

# HOUSE JOURNAL

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

**of the State of Oklahoma**

**Thirty-third Legislative Day, Monday, April 1, 2013**

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

The roll was called with 98 Members present.

The following Members were excused: Ortega, Roberts (Sean), Trebilcock—3.

The Speaker Pro Tempore declared a quorum present.

Prayer was offered by Pastor Jeff Pierce, Life House Worship Center, Purcell. Pastor Pierce was sponsored by Representative Billy.

Upon motion of Representative Cockroft, Pastor Pierce was confirmed as House Chaplain for this legislative day.

The Journal for the last legislative day was approved.

## **ENGROSSED AND ENROLLED MEASURES**

**HAs to SBs 1101 and 1111** were reported correctly engrossed, properly signed, in open session, and the measures, as amended, were ordered returned to the Honorable Senate.

## **MEASURE REASSIGNED**

The following measure was reassigned:

**SB 249** – Withdrawn from Appropriations and Budget and referred to Judiciary.

**RESOLUTION**

The following was introduced and read:

**HCR 1008** – By Dorman.

A Concurrent Resolution designating May 1, June 26 and September 18 as Statewide Days of Prayer for Rain and Water; urging citizens to join together for prayer and petition for drought relief; and directing distribution.

**MESSAGES FROM THE SENATE**

Announcing the passage of **SJR 35**. The measure was introduced and read for the first time.

**SJR 35** – By Justice of the Senate and Armes of the House.

A Joint Resolution approving permanent rules relating to the Oklahoma Department of Environmental Quality; directing distribution; and declaring an emergency.

Announcing the passage of **SCR 12**. The measure was introduced and read.

**SCR 12** – By Sharp, Aldridge, Allen, Anderson, Ballenger, Barrington, Bass, Bingman, Boggs, Branan, Brecheen, Brinkley, Brooks, Brown, Burrage, Coates, Crain, Dahm, David, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (Constance), Johnson (Rob), Jolley, Justice, Loveless, Marlatt, Mazzei, McAffrey, Newberry, Paddack, Schulz, Shaw, Shortey, Shumate, Simpson, Sparks, Standridge, Stanislawski, Sykes, Treat and Wyrick of the Senate and Banz of the House.

A Concurrent Resolution congratulating the 2013 American Showdown National Champions, the Choctaw High School Pom Squad; applauding their dedication and many accomplishments; and directing distribution.

**GENERAL ORDER**

**SB 1053** by Newberry of the Senate and McBride of the House was read and considered.

Representative McBride moved that **SB 1053** be advanced from General Order, which motion was declared adopted.

### THIRD READING

**SB 1053** was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Armes, Biggs, Cleveland, Cockroft, Coody, Cooksey, Denney, Derby, Echols, Enns, Fisher, Grau, Hall, Hardin, Henke, Hickman, Hulbert, Jackson, Jordan, Joyner, Martin (Scott), Martin (Steve), McBride, McCall, McCullough, McDaniel (Jeannie), McDaniel (Randy), Mulready, Nelson, Newell, Nollan, O'Donnell, Osborn, Peterson, Pruett, Roberts (Dustin), Sanders, Schwartz, Sears, Smalley, Stiles, Turner, Vaughan, Walker, Watson, Wood, Mr. Speaker.--47.

Nay: Banz, Bennett, Billy, Blackwell, Brown, Brumbaugh, Cannaday, Casey, Christian, Condit, Cox, Dank, Dorman, Floyd, Fourkiller, Glenn, Hamilton, Hoskin, Inman, Johnson, Kern, Kirby, Kouplen, Lockhart, Matthews, McDaniel (Curtis), McNeil, McPeak, Moore, Morrissette, Murphey, Ownbey, Perryman, Pittman, Proctor, Quinn, Renegar, Reynolds, Ritze, Roussetot, Russ, Scott, Shelton, Sherrer, Shoemake, Thomsen, Virgin, Wesselhoft, Wright.--49.

Excused: DeWitt, Ortega, Roberts (Sean), Trebilcock, Williams.--5.

The measure failed.

Representative McBride served notice to reconsider the vote whereby **SB 1053** failed.

### GENERAL ORDER

**SB 817** by Newberry of the Senate and Armes of the House was read and considered.

Representative Inman moved to amend **SB 817** by striking Sections 3 and 4 and inserting a new Section 3 to read as follows:

“SECTION 3. This act shall become effective November 1, 2013.”

Representative Lockhart moved to amend the Inman amendment by striking the words “November 1, 2013” and inserting the words “November 1, 2112” in lieu thereof, which amendment was withdrawn.

The Inman amendment was withdrawn.

Representative Armes moved that **SB 817** be advanced from General Order, which motion was declared adopted.

**THIRD READING**

**SB 817** was read at length for the third time. On passage of the measure and emergency, the roll call was as follows:

Aye: Armes, Banz, Bennett, Biggs, Billy, Blackwell, Brown, Brumbaugh, Cannaday, Casey, Christian, Cleveland, Cockroft, Condit, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Echols, Enns, Fisher, Floyd, Fourkiller, Glenn, Grau, Hall, Hardin, Henke, Hickman, Hoskin, Hulbert, Inman, Jackson, Johnson, Jordan, Joyner, Kern, Kirby, Kouplén, Lockhart, Martin (Scott), Martin (Steve), Matthews, McBride, McCullough, McDaniel (Curtis), McDaniel (Randy), McNiel, McPeak, Moore, Mulready, Murphey, Nelson, Nollan, O'Donnell, Osborn, Ownbey, Perryman, Peterson, Pittman, Pruett, Quinn, Renegar, Roberts (Dustin), Rousselot, Russ, Sanders, Schwartz, Sears, Sherrer, Shoemaker, Smalley, Stiles, Thomsen, Turner, Vaughan, Virgin, Walker, Watson, Wesselhoft, Wright, Mr. Speaker.--86.

Nay: Hamilton, McDaniel (Jeannie), Proctor, Reynolds, Ritze, Shelton, Williams, Wood.--8.

Excused: Morrissette, Newell, Ortega, Roberts (Sean), Scott, Trebilcock.--6.

Constitutional Priv: McCall.--1.

The measure and emergency passed.

The Presiding Officer signed, in open session, Engrossed **SB 817** and ordered same returned to the Honorable Senate.

**GENERAL ORDER**

**SB 1096** by Brown of the Senate and Moore of the House was read and considered.

Representative Moore moved that **SB 1096** be advanced from General Order, which motion was declared adopted.

**THIRD READING**

**SB 1096** was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Armes, Banz, Bennett, Biggs, Billy, Brown, Brumbaugh, Cannaday, Casey, Christian, Cleveland, Cockroft, Condit, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Echols, Enns, Fisher, Floyd, Fourkiller, Glenn, Grau, Hall, Hamilton, Hardin, Henke, Hickman, Hoskin, Hulbert, Inman, Jackson, Johnson, Jordan, Joyner, Kern, Kirby, Kouplén, Lockhart, Martin (Scott), Martin (Steve), Matthews, McCall, McCullough, McDaniel (Curtis), McDaniel (Jeannie), McDaniel (Randy), McNiel, McPeak, Moore,

Morrisette, Mulready, Murphey, Nelson, Newell, Nollan, O'Donnell, Osborn, Ownbey, Perryman, Peterson, Pittman, Proctor, Pruett, Quinn, Renegar, Ritze, Roberts (Dustin), Rousselot, Sanders, Schwartz, Scott, Sears, Shelton, Sherrer, Shoemake, Smalley, Stiles, Thomsen, Turner, Vaughan, Virgin, Walker, Watson, Wesselhoft, Williams, Wright, Mr. Speaker.--93.

Excused: Blackwell, McBride, Ortega, Reynolds, Roberts (Sean), Russ, Trebilcock, Wood.--8.

The measure passed.

The Presiding Officer signed, in open session, Engrossed **SB 1096** and ordered same returned to the Honorable Senate.

### **GENERAL ORDER**

**SB 1030** by Sykes of the Senate and Wright of the House was read and considered.

Representative Wright moved that **SB 1030** be advanced from General Order, which motion was declared adopted.

### **THIRD READING**

**SB 1030** was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Armes, Banz, Bennett, Biggs, Billy, Blackwell, Brown, Brumbaugh, Cannaday, Casey, Christian, Cleveland, Cockroft, Condit, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Echols, Enns, Fisher, Floyd, Fourkiller, Glenn, Grau, Hall, Hardin, Henke, Hickman, Hoskin, Hulbert, Inman, Jackson, Johnson, Joyner, Kern, Kirby, Lockhart, Martin (Scott), Martin (Steve), Matthews, McBride, McCall, McCullough, McDaniel (Curtis), McDaniel (Jeannie), McDaniel (Randy), McNiel, McPeak, Moore, Morrisette, Mulready, Murphey, Nelson, Newell, Nollan, O'Donnell, Ownbey, Perryman, Peterson, Pittman, Proctor, Pruett, Quinn, Renegar, Ritze, Roberts (Dustin), Rousselot, Russ, Sanders, Scott, Sears, Shelton, Sherrer, Shoemake, Smalley, Stiles, Thomsen, Turner, Vaughan, Virgin, Walker, Watson, Wesselhoft, Williams, Wood, Wright, Mr. Speaker.--92.

Excused: Hamilton, Jordan, Kouplén, Ortega, Osborn, Reynolds, Roberts (Sean), Schwartz, Trebilcock.--9.

The measure passed.

**SB 1030** was referred for engrossment.

**GENERAL ORDER**

**SB 1034** by David of the Senate and Cleveland of the House was read and considered.

Representative Cleveland moved that **SB 1034** be advanced from General Order, which motion was declared adopted.

**THIRD READING**

**SB 1034** was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Armes, Banz, Bennett, Biggs, Billy, Blackwell, Brown, Brumbaugh, Cannaday, Casey, Christian, Cleveland, Cockroft, Condit, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Echols, Enns, Fisher, Fourkiller, Glenn, Grau, Hall, Hamilton, Hardin, Henke, Hickman, Hoskin, Hulbert, Inman, Jackson, Johnson, Joyner, Kern, Kirby, Kouplén, Lockhart, Martin (Scott), Martin (Steve), Matthews, McBride, McCall, McCullough, McDaniel (Curtis), McDaniel (Jeannie), McDaniel (Randy), McNiel, McPeak, Moore, Morrisette, Mulready, Murphey, Nelson, Newell, Nollan, O'Donnell, Ownbey, Perryman, Peterson, Pittman, Proctor, Pruett, Quinn, Renegar, Reynolds, Ritze, Roberts (Dustin), Rousselot, Russ, Sanders, Schwartz, Scott, Sears, Shelton, Sherrer, Shoemake, Smalley, Stiles, Thomsen, Turner, Vaughan, Virgin, Walker, Watson, Wesselhoft, Williams, Wood, Wright, Mr. Speaker.--95.

Excused: Floyd, Jordan, Ortega, Osborn, Roberts (Sean), Trebilcock.--6.

The measure passed.

**SB 1034** was referred for engrossment.

**GENERAL ORDER**

**SB 170** by Ford of the Senate and Casey of the House was read and considered.

Representative Casey moved that **SB 170** be advanced from General Order, which motion was declared adopted.

**THIRD READING**

**SB 170** was read at length for the third time. On passage of the measure and emergency, the roll call was as follows:

Aye: Armes, Banz, Bennett, Biggs, Billy, Blackwell, Brown, Brumbaugh, Cannaday, Casey, Christian, Cockroft, Condit, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Echols, Enns, Fisher, Fourkiller, Glenn, Grau, Hall, Hamilton, Hardin, Henke,

Hickman, Hoskin, Hulbert, Inman, Jackson, Johnson, Jordan, Joyner, Kern, Kirby, Kouplen, Lockhart, Martin (Scott), Martin (Steve), Matthews, McBride, McCall, McCullough, McDaniel (Curtis), McDaniel (Jeannie), McDaniel (Randy), McNiel, McPeak, Moore, Morrisette, Mulready, Murphey, Nelson, Newell, Nollan, O'Donnell, Osborn, Ownbey, Perryman, Peterson, Pittman, Pruett, Quinn, Renegar, Reynolds, Ritze, Roberts (Dustin), Rousselot, Russ, Sanders, Scott, Sears, Shelton, Sherrer, Shoemake, Smalley, Stiles, Thomsen, Turner, Vaughan, Virgin, Walker, Watson, Wesselhoft, Williams, Wood, Wright, Mr. Speaker.--94.

Excused: Cleveland, Floyd, Ortega, Roberts (Sean), Schwartz, Trebilcock.--6.

Constitutional Priv: Proctor.--1.

The measure and emergency passed.

The Presiding Officer signed, in open session, Engrossed **SB 170** and ordered same returned to the Honorable Senate.

## GENERAL ORDER

**SB 199** by Brooks of the Senate and Denney of the House was read and considered.

Representative Denney moved that **SB 199** be advanced from General Order, which motion was declared adopted.

## THIRD READING

**SB 199** was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Armes, Banz, Biggs, Billy, Blackwell, Brumbaugh, Cannaday, Casey, Christian, Cockroft, Coody, Cooksey, Cox, Denney, Dorman, Enns, Grau, Hall, Hardin, Hickman, Hulbert, Inman, Jackson, Johnson, Kern, Kirby, Martin (Scott), Matthews, McDaniel (Jeannie), McDaniel (Randy), McNiel, Moore, Mulready, Murphey, Nelson, Newell, Nollan, Ownbey, Peterson, Proctor, Pruett, Quinn, Roberts (Dustin), Russ, Sanders, Scott, Shelton, Smalley, Stiles, Thomsen, Turner, Vaughan, Virgin, Walker, Watson, Wesselhoft, Wood, Mr. Speaker.--58.

Nay: Bennett, Cleveland, Condit, Derby, DeWitt, Fisher, Fourkiller, Glenn, Hamilton, Henke, Hoskin, Joyner, Kouplen, Lockhart, Martin (Steve), McBride, McCall, McCullough, McDaniel (Curtis), McPeak, Morrisette, O'Donnell, Perryman, Pittman, Renegar, Reynolds, Ritze, Schwartz, Sears, Sherrer, Shoemake, Wright.--32.

Excused: Brown, Dank, Echols, Floyd, Jordan, Ortega, Osborn, Roberts (Sean), Rousselot, Trebilcock, Williams.--11.

The measure passed.

On passage of the emergency, the roll call was as follows:

Aye: Armes, Banz, Billy, Blackwell, Brumbaugh, Casey, Coody, Cooksey, Cox, Denney, Dorman, Echols, Enns, Hall, Hickman, Jackson, Johnson, Kern, Martin (Scott), McDaniel (Randy), McNeil, Moore, Mulready, Murphey, Nelson, Newell, Nollan, Osborn, Ownbey, Peterson, Proctor, Roberts (Dustin), Smalley, Stiles, Thomsen, Turner, Vaughan, Virgin, Watson, Wesselhoft, Wood, Mr. Speaker.--42.

Nay: Bennett, Biggs, Cannaday, Cleveland, Cockroft, Condit, Derby, DeWitt, Fisher, Fourkiller, Glenn, Grau, Hamilton, Henke, Hoskin, Hulbert, Inman, Joyner, Kouplen, Martin (Steve), Matthews, McCall, McDaniel (Curtis), McPeak, Morrissette, O'Donnell, Perryman, Pittman, Pruett, Quinn, Renegar, Ritze, Russ, Sanders, Schwartz, Sears, Shelton, Sherrer, Shoemake, Walker, Wright.--41.

Excused: Brown, Christian, Dank, Floyd, Hardin, Jordan, Kirby, Lockhart, McBride, McCullough, McDaniel (Jeannie), Ortega, Reynolds, Roberts (Sean), Rousselot, Scott, Trebilcock, Williams.--18.

The emergency failed.

The Presiding Officer signed Engrossed **SB 199** and ordered same returned to the Honorable Senate.

## MOTION

Representative Nollan requested unanimous consent that the House Journal for Wednesday, March 20, 2013, reflect that she was present for that legislative day, which was the order.

## MOTION

Representative Sherrer moved pursuant to House Rule 8.14 to commit **HB 1132** to the Appropriations and Budget Committee with instructions to fund common education in said **HB 1132** with an appropriation that is \$100,000,000.00 greater than the appropriation to common education for FY 2013.

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

Aye: Armes, Banz, Bennett, Biggs, Billy, Blackwell, Brumbaugh, Casey, Christian, Cleveland, Cockroft, Coody, Cooksey, Cox, Denney, Derby, DeWitt, Echols, Enns, Fisher, Grau, Hall, Henke, Hickman, Hulbert, Jackson, Johnson, Kern, Martin (Scott), Martin (Steve), McBride, McCall, McCullough, McDaniel (Randy), McNeil, Moore, Mulready, Murphey, Nelson, Newell, Nollan, O'Donnell, Ownbey, Peterson, Quinn, Roberts (Dustin), Russ, Sanders, Schwartz, Sears, Smalley, Stiles, Thomsen, Turner, Vaughan, Watson, Wesselhoft, Wood, Wright, Mr. Speaker.--60.

Nay: Cannaday, Condit, Dorman, Fourkiller, Glenn, Hamilton, Hoskin, Inman, Joyner, Kouplén, Lockhart, Matthews, McDaniel (Curtis), McDaniel (Jeannie), McPeak, Morrisette, Perryman, Pittman, Proctor, Pruett, Renegar, Scott, Shelton, Sherrer, Shoemaker, Virgin, Williams.--27.

Excused: Brown, Dank, Floyd, Hardin, Jordan, Kirby, Ortega, Osborn, Reynolds, Ritze, Roberts (Sean), Rousselot, Trebilcock, Walker.--14.

## COMMITTEE REPORTS

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

DO PASS:

- SB 478** – Utility and Environmental Regulation
- SB 670** – General Government
- SB 848** – General Government
- SB 945** – Appropriations and Budget
- SB 1009** – General Government
- SB 1012** – Utility and Environmental Regulation

DO PASS, As Amended:

- CS for SB 226** – Appropriations and Budget, Coauthored by Representative(s) Nelson
- CS for SB 228** – Appropriations and Budget, Coauthored by Representative(s) Pittman, and Coauthored by Senator(s) Fields
- SB 316** – Appropriations and Budget, Coauthored by Representative(s) Nelson
- CS for SB 436** – Appropriations and Budget, Coauthored by Representative(s) Nelson
- CS for SB 486** – Appropriations and Budget, Coauthored by Representative(s) Pittman, Dorman, and Coauthored by Senator(s) Johnson (Constance)
- CS for SB 527** – Appropriations and Budget, Coauthored by Representative(s) Dorman, and Coauthored by Senator(s) Simpson, Johnson (Constance)
- CS for SB 578** – Appropriations and Budget
- CS for SB 630** – Appropriations and Budget
- SB 640** – Appropriations and Budget
- CS for SB 659** – Appropriations and Budget
- CS for SB 849** – Insurance
- CS for SB 899** – Government Modernization
- CS for SB 907** – Government Modernization
- CS for SB 908** – Government Modernization
- CS for SB 1000** – Insurance

**MESSAGE FROM THE GOVERNOR**

Advising of her approval of **HB 1999** on March 29, 2013.

**REPORT FROM CALENDAR COMMITTEE**

The Calendar Committee met on Monday, April 1, 2013, and approved the following measures with an Open Rule to be placed on the Floor Agenda: **SB 50, SB 79, SB 88, SB 162, SB 164, SB 196, SB 250, SB 272, SB 282, SB 285, SB 309, SB 324, SB 633, SB 641, SB 725, SB 752, SB 765, SB 772, SB 814, SB 838, SB 863, SB 889, SB 1042,** and **SB 1115**. The following measures were approved with an Open Rule, Fiscal Analysis required, to be placed on the Floor Agenda: **SB 629** and **SB 1022**.

Representative Peterson moved that when the clerk's desk is clear, the House stand adjourned to reconvene at 9:00 a.m., Tuesday, April 2, 2013, which was the order.

Pursuant to the motion of Representative Peterson, the House was adjourned at 3:15 p.m., to reconvene Tuesday, April 2, 2013, at 9:00 a.m.