emergency living expenses; expanding authorized forms of payments; amending 36 O.S. 2011, Section 6103.3, which relates to acts of insurance business; specifying certain persons for which certain remedies will be applicable; specifying certain prohibited acts; amending 36 O.S. 2011, Section 6811, which relates to the Medical Professional Liability Insurance Closed Claim Reports Act; authorizing the Insurance Commissioner to require certain filings; requiring certain reports be filed within certain time; eliminating requirement that certain claims be reported; repealing 36 O.S. 2011, Sections 924.4, as amended by Section 1, Chapter 44, O.S.L. 2012 and 924.5, as amended by Section 2, Chapter 44, O.S.L. 2012 (36 O.S. Supp. 2014, Sections 924.4 and 924.5), which relate to affidavits of exempt status; and providing an effective date.

As approved by the Joint Committee on Appropriations and Budget, advising passage and transmitting for consideration Engrossed **SB 820**. The measure was introduced and read for the first time.

SB 820 – By Jolley of the Senate and Sears of the House.

An Act relating to the Office of the Attorney General; reappropriating a certain amount of appropriations for the prosecution and defense of claims related to water and water rights in Oklahoma; making appropriations exempt from budget and category limits; and declaring an emergency.

COMMITTEE REPORTS

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

DO PASS:

HB 1078 – Children, Youth and Family Services, Authored by Senator Griffin (principal Senate author)

HB 1263 – Appropriations and Budget, Authored by Senator Dahm (principal Senate author)

HB 1281 – Appropriations and Budget, Authored by Senator Brooks (principal Senate author)

HB 1400 – Appropriations and Budget, Authored by Senator Sykes (principal Senate author)

HB 1854 – Children, Youth and Family Services, Authored by Senator David (principal Senate author)

HB 1918 – Children, Youth and Family Services

DO PASS, As Amended:

CS for HB 1354 – Transportation, Authored by Senator Fry (principal Senate author)

CS for HB 1361 – Public Safety, Coauthored by Representative(s) Loring, and Authored by Senator Sparks (principal Senate author)

CS for HB 1391 – Public Safety, Coauthored by Representative(s) Newell, Lockhart, Sanders, Loring, and Authored by Senator Marlatt (principal Senate author)

CS for HB 1407 – Appropriations and Budget, Authored by Senator Griffin (principal Senate author)

CS for HB 1454 – Utilities, Coauthored by Representative(s) Strohm, and Authored by Senator Quinn (principal Senate author)

CS for HB 1515 – Insurance, Coauthored by Representative(s) Coody (Ann), Derby, Moore, McDaniel (Jeannie), Morrisette, and Authored by Senator Sharp (principal Senate author)

CS for HB 1566 – Insurance, Authored by Senator David (principal Senate author)

CS for HB 1793 – Public Safety

CS for HB 1848 – Appropriations and Budget, Coauthored by Representative(s) Nelson, and Authored by Senator Treat (principal Senate author)

CS for HB 1882 – Public Safety, Authored by Senator Shortey (principal Senate author)

CS for HB 1900 – Appropriations and Budget, Authored by Senator Barrington (principal Senate author)

CS for HB 2042 – Public Safety

CS for HB 2161 – Appropriations and Budget

CS for HB 2211 – Public Safety

CS for HB 2217 – Insurance, Authored by Senator Stanislawski (principal Senate author)

Representative Billy moved that when the clerk's desk is clear, the House stand adjourned to reconvene at 1:30 p.m., Wednesday, February 25, 2015, which was the order.

Pursuant to the motion of Representative Billy, the House was adjourned at 10:45 a.m., to reconvene Wednesday, February 25, 2015, at 1:30 p.m.