

# HOUSE JOURNAL

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

**of the State of Oklahoma**

**Twelfth Legislative Day, Wednesday, February 18, 2015**

The House was called to order by Representative Thomsen.

The roll was called with 100 Members present.

The following Member was excused: McBride.—1.

Representative Thomsen declared a quorum present.

Prayer was offered by Minister Steve Minor, Kingfisher Church of Christ, Kingfisher. Minister Minor was sponsored by Representative Sanders.

The Journal for the last legislative day was approved.

## **ENGROSSED AND ENROLLED MEASURES**

**HBs 1001, 1005, 1006, 1010, 1040, 1053, 1266, 1274, 1293, 1494 and 1612** were reported correctly engrossed, properly signed, in open session, and ordered transmitted to the Honorable Senate.

## **MEASURES REASSIGNED**

The following measures were reassigned:

**HB 1118** – Withdrawn from Rules and referred to Children, Youth and Family Services.

**HB 1601** – Withdrawn from Rules and referred to Government Oversight and Accountability.

**HB 2161** – Withdrawn from Judiciary and Civil Procedure and referred to Appropriations and Budget.

**GENERAL ORDER**

**HB 1749** by Newell of the House and Dahm of the Senate was read and considered.

Coauthored by Representative(s) Osborn, Ritze, Nelson, Cockroft, Billy, Dunlap

Representative Newell moved to amend **HB 1749**, Page 1, Section 1, Line 22 by inserting “on or after November 1, 2015” after “that” and before “collectively”, which amendment was declared adopted upon a division of the question.

Representative Newell moved that **HB 1749** be advanced from General Order.

While the vote was in progress on the Newell motion to advance **HB 1749** from General Order, Representative Inman raised a point of order as to how many questions were pending in the queue at the time of the motion. The Presiding Officer ruled the point not in order as it did not pertain to the vote in progress. Representative Inman then attempted to appeal the ruling of the Chair but was not recognized.

The Newell motion was declared adopted upon a division of the question.

**THIRD READING**

**HB 1749** was read at length for the third time.

Representative Inman raised a point of order stating that the Presiding Officer had not recognized his appeal during the vote and requested notice as to where in House Rules an appeal could not be entertained in the course of a vote.

The Presiding Officer referred to Section 9.2 of House Rules stating that the Presiding Officer must maintain order and decorum in the Chamber and that it would be disorderly to entertain an appeal in the midst of another vote.

Representative Inman appealed the ruling of the Presiding Officer 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: Bennett, Biggs, Billy, Brumbaugh, Caldwell, Calvey, Casey, Christian, Cleveland, Cockroft, Coody (Ann), Coody (Jeff), Cooksey, Cox, Dank, Denney, Derby, Dunlap, Echols, Enns, Fought, Fisher, Grau, Hall, Hardin, Henke, Johnson, Jordan, Joyner, Kannady, Kern, Kirby, Leewright, Lepak, Martin (Scott), McCall, McCullough, McDaniel (Randy), Montgomery, Moore, Mulready, Murdock, Murphey, Nelson, Newell, Nollan,

Ortega, Ownbey, Park, Peterson, Pfeiffer, Ritze, Roberts (Sean), Rogers, Russ, Sears, Strohm, Thomsen, Vaughan, Walker, Wallace, Watson, Wesselhoft, Wood, Wright, Mr. Speaker.--66.

Nay: Brown, Cannaday, Condit, Dunnington, Fourkiller, Griffith, Hoskin, Inman, Kouplun, Lockhart, Loring, Matthews, McDaniel (Jeannie), McPeak, Perryman, Proctor, Pruett, Renegar, Rousselot, Scott, Shelton, Sherrer, Shoemake, Stone, Tadlock, Virgin, Young.--27.

Excused: Banz, McBride, Morrissette, O'Donnell, Osborn, Roberts (Dustin), Sanders, Williams.--8.

Representative Shelton moved to rescind the Third Reading of **HB 1749**.

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

Aye: Banz, Bennett, Billy, Brumbaugh, Caldwell, Calvey, Casey, Christian, Cleveland, Cockroft, Coody (Ann), Coody (Jeff), Cooksey, Cox, Dank, Denney, Derby, Dunlap, Echols, Faught, Fisher, Grau, Hall, Hardin, Henke, Johnson, Jordan, Joyner, Kannady, Kern, Leewright, Lepak, Martin (Scott), McCall, McCullough, McDaniel (Randy), Montgomery, Moore, Mulready, Murphey, Nelson, Newell, Nollan, O'Donnell, Ortega, Osborn, Ownbey, Park, Peterson, Pfeiffer, Ritze, Roberts (Sean), Rogers, Russ, Sears, Strohm, Vaughan, Wallace, Watson, Wesselhoft, Wood, Wright, Mr. Speaker.--63.

Nay: Brown, Cannaday, Condit, Dunnington, Fourkiller, Griffith, Hoskin, Inman, Kouplun, Lockhart, Loring, Matthews, McPeak, Perryman, Proctor, Pruett, Renegar, Rousselot, Scott, Shelton, Sherrer, Shoemake, Stone, Tadlock, Virgin, Williams, Young.--27.

Excused: Biggs, Enns, Kirby, McBride, McDaniel (Jeannie), Morrissette, Murdock, Roberts (Dustin), Sanders, Thomsen, Walker.--11.

Representative Proctor moved to table **HB 1749**, which motion failed of adoption upon roll call as follows:

Aye: Brown, Cannaday, Condit, Dunnington, Fourkiller, Griffith, Hoskin, Inman, Kouplun, Lockhart, Loring, Matthews, McDaniel (Jeannie), McPeak, Perryman, Proctor, Pruett, Renegar, Rousselot, Scott, Shelton, Sherrer, Shoemake, Stone, Tadlock, Virgin, Williams, Young.--28.

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

Excused: Bennett, Christian, Enns, Kirby, McBride, Morrissette, Roberts (Dustin), Sanders.--8.

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

Aye: Bennett, Biggs, Billy, Brumbaugh, Caldwell, Calvey, Casey, Cleveland, Cockroft, Coody (Ann), Coody (Jeff), Cooksey, Cox, Derby, Dunlap, Echols, Enns, Faught, Fisher, Grau, Hall, Henke, Johnson, Jordan, Kern, Kirby, Leewright, Lepak, Martin (Scott), McCall, McCullough, McDaniel (Randy), Montgomery, Moore, Mulready, Murphey, Nelson, Newell, Nollan, O'Donnell, Ortega, Osborn, Ownbey, Park, Peterson, Ritze, Roberts (Dustin), Roberts (Sean), Rogers, Russ, Sanders, Sears, Strohm, Vaughan, Walker, Watson, Wesselhoft, Wright, Mr. Speaker.--59.

Nay: Brown, Cannaday, Christian, Condit, Dank, Denney, Dunnington, Fourkiller, Griffith, Hardin, Hoskin, Inman, Joyner, Kannady, Kouplen, Lockhart, Loring, Matthews, McDaniel (Jeannie), McPeak, Murdock, Perryman, Pfeiffer, Proctor, Pruett, Renegar, Rousselot, Scott, Shelton, Sherrer, Shoemake, Stone, Tadlock, Thomsen, Virgin, Wallace, Williams, Wood, Young.--39.

Excused: Banz, McBride, Morrissette.--3.

The measure passed.

Representative Newell served notice to reconsider the vote whereby **HB 1749** passed.

## **MESSAGES FROM THE SENATE**

Announcing the passage of **SBs 11, 206** and **567**. The measures were introduced and read for the first time.

**SB 11** – By Barrington of the Senate and Bennett of the House.

An Act relating to the Oklahoma State Bureau of Investigation; amending 74 O.S. 2011, Section 150.7, which relates to the powers of the Director; allowing the appointment of affiliate task force agents for investigative purposes; and providing an effective date.

**SB 206** – By Simpson of the Senate and Roberts (Dustin) of the House.

An Act relating to soldiers and sailors, amending 44 O.S. 2011, Section 237, which relates to the Oklahoma National Guard Relief Program; limiting scope of program; clarifying function of review board; modifying funding criteria; and providing an effective date.

**SB 567** – By Simpson of the Senate and Hardin of the House.

An Act relating to veterans; creating the Veterans Benefits Assistance Act; providing short title; defining terms; providing requirements for individuals providing certain assistance; providing requirements of certain disclosure; prohibiting certain exclusions; requiring certain copies; directing referring entities to report certain information; requiring certain form be produced; specifying certain requirements be in writing; providing for certain notice by certain date; allowing for development of procedures; providing method of investigating violations; providing certain exemptions; providing for noncodification; providing for codification; providing an effective date; and declaring an emergency.

## **RESOLUTION FOR CONSIDERATION**

**HR 1007** was called up for consideration.

Upon unanimous consent request of Representative Coody (Ann), all Members of the House were added as coauthors.

Upon motion of Representative Coody (Ann), **HR 1007** was considered and adopted.

**HR 1007** was referred for enrollment.

## **MEASURES REASSIGNED**

The following measure was reassigned:

**HB 1548** – Withdrawn from Rules and referred to Criminal Justice and Corrections.

## **GENERAL ORDER**

**HB 1430** by Leewright of the House was read and considered.

Coauthored by Representative(s) Lockhart

Authored by Senator Griffin (principal Senate author)

Representative Leewright moved that **HB 1430** be advanced from General Order, which motion was declared adopted.

**THIRD READING**

**HB 1430** was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Bennett, Biggs, Billy, Brumbaugh, Caldwell, Calvey, Cannaday, Casey, Cleveland, Cockroft, Condit, Coody (Ann), Coody (Jeff), Cooksey, Cox, Dank, Denney, Derby, Dunlap, Dunnington, Echols, Enns, Faught, Fisher, Fourkiller, Grau, Griffith, Hall, Hardin, Henke, Hoskin, Inman, Johnson, Jordan, Joyner, Kannady, Kern, Kirby, Kouplen, Leewright, Lepak, Lockhart, Loring, Martin (Scott), Matthews, McCall, McCullough, McDaniel (Jeannie), McDaniel (Randy), McPeak, Montgomery, Moore, 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, Shoemake, Stone, Strohm, Tadlock, Thomsen, Vaughan, Walker, Wallace, Watson, Wesselhoft, Williams, Wood, Wright, Young, Mr. Speaker.--93.

Nay: Murphey.--1.

Excused: Banz, Brown, Christian, McBride, Morrissette, Sherrer, Virgin.--7.

The measure passed.

**HB 1430** was referred for engrossment.

**MEASURE REREFERRED**

Upon motion of Representative Fisher, **HB 1379** was withdrawn from the Calendar and rereferred to the Public Health Committee.

**MOTION**

Representative Sears asked that the Journal reflect that had he been present in the Chamber, Tuesday, February 17, he would have voted aye on **HBs 1053** and **1612**, which was the order.

## MESSAGES FROM THE SENATE

Advising the Honorable House that the following members of the Senate have been named to the Joint Committee on Appropriations and Budget.

### JOINT COMMITTEE ON APPROPRIATIONS AND BUDGET

Jolley, Chair  
Treat, Vice Chair

Allen	Justice
Anderson	Loveless
Barrington	Marlatt
Bass	Mazzei
Bice	Newberry
Boggs	Paddack
Brecheen	Pittman
Brinkley	Quinn
Brooks	Sharp
Brown	Shaw
Crain	Shortey
Dahm	Silk
David	Simpson
Fields	Smalley
Floyd	Sparks
Ford	Standridge
Fry	Stanislawski
Garrison	Sykes
Griffin	Thompson
Halligan	Wyrick
Holt	Yen
Jech	

## RESOLUTIONS

The following was introduced and read:

**HR 1008** – By Nollan.

A Resolution proclaiming February 22-28, 2015 as “Emergency Management Week” in the State of Oklahoma; and encouraging all Oklahomans to thank those who contribute to emergency management across the state.

**COMMITTEE REPORTS**

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

DO PASS:

- HB 1017** – Administrative Rules, Authored by Senator Dahm (principal Senate author)
- HB 1023** – Administrative Rules, Authored by Senator Dahm (principal Senate author)
- HB 1032** – Government Oversight and Accountability, Authored by Senator Crain (principal Senate author)
- HB 1035** – Judiciary and Civil Procedure
- HB 1037** – Government Oversight and Accountability, Authored by Senator Quinn (principal Senate author)
- HB 1044** – Appropriations and Budget, Authored by Senator Treat (principal Senate author)
- HB 1054** – State Government Operations, Authored by Senator Pittman (principal Senate author)
- HB 1075** – Agriculture and Rural Development, Authored by Senator Quinn (principal Senate author)
- HB 1076** – Criminal Justice and Corrections, Coauthored by Representative(s) Cleveland, and Authored by Senator Quinn (principal Senate author)
- HB 1375** – Business, Labor and Retirement Laws
- HB 1399** – Appropriations and Budget
- HB 1421** – Appropriations and Budget, Authored by Senator Dahm (principal Senate author)
- HB 1422** – Appropriations and Budget, Authored by Senator Dahm (principal Senate author)
- HB 1439** – State Government Operations, Coauthored by Representative(s) Denney, and Authored by Senator Barrington (principal Senate author)
- HB 1508** – Judiciary and Civil Procedure
- HB 1511** – Elections and Ethics
- HB 1516** – Criminal Justice and Corrections, Authored by Senator David (principal Senate author)
- HB 1538** – Business, Labor and Retirement Laws
- HB 1599** – Judiciary and Civil Procedure, Coauthored by Representative(s) Bennett, and Authored by Senator Brecheen (principal Senate author)
- HB 1846** – Elections and Ethics, Authored by Senator Bass (principal Senate author)
- HB 1855** – Criminal Justice and Corrections, Authored by Senator Sykes (principal Senate author)
- HB 1904** – Appropriations and Budget, Authored by Senator Barrington (principal Senate author)
- HB 2181** – Elections and Ethics, Coauthored by Representative(s) Cooksey
- HB 2185** – Rules
- HB 2208** – Agriculture and Rural Development

**HJR 1009** – Rules, Coauthored by Representative(s) Bennett, Brumbaugh, Coody (Jeff), Calvey, Cleveland, Enns, Echols, Roberts (Sean), Murphey, Newell, Kern, Wesselhoft, Montgomery, Wright, Kirby, Park, Leewright, Johnson, Kannady, Osborn, Wallace, Faught, Strohm, McCullough, Caldwell, Moore, Wood

**HJR 1013** – Rules

**HJR 1019** – Rules, Authored by Senator Justice (principal Senate author)

**HJR 1020** – Rules, Authored by Senator Loveless (principal Senate author)

DO PASS, As Amended:

**CS for HB 1094** – Children, Youth and Family Services

**CS for HB 1104** – Agriculture and Rural Development

**CS for HB 1125** – Judiciary and Civil Procedure

**CS for HB 1149** – Judiciary and Civil Procedure

**CS for HB 1290** – Appropriations and Budget, Coauthored by Representative(s) Cannaday, and Authored by Senator Fields (principal Senate author)

**CS for HB 1328** – Judiciary and Civil Procedure, Authored by Senator Floyd (principal Senate author)

**CS for HB 1350** – Criminal Justice and Corrections, Authored by Senator David (principal Senate author)

**CS for HB 1410** – Appropriations and Budget, Authored by Senator Paddack (principal Senate author)

**CS for HB 1412** – State Government Operations

**CS for HB 1438** – Public Health, Authored by Senator Yen (principal Senate author)

**CS for HB 1452** – State Government Operations, Authored by Senator Holt (principal Senate author)

**CS for HB 1457** – Children, Youth and Family Services

**CS for HB 1462** – Agriculture and Rural Development, Authored by Senator Fields (principal Senate author)

**CS for HB 1560** – Government Oversight and Accountability

**CS for HB 1664** – Elections and Ethics

**CS for HB 1697** – Public Health

**CS for HB 1725** – Government Oversight and Accountability, Authored by Senator Sykes (principal Senate author)

**CS for HB 1731** – Children, Youth and Family Services, Coauthored by Representative(s) Nollan, and Authored by Senator David (principal Senate author)

**CS for HB 1741** – Government Oversight and Accountability, Authored by Senator Newberry (principal Senate author)

**CS for HB 1756** – Agriculture and Rural Development, Authored by Senator Schulz (principal Senate author)

**CS for HB 1758** – Agriculture and Rural Development, Authored by Senator Fields (principal Senate author)

**CS for HB 1775** – Agriculture and Rural Development

**CS for HB 1805** – Rules, Authored by Senator Justice (principal Senate author)

**CS for HB 1910** – Criminal Justice and Corrections

**CS for HB 2157** – Children, Youth and Family Services

**CS for HB 2209** – Elections and Ethics

Representative Billy moved that when the clerk's desk is clear, the House stand adjourned to reconvene at 9:00 a.m., Thursday, February 19, 2015, which was the order.

Pursuant to the motion of Representative Billy, the House was adjourned at 3:50 p.m., to reconvene Thursday, February 19, 2015, at 9:00 a.m.