

HOUSE JOURNAL

First Regular Session of the Fifty-fifth Legislature

of the State of Oklahoma

Seventeenth Legislative Day, Thursday, February 26, 2015

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

The roll was called with 98 Members present.

The following Members were excused: Dank, Kouplen, Lockhart.—3.

The Speaker Pro Tempore declared a quorum present.

Prayer was offered by Pastor Semaj Vanzant, Christ United Methodist Church, Oklahoma City. Pastor Vanzant was sponsored by Representative Young.

The Journal for the last legislative day was approved.

ENGROSSED AND ENROLLED MEASURES

HBs 1051, 1081, 1113, 1347, 1650, 1651, 1748, 1807 and 1860 were reported correctly engrossed, properly signed, in open session, and ordered transmitted to the Honorable Senate.

GENERAL ORDER

HB 1085 by Ownbey of the House was read and considered.

Authored by Senator Treat (principal Senate author)

Representative Ownbey moved to suspend House Rule 8.6 for the purpose of allowing consideration of an untimely filed floor amendment, which motion was declared adopted upon roll call 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, Faught, Grau, Griffith, Hall, Hardin, Jordan, Joyner, Kannady, Leewright, Lepak, Loring, Martin (Scott), McBride, McCall, McCullough, McDaniel (Randy), McPeak, Montgomery, Moore, Mulready, Murdock, Murphey, Nelson, Newell, O'Donnell, Ortega, Park, Perryman, Peterson, Pfeiffer, Proctor, Pruett, Renegar, Roberts (Dustin), Roberts (Sean), Rogers, Rousselot, Russ, Sanders, Scott, Sears, Shoemake, Strohm, Tadlock, Thomsen, Vaughan, Walker, Wallace, Watson, Williams, Wood, Young, Mr. Speaker.--74.

Excused: Brown, Christian, Dank, Dunnington, Fisher, Fourkiller, Henke, Hoskin, Inman, Johnson, Kern, Kirby, Kouplen, Lockhart, Matthews, McDaniel (Jeannie), Morrissette, Nollan, Osborn, Ownbey, Ritze, Shelton, Sherrer, Stone, Virgin, Wesselhoft, Wright.--27.

Representative Ownbey moved to amend **HB 1085**, Page 10, Section 1, Line 9 by adding the language "home care, hospice and" after the word "of" and before the word "palliative"; Line 10 by adding the language "from home care, hospice and" after the word "practices" and before the word "palliative"; and Line 12 by adding the language "home care, hospice and" after the word "on" and before the word "palliative", which amendment was declared adopted.

Representative Ownbey moved that **HB 1085** be advanced from General Order, which motion was declared adopted.

THIRD READING

HB 1085 was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Banz, Bennett, Biggs, Billy, Brown, Brumbaugh, Caldwell, Calvey, Cannaday, Casey, Christian, Cleveland, Cockroft, Condit, Coody (Ann), Coody (Jeff), Cooksey, Cox, Denney, Derby, Dunlap, Dunnington, Echols, Enns, Faught, Fisher, Grau, Griffith, Hall, Hardin, Henke, Hoskin, Inman, Johnson, Jordan, Joyner, Kannady, Kern, Kirby, Leewright, Lepak, Loring, Martin (Scott), McBride, McCall, McDaniel (Jeannie), McDaniel (Randy), McPeak, Montgomery, Moore, Morrissette, Mulready, Murdock, Murphey, Newell, Nollan, O'Donnell, Ortega, Osborn, Ownbey, Park, Perryman, Pfeiffer, Proctor, Pruett, Renegar,

Roberts (Dustin), Roberts (Sean), Rogers, Rousselot, Russ, Sanders, Scott, Sears, Shoemake, Stone, Strohm, Tadlock, Thomsen, Vaughan, Virgin, Walker, Wallace, Watson, Wesselhoft, Williams, Wood, Wright, Young, Mr. Speaker.--90.

Excused: Dank, Fourkiller, Kouplen, Lockhart, Matthews, McCullough, Nelson, Peterson, Ritze, Shelton, Sherrer.--11.

The measure passed.

HB 1085 was referred for engrossment.

GENERAL ORDER

HB 2177 by Hickman of the House was read and considered.

Coauthored by Representative(s) McBride, Murdock

Authored by Senator Bingman (principal Senate author)

Speaker Hickman moved that **HB 2177** be advanced from General Order, which motion was declared adopted.

THIRD READING

HB 2177 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, Brumbaugh, Caldwell, Calvey, Cannaday, Casey, Christian, Cleveland, Cockroft, Condit, Coody (Ann), Coody (Jeff), Cooksey, Cox, Denney, Derby, Dunlap, Echols, Enns, Faught, Fisher, Grau, Griffith, Hall, Hardin, Henke, Hoskin, Inman, Johnson, Jordan, Joyner, Kannady, Kern, Kirby, Leewright, Lepak, Loring, Martin (Scott), Matthews, McBride, McCall, McCullough, McDaniel (Jeannie), McDaniel (Randy), McPeak, Montgomery, Moore, Morrissette, Mulready, Murdock, Murphey, Nelson, Nollan, O'Donnell, Ortega, Osborn, Ownbey, Park, Perryman, Peterson, Pfeiffer, Proctor, Pruett, Renegar, Roberts (Sean), Rogers, Rousselot, Russ, Sanders, Scott, Sears, Shoemake, Stone, Strohm, Tadlock, Thomsen, Vaughan, Virgin, Walker, Wallace, Watson, Wesselhoft, Williams, Wood, Wright, Young, Mr. Speaker.--90.

Nay: Brown.--1.

Excused: Dank, Dunnington, Fourkiller, Kouplen, Lockhart, Newell, Ritze, Roberts (Dustin), Shelton, Sherrer.--10.

The measure and emergency passed.

HB 2177 was referred for engrossment.

GENERAL ORDER

HB 1322 by Bennett of the House was read and considered.

Authored by Senator Allen (principal Senate author)

Representative Shelton moved to amend **HB 1322** by deleting Section 1 in its entirety and inserting the following language:

“SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1115.6 of Title 22, unless there is created a duplication in numbering, reads as follows:

Under no circumstances may a law enforcement agency or law enforcement task force authorize or allow a private non-law-enforcement or nondepartmental entity or person to conduct or actively participate in a roadside traffic stop or arrest for a violation of a state traffic law or municipal traffic ordinance.”, which amendment was withdrawn.

Representative Bennett moved that **HB 1322** be advanced from General Order, which motion was declared adopted.

Representative Brumbaugh Presiding**THIRD READING**

HB 1322 was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Banz, Bennett, Biggs, Billy, Brumbaugh, Caldwell, Calvey, Cannaday, Casey, Christian, Cleveland, Cockroft, Condit, Coody (Ann), Coody (Jeff), Cooksey, Cox, Denney, Derby, Dunlap, Dunnington, Echols, Enns, Faught, Fisher, Fourkiller, Grau, Griffith, Hall, Hardin, Henke, Hoskin, Inman, Johnson, Jordan, Joyner, Kannady, Kern, Kirby, Leewright, Lepak, Loring, Martin (Scott), McBride, McCall, McCullough, McDaniel (Jeannie), McDaniel (Randy), Montgomery, Moore, Mulready, Murdock, Murphey, Nelson, Newell, Nollan, O'Donnell, Ortega, Osborn, Ownbey, Park, Perryman, Peterson, Pfeiffer, Proctor, Pruett, Roberts (Dustin), Roberts (Sean), Rogers, Rousselot, Russ, Sanders, Scott, Sears, Shoemake, Strohm, Tadlock, Thomsen, Vaughan, Walker, Wallace, Watson, Wesselhoft, Wood, Wright, Mr. Speaker.--86.

Nay: Matthews, McPeak, Morrisette, Renegar, Shelton, Stone, Virgin, Williams, Young.--9.

Excused: Brown, Dank, Kouplén, Lockhart, Ritze, Sherrer.--6.

The measure passed.

HB 1322 was referred for engrossment.

GENERAL ORDER

HB 1721 by Peterson et al of the House and Brecheen of the Senate was read and considered.

Coauthored by Representative(s) Roberts (Sean), Faught, Strohm, Kern, Ownbey, Johnson

Representative Peterson moved to amend **HB 1721**, Page 6, Section 5, Line 24 by adding after the semicolon “;” the word “or” and Page 7, Lines 1-2 by deleting the following language “2. The father of the unborn child, if married to the woman at the time the dismemberment abortion was performed; or”, and by renumbering the subsequent paragraph, which amendment was declared adopted.

Representative Peterson moved that **HB 1721** be advanced from General Order, which motion was declared adopted.

THIRD READING

HB 1721 was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Banz, Biggs, Billy, Brumbaugh, Caldwell, Calvey, Cannaday, Casey, Christian, Cleveland, Cockroft, Condit, Coody (Ann), Coody (Jeff), Cooksey, Cox, Denney, Derby, Dunlap, Echols, Enns, Faught, Fisher, Fourkiller, Grau, Hall, Hardin, Henke, Hoskin, Inman, Johnson, Jordan, Joyner, Kannady, Kern, Kirby, Leewright, Lepak, Loring, Martin (Scott), Matthews, McBride, McCall, McCullough, McDaniel (Randy), Moore, Morrissette, Mulready, Murdock, Murphey, Nelson, Newell, Nollan, O'Donnell, Ortega, Osborn, Ownbey, Park, Perryman, Peterson, Pfeiffer, Proctor, Pruett, Renegar, Roberts (Dustin), Roberts (Sean), Rogers, Rousselot, Russ, Sanders, Scott, Sears, Shoemake, Stone, Strohm, Tadlock, Vaughan, Walker, Wallace, Watson, Wesselhoft, Wood, Wright, Mr. Speaker.--84.

Nay: Virgin, Williams.--2.

Excused: Bennett, Brown, Dank, Dunnington, Griffith, Kouplen, Lockhart, McDaniel (Jeannie), McPeak, Montgomery, Ritze, Shelton, Sherrer, Thomsen, Young.--15.

The measure passed.

HB 1721 was referred for engrossment.

GENERAL ORDER

HB 1442 by Caldwell of the House was read and considered.

Authored by Senator Quinn (principal Senate author)

Representative Caldwell moved that **HB 1442** be advanced from General Order, which motion was declared adopted.

THIRD READING

HB 1442 was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Banz, Biggs, Billy, Brumbaugh, Caldwell, Calvey, Casey, Cleveland, Cockroft, Condit, Coody (Ann), Coody (Jeff), Cooksey, Denney, Derby, Dunlap, Echols, Enns, Faught, Fisher, Grau, Hall, Hardin, Jordan, Joyner, Kannady, Kern, Leewright, Lepak, Loring, Martin (Scott), McBride, McCall, McCullough, McDaniel (Randy), Montgomery, Moore, Mulready, Murdock, Nelson, Newell, Nollan, O'Donnell, Ortega, Osborn, Ownbey, Park, Perryman, Pfeiffer, Roberts (Dustin), Rogers, Roussetot, Russ, Sanders, Sears, Shoemake, Strohm, Tadlock, Thomsen, Vaughan, Wallace, Wesselhoft, Wood, Wright, Mr. Speaker.--65.

Nay: Bennett, Brown, Cannaday, Dunnington, Fourkiller, Griffith, Henke, Hoskin, Inman, Matthews, McDaniel (Jeannie), McPeak, Morrissette, Murphey, Peterson, Proctor, Pruett, Roberts (Sean), Scott, Shelton, Stone, Virgin, Williams, Young.--24.

Excused: Christian, Cox, Dank, Johnson, Kirby, Kouplen, Lockhart, Renegar, Ritze, Sherrer, Walker, Watson.--12.

The measure passed.

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

Aye: Biggs, Billy, Brumbaugh, Caldwell, Calvey, Casey, Cockroft, Coody (Ann), Coody (Jeff), Cox, Denney, Derby, Echols, Enns, Faught, Hall, Hardin, Johnson, Jordan, Joyner, Kannady, Kern, Leewright, Martin (Scott), McCall, McCullough, McDaniel (Randy), Montgomery, Moore, Mulready, Murdock, Nelson, Newell, Ortega, Osborn, Ownbey, Park, Pfeiffer, Roberts (Dustin), Rogers, Sears, Thomsen, Vaughan, Wallace, Wesselhoft, Wood, Wright, Mr. Speaker.--48.

Nay: Bennett, Brown, Cannaday, Cleveland, Condit, Cooksey, Dunlap, Dunnington, Fisher, Fourkiller, Grau, Griffith, Henke, Hoskin, Inman, Lepak, Loring, Matthews, McBride, McDaniel (Jeannie), Morrissette, Murphey, Nollan, Perryman, Peterson, Proctor, Pruett, Roberts (Sean), Scott, Shoemake, Stone, Virgin, Walker, Williams, Young.--35.

Excused: Banz, Christian, Dank, Kirby, Kouplen, Lockhart, McPeak, O'Donnell, Renegar, Ritze, Rousselot, Russ, Sanders, Shelton, Sherrer, Strohm, Tadlock, Watson.--18.

The emergency failed.

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

MESSAGES FROM THE SENATE

Announcing the passage of **SBs 5, 20, 38, 41, 55, 72, 155, 189, 253, 285, 292, 335, 511** and **817**. The measures were introduced and read for the first time.

SB 5 – By Sharp of the Senate and Cockroft of the House.

An Act relating to schools; amending Section 8, Chapter 7, 1st Extraordinary Session, O.S.L. 2013 (70 O.S. Supp. 2014, Section 6-149.7), which relates to student assaults; providing immunity from liability for education employees or volunteers for use of reasonable force; providing an effective date; and declaring an emergency.

SB 20 – By Sharp of the Senate and Henke of the House.

An Act relating to teacher certification; amending 70 O.S. 2011, Section 6-190, as amended by Section 17, Chapter 124, O.S.L. 2014 (70 O.S. Supp. 2014, Section 6-190), which relates to qualifications for certification; directing the State Board of Education to issue a certificate to teach to persons with out-of-state certificates who meet certain requirements; exempting such persons from certain examinations; requiring such persons to submit certain criminal history records; providing an effective date; and declaring an emergency.

SB 38 – By Shaw of the Senate and Peterson and Loring of the House.

An Act relating to crime and punishment; amending 57 O.S. 2011, Section 332.18, as amended by Section 4, Chapter 124, O.S.L. 2013 (57 O.S. Supp. 2014, Section 332.18), which relates to medical parole; modifying condition and revocation of parole; and providing an effective date.

SB 41 – By Fry of the Senate and Calvey of the House.

An Act relating to public safety; amending 21 O.S. 2011, Sections 1289.3 and 1289.25, which relate to definitions and physical or deadly force against an intruder; broadening definition; modifying construing provision; and providing an effective date.

SB 55 – By David of the Senate and Billy of the House.

An Act relating to crime and punishment; amending 21 O.S. 2011, Section 649, which relates to assault and battery upon a law enforcement officer; broadening certain inclusions; amending 21 O.S. 2011, Section 650, which relates to aggravated assault and battery upon a law enforcement officer; broadening certain inclusions; and providing an effective date.

SB 72 – By Mazzei of the Senate and Sears of the House.

[Department of Commerce - department functions and responsibilities - annual report - exclusions - effective date]

SB 155 – By Shaw of the Senate and Fourkiller of the House.

An Act relating to law enforcement officers; amending 51 O.S. 2011, Section 6, as last amended by Section 1, Chapter 288, O.S.L. 2013 (51 O.S. Supp. 2014, Section 6), which relates to dual office holding; providing exemption for certain law enforcement officers; and declaring an emergency.

SB 189 – By Sharp and Mazzei of the Senate and Casey of the House.

An Act relating to state budgeting; amending 62 O.S. 2011, Sections 34.36, as last amended by Section 1, Chapter 125, O.S.L. 2014 and 34.96, as amended by Section 411, Chapter 304, O.S.L. 2012 (62 O.S. Supp. 2014, Sections 34.36 and 34.96), which relate to agency budget requests and oversight; providing short title; modifying information to be provided with budget request; modifying duties of Legislative Oversight Committee on State Budget Performance; amending 74 O.S. 2011, Section 3914, which relates to the Oklahoma Sunset Law; modifying information to be submitted to sunset committees; providing for noncodification; providing an effective date; and declaring an emergency.

SB 253 – By Fields of the Senate and Cox of the House.

[Board of Mental Health and Substance Abuse Services - composition of the Board - quorum - effective date]

SB 285 – By Ford and Mazzei of the Senate and Coody (Ann) of the House.

An Act relating to schools; amending 70 O.S. 2011, Section 11-103.7, which relates to early childhood education programs; directing the State Board of Education to align standards for early childhood education programs with certain standards; and providing an effective date.

SB 292 – By Griffin of the Senate and Echols of the House.

[child abuse and neglect - definitions - modifying definitions - effective date]

SB 335 – By Fields of the Senate and Denney of the House.

[ad valorem tax - property of pipeline companies - Oklahoma Tax Commission - effective date]

SB 511 – By Floyd and Pittman of the Senate and Denney of the House.

An Act relating to child homelessness; amending 10 O.S. 2011, Section 601.9, which relates to duties of the Office of Planning and Coordination; broadening scope of certain reports to include homeless children and youth; directing Office of Planning and Coordination to review certain data and provide certain assessment; providing guidelines for assessment; requiring submission of certain report; providing for codification; providing an effective date; and declaring an emergency.

SB 817 – By General Government Committee of the Senate and Echols of the House.

An Act relating to consumer credit code; amending 14A O.S. 2011, Sections 2-211 and 2-417, as amended by Sections 1 and 2, Chapter 221, O.S.L. 2012 (14A O.S. Supp. 2014, Section 2-211 and 2-417), authorizing municipalities and certain municipal public trusts to charge convenience fees; stating limitations; and declaring an emergency.

Announcing the passage of the following engrossed measure. The measure was introduced and read.

SCR 10 – By Mazzei, Bingman, Dahm, David, Allen, Anderson, Barrington, Bass, Bice, Boggs, Brecheen, Brinkley, Brooks, Brown, Crain, Fields, Floyd, Ford, Fry, Garrison, Griffin, Halligan, Holt, Jech, Jolley, Justice, Loveless, Marlatt, Newberry, Paddack, Pittman, Quinn, Schulz, Sharp, Shaw, Shortey, Shumate, Silk, Simpson, Smalley, Sparks,

Standridge, Stanislawski, Sykes, Thompson, Treat, Wyrick and Yen of the Senate and McCullough, Peterson, Ritze, Shoemake and Strohm of the House.

A Concurrent Resolution congratulating the Bixby High School Marching Band, Class 6A-II Oklahoma Bandmasters Association Champions; and directing distribution.

MOTION

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

COMMITTEE REPORTS

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

DO PASS:

HB 1091 – Appropriations and Budget, Authored by Senator Floyd (principal Senate author)

HB 1099 – Appropriations and Budget, Authored by Senator Holt (principal Senate author)

HB 1129 – Appropriations and Budget, Coauthored by Representative(s) Montgomery, Johnson

HB 1163 – County and Municipal Government, Authored by Senator Pittman (principal Senate author)

HB 1332 – Utilities

HB 1405 – Appropriations and Budget, Authored by Senator Justice (principal Senate author)

HB 1519 – County and Municipal Government

HB 1679 – Appropriations and Budget, Authored by Senator Wyrick (principal Senate author)

HB 1738 – State and Federal Relations, Authored by Senator Dahm (principal Senate author)

HB 1743 – Appropriations and Budget, Authored by Senator Brown (principal Senate author)

HB 1962 – Appropriations and Budget

HB 1963 – Appropriations and Budget

DO PASS, As Amended:

CS for HB 1002 – Business, Labor and Retirement Laws, Coauthored by Representative(s) Wood, and Authored by Senator Brinkley (principal Senate author)

CS for HB 1067 – Business, Labor and Retirement Laws

CS for HB 1379 – Public Health, Coauthored by Representative(s) Moore, Ritze

CS for HB 1456 – County and Municipal Government, Coauthored by Representative(s) Murdock, Pfeiffer, and Authored by Senator Bingman (principal Senate author)

CS for HB 1458 – Business, Labor and Retirement Laws, Authored by Senator Quinn (principal Senate author)

CS for HB 1584 – Business, Labor and Retirement Laws

CS for HB 1614 – Business, Labor and Retirement Laws

HB 1688 – Appropriations and Budget, Authored by Senator Quinn (principal Senate author)

CS for HB 1693 – Appropriations and Budget, Remove Representative Denney as principal House author and substitute with Representative Calvey

CS for HB 1735 – Business, Labor and Retirement Laws

CS for HB 1778 – Appropriations and Budget, Authored by Senator Simpson (principal Senate author)

CS for HB 1827 – Business, Labor and Retirement Laws

CS for HB 1828 – Business, Labor and Retirement Laws, Authored by Senator Loveless (principal Senate author)

CS for HB 1890 – Economic Development, Commerce and Real Estate, Remove Representative Christian as principal House author and substitute with Representative Kirby, and Authored by Senator Newberry (principal Senate author)

CS for HB 2005 – Business, Labor and Retirement Laws, Coauthored by Representative(s) Bennett, and Authored by Senator Griffin (principal Senate author)

CS for HB 2017 – Appropriations and Budget

CS for HB 2128 – Business, Labor and Retirement Laws

APPOINTMENTS

The Speaker announced the following appointments:

February 26, 2015 – Representative Derby reappointed as a Member and Representative Christian appointed as a Member, replacing former Representative Martin (Steve), of the Oklahoma Compensation and Unclassified Positions Review Board. (74 O.S. 841.30).

Representative Billy moved that when the clerk's desk is clear, the House stand adjourned to reconvene at 10:30 a.m., Monday, March 2, 2015, which was the order.

Pursuant to the motion of Representative Billy, the House was adjourned at 11:40 a.m., to reconvene Monday, March 2, 2015, at 10:30 a.m.