

HOUSE JOURNAL

First Regular Session of the Fifty-second Legislature

of the State of Oklahoma

Fifty-eighth Legislative Day, Monday, May 11, 2009

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

The roll was called with 100 Members present.

The following Member was excused: Harrison.—1.

The Speaker Pro Tempore declared a quorum present.

Prayer was offered by Pastor David Treadaway, First Baptist Church, Pocasset. Pastor Treadaway was sponsored by Representative Osborn.

Upon motion of Representative Thompson, Pastor Treadaway was confirmed as House Chaplain for this legislative day.

The Journal for the last legislative day was approved.

ENGROSSED AND ENROLLED MEASURES

HCR 1031 was reported correctly engrossed, properly signed, in open session, and ordered transmitted to the Honorable Senate.

HB 2056 was reported correctly enrolled and, after fourth reading, properly signed, in open session, and ordered transmitted to the Honorable Senate.

HR 1050 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 1040 – By Benge of the House and Coffee of the Senate.

A Concurrent Resolution relating to legislative procedures; modifying the deadline for filing first conference committee reports.

HR 1056 – By Shannon, Joyner and Liebmann.

A Resolution relating to railroads; requesting that the Department of Transportation commission a study evaluating the Oklahoma short line rail system; recommending funding source; requesting study include review of certain economic impact; requesting study include review of capacity improvements; and directing distribution of study findings.

MESSAGES FROM THE SENATE

Advising fourth reading of and transmitting for signature Enrolled **SBs 256, 257** and **932**.

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

Advising the signing of and transmitting for signature Enrolled **SCR 24**.

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

Conferees named

Advising the Senate naming conferees as follows:

SB 48 – Anderson, Barrington, Sykes, Russell, Ballenger

SB 431 – Aldridge, Crain, Bingman, Halligan

SB 718 – Barrington, Lamb, Ford

SB 1013 – Newberry, Anderson, Crain, Sykes, Paddack

Conferees named, GCCA

Advising the Senate naming GCCA to the following measure:

SB 1118

Transmitting engrossed measures

Announcing the passage of **SCRs 20, 25, 28 and 29**. The measures were introduced and read.

SCR 20 – By Garrison, Lerblance, Myers, Halligan, Johnson (Mike), Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Gumm, Ivester, Johnson (Constance), Jolley, Justice, Lamb, Laster, Leftwich, Marlatt, Mazzei, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick of the Senate and McPeak, Cannaday and Faught of the House.

A Concurrent Resolution endorsing the National Day of Prayer on May 7, 2009; calling upon the President to proclaim a special National Day of Prayer in June 2009 for the nation's economic condition; and directing distribution.

SCR 25 – By Newberry, Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (Constance), Johnson (Mike), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Mazzei, Myers, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick of the Senate and Peterson of the House.

A Concurrent Resolution saluting the life of Oral Roberts; recognizing his influence on Oklahoma; and directing distribution.

SCR 28 – By Gumm, Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, 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 Buck of the House.

A Concurrent Resolution recognizing the heroism of Byron Self and Cheryl Myers; and directing distribution.

SCR 29 – By Justice, Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Gumm, Halligan, Ivester, Johnson (Constance), Johnson (Mike), Jolley, 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 DeWitt and Armes of the House.

A Concurrent Resolution requesting the Oklahoma Department of Agriculture, Food, and Forestry to name their complex the "Clem Rogers McSpadden Agricultural Complex"; and directing distribution.

Conference requested

Advising rejection of **HAs** to **SB 1066** and requesting conference thereon, the Senate naming conferees later.

Conference granted

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

HB 1030 – GCCA

HB 1780 – GCCA

HB 2055 – Bingman, Coffee, Branan, Marlatt, Lamb, Burrage

CONFEREES NAMED

The Speaker named the following conferees:

HB 1322 – Reynolds, Blackwell, Faight, Ritze, Peterson, Morrissette, Lamons

HB 2055 – Thompson, Sullivan, Shannon, Armes, Carey, Dorman, Rousselot, Watson

RESOLUTION FOR CONSIDERATION

HCR 1040 was called up for consideration.

Upon motion of Representative Jones, **HCR 1040** was considered and adopted.

HCR 1040 was referred for engrossment.

RESOLUTION FOR CONSIDERATION

SCR 29 was called up for consideration.

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

Upon motion of Representative Armes, **SCR 29** was considered and adopted.

SCR 29 was properly signed, in open session, by the Presiding Officer and ordered returned to the Honorable Senate.

ENGROSSED AND ENROLLED MEASURE

HCR 1040 was reported correctly engrossed, properly signed, in open session, and ordered transmitted to the Honorable Senate.

Representative Armes Presiding

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 1460** was called up for consideration.

Coauthored by Representative(s) Luttrell, Reynolds

Upon motion of Representative Peterson, the **CCR** on **HB 1460** was adopted.

HB 1460, as amended in conference, was read at length for the fourth time and the roll was called on the measure and emergency as follows:

Aye: Armes, Auffet, Bailey, Billy, Brannon, Buck, Cannaday, Carey, Christian, Collins, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Duncan, Enns, Faught, Fields, Hamilton, Hickman, Hilliard, Holland, Hoskin, Inman, Jackson, Jett, Johnson, Jones, Jordan, Joyner, Kern, Kiesel, Kirby, Kouplen, Lamons, Liebmann, Martin (Scott), Martin (Steve), McAffrey, McCullough, McDaniel (Jeannie), McDaniel (Randy), McMullen, McNiel, McPeak, Miller, Moore, Morgan, Morrissette, Murphey, Nations, Nelson, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Renegar, Reynolds, Richardson, Ritze, Roan, Sanders, Schwartz, Scott, Sears, Shannon, Shelton, Sherrer, Shumate, Smithson, Steele, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wesselhoft, Wright (Harold), Wright (John), Mr. Speaker.--89.

Excused: Banz, Blackwell, Brown, Glenn, Harrison, Key, Luttrell, Ortega, Rousselot, Shoemake, Sullivan, Williams.--12.

The measure and emergency passed.

HB 1460, together with the conference committee report, thereon, was ordered transmitted to the Honorable Senate.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 306** was called up for consideration.

Upon motion of Representative Jordan, the **CCR** on **SB 306** was adopted.

SB 306, 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, Bailey, Billy, Blackwell, Brannon, Buck, Cannaday, Carey, Christian, Collins, Coody, Cooksey, Dank, Denney, Derby, DeWitt, Dorman, Duncan, Enns, Faught, Fields, Hamilton, Hickman, Holland, Inman, Jackson, Jett, Johnson, Jones, Jordan, Joyner, Kern, Kirby, Kouplen, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McCullough, McDaniel (Randy), McNiell, Miller, Moore, Morgan, Murphey, Nations, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Renegar, Reynolds, Richardson, Ritze, Roan, Rousselot, Sanders, Schwartz, Scott, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Smithson, Steele, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Watson, Wesselhoft, Wright (Harold), Wright (John), Mr. Speaker.--83.

Nay: Cox, Hilliard, Kiesel, McMullen, McPeak, Morrissette, Nelson, Walker.--8.

Excused: Banz, Brown, Glenn, Harrison, Hoskin, Key, McAffrey, McDaniel (Jeannie), Sullivan, Williams.--10.

The measure passed.

SB 306, together with the conference committee report, thereon, was ordered returned to the Honorable Senate.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 1294** was called up for consideration.

Upon motion of Representative Murphey, the **CCR** on **HB 1294** was adopted.

HB 1294, 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, Bailey, Banz, Billy, Blackwell, Brannon, Brown, Buck, Cannaday, Carey, Christian, Collins, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Duncan, Enns, Faught, Fields, Glenn, Hamilton, Hickman, Hilliard, Holland, Hoskin, Inman, Jackson, Jett, Johnson, Jones, Jordan, Joyner, Kern, Kiesel, Kirby, Kouplen, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCullough, McDaniel (Jeannie), McDaniel (Randy), McMullen, McNiell, McPeak, Miller, Moore, Morgan, Morrissette, Murphey, Nations, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Renegar, Reynolds, Richardson, Ritze, Roan, Rousselot, Sanders, Schwartz, Scott, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Smithson, Steele, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wesselhoft, Wright (Harold), Wright (John), Mr. Speaker.--97.

Excused: Harrison, Key, Sullivan, Williams.--4.

The measure passed.

HB 1294, together with the conference committee report, thereon, was ordered transmitted to the Honorable Senate.

RESOLUTION FOR CONSIDERATION

HCR 1033 was called up for consideration.

Coauthored by Representative(s) Faught, Martin (Steve)

Authored by Senator Newberry (principal Senate author)

Representative Peters moved the previous question, which motion was declared adopted upon a division of the question.

Upon motion of Representative Kern, **HCR 1033** was considered and adopted upon roll call as follows:

Aye: Armes, Billy, Christian, Coody, Cooksey, Dank, Denney, Derby, DeWitt, Duncan, Enns, Faught, Fields, Glenn, Hamilton, Hickman, Holland, Jackson, Jett, Johnson, Jones, Jordan, Joyner, Kern, Key, Kirby, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McCullough, McDaniel (Randy), McNiel, Moore, Murphey, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson, Reynolds, Richardson, Ritze, Sanders, Schwartz, Sears, Shannon, Shoemake, Steele, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wesselhoft, Wright (Harold), Wright (John), Mr. Speaker.--61.

Nay: Auffet, Bailey, Brannon, Buck, Cannaday, Carey, Collins, Cox, Hilliard, Hoskin, Inman, Kiesel, Lamons, McAffrey, McDaniel (Jeannie), McMullen, McPeak, Morgan, Pittman, Pruett, Renegar, Roan, Rousselot, Scott, Shelton, Sherrer, Shumate, Smithson.--28.

Excused: Banz, Blackwell, Brown, Dorman, Harrison, Kouplen, Miller, Morrisette, Nations, Proctor, Sullivan, Williams.--12.

HCR 1033 was referred for engrossment.

RESOLUTION FOR CONSIDERATION

HCR 1032 was called up for consideration.

Coauthored by Representative(s) Murphey, Duncan, Martin (Steve), Dank, Ortega, Kern

Authored by Senator Brogdon (principal Senate author)

Upon motion of Representative Enns, **HCR 1032** was considered and adopted upon roll call as follows:

Aye: Armes, Auffet, Bailey, Banz, Billy, Blackwell, Brannon, Brown, Buck, Cannaday, Carey, Christian, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Duncan, Enns, Faught, Fields, Glenn, Hamilton, Hickman, Hilliard, Holland, Inman, Jackson, Jett, Johnson, Jones, Jordan, Joyner, Kern, Key, Kirby, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McCullough, McDaniel (Randy), McMullen, McNiell, McPeak, Miller, Moore, Morgan, Morrissette, Murphey, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson, Proctor, Pruett, Renegar, Reynolds, Richardson, Ritze, Rousselot, Sanders, Schwartz, Scott, Sears, Shannon, Sherrer, Shoemake, Smithson, Steele, Terrill, Thompson, Thomsen, Tibbs, Walker, Watson, Wesselhoft, Wright (Harold), Wright (John), Mr. Speaker.--86.

Nay: Collins, Hoskin, Kiesel, McAffrey, McDaniel (Jeannie), Pittman, Roan, Shelton, Shumate.--9.

Excused: Harrison, Kouplen, Nations, Sullivan, Trebilcock, Williams.--6.

HCR 1032 was referred for engrossment.

RESOLUTION FOR CONSIDERATION

HCR 1034 was called up for consideration.

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

Authored by Senator Nichols (principal Senate author)

Upon motion of Representative Terrill, **HCR 1034** was considered and adopted.

HCR 1034 was referred for engrossment.

RESOLUTION FOR CONSIDERATION

HCR 1037 was called up for consideration.

Authored by Senator Rice (principal Senate author)

Upon motion of Representative Cox, **HCR 1037** was considered and adopted.

HCR 1037 was referred for engrossment.

RESOLUTION FOR CONSIDERATION

HCR 1030 was called up for consideration.

Coauthored by Representative(s) Luttrell

Representative Martin (Scott) moved to amend **HCR 1030**, Page 3, Lines 1-4 by deleting the language “**THAT** the Oklahoma Legislature fully accepts the findings of the Amtrak study requested by the Kansas Department of Transportation on February 11, 2008, as factual and as an accepted guideline for Oklahoma passenger rail development.”,

which amendment was declared adopted.

Upon motion of Representative Martin (Scott), **HCR 1030** was considered and adopted.

HCR 1030 was referred for engrossment.

RESOLUTION FOR CONSIDERATION

HR 1054 was called up for consideration.

Upon motion of Representative Denney, **HR 1054** was considered and adopted.

HR 1054 was referred for enrollment.

RESOLUTION FOR CONSIDERATION

HR 1055 was called up for consideration.

Coauthored by Representative(s) Reynolds

Upon motion of Representative Denney, **HR 1055** was considered and adopted.

HR 1055 was referred for enrollment.

MOTION

Representative Kiesel asked that the Journal reflect that had he been present in the Chamber on Thursday, May 7, he would have voted nay on **HB 1330**, which was the order.

MESSAGES FROM THE SENATE

Announcing that Enrolled **HB 2056** 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.

Concurrence in HAs

Announcing the concurrence of Senate in **HAs** to **SBs 293** and **991** and the passage of said measures, as amended thereby.

Returning engrossed measure

Announcing the passage of **HCR 1040**.

The above-numbered measure was referred for enrollment.

Returning CCR

Returning **HB 1330**, Coauthored by Senator Russell, together with conference committee report thereon, advising adoption of conference committee report and passage of measure as amended.

The above-numbered measure, as amended by the conference committee report, was referred for enrollment.

Transmitting CCRs

Transmitting the following measures, together with the conference committee reports thereon, advising adoption of conference committee reports and passage of measures as amended.

SB 1115

SB 1137

Conference committee reports were read on the above-numbered measures.

Conferees named

Advising the Senate naming conferees as follows:

SB 1066 – Marlatt, Aldridge, Myers, Barrington

Conferees changed

Advising the Senate changing conferees as follows:

HB 1055 – Remove Brown, Aldridge, Mazzei, Stanislawski, Russell, Sparks and Name
GCCA

Conferees Unable to Agree

Advising conferees are unable to agree on **SBs 300, 610** and **718**.

CONFEREES NAMED

The Speaker named the following conferees:

HB 1307 – Luttrell, Pittman, Joyner, Kirby, Cox, Jordan, Duncan, Lamons

HB 1491 – Wright (Harold), Armes, Enns, Kouplen, Buck, Christian

HB 1591 – Coody, Miller, Jackson, Jones

HB 1802 – Martin (Steve), Jones, Miller, Jackson

HB 2010 – Coody, Miller, Jackson, Jones

HJR 1026 – Schwartz, Blackwell, Jackson, Joyner, Hilliard, Morgan

HJR 1035 – Enns, Miller, Jackson, Jones

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 479 – Jackson, Miller, Jones

SB 489 – Coody, Jones, Miller, Jackson

SB 611 – Duncan, Denney, Jordan, Nelson, Roan

SB 852 – Terrill, Miller, Jackson, Jones

SB 881 – Banz, Jackson, Jones, Miller

SB 982 – Thomsen, Jones, Miller, Jackson

SB 1064 – Shannon, Miller, Jones, Jackson

CCRs SUBMITTED

The conference committee reports were read on the following measures:

HB 1004

HB 1021

HB 1035

HB 1069

HB 1389

HB 1509

HB 1736

HB 1739

HB 1742

HB 1753

HB 1775

HB 1800

HB 1897

HB 2013, Remove Representative Miller as principal House author and substitute with Representative Wright (John)

HB 2108 (Conferees Unable to Agree), Coauthored by Representative(s) Wright (Harold)

HB 2154

MESSAGES FROM THE GOVERNOR

Advising of his veto of **HB 2167** on May 8, 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. **2167**

By: McCullough, et al of the House and Sykes 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 2167. While HB 2167 is well intended and has many good provisions, the legislation potentially does more harm than good because of its unintended consequences. Many state agencies could easily comply with the contracting restrictions in question, but for those agencies, such as Oklahoma Department of Transportation, that must respond quickly to a lawsuit or that must execute a large volume of legal contracts by virtue of their statutory responsibilities, such mandates would impair their ability to respond to pressing legal issues or to timely complete crucial projects, causing undue delays, increasing costs to the state and causing them to miss court-imposed

deadlines. The Legislature should consider legislation that recognizes the unique statutory responsibilities of such adversely-impacted agencies.

By the Governor of the State of Oklahoma

/s/ Brad Henry

Advising of his approval of **HBs 1366, 1473, 1482, 1569, 1738, 1769, 1999, 2016, 2071, 2158 and 2263** on May 11, 2009.

Representative Johnson moved that when the clerk's desk is clear, the House stand adjourned to reconvene at 9:00 a.m., Tuesday, May 12, 2009, which was the order.

Pursuant to the motion of Representative Johnson, the House was adjourned at 3:05 p.m., to reconvene Tuesday, May 12, 2009, at 9:00 a.m.