

HOUSE JOURNAL

First Regular Session of the Fifty-second Legislature

of the State of Oklahoma

Fiftieth Legislative Day, Monday, April 27, 2009

The House was called to order by Representative Hickman.

The roll was called with 99 Members present.

The following Members were excused: Dank, Harrison.—2.

Representative Hickman declared a quorum present.

Prayer was offered by Reverend Pat Kilby, First Baptist Church, Ada. Reverend Kilby was sponsored by Representative Thomsen.

Upon motion of Representative Thompson, Reverend Kilby was confirmed as House Chaplain for this legislative week.

The Journal for the last legislative day was approved.

ENGROSSED AND ENROLLED MEASURES

HAs to SBs 122, 123, 277, 281, 431, 598, 646, 738, 810, 867, 878, 932, 982, 991, 1119, 1168, 1170, 1181 and **SJR 27** were reported correctly engrossed, properly signed, in open session, and the measures, as amended, were ordered returned to the Honorable Senate.

HB 1975 was reported correctly enrolled and, after fourth reading, properly signed, in open session, and ordered transmitted to the Honorable Senate.

RESOLUTION

The following was introduced and read:

HR 1046 – By Morrissette.

A Resolution proclaiming April 28, 2009, Veteran and Military Family Appreciation Day and encouraging Oklahomans to honor all veterans.

Representative Armes Presiding**PENDING CONSIDERATION OF CCR**

The **CCR** on **SB 135** was called up for consideration.

Coauthored by Representative(s) Sullivan, Collins

Representative Brown moved to reject the **CCR** on **SB 135** with the following instructions:

“1. Replace the existing content of the entire measure with the content of the introduced version of **HB 1312** of the First Session of the Fifty-second Oklahoma Legislature;

2. Amend the dollar figure in subsection G of Section 1 of **HB 1312** from Fifty Thousand Dollars (\$50,000.00) to Thirty-six Thousand Dollars (\$36,000.00)”.

Representative Steele moved to table the Brown motion to reject the **CCR** on **SB 135** with instructions.

Representative Sullivan raised a point of order stating that **HB 1312** had received a “Do Not Pass” report out of the Economic Development and Financial Services Committee and therefore the Brown motion was out of order.

Representative Inman raised a point of order that a tabling motion is a prior motion and therefore the House should be considering the tabling motion.

The Presiding Officer ruled the point not well taken because the vote had not yet been opened and therefore the Sullivan point of order was in order.

The Presiding Officer ruled the Sullivan point of order well taken and pursuant to House Rule 6.8(b) the Brown motion out of order.

Representative Brown moved to suspend House Rule 6.8(b) for the purpose of allowing consideration of his instructions.

The Presiding Officer ruled the motion out of order pursuant to House Precedent 6.8-1 (2005).

Representative Brown appealed the ruling of the Presiding Officer receiving the required 15 seconds.

"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: Armes, Banz, Billy, Christian, Coody, Cooksey, Cox, Denney, Derby, Duncan, Enns, Faught, Fields, Holland, Jackson, Jett, Johnson, Jones, Jordan, Kern, Key, Kirby, Liebmann, Martin (Scott), Martin (Steve), McCullough, McDaniel (Randy), McNiell, Miller, Moore, Murphey, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson, Reynolds, Richardson, Ritze, Sanders, Schwartz, Sears, Shannon, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Watson, Wesselhoft, Wright (Harold), Wright (John), Mr. Speaker.--55.

Nay: Auffet, Bailey, Brannon, Brown, Buck, Cannaday, Carey, Collins, Dorman, Glenn, Hamilton, Hilliard, Hoskin, Inman, Kiesel, Kouplen, Lamons, Luttrell, McAffrey, McDaniel (Jeannie), McMullen, McPeak, Morgan, Morrissette, Pittman, Proctor, Pruett, Renegar, Roan, Rousselot, Scott, Shelton, Sherrer, Shoemake, Shumate, Smithson, Walker, Williams.--38.

Excused: Blackwell, Dank, DeWitt, Harrison, Hickman, Joyner, Nations, Trebilcock.--8.

Upon motion of Representative Steele, the **CCR** on **SB 135** was adopted.

SB 135, as amended in conference, was read at length for the fourth time and the roll was called on the measure as follows:

Aye: Armes, Auffet, Banz, Billy, Christian, Coody, Cooksey, Cox, Denney, Derby, DeWitt, Duncan, Enns, Faught, Fields, Holland, Jackson, Jett, Johnson, Jones, Jordan, Joyner, Kern, Key, Kirby, Martin (Scott), Martin (Steve), McCullough, McDaniel (Randy), McMullen, McNiell, Miller, Moore, Murphey, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Reynolds, Richardson, Ritze, Rousselot, Sanders, Schwartz, Sears, Shannon, Shelton, Shoemake, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Watson, Wesselhoft, Wright (Harold), Wright (John), Mr. Speaker.--65.

Excused: Bailey, Blackwell, Brannon, Brown, Buck, Cannaday, Carey, Collins, Dank, Dorman, Glenn, Hamilton, Harrison, Hickman, Hilliard, Hoskin, Inman, Kiesel, Kouplen, Lamons, Liebmann, Luttrell, McAffrey, McDaniel (Jeannie), McPeak, Morgan, Morrisette, Nations, Renegar, Roan, Scott, Sherrer, Shumate, Smithson, Walker, Williams.--36.

The measure passed.

SB 135, together with the conference committee report, thereon, was ordered returned to the Honorable Senate.

PENDING CONSIDERATION OF SAs

SAs to HB 1460 were rejected upon motion of Representative Peterson. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to HB 1053 were rejected upon motion of Representative Banz. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to HB 1575 were rejected upon motion of Representative Banz. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to HJR 1017 were rejected upon motion of Representative Banz. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to HB 1069 were rejected upon motion of Representative Tibbs. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to HB 1885 were rejected upon motion of Representative Richardson. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to **HB 1888** were rejected upon motion of Representative Richardson. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to **HB 1890** were rejected upon motion of Representative Richardson. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to **HB 1489** were rejected upon motion of Representative DeWitt. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to **HB 1084** were rejected upon motion of Representative Thomsen. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to **HB 1095** were rejected upon motion of Representative Thomsen. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to **HB 1909** were rejected upon motion of Representative Thomsen. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to **HB 1591** were rejected upon motion of Representative Coody. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to **HB 1592** were rejected upon motion of Representative Coody. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to **HB 2010** were rejected upon motion of Representative Coody. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to **HB 1389** were rejected upon motion of Representative Osborn. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to **HJR 1026** were rejected upon motion of Representative Schwartz. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to **HB 1449** were rejected upon motion of Representative McMullen. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to **HB 1576** were rejected upon motion of Representative Joyner. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to **HB 1579** were rejected upon motion of Representative Joyner. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to **HB 1025** were rejected upon motion of Representative Duncan. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to **HB 1472** were rejected upon motion of Representative Sanders. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to **HB 1424** were rejected upon motion of Representative Proctor. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to **HB 2067** were rejected upon motion of Representative McNiel. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to **HB 1704** were rejected upon motion of Representative Derby. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to **HB 1707** were rejected upon motion of Representative Derby. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to **HB 1074** were rejected upon motion of Representative Cooksey. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to **HB 1360** were rejected upon motion of Representative Cooksey. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to **HB 1800** were rejected upon motion of Representative Cooksey. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to **HB 1597** were rejected upon motion of Representative Sullivan. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to **HB 1616** were rejected upon motion of Representative Sullivan. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to **HB 1297** were rejected upon motion of Representative Ownbey. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to **HB 1678** were rejected upon motion of Representative Ownbey. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to **HB 1717** were rejected upon motion of Representative Ownbey. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to **HB 1780** were rejected upon motion of Representative Jones. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to **HB 1118** were rejected upon motion of Representative Jones. The Speaker named the following conferees:

HB 1118 – Jones, Denney, Coody, Shumate

PENDING CONSIDERATION OF SAs

SAs to **HB 1330** were rejected upon motion of Representative Ritze. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to **HB 1736** were rejected upon motion of Representative Peters. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to **HB 1739** were rejected upon motion of Representative Peters. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to **HB 1740** were rejected upon motion of Representative Peters. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to **HB 1741** were rejected upon motion of Representative Peters. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to **HB 1742** were rejected upon motion of Representative Peters. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to **HB 1734** were rejected upon motion of Representative Peters. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to **HB 2108** were rejected upon motion of Representative Ortega. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to **HB 1003** were rejected upon motion of Representative Kern. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to **HB 2080** were rejected upon motion of Representative Wesselhoft. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to **HB 1759** were rejected upon motion of Representative Enns. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to **HB 1760** were rejected upon motion of Representative Enns. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to **HB 1491** were rejected upon motion of Representative Wright (Harold). Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to **HB 1097** were rejected upon motion of Representative Dank. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to **HB 1032** were rejected upon motion of Representative Murphey. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to **HB 1294** were rejected upon motion of Representative Murphey. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to **HB 1474** were rejected upon motion of Representative Murphey. Conferees to be named later.

MESSAGES FROM THE SENATE

Announcing the passage of and returning engrossed measures as amended: **HBs 1035, 1059**, Coauthored by Senator Burrage, **1295**, Coauthored by Senator Ivester, **1603, 1755, 1834**, Remove Senator Leftwich as principal Senator author and substitute with Senator Eason McIntyre as principal Senate author and coauthored by Senator Leftwich, **2167, 2245**, Coauthored by Representative Thompson and Senator Russell, **2246**, Coauthored by Representative Shumate, **2247**, Coauthored by Senators Ivester, Sparks and Representative Hilliard, **2250**, Coauthored by Representative Tibbs, **HB 2252**, Coauthored by Senator Russell and **HJR**s **1014** and **1042**, Coauthored by Representatives Cooksey, Ritze and Senators Branan, Russell, Jolley, Brogdon, Coffee, Aldridge, Myers, Halligan, Newberry, Reynolds, Brown, Johnson (Mike), Barrington, Nichols, Bingman, Crain, Justice, Ford, Marlatt, Stanislawski, Schulz.

Senate amendments were read on the above numbered measures.

Returning enrolled measure

Announcing that Enrolled **HB 1975** 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.

Transmitting enrolled measure

Advising fourth reading of and transmitting for signature Enrolled **SB 822**.

The above-numbered enrolled measure was, after fourth reading, properly signed and ordered returned to the Honorable Senate.

Conference requested

Advising rejection of **HAs** to **SBs 432, 481, 487, 588, 612, 613, 702, 796, 815, 827, 832, 833, 881, 885, 888, 902, 907, 959, 989, 994, 1029, 1035, 1071, 1075, 1179, 1182** and **SJR**s **5** and **34**, requesting conference thereon, the Senate naming conferees later.

MESSAGES FROM THE GOVERNOR

Advising of his approval of **HBs 1050, 1402, 1413, 1467, 1527, 1564, 1581, 1598, 1599, 1756, 1803, 1813, 1864, 2032, 2057, 2093** and **2174** on April 24, 2009.

Advising of his veto of **HB 1570** on April 24, 2009. The veto message reads as follows:

To the Honorable Speaker of the House
and Members of the House of Representatives
First Regular Session, Fifty-second Oklahoma Legislature

Enrolled House Bill No. **1570**

By: Schwartz, et al of the House and Paddock of the Senate

This is to advise you that on this date, pursuant to the authority vested in me by Section 11 of Article VI of the Oklahoma Constitution to approve or object to legislation presented to me, I have VETOED House Bill 1570. House Bill 1570 is in direct conflict with a recent Oklahoma Supreme Court decision and therefore, is unconstitutional. In an 8-1 decision in 2006, the state's highest court ruled that the cost associated with certificates of merit placed an undue financial burden on citizens seeking access to justice and served as a barrier to their constitutional rights.

I support efforts to reduce frivolous lawsuits, but because the court has already spoken clearly on the certificate of merit issue, enacting this measure would have been a wasteful exercise in futility.

By the Governor of the State of Oklahoma
/s/ Brad Henry

Advising of his veto of **HJR 1003** on April 24, 2009. The veto message reads as follows:

To the Honorable Speaker of the House
and Members of the House of Representatives
First Regular Session, Fifty-second Oklahoma Legislature

Enrolled House Joint Resolution No. **1003**

By: Key, et al of the House and Brogdon, et al of the Senate

This is to advise you that on this date, pursuant to the authority vested in me by Section 11 of Article VI of the Oklahoma Constitution to approve or object to legislation presented to me, I have VETOED House Joint Resolution 1003. Without question, the state of Oklahoma and its leaders support the U.S. Constitution and the rights it guarantees to the states and their citizens, and there is no need to spend valuable legislative time on a resolution expressing support for any particular amendment or constitutional right.

Furthermore, HJR 1003 alleges, without offering any evidence or explanation, that past and current U.S. leaders may have violated the Constitution and committed crimes against the states and the country. HJR 1003 also implies that the state should reject federal tax dollars paid to Washington, DC, by Oklahoma citizens, an act that would prevent our tax dollars from being used in Oklahoma to address critical needs in transportation, education, health care, law enforcement, veterans programs and many other vital services beneficial to our state. In short, HJR 1003 could be detrimental to Oklahoma and does not serve the state or its citizens in any positive manner.

By the Governor of the State of Oklahoma
/s/ Brad Henry

MESSAGES FROM THE GOVERNOR

Advising of his approval of **HBs 1462, 1465, 1884, 1913** and **2087** on April 27, 2009.

Representative Jones moved that when the clerk's desk is clear, the House stand adjourned to reconvene at 9:00 a.m., Tuesday, April 28, 2009, which was the order.

Pursuant to the motion of Representative Jones, the House was adjourned at 2:45 p.m., to reconvene Tuesday, April 28, 2009, at 9:00 a.m.