

HOUSE JOURNAL

Second Regular Session of the Fifty-fifth Legislature

of the State of Oklahoma

Sixty-fourth Legislative Day, Monday, May 23, 2016

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

The roll was called with 96 Members present.

The following Members were excused: Cockroft, Enns, McCall, Morrissette, Young.—5.

The Speaker Pro Tempore declared a quorum present.

Prayer was offered by Pastor Ray Owens, Metropolitan Baptist Church, Tulsa. Pastor Owens was sponsored by Representative Goodwin.

The Journal for the last legislative day was approved.

ENGROSSED AND ENROLLED MEASURES

HR 1076 was reported correctly enrolled, properly signed, in open session, and ordered transmitted to the Secretary of State.

SECOND READING

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

HB 3221 – Joint Committee on Appropriations and Budget

HB 3222 – Joint Committee on Appropriations and Budget

HB 3223 – Joint Committee on Appropriations and Budget

HB 3224 – Joint Committee on Appropriations and Budget

HB 3225 – Joint Committee on Appropriations and Budget

HB 3226 – Joint Committee on Appropriations and Budget

HB 3227 – Joint Committee on Appropriations and Budget
HB 3228 – Joint Committee on Appropriations and Budget
HB 3229 – Joint Committee on Appropriations and Budget
HB 3230 – Joint Committee on Appropriations and Budget

Representative Thomsen Presiding

GENERAL ORDER

HB 3218 by Sears et al of the House and Jolley et al of the Senate was read and considered.

Remove Representative Sears as principal House author and substitute with Representative Hickman

Coauthored by Representative(s) Johnson, Bennett, Walker, Ownbey, Newell, Rogers, Faught, Pfeiffer, Murdock, Jordan, Cockroft, Henke, Kannady, Wallace, Wright, Mulready, Banz, Leewright, Nollan, Coody (Ann), Kirby, Biggs, Cleveland, Christian, Hall, Dunlap, Caldwell, Roberts (Dustin), O'Donnell, McCullough, Moore, Condit, Wood, Montgomery, Roberts (Sean), McBride, Russ, Denney, Thomsen, Billy, Sears

Coauthored by Senator(s) Smalley, Ford, Sparks, Newberry, Silk, Fry, Dossett, Brooks, Halligan, Crain, Simpson, Floyd, Sharp, Standridge, Paddack, Thompson, Jech, Matthews, Loveless, Quinn, Boggs, Pittman, Bice, Holt, Allen, Barrington

Representative Proctor raised a point of order as to whether it was in order to continue with consideration of the **JCR** on **HB 3218** under the requirements of House Rule 7.11 requiring a fiscal analysis. The Presiding Officer ruled that the applicable rule was not found in House Rule 7.11 but rather in Joint Rule 4.11(d) and that a fiscal analysis had been provided with the measure.

Representative Johnson Presiding

Representative Denney moved adoption of the Joint Committee Report on **HB 3218**, which motion was declared adopted.

THIRD READING

HB 3218 was read at length for the third time. On passage of the measure and emergency, the roll call was as follows:

Aye: Banz, Bennett, Biggs, Billy, Brown, Brumbaugh, Caldwell, Calvey, Cannaday, Casey, Christian, Cleveland, Condit, Coody (Ann), Coody (Jeff), Cooksey, Cox, Denney,

Derby, Dunlap, Dunnington, Echols, Faught, Fisher, Fourkiller, Goodwin, Grau, Griffith, Hall, Hardin, Henke, Hoskin, Inman, Johnson, Jordan, Joyner, Kannady, Kern, Kirby, Kouplen, Leewright, Lepak, Lockhart, Loring, Martin, McBride, McCullough, McDaniel (Jeannie), McDaniel (Randy), Montgomery, Moore, Mulready, Munson, Murdock, 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, Scott, Sears, Shelton, Sherrer, Shoemake, Stone, Strohm, Tadlock, Thomsen, Vaughan, Virgin, Walker, Wallace, Watson, Wesselhoft, Williams, Wood, Wright, Mr. Speaker.--95.

Nay: McPeak.--1.

Excused: Cockroft, Enns, McCall, Morrissette, Young.--5.

The measure and emergency passed.

HB 3218 was referred for engrossment.

MESSAGES FROM THE SENATE

Returning **HBs 2398**, Coauthored by Senator Dossett, **2821**, Coauthored by Representatives McDaniel (Jeannie) and Shelton and **3164** together with conference committee reports thereon, advising adoption of conference committee reports and passage of measures as amended.

The above-numbered measures, as amended by the conference committee reports, were referred for enrollment.

Transmitting CCRS

Transmitting the following measures, together with the conference committee reports thereon, advising adoption of conference committee reports and passage of measures as amended.

SB 424 (2nd)

SB 902

SB 929, Coauthored by Representative Leewright

SB 1164

SB 1211

SB 1329

SJR 68

Conference committee reports were read on the above-numbered measures.

RECONSIDERATION

Representative Biggs moved to reconsider the vote whereby the emergency failed on **HB 1116**.

Representative Cleveland moved to table the Biggs motion, which tabling motion prevailed.

HB 1116, together with the conference committee report thereon, was ordered transmitted to the Honorable Senate.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 2553** was called up for consideration.

Upon motion of Representative Wright, the **CCR** on **HB 2553** was adopted.

HB 2553, as amended in conference, 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, Cannaday, Casey, Cleveland, Condit, Coody (Ann), Coody (Jeff), Cooksey, Denney, Derby, Dunlap, Dunnington, Echols, Faught, Fisher, Fourkiller, Goodwin, Grau, Griffith, Hall, Hardin, Henke, Hoskin, Inman, Johnson, Jordan, Joyner, Kannady, Kern, Kirby, Kouplén, Leewright, Lepak, Lockhart, Loring, Martin, McBride, McCullough, McDaniel (Jeannie), McDaniel (Randy), McPeak, Moore, Mulready, Munson, Murdock, 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, Scott, Sears, Shelton, Sherrer, Shoemake, Stone, Strohm, Tadlock, Thomsen, Vaughan, Virgin, Walker, Wallace, Watson, Wesselhoft, Williams, Wood, Wright, Mr. Speaker.--93.

Excused: Christian, Cockroft, Cox, Enns, McCall, Montgomery, Morrissette, Young.--8.

The measure passed.

HB 2553, together with the conference committee report thereon, was ordered transmitted to the Honorable Senate.

GENERAL ORDER

SB 1602 by Jolley et al of the Senate and Sears et al of the House as read, considered and laid over on Page 1086 was called up for further consideration.

Representative Perryman raised a point of order asking whether pursuant to *Mason's Manual of Legislative Procedure* it was in order to request that the Presiding Officer divide **SB 1602** into multiple parts for consideration of those individual parts because **SB 1602** contained multiple subjects. The Presiding Officer responded that the applicable rule was found in Section 4.14, paragraph (d) of Joint Rules which prohibits amendment of measures reported out of the Joint Committee on Appropriations and Budget and that to allow consideration of the measure section by section would potentially result in amendment of the measure on the House Floor which is prohibited.

Representative Sears raised a point of order stating that the previous point of order raised by Representative Perryman had been raised on another day in the Joint Committee on Appropriations and Budget and had been ruled not well taken by the committee chair, to which the Presiding Officer responded that the precedent of the House is not to recognize a procedural ruling made in committee on a bill later under consideration on the House Floor.

Representative Inman raised a point of order as to whether it was in order to consider **SB 1602** because it contained multiple subjects. The Presiding Officer ruled that such a determination was essentially a request of the Presiding Officer to rule on the constitutionality of the bill which was explicitly forbidden by Section 9.2, paragraph (i) of House Rules.

Representative Perryman raised a point of order as to whether **SB 1602** had a fiscal impact stating that no dollar amount had been provided in the fiscal analysis. The Presiding Officer ruled that no requirement existed that the fiscal analysis state a dollar amount but rather that only the existence of a fiscal impact was required. The Presiding Officer read the actual language of the published fiscal analysis provided with **SB 1602** and ruled that the measure had a fiscal impact.

Representative Ownbey moved adoption of the Joint Committee Report on **SB 1602**, which motion was declared adopted.

THIRD READING

SB 1602 was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Banz, Bennett, Billy, Caldwell, Calvey, Casey, Coody (Ann), Cooksey, Cox, Denney, Dunlap, Echols, Grau, Hall, Henke, Joyner, Kannady, Kirby, Lepak, Martin, McCullough, McDaniel (Randy), Montgomery, Mulready, Nelson, Newell, Nollan, O'Donnell, Ortega, Osborn, Ownbey, Peterson, Pfeiffer, Roberts (Dustin), Roberts (Sean), Russ, Sanders, Sears, Thomsen, Vaughan, Watson, Wood, Wright, Mr. Speaker.--44.

Nay: Biggs, Brown, Brumbaugh, Cannaday, Cleveland, Condit, Coody (Jeff), Derby, Dunnington, Faught, Fisher, Fourkiller, Goodwin, Griffith, Hardin, Hoskin, Johnson, Jordan, Kern, Kouplen, Leewright, Lockhart, Loring, McBride, Moore, Munson, Murdock, Murphey, Park, Perryman, Proctor, Pruett, Renegar, Ritze, Rogers, Rousselot, Scott, Shelton, Sherrer, Shoemake, Stone, Strohm, Tadlock, Virgin, Walker, Wallace, Wesselhoft, Williams.--48.

Excused: Christian, Cockroft, Enns, Inman, McCall, McDaniel (Jeannie), McPeak, Morrissette, Young.--9.

The measure failed.

Representative Ownbey served notice to reconsider the vote whereby **SB 1602** failed.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 2267** was called up for consideration.

Upon motion of Representative Cox, the **CCR** on **HB 2267** was adopted.

HB 2267, as amended in conference, was read at length for the fourth time and the roll was called on the measure as follows:

Aye: Banz, Bennett, Biggs, Billy, Brown, Caldwell, Cannaday, Casey, Cleveland, Condit, Coody (Ann), Coody (Jeff), Cooksey, Cox, Denney, Derby, Dunlap, Dunnington, Echols, Faught, Fourkiller, Goodwin, Grau, Griffith, Hall, Hardin, Henke, Hoskin, Johnson, Joyner, Kannady, Kirby, Kouplen, Leewright, Lepak, Lockhart, Loring, Martin, McBride, McCullough, McDaniel (Jeannie), McDaniel (Randy), Montgomery, Moore, Mulready, Munson, Murdock, Nelson, Newell, Nollan, 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, Mr. Speaker.--86.

Nay: Brumbaugh, Calvey, Fisher, Jordan, Kern, Murphey, O'Donnell.--7.

Excused: Christian, Cockroft, Enns, Inman, McCall, McPeak, Morrissette, Young.--8.

The measure passed.

HB 2267, together with the conference committee report thereon, was ordered transmitted to the Honorable Senate.

MESSAGES FROM THE SENATE

As approved by the Joint Committee on Appropriations and Budget, advising passage and transmitting for consideration Engrossed **SBs 1609, 1610 and 1614**.

The measures were introduced and read for the first time.

SB 1609 – By Jolley and Treat of the Senate and Sears and Casey of the House.

An Act relating to public finance; amending Section 10, Chapter 209, O.S.L. 2013 (62 O.S. Supp. 2015, Section 901.1), which relates to the Long-Range Capital Planning Commission; setting forth procedure for substitution of emergency projects by state agencies; specifying duties of Director of Office of Management and Enterprise Services; requiring approval of President Pro Tempore of Senate and Speaker of House of Representatives; providing an effective date; and declaring an emergency.

SB 1610 – By Jolley and Treat of the Senate and Sears and Casey of the House.

An Act relating to fees; amending 28 O.S. 2011, Sections 153, as amended by Section 4 of Enrolled House Bill No. 3146 of the 2nd Session of the 55th Oklahoma Legislature, and 162, which relate to costs in criminal cases and juvenile proceedings; modifying fees assessed in certain criminal and juvenile cases; providing an effective date; and declaring an emergency.

SB 1614 – By Jolley and Treat of the Senate and Sears and Casey of the House.

An Act relating to tax credits; amending 68 O.S. 2011, Section 2357.11, as amended by Section 1, Chapter 371, O.S.L. 2013 (68 O.S. Supp. 2015, Section 2357.11), which relates to credit for purchase and production of coal; providing exception; modifying amount of credit for specified activities after certain date; and providing an effective date.

Speaker Pro Tempore Denney Presiding**PENDING CONSIDERATION OF CCR**

The **CCR** on **HB 3160** was called up for consideration.

Upon motion of Speaker Hickman, the **CCR** on **HB 3160** was adopted.

HB 3160, as amended in conference, was read at length for the fourth time and the roll was called on the measure as follows:

Aye: Banz, Bennett, Billy, Brown, Brumbaugh, Caldwell, Calvey, Casey, Cleveland, Coody (Ann), Cooksey, Cox, Denney, Dunlap, Dunnington, Echols, Faught, Fisher, Fourkiller, Goodwin, Grau, Griffith, Hall, Hardin, Henke, Hoskin, Johnson, Jordan, Joyner, Kannady, Kern, Kirby, Kouplén, Lepak, Lockhart, Martin, McCullough, McDaniel (Jeannie), McDaniel (Randy), Montgomery, Moore, Mulready, Munson, Murphey, Nollan, O'Donnell, Ortega, Osborn, Ownbey, Park, Peterson, Pruett, Ritze, Roberts (Sean), Rogers, Rousselot, Russ, Sears, Shelton, Sherrer, Shoemake, Stone, Strohm, Thomsen, Vaughan, Virgin, Walker, Wallace, Watson, Wood, Wright, Mr. Speaker.--72.

Nay: Biggs, Cannaday, Condit, Derby, Leewright, Loring, McBride, Murdock, Newell, Perryman, Pfeiffer, Proctor, Renegar, Roberts (Dustin), Sanders, Scott, Tadlock, Wesselhoft.--18.

Excused: Christian, Cockroft, Coody (Jeff), Enns, Inman, McCall, McPeak, Morrisette, Nelson, Williams, Young.--11.

The measure passed.

HB 3160, together with the conference committee report thereon, was ordered transmitted to the Honorable Senate.

GENERAL ORDER

HB 3219 by Sears et al of the House and Jolley et al of the Senate was read and considered.

Representative Kannady moved adoption of the Joint Committee Report on **HB 3219**, which motion was declared adopted.

THIRD READING

HB 3219 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, Brown, Brumbaugh, Caldwell, Cannaday, Casey, Condit, Coody (Ann), Coody (Jeff), Cooksey, Cox, Denney, Dunlap, Dunnington, Echols, Faught, Fourkiller, Goodwin, Griffith, Hall, Henke, Hoskin, Johnson, Jordan, Joyner, Kannady, Kern, Kirby, Kouplen, Leewright, Lepak, Lockhart, Loring, Martin, McBride, McCullough, McDaniel (Randy), Montgomery, Mulready, Munson, Murdock, Newell, Nollan, O'Donnell, Ortega, Osborn, Ownbey, Park, Perryman, Peterson, Pfeiffer, Proctor, Pruett, Renegar, Roberts (Dustin), Roberts (Sean), Rousselot, Russ, Sanders, Scott, Sears, Shelton, Sherrer, Shoemake, Stone, Tadlock, Thomsen, Vaughan, Virgin, Walker, Wallace, Watson, Wesselhoft, Wood, Wright, Mr. Speaker.--78.

Nay: Calvey, Cleveland, Fisher, Grau, Moore, Murphey, Ritze, Rogers, Strohm.--9.

Excused: Bennett, Christian, Cockroft, Derby, Enns, Hardin, Inman, McCall, McDaniel (Jeannie), McPeak, Morrisette, Nelson, Williams, Young.--14.

The measure and emergency passed.

HB 3219 was referred for engrossment.

GENERAL ORDER

HB 3220 by Sears et al of the House and Jolley et al of the Senate was read and considered.

Representative Kannady moved adoption of the Joint Committee Report on **HB 3220**, which motion was declared adopted.

THIRD READING

HB 3220 was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Banz, Billy, Brown, Caldwell, Coody (Ann), Cooksey, Cox, Denney, Dunnington, Fourkiller, Grau, Griffith, Hardin, Hoskin, Inman, Joyner, Kannady, Loring, Martin, McCullough, McDaniel (Jeannie), Mulready, Munson, Nollan, O'Donnell, Ortega, Osborn, Perryman, Peterson, Pruett, Roberts (Sean), Rousselot, Scott, Sears, Shelton, Sherrer, Shoemake, Thomsen, Virgin, Wallace, Watson, Wood, Wright, Mr. Speaker.--44.

Nay: Bennett, Biggs, Brumbaugh, Calvey, Cannaday, Casey, Cleveland, Condit, Coody (Jeff), Derby, Dunlap, Echols, Faught, Fisher, Goodwin, Hall, Henke, Johnson, Jordan, Kern, Kirby, Kouplén, Leewright, Lepak, Lockhart, McBride, McDaniel (Randy), Montgomery, Moore, Murdock, Murphey, Newell, Ownbey, Park, Pfeiffer, Proctor, Renegar, Ritze, Roberts (Dustin), Rogers, Russ, Sanders, Stone, Strohm, Tadlock, Vaughan, Walker, Wesselhoft.--48.

Excused: Christian, Cockroft, Enns, McCall, McPeak, Morrissette, Nelson, Williams, Young.--9.

The measure failed.

Representative Kannady served notice to reconsider the vote whereby **HB 3220** failed.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 3103** was called up for consideration.

Representative Perryman asked a ruling of the Presiding Officer whether the **CCR** is germane to **HB 3103**.

The Presiding Officer ruled the **CCR** germane and the point not well taken.

Upon motion of Representative Caldwell, the **CCR** on **HB 3103** was adopted.

HB 3103, as amended in conference, was read at length for the fourth time and the roll was called on the measure as follows:

Aye: Banz, Bennett, Billy, Brumbaugh, Caldwell, Calvey, Casey, Cleveland, Coody (Ann), Coody (Jeff), Cooksey, Denney, Derby, Dunlap, Echols, Faught, Fisher, Hall, Hardin, Henke, Johnson, Jordan, Joyner, Kannady, Kern, Kirby, Leewright, Lepak, Martin, McBride, McDaniel (Jeannie), McDaniel (Randy), Montgomery, Moore, Mulready, Murdock, Murphey, Newell, Nollan, Ortega, Osborn, Ownbey, Park, Peterson, Pfeiffer, Pruett, Ritze, Roberts (Sean), Rogers, Russ, Sanders, Sears, Strohm, Thomsen, Vaughan, Walker, Wallace, Watson, Wesselhoft, Wright, Mr. Speaker.--61.

Nay: Biggs, Brown, Cannaday, Condit, Fourkiller, Goodwin, Grau, Griffith, Hoskin, Inman, Kouplen, Lockhart, Loring, McCullough, Munson, O'Donnell, Perryman, Proctor, Renegar, Roberts (Dustin), Rousselot, Scott, Shelton, Sherrer, Shoemake, Stone, Tadlock, Virgin, Wood.--29.

Excused: Christian, Cockroft, Cox, Dunnington, Enns, McCall, McPeak, Morrissette, Nelson, Williams, Young.--11.

The measure passed.

HB 3103, together with the conference committee report thereon, was ordered transmitted to the Honorable Senate.

ENGROSSED AND ENROLLED MEASURES

HBs 3218 and **3219** were reported correctly engrossed, properly signed, in open session, and ordered transmitted to the Honorable Senate.

MOTION EXPIRED

Time expired for consideration of the motion to reconsider the vote whereby the emergency failed on **SB 1600**.

The Presiding Officer signed, in open session, Engrossed **SB 1600** and ordered same returned to the Honorable Senate.

MOTION EXPIRED

Time expired for consideration of the motion to reconsider the vote whereby the emergency failed on **SB 1603**.

Coauthored by Representative(s) Ritze

The Presiding Officer signed, in open session, Engrossed **SB 1603** and ordered same returned to the Honorable Senate.

MOTION EXPIRED

Time expired for consideration of the motion to reconsider the vote whereby **SB 1604** passed.

The Presiding Officer signed, in open session, Engrossed **SB 1604** and ordered same returned to the Honorable Senate.

FIRST READING

The following was introduced and read for the first time:

HB 3231 – By Sears and Casey of the House and Jolley and Treat of the Senate.

An Act relating to public finance; enacting the Oklahoma Public Finance Act of 2016; providing for noncodification; providing an effective date; and declaring an emergency.

RESOLUTIONS

The following was introduced and read:

HR 1077 – By Cox.

A Resolution instructing the Office of Management and Enterprise Services to follow certain contract and provide MedEncentive certain data; and instructing the Office of Management and Enterprise Services and MedEncentive to engage in certain partnership.

Representative Billy moved that when the clerk's desk is clear, the House stand adjourned to reconvene at 10:30 a.m., Tuesday, May 24, 2016, which was the order.

Pursuant to the motion of Representative Billy, the House was adjourned at 5:40 p.m., to reconvene Tuesday, May 24, 2016, at 10:30 a.m.