

HOUSE JOURNAL

First Regular Session of the Fifty-second Legislature

of the State of Oklahoma

Fifty-third Legislative Day, Thursday, April 30, 2009

The House was called to order by Representative Peters.

The roll was called with 95 Members present.

The following Members were excused: Cox, Dank, Harrison, Hilliard, Renegar, Trebilcock.—6.

Representative Peters declared a quorum present.

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

The Journal for the last legislative day was approved.

ENGROSSED AND ENROLLED MEASURES

HJR 1047 and **HCRs 1013** and **1025** were reported correctly engrossed, properly signed, in open session, and ordered transmitted to the Honorable Senate.

HB 2026 was reported correctly enrolled and, after fourth reading, properly signed, in open session, and ordered transmitted to the Honorable Senate.

HR 1043 was reported correctly enrolled, properly signed, in open session, and ordered transmitted to the Secretary of State.

RESOLUTIONS

The following were introduced and read:

HCR 1029 – By Jones, Rousselot and Derby of the House and Coffee and Brogdon of the Senate.

A Concurrent Resolution requesting that Congress allocate sufficient funding for critical maintenance needs on the McClellan-Kerr Arkansas Navigation System; and directing distribution.

HR 1049 – By Bengé.

A Resolution extending commendation and appreciation to Dr. Gary Trennepohl for serving 10 years as President of OSU-Tulsa; extending best wishes to Dr. Trennepohl in returning to a teaching role; and directing distribution.

APPOINTMENTS

The Speaker announced the appointment of the following House Members as conferees on the General Conference Committee on Appropriations.

Speaker Bengé and Speaker Pro Tempore Steele are ex officio voting Members of the General Conference Committee on Appropriations.

Miller, Chair
Martin (Scott), Vice-Chair

Auffet	Hoskin
Brannon	Jackson
Carey	Jones
Cooksey	Liebmann
Cox	Martin (Steve)
Denney	Morgan
DeWitt	Peters
Dorman	Terrill
Glenn	Watson
Hickman	Wesselhoft

MESSAGES FROM THE SENATE

Announcing the concurrence of Senate in **HAs** to **SB 834** and the passage of said measure, as amended thereby.

Returning enrolled measure

Announcing that Enrolled **HB 2026** 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 measures

Advising fourth reading of and transmitting for signature Enrolled **SBs 290, 292, 335, 572** and **602**.

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

Transmitting engrossed measure

Announcing the passage of **SCR 11**. The measure was introduced and read.

SCR 11 – By Easley, Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (Constance), Johnson (Mike), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick of the Senate and Sherrer of the House.

A Concurrent Resolution recognizing the artistic ability of Willard Stone; encouraging viewing of the Stone exhibit at the Gilcrease Museum; and directing distribution.

MEASURE RECOMMITTED

Representative Terrill moved to withdraw **SB 483** from General Order and recommit same to the Public Safety Committee.

Representative Brown raised a point of order as to whether the Terrill motion to recommit was out of order because it was offered subsequent to the Third Reading deadline established in **SCR 97** from 2008.

The Presiding Officer ruled the point not well taken and the motion in order because the measure was not being considered for Third Reading and final passage and therefore not subject to the expired deadline.

Representative Dorman 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, Denney, DeWitt, Duncan, Enns, Faught, Fields, Hickman, Holland, Jackson, Jett, Johnson, Jones, Jordan, Joyner, Kern, Key, Kirby, Liebmann, Martin (Scott), Martin (Steve), McCullough, McDaniel (Randy), McNiel, Miller, Moore, Murphey, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson, 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, Hoskin, Inman, Kiesel, Kouplén, Lamons, Luttrell, McAffrey, McDaniel (Jeannie), McMullen, McPeak, Morgan, Morrissette, Pittman, Proctor, Pruett, Roan, Rousselot, Scott, Shelton, Sherrer, Shoemake, Shumate, Smithson, Williams.--35.

Excused: Blackwell, Cox, Dank, Derby, Harrison, Hilliard, Nations, Renegar, Reynolds, Trebilcock, Walker.--11.

Representative Terrill pressed his motion to recommit **SB 483** to the Public Safety committee, which motion was declared adopted upon roll call as follows:

Aye: Armes, Banz, Billy, Blackwell, Christian, Coody, Cooksey, Denney, DeWitt, Duncan, Enns, Faught, Fields, Hickman, Holland, Jackson, Jett, Johnson, Jones, Jordan, Joyner, Kern, Key, Kirby, Liebmann, Martin (Scott), Martin (Steve), McCullough, McDaniel (Randy), McNiel, Miller, Murphey, Nelson, Ortega, Osborn, Peters, Peterson, Richardson, Sanders, Schwartz, Sears, Shannon, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Watson, Wesselhoft, Wright (Harold), Mr. Speaker.--52.

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

Excused: Cox, Dank, Derby, Harrison, Hilliard, Moore, Nations, Ownbey, Renegar, Trebilcock, Walker.--11.

MEASURE RECOMMITTED

Representative Terrill moved to withdraw **SB 1120** from General Order and recommit same to the Judiciary Committee.

Representative Inman raised a point of inquiry as to what House Rule governs consideration of the Terrill motion to recommit.

The Presiding Officer stated House Rule 8.14.

Representative Terrill pressed his motion to recommit **SB 1120** to the Judiciary committee, which motion was declared adopted upon a division of the question.

PENDING CONSIDERATION OF SAs

SAs to HB 1332 were rejected upon motion of Representative Denney. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to HB 1067 were rejected upon motion of Representative Faught. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to HB 1755 were rejected upon motion of Representative Martin (Scott). Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to HB 1661 were rejected upon motion of Representative Williams. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to HB 1647 were rejected upon motion of Representative Rousselot. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to HB 2245 were rejected upon motion of Representative Terrill. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to **HJR 1035** were rejected upon motion of Representative Enns. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to **HB 2149** were rejected upon motion of Representative Armes. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to **HB 1790** were rejected upon motion of Representative Shannon. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to **HB 1458** were rejected upon motion of Representative Sullivan. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to **HJR 1041** were rejected upon motion of Representative Sullivan. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to **HB 1595** were rejected upon motion of Representative Sullivan. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to **HB 1603** were rejected upon motion of Representative Sullivan. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to **HJR 1029** were rejected upon motion of Representative Scott. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to **HB 2246** were rejected upon motion of Representative Terrill. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to **HB 2247** were rejected upon motion of Representative Terrill. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to **HB 2250** were rejected upon motion of Representative Terrill. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to **HB 2252** were rejected upon motion of Representative Terrill. Conferees to be named later.

RESOLUTION FOR CONSIDERATION

SCR 19 was called up for consideration.

Upon unanimous consent request of Representative Christian, all Members of the House were added as coauthors.

Upon motion of Representative Christian, **SCR 19** was considered and adopted.

SCR 19 was properly signed, in open session, by the Presiding Officer and ordered returned to the Honorable Senate.

PENDING CONSIDERATION OF SAs

SAs to **HBs 1100, 1101, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1114, 1115, 1116, 1117, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1137, 1138, 1139, 1140, 1141, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230,**

1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1270, 1271, 1272, 1273, 1274, 1275, 1276, 1277, 1278, 1279, 1280, 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1288 and 1289 were rejected upon motion of Representative Miller. The Speaker named GCCA as conferees.

PENDING CONSIDERATION OF SAs

SAs to HB 1948 were rejected upon motion of Speaker Bengé. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to HB 1952 were rejected upon motion of Speaker Bengé. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to HB 1953 were rejected upon motion of Speaker Bengé. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to HB 1956 were rejected upon motion of Speaker Bengé. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to HB 1963 were rejected upon motion of Speaker Bengé. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to HB 1964 were rejected upon motion of Speaker Bengé. Conferees to be named later.

MESSAGES FROM THE SENATE

Advising the Senate naming GCCA as follows:

President Pro Tempore Coffee announced the appointment of the following Senators as conferees on the General Conference Committee on Appropriations.

President Pro Tempore Coffee and Majority Floor Leader Lamb are ex officio and voting members of all Senate committees.

GENERAL CONFERENCE COMMITTEE ON APPROPRIATIONS

Johnson (Mike), Chair
Myers, Vice Chair

Anderson	Justice
Bass	Laster
Bingman	Leftwich
Brogdon	Lerblance
Corn	Mazzei
Crain	Paddack
Crutchfield	Reynolds
Easley	Stanislowski
Ford	Sykes
Gumm	Wilson
Halligan	

Conference granted

Advising conference granted on **HB 1949** and the Senate naming conferees as follows:

HB 1949 – Bingman, Coffee, Lamb, Myers, Ivester

Concurrence in HAs

Announcing the concurrence of Senate in **HAs** to **SBs 337, 384, 478, 604, 614, 622, 645, 661, 679, 1138** and **1146** and the passage of said measures, as amended thereby.

Conference requested

Advising rejection of **HAs** to **SB 551** and requesting conference thereon, the Senate naming conferees later.

Conferees named, GCCA

Advising the Senate naming GCCA as conferees to the following measures:

SB 2
SB 313
SB 346
SB 354
SB 418
SB 479
SB 486
SB 489
SB 521
SB 564
SB 597
SB 598
SB 608
SB 635
SB 658
SB 723
SB 826
SB 929
SB 980
SB 982
SB 1020
SB 1064
SB 1119
SB 1127
SB 1152
SB 1175

Conferees named

Advising the Senate naming conferees as follows:

SB 269 – Crain, Aldridge, Lamb, Ballenger
SB 275 – Corn, Ford, Lamb
SB 300 – Bingman, Branan, Myers, Coates, Gumm
SB 306 – Leftwich, Aldridge, Bingman, Crain
SB 394 – Stanislawski, Ford, Jolley, Sparks
SB 411 – Jolley, Anderson, Sykes, Paddack
SB 413 – Brown, Coates, Lamb, Leftwich
SB 452 – Schulz, Justice, Marlatt, Wyrick
SB 490 – Crain, Anderson, Brown, Paddack

SB 546 – Halligan, Jolley, Barrington, Russell, Adelson, Justice
SB 610 – Myers, Bingman, Johnson (Mike), Rice
SB 653 – Sykes, Anderson, Crain, Paddack, Lamb
SB 665 – Coates, Newberry, Myers, Leftwich
SB 695 – Wilson, Anderson, Sykes, Lamb
SB 726 – Barrington, Mazzei, Johnson (Mike), Brown, Aldridge, Easley
SB 757 – Burrage, Jolley, Lamb, Crain
SB 794 – Jolley, Crain, Newberry, Burrage, Stanislawski
SB 800 – Sykes, Bingman, Jolley, Garrison, Lamb
SB 812 – Stanislawski, Coates, Johnson (Mike), Sparks
SB 828 – Marlatt, Bingman, Branan, Myers, Gumm
SB 852 – Brogdon, Jolley, Nichols, Garrison
SB 887 – Anderson, Johnson (Mike), Lamb, Coffee, Paddack
SB 889 – Anderson, Johnson (Mike), Lamb, Coffee, Laster
SB 957 – Bingman, Sykes, Myers, Crutchfield
SB 1073 – Crain, Anderson, Sykes, Paddack
SB 1105 – Anderson, Mazzei, Lamb, Ivester, Coffee
SB 1115 – Sykes, Anderson, Crain, Laster, Lamb, Burrage
SB 1123 – Sykes, Anderson, Newberry, Ellis, Lamb
SB 1126 – Jolley, Anderson, Nichols, Sykes, Laster
SB 1132 – Anderson, Lamb, Coffee, Ivester
SB 1137 – Coffee, Reynolds, Schulz, Burrage
SB 1166 – Jolley, Barrington, Russell, Halligan, Ballenger
SB 1168 – Ford, Jolley, Branan, Paddack
SB 1181 – Jolley, Crain, Newberry, Bass
SB 1184 – Marlatt, Barrington, Branan, Bingman, Wyrick, Sweeden
SB 1185 – Barrington, Jolley, Schulz, Brown, Ballenger
SB 1231 – Jolley, Aldridge, Coffee, Garrison

CONFEREES NAMED

The Speaker named the following conferees:

HB 1003 – Kern, Sullivan, McDaniel (Randy), Rousselot, Hickman, Sherrer
HB 1025 – Duncan, Jordan, Liebmann, Rousselot, Terrill, Roan
HB 1069 – Tibbs, Blackwell, Denney, Peters, Shumate, McDaniel (Jeannie), Shelton, Martin (Steve), Trebilcock
HB 1074 – Cooksey, Terrill, Banz, Liebmann, Duncan, Brannon, Roan, Renegar, Tibbs
HB 1097 – Dank, Faught, Hickman, Watson, Miller, Jackson, Carey, Walker, Morgan, Sherrer
HB 1297 – Ownbey, Carey, Wright (Harold), Ortega, Buck, Miller, Hickman

HB 1330 – Ritze, Kern, Reynolds, Key, Jones, Steele, Proctor, Dorman, Brannon, Walker

HB 1360 – Cooksey, Sullivan, Faught, Roan, Martin (Steve), Shumate, Jordan, Hilliard, Terrill

HB 1472 – Sanders, Armes, Blackwell, DeWitt, McPeak, Rousselot, Sears, Wright (Harold), Liebmann, Proctor, Collins

HB 1576 – Joyner, Pittman, Luttrell, Jordan, Schwartz, Miller

HB 1579 – Joyner, Schwartz, Kirby, Rousselot, Luttrell, Duncan

HB 1678 – Ownbey, Nelson, Osborn, Shumate, Buck, Sullivan

HB 1717 – Ownbey, Holland, Sanders, Scott, Kouplen, Miller, Carey

HB 1800 – Cooksey, Enns, Armes, Glenn, Martin (Steve), Proctor, Denney, Nations

HB 1885 – Richardson, Armes, Enns, Bailey, Kouplen, Miller, Carey

HB 1888 – Richardson, Roan, Morgan, Cox, Faught, Trebilcock, Hickman, Carey

HB 1890 – Richardson, Pruett, Renegar, Sears, DeWitt

HB 1948 – Benge, Tibbs, Miller, Jackson, Dorman, Inman, Walker, Shumate, Scott, Wright (Harold), Jordan, Hickman

HB 1952 – Benge, Jackson, Trebilcock, Sherrer, Jett, Walker, Dorman, Liebmann

HB 1953 – Benge, Jackson, Proctor, Sherrer, Jett, Shumate, Faught, Walker, Blackwell, Armes, Wright (Harold)

HB 1956 – Benge, Duncan, Jones, Jackson, Miller, Carey, Morgan, Hoskin

HB 1963 – Benge, Sullivan, McDaniel (Randy), Morgan, Carey, Moore

HB 1964 – Benge, Steele, Peterson, Rousselot, McDaniel (Jeannie)

CONFERENCE GRANTED

Upon motion of Representative Jones, the House granted the request of the Honorable Senate for conference on the following measures and the Speaker named conferees:

SB 2 – Martin (Scott), Scott, Duncan, Banz, Shannon, Derby, Sherrer, Dorman, Rousselot, Hickman

SB 269 – Wright (John), Billy, Johnson, Christian, Collins, Glenn, Joyner, Martin (Scott), McDaniel (Jeannie), Richardson, Shoemake, Tibbs, Lamons

SB 346 – Ritze, Kern, Jones, Reynolds, Steele, Key, Proctor, Dorman, Miller, Carey, Glenn

SB 354 – DeWitt, Denney, Sears, Cannaday, Fields, Miller, Jackson, Shumate, Carey

SB 413 – Wright (John), Sullivan, McDaniel (Randy), Auffet, Carey, Faught, Key, Liebmann, McNiel, Moore, Morgan, Ownbey, Peters, Shelton, Shumate

SB 418 – Armes, Dorman, DeWitt, Schwartz, Shoemake

SB 431 – Banz, Joyner, Martin (Steve), Inman, Roan, Brown, Blackwell, Rousselot

SB 452 – Armes, Fields, DeWitt, Rousselot, Shoemake, Enns

SB 486 – McDaniel (Randy), Miller, Hickman, Armes, DeWitt, Dorman, Rousselot, Auffet

SB 487 – Cox, Derby, Ritze, Peterson, Shumate, Auffet, Trebilcock

- SB 612** – Duncan, Jordan, Lamons, Nelson, Kiesel
SB 613 – Duncan, Cooksey, Jordan, Lamons, Smithson, Terrill
SB 635 – DeWitt, Armes, McNiel, Pruett, Bailey
SB 653 – Billy, Denney, Roan, Hilliard, Armes, Glenn, Duncan, Jordan
SB 658 – Nelson, Miller, Jackson, Morgan, Inman
SB 665 – Jordan, Derby, Watson, McDaniel (Randy), Inman, Dorman, Sullivan
SB 726 – Armes, Jones, DeWitt, Dorman, Rousselot, Carey, Miller, Jackson, Martin (Scott)
SB 827 – Blackwell, Thompson, Watson, Brannon, Johnson, Kouplen, Sherrer, Miller, Carey
SB 828 – Blackwell, Thompson, Watson, Morgan, Walker, Johnson, Brannon, Kirby
SB 902 – Ritze, Key, Reynolds, Kern, Proctor, Jones, Tibbs, Roan, Smithson
SB 957 – Thompson, Watson, Liebmann, Sanders, Wright (Harold), Murphey, Roan, Glenn, Proctor, Renegar, Pruett, DeWitt, Schwartz
SB 1115 – McCullough, Sullivan, Jordan, Williams, Dorman, Duncan
SB 1182 – Jordan, Martin (Scott), Watson, Joyner, Sullivan, Proctor, Sherrer, Johnson, Shoemake
SB 1231 – Martin (Scott), Scott, Moore, Watson, Sullivan, Dank, Dorman, Hilliard, Morgan, Murphey

MESSAGE FROM THE GOVERNOR

Advising of his veto of **HB 1975** on April 30, 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. **1975**

By: Moore, et al of the House and Brown 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 1975. House Bill 1975 unwisely and unduly restricts the state's ability to respond in a timely manner to critical issues related to health care and insurance coverage.

By mandating that certain insurance legislation can only be introduced in odd-numbered years and approved in even-numbered years of a legislative session, HB 1975 inexplicably and unreasonably ties the hands of state policy makers on a very important issue. The bill further restricts the state's ability to respond to emergencies by requiring a 75 percent super-majority vote to lift the odd-even year restriction during an emergency or other catastrophic event. This would empower a small minority of legislators to thwart legitimate

state efforts to address a pressing public policy issue and ensure that the restriction would rarely, if ever, be lifted.

Furthermore, because HB 1975 applies these restrictions only to legislation involving a single issue, it raises legitimate concerns and questions regarding why one subject area would be singled out for special treatment and is constitutionally infirm. Oklahoma and its citizens are better served when policy makers are allowed the freedom to address any pressing issue in the Legislature without the hindrance of arbitrary restrictions.

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

Representative Jones moved that when the clerk's desk is clear, the House stand adjourned to reconvene at 1:30 p.m., Monday, May 4, 2009, which was the order.

Pursuant to the motion of Representative Jones, the House was adjourned at 10:30 a.m., to reconvene Monday, May 4, 2009, at 1:30 p.m.