

HOUSE JOURNAL

Second Regular Session of the Fifty-fourth Legislature

of the State of Oklahoma

Sixtieth Legislative Day, Monday, May 19, 2014

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

The roll was called with 97 Members present.

The following Members were excused: Henke, Nollan, Shannon, Watson.—4.

Speaker Pro Tempore Jackson declared a quorum present.

Prayer was offered by Representative Cockroft.

The Journal for the last legislative day was approved.

ENGROSSED AND ENROLLED MEASURES

HB 2372 was reported correctly enrolled and, after fourth reading, properly signed, in open session, and ordered transmitted to the Honorable Senate.

HR 1067 was reported correctly enrolled, properly signed, in open session, and ordered transmitted to the Secretary of State.

PENDING CONSIDERATION OF SAs

SAs to HB 3297 as considered and laid over on Page 1061 were called up for further consideration.

Upon motion of Representative Osborn, the House concurred in the **SAs to HB 3297**.

Representative Morrissette raised a point of order as to whether consideration of the **SAs to HB 3297** was in violation of Section 8.11 of House Rules, to which the Presiding Officer responded that the proper time for such a point to be raised was prior to adoption of

the Senate Amendments and that the question presently under consideration was adoption of the measure itself on Fourth Reading.

Representative Morrissette raised an additional point of order as to whether, pursuant to Section 7.19(c) of House Rules, it was in order to proceed with consideration, to which the Presiding Officer noted that Section 7.19(c) of House Rules pertains to consideration of conference committee reports which was not the question before the House. As such, the point was not well taken.

Representative Shelton moved to table **HB 3297**, which tabling motion failed of adoption upon roll call as follows:

Aye: Brown, Cannaday, Condit, Floyd, Fourkiller, Hoskin, Inman, Kouplen, McDaniel (Curtis), McPeak, Morrissette, Perryman, Pittman, Proctor, Pruett, Renegar, Rousselot, Shelton, Sherrer.--19.

Nay: Armes, Banz, Bennett, Biggs, Billy, Blackwell, Brumbaugh, Casey, Christian, Cleveland, Cockroft, Coody, Cooksey, Dank, Denney, Derby, DeWitt, Fisher, Glenn, Grau, Hall, Hardin, Hulbert, Jackson, Jackson, Johnson, Jordan, Joyner, Kern, Martin (Scott), McBride, McCall, McCullough, McDaniel (Randy), McNiel, Moore, Mulready, Murphey, Nelson, Newell, O'Donnell, Ortega, Osborn, Ownbey, Peterson, Quinn, Ritze, Roberts (Dustin), Roberts (Sean), Sanders, Schwartz, Sears, Thomsen, Turner, Vaughan, Walker, Wesselhoft, Wood, Wright, Mr. Speaker.--60.

Excused: Cox, Dorman, Echols, Enns, Hamilton, Henke, Kirby, Lockhart, Matthews, McDaniel (Jeannie), Nollan, Reynolds, Russ, Scott, Shannon, Shoemake, Smalley, Stiles, Trebilcock, Virgin, Watson, Williams.--22.

HB 3297, 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: Armes, Banz, Bennett, Biggs, Billy, Blackwell, Brumbaugh, Casey, Christian, Cleveland, Cockroft, Condit, Coody, Cooksey, Dank, Denney, Derby, DeWitt, Echols, Fisher, Floyd, Glenn, Grau, Hall, Hamilton, Hulbert, Jackson, Jackson, Johnson, Jordan, Joyner, Kern, Kirby, Martin (Scott), McCall, McCullough, McDaniel (Jeannie), McDaniel (Randy), McNiel, Mulready, Murphey, Nelson, Newell, O'Donnell, Ortega, Osborn, Ownbey, Peterson, Pittman, Pruett, Roberts (Dustin), Roberts (Sean), Rousselot, Russ, Sanders, Schwartz, Scott, Sears, Shoemake, Smalley, Stiles, Thomsen, Turner, Vaughan, Walker, Wesselhoft, Wood, Wright, Mr. Speaker.--69.

Nay: Brown, Cannaday, Fourkiller, Hardin, Hoskin, Inman, Kouplen, McDaniel (Curtis), McPeak, Morrissette, Perryman, Proctor, Quinn, Renegar, Reynolds, Ritze, Shelton, Sherrer, Virgin.--19.

Excused: Cox, Dorman, Henke, Lockhart, Matthews, McBride, Moore, Nollan, Shannon, Trebilcock, Watson, Williams.--12.

Constitutional Priv: Enns.--1.

The measure passed.

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

Aye: Armes, Banz, Bennett, Billy, Blackwell, Brumbaugh, Cleveland, Cockroft, Coody, Cooksey, Dank, Denney, Derby, DeWitt, Echols, Glenn, Hall, Hulbert, Jackson, Johnson, Jordan, Joyner, Kern, Martin (Scott), McBride, McCall, McCullough, McDaniel (Jeannie), McDaniel (Randy), McNiel, Mulready, Murphey, Nelson, Newell, O'Donnell, Ortega, Osborn, Ownbey, Peterson, Roberts (Dustin), Rousselot, Sanders, Schwartz, Scott, Smalley, Stiles, Thomsen, Turner, Vaughan, Walker, Wesselhoft, Wood, Wright, Mr. Speaker.--54.

Nay: Biggs, Cannaday, Condit, Floyd, Grau, Hardin, Hoskin, Inman, Kirby, Kouplen, McDaniel (Curtis), McPeak, Proctor, Renegar, Ritze, Roberts (Sean), Russ, Shelton, Sherrer, Shoemake, Virgin.--21.

Excused: Brown, Casey, Christian, Cox, Dorman, Enns, Fisher, Fourkiller, Hamilton, Henke, Jackson, Lockhart, Matthews, Moore, Morrissette, Nollan, Perryman, Pittman, Pruett, Quinn, Reynolds, Sears, Shannon, Trebilcock, Watson, Williams.--26.

The emergency failed.

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

PENDING CONSIDERATION OF SAs

SAs to **HB 2730** were called up for consideration.

Upon request of Representative Cleveland, **HB 2730** was laid over.

MOTION

Representative Peterson moved that the House stand in recess until 1:00 p.m., which was the order.

Representative Armes Presiding

PENDING CONSIDERATION OF SAs

SAs to **HB 2730** as considered and laid over were called up for further consideration.

Upon motion of Representative Cleveland, the House concurred in the **SAs** to **HB 2730** upon a division of the question.

HB 2730, 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: Bennett, Billy, Blackwell, Brumbaugh, Christian, Cleveland, Cockroft, Cox, Dank, Derby, Echols, Enns, Fisher, Grau, Hall, Hulbert, Jackson, Jackson, Johnson, Joyner, Kern, Kirby, Martin (Scott), Matthews, McCall, McDaniel (Curtis), McDaniel (Jeannie), McDaniel (Randy), Moore, Morrissette, Mulready, Murphey, Nelson, Newell, O'Donnell, Ortega, Osborn, Ownbey, Perryman, Peterson, Pruett, Quinn, Reynolds, Ritze, Roberts (Sean), Russ, Schwartz, Scott, Sears, Shelton, Shoemake, Stiles, Trebilcock, Turner, Vaughan, Virgin, Walker, Wesselhoft, Wood.--59.

Nay: Banz, Brown, Cannaday, Casey, Condit, Coody, Cooksey, Denney, DeWitt, Floyd, Fourkiller, Hamilton, Hardin, Hoskin, Inman, Jordan, Kouplen, McBride, McCullough, McNiell, McPeak, Pittman, Proctor, Renegar, Roberts (Dustin), Sherrer, Smalley, Thomsen, Wright, Mr. Speaker.--30.

Excused: Armes, Biggs, Dorman, Glenn, Henke, Lockhart, Nollan, Rousselot, Sanders, Shannon, Watson, Williams.--12.

The measure passed.

Representative Cleveland moved to reconsider the vote whereby **HB 2730** passed.

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

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

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 1020** was called up for consideration.

Upon motion of Representative Hulbert, the **CCR** on **HB 1020** was adopted upon a division of the question.

HB 1020, as amended in conference, was read at length for the fourth time and the roll was called on the measure as follows:

Aye: Armes, Banz, Bennett, Biggs, Billy, Blackwell, Brumbaugh, Casey, Cleveland, Condit, Cox, DeWitt, Echols, Fisher, Fourkiller, Hall, Hamilton, Hardin, Hulbert, Jackson, Johnson, Joyner, Kirby, Kouplen, Martin (Scott), Matthews, McBride, McCall, McCullough, McDaniel (Jeannie), Mulready, Murphey, O'Donnell, Ortega, Osborn, Ownbey, Perryman, Pittman, Pruett, Quinn, Roberts (Sean), Rousselot, Russ, Scott,

Shelton, Sherrer, Shoemake, Thomsen, Turner, Vaughan, Virgin, Walker, Wesselhoft, Wood, Wright, Mr. Speaker.--56.

Nay: Cannaday, Christian, Cockroft, Coody, Dank, Derby, Enns, Floyd, Grau, Inman, Jackson, Jordan, Kern, McDaniel (Curtis), McNiel, McPeak, Morrisette, Nelson, Newell, Peterson, Proctor, Renegar, Ritze, Sanders, Schwartz, Smalley, Trebilcock, Williams.--28.

Excused: Brown, Cooksey, Denney, Dorman, Glenn, Henke, Hoskin, Lockhart, McDaniel (Randy), Moore, Nollan, Reynolds, Roberts (Dustin), Sears, Shannon, Stiles, Watson.--17.

The measure passed.

Representative Hulbert moved to reconsider the vote whereby **HB 1020** passed.

Representative Roberts (Sean) moved to table the Hulbert motion, which tabling motion prevailed upon roll call as follows:

Aye: Armes, Banz, Bennett, Blackwell, Brumbaugh, Casey, Cleveland, Cockroft, Coody, Cox, Denney, DeWitt, Echols, Fisher, Hall, Hamilton, Hardin, Hoskin, Hulbert, Jackson, Martin (Scott), Matthews, McBride, McCall, McDaniel (Jeannie), Mulready, Murphey, O'Donnell, Ortega, Osborn, Ownbey, Quinn, Renegar, Roberts (Sean), Russ, Scott, Sears, Sherrer, Shoemake, Thomsen, Vaughan, Virgin, Wood, Mr. Speaker.--44.

Nay: Cannaday, Dank, Derby, Floyd, Grau, Jackson, Jordan, Kern, McNiel, Morrisette, Newell, Peterson, Ritze, Sanders, Schwartz, Trebilcock.--16.

Excused: Biggs, Billy, Brown, Christian, Condit, Cooksey, Dorman, Enns, Fourkiller, Glenn, Henke, Inman, Johnson, Joyner, Kirby, Kouplen, Lockhart, McCullough, McDaniel (Curtis), McDaniel (Randy), McPeak, Moore, Nelson, Nollan, Perryman, Pittman, Proctor, Pruett, Reynolds, Roberts (Dustin), Rousselot, Shannon, Shelton, Smalley, Stiles, Turner, Walker, Watson, Wesselhoft, Williams, Wright.--41.

HB 1020, together with the conference committee report, thereon, was ordered transmitted to the Honorable Senate.

MESSAGES FROM THE SENATE

Announcing that Enrolled **HB 2372** 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 transmitted to the Honorable Governor.

Concurrence in HAs

Announcing the concurrence of Senate in **HAs** to **SBs 1199, 1799, 1828** and **2115** and the passage of said measures, as amended thereby.

Conference granted

Advising conference granted and the Senate naming conferees as follows:

HJR 1092 - Sykes, Griffin, Treat, Sharp, Sparks, Ivester

Returning CCR

Returning **HB 2614** together with conference committee report thereon, advising adoption of conference committee report and passage of measure as amended.

The above-numbered measure, as amended by the conference committee report, was 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 436 (2nd)
SB 1216

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

Conferees named

Advising naming Senate Conferees as follows:

SB 355 - Anderson, Sykes, Johnson (Rob), Holt, Ivester, Sparks
SB 582 - Brinkley, Sykes, Johnson (Rob), David, McAffrey, Paddack
SB 1315 - Marlatt, Treat, Schultz, Standridge, Sparks, McAffrey
SB 1499 - Standridge, Crain, Griffin, Halligan, Sparks, Burrage

Conferees named, GCCA

Advising naming of GCCA as Senate Conferees as follows:

SB 1866

Further conference granted

Advising further conference granted on **HB 1794** and naming GCCA as Senate conferees.

Conferees changed

Advising changing Senate Conferees as follows:

SB 1691 - Remove Treat and add Johnson (Rob)

MOTION

Representative Bennett asked that the Journal reflect that had he been present in the Chamber, he would have voted aye on **HBs 2372** and **2667** and nay on **HB 3417** on May 16, 2014, which was the order.

COMMITTEE REPORTS

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

DO PASS:

HB 3542 – Joint Committee on Appropriations and Budget

DO PASS, As Amended:

CS for HB 3513 – Joint Committee on Appropriations and Budget
CS for HB 3515 – Joint Committee on Appropriations and Budget
CS for HB 3516 – Joint Committee on Appropriations and Budget
CS for HB 3517 – Joint Committee on Appropriations and Budget
CS for HB 3519 – Joint Committee on Appropriations and Budget
CS for HB 3523 – Joint Committee on Appropriations and Budget
CS for HB 3524 – Joint Committee on Appropriations and Budget
CS for HB 3531 – Joint Committee on Appropriations and Budget
CS for HB 3536 – Joint Committee on Appropriations and Budget
CS for HB 3538 – Joint Committee on Appropriations and Budget
CS for HB 3539 – Joint Committee on Appropriations and Budget

CCRs SUBMITTED

The conference committee reports were read on the following measures:

HB 2130
HB 2241
HB 2249
HB 2589
HB 2620

HB 2630

HB 2637, Coauthored by Representative(s) Wright

HB 2929

HB 3201

HB 3472

HB 3473

HJR 1033

FIRST READING

The following were introduced and read for the first time:

HB 3543 – By Hickman of the House and Bingman of the Senate.

An Act relating to salaries and compensation; rejecting certain action by the Board on Judicial Compensation; amending judicial salaries; clarifying effect of amendment; providing that certain salary modifications are subject to the availability of existing funds; amending 19 O.S. 2011, Section 215.30, as amended by Section 68, Chapter 304, O.S.L. 2012 (19 O.S. Supp. 2013, Section 215.30), which relates to district attorneys' salaries; modifying salaries, subject to the availability of existing funds; amending 74 O.S. 2011, Section 250.4, which relates to state officer salaries; providing that state officers' salaries shall not increase; amending Section 19, Chapter 208, O.S.L. 2013 (85A O.S. Supp. 2013, Section 19), which relates to the Workers Compensation Commission; providing that commissioners' salaries shall not increase; providing for noncodification; providing an effective date; and declaring an emergency.

HJR 1101 – By Martin (Scott) and Sears of the House and Jolley and Justice of the Senate.

A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection a proposed amendment to Section 6B of Article X of the Constitution of the State of Oklahoma; modifying provisions for exempt treatment of manufacturing facilities; authorizing board of county commissioners to approve exemption; specifying maximum duration of exemption; authorizing maximum percentage of net assessed value exempt from tax; modifying provisions related to reimbursement of certain ad valorem tax revenues to local taxing jurisdictions; specifying applicability of certain provisions; providing for applicability of provisions based on specified date; providing ballot title; and directing filing.

MESSAGES FROM THE GOVERNOR

Advising of her approval of **HB 3349** on May 19, 2014.

Representative DeWitt moved that when the clerk's desk is clear, the House stand adjourned to reconvene at 9:30 a.m., Tuesday, May 20, 2014, which was the order.

Pursuant to the motion of Representative DeWitt, the House was adjourned at 2:40 p.m., to reconvene Tuesday, May 20, 2014, at 9:30 a.m.