

# HOUSE JOURNAL

**First Regular Session of the Fifty-fifth Legislature**

**of the State of Oklahoma**

**Fifty-first Legislative Day, Thursday, April 30, 2015**

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

The roll was called with 95 Members present.

The following Members were excused: Christian, Fourkiller, Kouplen, Murdock.—4.

Vacancy: District 73, District 85.—2.

The Speaker Pro Tempore declared a quorum present.

Prayer was offered by Pastor Derrek Belase, Prague and Arlington United Methodist Churches, Prague. Pastor Belase was sponsored by Speaker Pro Tempore Denney.

The Journal for the last legislative day was approved.

## **ENGROSSED AND ENROLLED MEASURES**

**HBs 1001, 1005, 1010, 1058, 1283, 1400, 1462, 1463, 1574, 1826, 1834, 1962, 1963, 1965, 2021 and 2128 and HJR 1012** were reported correctly enrolled and, after fourth reading, properly signed, in open session, and ordered transmitted to the Honorable Senate.

## **MESSAGES FROM THE SENATE**

Advising rejection of **HAs to SBs** and requesting conference thereon, the Senate naming conferees later: **SBs 85, 144, 165, 173, 342, 415, 436, 457, 502, 526 and 720.**

## **Concurrence in HAs**

Announcing the concurrence of Senate in **HAs to SBs 34, 92, 116, 155, 167, 180, 239, 269, 292, 352, 425, 453, 534, 542, 591 and 704** and the passage of said measures, as amended thereby.

**PENDING CONSIDERATION OF SAs**

**SAs to HB 1890** were called up for consideration.

Upon motion of Representative Kirby, the House concurred in the **SAs to HB 1890**.

**HB 1890**, 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: Biggs, Billy, Brown, Cannaday, Cockroft, Condit, Coody (Ann), Cox, Dunnington, Echols, Griffith, Henke, Inman, Kannady, Kirby, Leewright, Lockhart, Martin (Scott), Montgomery, Moore, Mulready, Nollan, O'Donnell, Ortega, Osborn, Ownbey, Perryman, Proctor, Pruett, Renegar, Rogers, Sanders, Sherrer, Shoemake, Stone, Vaughan, Walker, Watson, Wood.--39.

Nay: Banz, Bennett, Brumbaugh, Caldwell, Calvey, Casey, Cleveland, Cooksey, Denney, Derby, Dunlap, Enns, Faught, Fisher, Hall, Hardin, Hoskin, Johnson, Joyner, Kern, Lepak, McCall, McCullough, Murphey, Newell, Park, Peterson, Ritze, Russ, Sears, Shelton, Strohm, Thomsen, Wesselhoft, Wright, Young.--36.

Excused: Christian, Coody (Jeff), Fourkiller, Grau, Jordan, Kouplén, Loring, McBride, McDaniel (Jeannie), McDaniel (Randy), McPeak, Morrissette, Murdock, Nelson, Pfeiffer, Roberts (Dustin), Roberts (Sean), Rousselot, Scott, Tadlock, Virgin, Wallace, Williams, Mr. Speaker.--24.

Vacancy: District 73, District 85.--2.

The measure failed.

Representative Kirby served notice to reconsider the vote whereby **HB 1890** failed.

**SECOND READING**

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

**HJR 1028** – Administrative Rules

**HJR 1029** – Administrative Rules

**PENDING CONSIDERATION OF SAs**

**SAs to HB 1409** were called up for consideration.

Coauthored by Representative(s) Lockhart

Coauthored by Senator(s) Silk, Brecheen

Upon motion of Representative Billy, the House concurred in the **SAs** to **HB 1409**.

**HB 1409**, 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: Banz, Bennett, Biggs, Billy, Brown, Brumbaugh, Caldwell, Calvey, Casey, Cleveland, Cockroft, Condit, Coody (Ann), Coody (Jeff), Cooksey, Derby, Dunlap, Dunnington, Echols, Enns, Faught, Fisher, Grau, Hall, Hardin, Henke, Hoskin, Inman, Johnson, Jordan, Joyner, Kannady, Kern, Leewright, Lepak, Lockhart, Loring, Martin (Scott), McCall, McCullough, McDaniel (Randy), Montgomery, Moore, Mulready, Murphey, Newell, Nollan, O'Donnell, Ortega, Osborn, Ownbey, Park, Perryman, Peterson, Proctor, Pruett, Renegar, Rogers, Russ, Sanders, Sears, Sherrer, Shoemake, Stone, Strohm, Thomsen, Vaughan, Walker, Wallace, Watson, Wesselhoft, Wood, Wright, Young, Mr. Speaker.--75.

Nay: Cox, Griffith, Virgin.--3.

Excused: Cannaday, Christian, Denney, Fourkiller, Kirby, Kouplén, McBride, McDaniel (Jeannie), McPeak, Morrisette, Murdock, Nelson, Pfeiffer, Ritze, Roberts (Dustin), Roberts (Sean), Rousselot, Scott, Shelton, Tadlock, Williams.--21.

Vacancy: District 73, District 85.--2.

The measure passed.

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

## **PENDING CONSIDERATION OF SAs**

**SAs** to **HB 1614** were called up for consideration.

Coauthored by Representative(s) Newell

Upon motion of Representative Henke, the House concurred in the **SAs** to **HB 1614**.

**HB 1614**, as amended by the Honorable Senate, was read at length for the fourth time and the roll was called on the measure and emergency as follows:

Aye: Banz, Bennett, Biggs, Billy, Brumbaugh, Caldwell, Calvey, Cannaday, Casey, Cleveland, Cockroft, Condit, Coody (Ann), Coody (Jeff), Cooksey, Denney, Derby, Dunnington, Echols, Enns, Faught, Fisher, Grau, Griffith, Hall, Hardin, Henke, Hoskin, Inman, Johnson, Jordan, Joyner, Kannady, Kern, Kirby, Leewright, Lepak, Lockhart, Loring, Martin (Scott), McBride, McCall, McCullough, McDaniel (Jeannie), McDaniel (Randy), McPeak, Montgomery, Moore, Morrisette, Mulready, Murphey, Nelson, Newell, Nollan, O'Donnell, Ortega, Osborn, Ownbey, Park, Perryman, Peterson, Proctor, Pruett, Renegar, Roberts (Dustin), Rogers, Russ, Sanders, Scott, Sears, Shoemake, Stone, Strohm,

Thomsen, Vaughan, Virgin, Walker, Wallace, Watson, Williams, Wood, Wright, Young, Mr. Speaker.--84.

Nay: Cox, Shelton, Wesselhoft.--3.

Excused: Brown, Christian, Dunlap, Fourkiller, Kouplen, Murdock, Pfeiffer, Ritze, Roberts (Sean), Rousselot, Sherrer, Tadlock.--12.

Vacancy: District 73, District 85.--2.

The measure and emergency passed.

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

#### **PENDING CONSIDERATION OF SAs**

**SAs to HB 1825** were called up for consideration.

Upon motion of Representative Martin, the House concurred in the **SAs to HB 1825**.

**HB 1825**, 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: Banz, Bennett, Biggs, Billy, Brumbaugh, Caldwell, Calvey, Cannaday, Casey, Cleveland, Cockroft, Condit, Coody (Ann), Coody (Jeff), Cooksey, Cox, Denney, Derby, Dunlap, Echols, Enns, Fisher, Grau, Griffith, Hall, Hardin, Henke, Hoskin, Johnson, Jordan, Joyner, Kannady, Kern, Kirby, Leewright, Lepak, Loring, Martin (Scott), McBride, McCall, McCullough, McDaniel (Jeannie), McDaniel (Randy), McPeak, Montgomery, Moore, Mulready, Murphey, Nelson, Newell, Nollan, O'Donnell, Ortega, Osborn, Ownbey, Park, Perryman, Peterson, Proctor, Renegar, Roberts (Dustin), Roberts (Sean), Rogers, Russ, Sanders, Scott, Sears, Shoemake, Strohm, Thomsen, Vaughan, Virgin, Walker, Wallace, Watson, Wesselhoft, Wood, Wright, Mr. Speaker.--79.

Nay: Dunnington, Lockhart, Morrissette, Shelton, Stone, Williams, Young.--7.

Excused: Brown, Christian, Faught, Fourkiller, Inman, Kouplen, Murdock, Pfeiffer, Pruett, Ritze, Rousselot, Sherrer, Tadlock.--13.

Vacancy: District 73, District 85.--2.

The measure passed.

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

Aye: Banz, Biggs, Billy, Brumbaugh, Caldwell, Calvey, Casey, Cleveland, Cockroft, Coody (Ann), Coody (Jeff), Cooksey, Cox, Denney, Derby, Dunlap, Echols, Enns, Faught,

Fisher, Grau, Griffith, Hall, Hardin, Henke, 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, Roberts (Dustin), Roberts (Sean), Rogers, Russ, Sanders, Sears, Strohm, Thomsen, Vaughan, Virgin, Walker, Wallace, Watson, Wesselhoft, Wood, Wright, Mr. Speaker.--68.

Nay: Cannaday, Condit, Dunnington, Hoskin, Lockhart, Loring, McDaniel (Jeannie), McPeak, Morrisette, Perryman, Proctor, Scott, Shelton, Shoemake, Stone, Young.--16.

Excused: Bennett, Brown, Christian, Fourkiller, Inman, Kouplen, Murdock, Pfeiffer, Pruett, Renegar, Ritze, Rousselot, Sherrer, Tadlock, Williams.--15.

Vacancy: District 73, District 85.--2.

The emergency passed.

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

## **PENDING CONSIDERATION OF SAs**

**SAs to HB 1773** were called up for consideration.

Representative Morrisette raised a point of order as to whether the **SAs to HB 1773** were in order pursuant to Section 8.8 of House Rules. The Presiding Officer ruled that Section 8.8 of House Rules applied to amendments offered in the General Order phase of the legislative process and was not applicable to consideration of Senate Amendments. Representative Morrisette appealed the ruling of the Chair, which appeal was not recognized and was ruled dilatory due to the clarity of the rule.

Representative Morrisette then appealed the ruling of the Presiding Officer that the previously attempted appeal was dilatory receiving the required second of 1/15 of the membership.

“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: Banz, Bennett, Biggs, Billy, Brumbaugh, Caldwell, Calvey, Casey, Cleveland, Cockroft, Coody (Ann), Coody (Jeff), Cooksey, Cox, Denney, Derby, Dunlap, Echols, Enns, Faught, Fisher, Grau, Hall, Hardin, Henke, Johnson, Jordan, Joyner, Kannady, Kern, Kirby, Leewright, Lepak, Martin (Scott), McBride, McCall, McCullough, McDaniel (Randy), Montgomery, Moore, Mulready, Murphey, Nelson, Nollan, O'Donnell, Ortega,

Osborn, Park, Peterson, Roberts (Sean), Rogers, Russ, Sanders, Sears, Strohm, Thomsen, Vaughan, Walker, Wallace, Watson, Wesselhoft, Wood, Wright, Mr. Speaker.--64.

Nay: Cannaday, Condit, Griffith, Hoskin, Lockhart, Loring, McDaniel (Jeannie), McPeak, Morrisette, Perryman, Proctor, Renegar, Shelton, Shoemake, Stone, Virgin, Williams, Young.--18.

Excused: Brown, Christian, Dunnington, Fourkiller, Inman, Kouplen, Murdock, Newell, Ownbey, Pfeiffer, Pruett, Ritze, Roberts (Dustin), Rousselot, Scott, Sherrer, Tadlock.--17.

Vacancy: District 73, District 85.--2.

Representative Inman asked a ruling of the Presiding Officer whether the Senate Amendments are germane to **HB 1773**.

The Presiding Officer ruled the Senate Amendments nongermane and the point well taken.

**SAs to HB 1773** were rejected and conference requested upon motion of Representative McCall. The Speaker named the Conference Committee on Banking and Financial Services.

#### **PENDING CONSIDERATION OF SAs**

**SAs to HB 1628** were called up for consideration.

Upon motion of Representative Derby, the House concurred in the **SAs to HB 1628**.

**HB 1628**, 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: Banz, Bennett, Biggs, Billy, Brumbaugh, Caldwell, Calvey, Casey, Cleveland, Cockroft, Coody (Ann), Coody (Jeff), Cooksey, Cox, Denney, Derby, Dunlap, Echols, Enns, Faught, Fisher, Grau, Hall, Hardin, Henke, Johnson, Jordan, Joyner, Kannady, Kern, Kirby, Leewright, Lepak, Martin (Scott), McBride, McCall, McCullough, McDaniel (Randy), Montgomery, Moore, Mulready, Murphey, Nelson, Nollan, O'Donnell, Ortega, Osborn, Park, Peterson, Pfeiffer, Roberts (Dustin), Roberts (Sean), Rogers, Russ, Sanders, Sears, Strohm, Thomsen, Vaughan, Walker, Wallace, Watson, Wesselhoft, Wood, Wright, Mr. Speaker.--66.

Nay: Cannaday, Condit, Dunnington, Griffith, Hoskin, Inman, Lockhart, Loring, McDaniel (Jeannie), McPeak, Morrisette, Perryman, Proctor, Rousselot, Scott, Shelton, Shoemake, Stone, Virgin, Williams, Young.--21.

Excused: Brown, Christian, Fourkiller, Kouplén, Murdock, Newell, Ownbey, Pruett, Renegar, Ritze, Sherrer, Tadlock.--12.

Vacancy: District 73, District 85.--2.

The measure passed.

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

Aye: Banz, Bennett, Biggs, Billy, Brumbaugh, Caldwell, Calvey, Casey, Cleveland, Cockroft, Coody (Ann), Coody (Jeff), Cooksey, Cox, Denney, Derby, Dunlap, Echols, Enns, Faught, Fisher, Grau, Hall, Hardin, Henke, Johnson, Jordan, Joyner, Kannady, Kern, Leewright, Lepak, Martin (Scott), McBride, McCall, McCullough, McDaniél (Randy), Montgomery, Moore, Mulready, Murphey, Nelson, Nollan, O'Donnell, Ortega, Osborn, Park, Peterson, Pfeiffer, Roberts (Dustin), Roberts (Sean), Rogers, Russ, Sanders, Sears, Strohm, Thomsen, Vaughan, Walker, Wallace, Watson, Wesselhoft, Wood, Wright, Mr. Speaker.--65.

Nay: Cannaday, Condit, Dunnington, Griffith, Hoskin, Inman, Lockhart, Loring, McDaniél (Jeannie), McPeak, Morrissette, Perryman, Proctor, Renegar, Rousselot, Scott, Shelton, Shoemake, Stone, Virgin, Williams, Young.--22.

Excused: Brown, Christian, Fourkiller, Kirby, Kouplén, Murdock, Newell, Ownbey, Pruett, Ritze, Sherrer, Tadlock.--12.

Vacancy: District 73, District 85.--2.

The emergency failed.

Representative Derby served notice to reconsider the vote whereby the emergency failed.

## **MESSAGES FROM THE SENATE**

Advising naming Senate Conferees as follows:

- SB 85** – Mazzei, Boggs, Jech, Smalley, Jolley, Paddack, Wyrick
- SB 165** – Loveless, Stanislowski, Marlatt, Silk, Barrington, Wyrick, Bass
- SB 173** – Fry, Justice, Griffin, Dahm, Wyrick, Sparks, Treat
- SB 342** – Standridge, Mazzei, Newberry, Fry, Brinkley, Floyd, Garrison
- SB 415** – Brinkley, Jolley, Barrington, Jech, Ford, Paddack, Bass
- SB 436** – Quinn, Brown, Smalley, Simpson, Shortey, Wyrick, Sparks
- SB 457** – Griffin, Sykes, David, Treat, Yen, Floyd, Sparks
- SB 502** – Quinn, Mazzei, Schulz, Marlatt, Bingman, Bass, Matthews
- SB 526** – Shortey, Barrington, Brooks, Brecheen, Shaw, Paddack, Pittman

**Conferees named, GCCA**

Advising naming of GCCA as Senate Conferees as follows:

**SB 144**

**SB 720**

**PENDING CONSIDERATION OF SAs**

**SAs to HB 1116** were rejected and conference requested upon motion of Representative Cleveland. The Speaker named GCCA.

**PENDING CONSIDERATION OF SAs**

**SAs to HB 1269** were rejected and conference requested upon motion of Representative Casey. The Speaker named GCCA.

**PENDING CONSIDERATION OF SAs**

**SAs to HB 1904** were rejected and conference requested upon motion of Representative Johnson. The Speaker named GCCA.

**MOTION**

Representative Roberts (Sean) asked that the Journal reflect that had he been present in the Chamber, he would have voted aye on **HB 1409**, which was the order.

**MOTION**

Representative Dunlap asked that the Journal reflect that had he been present in the Chamber, he would have voted aye on **HB 1614**, which was the order.

**MOTION**

Representative Dunnington asked that the Journal reflect that he meant to vote nay instead of aye on **HB 1409**, which was the order.

## **MESSAGES FROM THE SENATE**

Announcing that Enrolled **HBs 1001, 1005, 1010, 1058, 1283, 1400, 1462, 1463, 1574, 1826, 1834, 1962, 1963, 1965, 2021 and 2128** 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.

Announcing that Enrolled **HJR 1012** has been read at length for the fourth time and signed by the Presiding Officer of Senate, in open session.

The above measure was ordered filed with the Secretary of State.

### **Transmitting enrolled measures**

Advising fourth reading of and transmitting for signature Enrolled **SBs 34, 92, 116, 155, 167, 180, 239, 269, 292, 352, 425, 453, 534, 542, 591 and 704.**

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

### **Conference granted**

Advising conference granted on **HBs** and the Senate naming conferees as follows:

**HB 1002** – Brinkley, Jech, Brown, Barrington, Anderson, Paddack, Bass

**HB 1012** – Dahm, Marlatt, Brooks, Jolley, Fry, Pittman, Floyd

**HB 1014** – Dahm, Marlatt, Schulz, Bice, Brooks, Floyd, Pittman

**HB 1275** – Jolley, Justice, Brinkley, Treat, David, Sparks, Matthews

**HB 1442** – Quinn, Justice, Smalley, Jolley, Ford, Sparks, Garrison

**HB 1508** – Sparks, Sykes, Griffin, Jolley, Crain, Floyd, Brooks

**HB 1793** – David, Barrington, Sykes, Bice, Shaw, Wyrick, Matthews

**HB 1847** – Bass, Barrington, David, Brecheen, Sykes, Treat, Paddack

**HB 1964** – Newberry, Sykes, Crain, Griffin, Thompson, Sparks, Floyd

**HJR 1025** – Treat, Justice, Marlatt, Griffin, Brinkley, Bass, Sparks

### **Conference granted, GCCA**

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

**HB 1299**

**HB 1672**

**HB 1687**

**HB 1732**

**RESOLUTIONS**

The following were introduced and read:

**HCR 1010** – By Murphey.

A Concurrent Resolution relating to performance audits of various economic development incentives; identifying economic development incentives; making findings regarding efficient use of state tax revenues; requesting performance audit of the Oklahoma Tax Commission or the Oklahoma Department of Commerce or both such agencies with respect to economic development incentives; and directing distribution.

**HCR 1011** – By Moore of the House and Yen of the Senate.

A Resolution celebrating the thirty-fifth anniversary of the Sister-State relationship between the State of Oklahoma and Taiwan; expressing support for Taiwan's growing role in the international community; recognizing the May 2014 mutual agreement on the Reciprocal Issuance of Driver Licenses; commending Taiwan for its East China Sea Peace Initiative; and directing distribution.

**HR 1024** – By Fisher and Moore.

A Resolution urging the Oklahoma Congressional Delegation to resist passage and implementation of the Trans-Pacific Partnership; and directing distribution.

**MOTION EXPIRED**

Time expired for consideration of the motion to reconsider the vote whereby the emergency failed on **HB 1685**.

**HB 1685** was referred for enrollment.

**MESSAGES FROM THE GOVERNOR**

Advising of her approval of **HB 2154** on April 30, 2015.

Representative Billy moved that when the clerk's desk is clear, the House stand adjourned to reconvene at 1:30 p.m., Monday, May 4, 2015, which was the order.

Pursuant to the motion of Representative Billy, the House was adjourned at 11:00 a.m., to reconvene Monday, May 4, 2015, at 1:30 p.m.