

HOUSE JOURNAL

Second Regular Session of the Fifty-second Legislature

of the State of Oklahoma

Forty-ninth Legislative Day, Monday, April 26, 2010

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

The roll was called with 99 Members present.

The following Members were excused: Enns, Peters.—2.

The Speaker Pro Tempore declared a quorum present.

Prayer was offered by Pastor Joel Downing, Higher Ground Church, Pauls Valley. Pastor Downing was sponsored by Representative Billy.

Upon motion of Representative Osborn, Pastor Downing 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 461, 831, 1251, 1284, 1384, 1628, 1662, 1712, 1714, 1857, 1871, 1872, 1876, 1900, 1901, 1928, 1964, 2018, 2033, 2083, 2088, 2109, 2163, 2204, 2213, 2319 and 2330 were reported correctly engrossed, properly signed, in open session, and the measures, as amended, were ordered returned to the Honorable Senate.

MESSAGES FROM THE GOVERNOR

Advising of his approval of **HB 3075** on April 22, 2010.

Advising of his veto of **HB 2656** on April 22, 2010. The veto message reads as follows:

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

Enrolled House Bill No. **2656**

By: Sullivan, et al of the House and Crain, et al of the Senate

This is to advise you that on this date, pursuant to the authority vested in me by Section 11 and 12 of Article VI of the Oklahoma Constitution to approve or object to legislation presented to me, I have VETOED House Bill **2656**. This legislation is potentially detrimental to all pregnant women and their families. By prohibiting recovery of damages in wrongful birth and life malpractice actions, the legislation would allow unscrupulous, reckless or negligent physicians to knowingly withhold information or negligently provide inaccurate information to pregnant women without facing the potential of legal consequences. At the very least, pregnant women and their families should expect to receive accurate, comprehensive information from their doctor so they can make appropriate medical decisions. It is unconscionable to grant a physician legal protection to mislead or misinform a pregnant woman in an effort to impose his or her personal beliefs on his patient.

By the Governor of the State of Oklahoma

/s/ Brad Henry

Advising of his veto of **HB 2780** on April 22, 2010. The veto message reads as follows:

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

Enrolled House Bill No. **2780**

By: Billy, et al of the House and Sykes, et al of the Senate

This is to advise you that on this date, pursuant to the authority vested in me by Section 11 and 12 of Article VI of the Oklahoma Constitution to approve or object to legislation presented to me, I have VETOED House Bill **2780**. While I support reasonable restrictions on abortion, this legislation has numerous flaws. First and foremost, **HB 2780** lacks an essential exemption for victims of rape and incest. By forcing the victims of such horrific

acts to undergo an ultrasound and listen to a detailed description of the procedure after they have faced the unspeakable trauma of rape or incest, the state victimizes the victim for a second time. It would be unconscionable to subject rape and incest victims to such treatment. Second, because a similar provision of law has already been struck down by the courts, this legislation will be challenged again, resulting in a costly and potentially futile legal battle for the state. Finally, **HB 2780** represents an unconstitutional attempt by the Oklahoma Legislature to insert government into the private lives and decisions of its citizens. State policymakers should never mandate that a citizen be forced to undergo any medical procedure against his or her will, especially when such a procedure could cause physical or mental trauma. To do so amounts to an unconstitutional invasion of privacy.

By the Governor of the State of Oklahoma

/s/ Brad Henry

MESSAGES FROM THE SENATE

Announcing that Enrolled **HB 2363** 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 1442**.

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

VETO CONSIDERATION

Representative Billy moved that the House agree to pass Enrolled **HB 2780** causing the same to become law, the objections of the Governor notwithstanding. The roll was ordered called and resulted as follows:

Aye: Armes, Auffet, Banz, Billy, Blackwell, Brannon, Brown, Cannaday, Carey, Christian, Coody, Cooksey, Dank, Denney, Derby, DeWitt, Duncan, Faught, Fields, Glenn, Hamilton, Harrison, Hickman, Hilliard, Holland, Inman, Jackson, Jett, Johnson, Jones, Jordan, Joyner, Kern, Key, Kirby, Kouplen, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McCullough, McDaniel (Randy), McNiell, Miller, Moore, Morrisette, Murphey, Nelson, Ortega, Osborn, Ownbey, Peterson, Proctor, Pruett, Renegar, Reynolds, Richardson, Ritze, Rousselot, Russ, Sanders, Schwartz, Sears, Shannon, Sherrer, Shoemake, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wesselhoft, Wright (Harold), Wright (John), Mr. Speaker.--81.

Nay: Bailey, Collins, Cox, Hoskin, Kiesel, McAffrey, McDaniel (Jeannie), McPeak, Pittman, Roan, Scott, Shelton, Shumate, Williams.--14.

Excused: Buck, Dorman, Enns, Morgan, Nations, Peters.--6.

The Billy motion, having received a three-fourths majority vote of the Members elected to and constituting the House, as provided in Article V, Section 58, Oklahoma Constitution, prevailed and the Governor's veto was overridden.

HB 2780, with veto message thereon, was ordered transmitted to the Honorable Senate.

VETO CONSIDERATION

Representative Sullivan moved that the House agree to pass Enrolled **HB 2656** causing the same to become law, the objections of the Governor notwithstanding. The roll was ordered called and resulted as follows:

Aye: Armes, Bailey, Banz, Billy, Blackwell, Brannon, Brown, Cannaday, Carey, Christian, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Duncan, Faught, Fields, Glenn, Hamilton, Harrison, Hickman, Hilliard, Holland, Inman, Jackson, Jett, Johnson, Jones, Jordan, Joyner, Kern, Key, Kirby, Kouplen, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McCullough, McDaniel (Randy), McNiel, Miller, Moore, Morrisette, Murphey, Nelson, Ortega, Osborn, Ownbey, Peterson, Proctor, Pruett, Renegar, Reynolds, Richardson, Ritze, Rousselot, Russ, Sanders, Schwartz, Sears, Shannon, Sherrer, Shoemake, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wesselhoft, Williams, Wright (Harold), Wright (John), Mr. Speaker.--84.

Nay: Auffet, Collins, Hoskin, Kiesel, McAffrey, McDaniel (Jeannie), McPeak, Nations, Roan, Scott, Shelton, Shumate.--12.

Excused: Buck, Enns, Morgan, Peters, Pittman.--5.

The Sullivan motion, having received a three-fourths majority vote of the Members elected to and constituting the House, as provided in Article V, Section 58, Oklahoma Constitution, prevailed and the Governor's veto was overridden.

HB 2656, with veto message thereon, was ordered transmitted to the Honorable Senate.

MOTION

Representative Dorman asked that the Journal reflect that had he been present in the Chamber, he would have voted aye on the veto consideration of **HB 2780**, which was the order.

PENDING CONSIDERATION OF SAs

SAs to HBs 1613, 2698 and 2703 were rejected upon motion of Representative McDaniel (Randy). Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to HB 3213 were rejected upon motion of Representative Ortega. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to HJR 1084 were rejected upon motion of Representative Miller. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to HBs 2927 and 2928 were rejected upon motion of Representative Coody. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to HBs 2320, 2331 and 2641 were rejected upon motion of Representative Martin (Steve). Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to HB 3078 were rejected upon motion of Representative Hamilton. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to HB 2971 were rejected upon motion of Representative Sanders. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to HB 2935 were rejected upon motion of Representative Russ. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to **HB 2274** were rejected upon motion of Representative Thomsen. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to **HB 3155** were rejected upon motion of Representative Osborn. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to **HB 2629** were rejected upon motion of Representative Jones. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to **HBs 1658** and **3123** were rejected upon motion of Representative Dorman. Conferees to be named later.

MESSAGES FROM THE SENATE

Announcing that Enrolled **HBs 1006, 2328, 2569, 2621, 2800, 3241** and **3259** have been read at length for the fourth time and signed by the Presiding Officer of Senate, in open session.

The above measures were ordered transmitted to the Honorable Governor.

Announcing that Enrolled **HCR 1059** has been signed by the Presiding Officer of Senate, in open session.

The above measure was ordered filed with the Secretary of State.

Returning engrossed measures, as amended

Announcing the passage of and returning engrossed measures as amended: **HBs 1043**, Coauthored by Senator Ivester, **1319, 1641, 2348, 2696**, Coauthored by Senators Eason McIntyre, Johnson (Constance) and Representative Pittman, **2753**, Coauthored by Senators Eason McIntyre, Ford, Jolley, Stanislawski, **2811, 2831**, Remove Senator Newberry as principal Senate author and substitute with Senator Myers and Coauthored by Senator Newberry, **2882**, Coauthored by Senators Eason McIntyre, Johnson (Constance) and Representative Pittman, **2990**, Coauthored by Senator Johnson (Constance) and

Representative Walker, **3000**, Coauthored by Senator Johnson (Constance) and Representative Jett, **3054**, Remove Senator Lamb as principal Senate author and substitute with Senator Mazzei and Coauthored by Senators Adelson, Ivester, Marlatt, **3161**, Coauthored by Senator Marlatt, **3167**, Coauthored by Senators Ivester, Stanislawski, **3170**, **3173**, **3236**, **3258**, **3260**, **3261**, **3267**, Coauthored by Senator Ford and Representative Jett, **3286**, Coauthored by Senator Sparks, **3343**, **3354**, Coauthored by Senator Brogdon and Representative Derby, **3383** and **3397**, Coauthored by Senator Mazzei.

Senate amendments were read on the above numbered measures.

Concurrence in HAs

Announcing the concurrence of Senate in **HAs** to **SBs 747, 1713, 1910** and **1917** and the passage of said measures, as amended thereby.

Conference requested

Advising rejection of **HAs** to **SBs 421, 573, 959, 1012, 1284, 1784, 1889, 1964, 2109, 2129, 2163, 2218** and **2319** and requesting conference thereon, the Senate naming conferees later.

Further conference granted

Advising granting further conference on **SB 828** and the Senate naming conferees as follows:

SB 828 – Marlatt, Bingman, Schulz, Branam, Ivester, Burrage

Further conference granted, same conferees

Advising granting further conference and naming same conferees as follows:

SB 902 – GCCA

Conferees named

Advising the Senate naming conferees as follows:

SB 1956 – Justice, Schulz, Anderson, Marlatt, Ellis

SB 1962 – Jolley, Aldridge, Bingman, Johnson (Mike), Ballenger

SB 2258 – GCCA

APPOINTMENTS

The Speaker announced the following appointments:

April 21, 2010 – Representatives Coody, Ortega and Shumate reappointed as Members of the Minority Teacher Recruitment Advisory Committee. (70 O. S. § 6-129.1)

April 21, 2010 – Representative Sullivan appointed as a Member of the Task Force on Municipal Finance. (62 O. S. § 350, **HB 2653**, § 1, 2010)

April 21, 2010 – Representative Jordan appointed as a Member of the Task Force on the Standardization of Courtroom Security Procedures. (**SB 2170**, § 1, 2010)

April 21, 2010 – Representative Trebilcock reappointed as a Member of the National Conference of Commissioners on Uniform State Laws. (74 O. S. § 471)

Representative Jones moved that when the clerk's desk is clear, the House stand adjourned to reconvene at 9:00 a.m., Tuesday, April 27, 2010, which was the order.

Pursuant to the motion of Representative Jones, the House was adjourned at 2:45 p.m., to reconvene Tuesday, April 27, 2010, at 9:00 a.m.