

HOUSE JOURNAL

First Regular Session of the Fifty-fifth Legislature

of the State of Oklahoma

Forty-eighth Legislative Day, Monday, April 27, 2015

The House was called to order by Representative Russ.

The roll was called with 97 Members present.

The following Members were excused: Echols, Osborn.—2.

Vacancy: District 73, District 85.—2.

Representative Russ declared a quorum present.

Prayer was offered by Pastor Paul Rummage, Bartlesville Southern Baptist Church, Bartlesville. Pastor Rummage was sponsored by Representative Dunlap.

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

The Journal for the last legislative day was approved.

ENGROSSED AND ENROLLED MEASURES

HAs to SBs 34, 136, 326, 327, 379, 386, 412, 534, 676, 704, 789, 797 and 809 were reported correctly engrossed, properly signed, in open session, and the measures, as amended, were ordered returned to the Honorable Senate.

RESOLUTIONS

The following was introduced and read:

HCR 1009 – By Biggs of the House and David of the Senate.

A Concurrent Resolution recalling from the Office of the Governor Enrolled House Bill No. 1047, passed by the 1st Session of the 55th Oklahoma Legislature.

GENERAL ORDER

HB 2235 by Sears et al of the House and Jolley et al of the Senate was read and considered.

Representative Sears moved adoption of the Joint Committee Report on **HB 2235**, which motion was declared adopted upon a division of the question.

THIRD READING

HB 2235 was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Banz, Biggs, Billy, Brown, Caldwell, Calvey, Casey, Christian, Cockroft, Condit, Coody (Ann), Coody (Jeff), Cooksey, Cox, Dunlap, Enns, Faught, Hall, Hardin, Henke, Johnson, Joyner, Kannady, Kirby, Lockhart, Loring, Martin (Scott), McBride, McCall, McCullough, McDaniel (Jeannie), McDaniel (Randy), Montgomery, Moore, Mulready, Murdock, Nelson, Newell, Nollan, Ortega, Ownbey, Perryman, Peterson, Pfeiffer, Pruett, Roberts (Dustin), Rogers, Russ, Sanders, Sears, Shelton, Tadlock, Thomsen, Vaughan, Walker, Wallace, Watson, Wood, Wright, Mr. Speaker.--60.

Nay: Bennett, Brumbaugh, Cleveland, Derby, Dunnington, Fisher, Fourkiller, Griffith, Hoskin, Inman, Jordan, Kern, Kouplen, Lepak, McPeak, Morrisette, Murphey, O'Donnell, Park, Proctor, Renegar, Ritze, Roberts (Sean), Rousselot, Sherrer, Shoemake, Stone, Virgin, Wesselhoft, Williams, Young.--31.

Excused: Cannaday, Denney, Echols, Grau, Leewright, Osborn, Scott, Strohm.--8.

Vacancy: District 73, District 85.--2.

The measure passed.

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

Aye: Banz, Biggs, Billy, Brown, Caldwell, Calvey, Casey, Christian, Cockroft, Coody (Ann), Coody (Jeff), Cooksey, Cox, Denney, Dunlap, Enns, Faught, Hall, Hardin, Henke, Johnson, Joyner, Kannady, Leewright, Lockhart, Loring, Martin (Scott), McBride, McCullough, McDaniel (Randy), Montgomery, Mulready, Murdock, Nelson, Newell, Nollan, Ortega, Ownbey, Perryman, Peterson, Pfeiffer, Pruett, Roberts (Dustin), Rogers, Russ, Sanders, Sears, Tadlock, Thomsen, Vaughan, Walker, Wallace, Watson, Wood, Wright, Mr. Speaker.--56.

Nay: Bennett, Brumbaugh, Cannaday, Cleveland, Condit, Derby, Dunnington, Fisher, Fourkiller, Griffith, Hoskin, Inman, Jordan, Kern, Kouplen, Lepak, McDaniel (Jeannie), McPeak, Moore, Morrisette, Murphey, O'Donnell, Park, Proctor, Renegar, Ritze, Roberts (Sean), Rousselot, Shelton, Sherrer, Shoemake, Stone, Virgin, Williams, Young.--35.

Excused: Echols, Grau, Kirby, McCall, Osborn, Scott, Strohm, Wesselhoft.--8.

Vacancy: District 73, District 85.--2.

The emergency failed.

HB 2235 was referred for engrossment.

MESSAGES FROM THE SENATE

Advising fourth reading of and transmitting for signature Enrolled **SBs 219, 525, 787** and **788**.

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

Returning enrolled measures

Announcing that Enrolled **HBs 1007, 1034, 1350, 1391, 1653** and **1855** 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.

Returning engrossed measures, as amended

Announcing the passage of and returning engrossed measures as amended: **HBs 1001, 1012**, Coauthored by Representative Leewright, **1044, 1116**, Coauthored by Senator Sparks, **1118, 1275**, Coauthored by Representative Moore, **1290**, Coauthored by Senator Ford, **1299, 1442, 1498, 1574, 1604, 1616, 1619, 1622**, Coauthored by Representatives Nollan, Johnson and Senators Brecheen, Bice, **1630**, Coauthored by Representative Cannaday and Senator Boggs, **1672**, Coauthored by Representative Shelton, **1696**, Remove Senator Jolley as principal Senate author and substitute with Senator Holt, **1725**,

Coauthored by Representative Perryman, **1748**, Coauthored by Representative Park and Senators Loveless, David, **1776**, Coauthored by Senator Sharp, **1825**, Coauthored by Senator David, **1827**, Coauthored by Senator Sharp, **1847, 1920, 1963, 1964, 2014**, Coauthored by Representatives Roberts (Sean), Pfeiffer and Senators Brecheen, Brooks, **2165, 2181**, Coauthored by Senator Holt and **2187** and **HJR**s **1024** and **1025**.

Senate amendments were read on the above-numbered measures.

RESOLUTION FOR CONSIDERATION

HCR 1009 was called up for consideration.

Upon motion of Representative Biggs, **HCR 1009** was considered and adopted.

HCR 1009 was referred for engrossment.

ENGROSSED AND ENROLLED MEASURES

HCR 1009 was reported correctly engrossed, properly signed, in open session, and ordered transmitted to the Honorable Senate.

MESSAGES FROM THE SENATE

Advising the Honorable House of Representatives that the Senate has rescinded the rejection of the **HAs** to **SB 474**.

Concurrence in HAs

Announcing the concurrence of Senate in **HAs** to **SBs 70, 101, 178, 285, 370, 380, 399, 443, 465, 578** and **663** and the passage of said measures, as amended thereby.

Conference requested

Advising rejection of **HAs** to **SBs** and requesting conference thereon, the Senate naming conferees later: **SBs 114, 141, 356, 372, 419, 424, 587, 630, 688, 706, 707** and **786**.

MESSAGES FROM THE GOVERNOR

Advising of her approval of **HBs 1652, 1691** and **1774** on April 24, 2015.

Advising of her veto of **HB 1046** on April 24, 2015. The veto message reads as follows:

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

Enrolled House Bill No. **1046**

By: Biggs 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 **1046**.

House Bill **1046** (Bill) strips a presiding court of its discretion to modify orders of restitution as it best sees fit, and tailored to the particular facts at hand. Instead, the Bill requires district courts to “equally apply the same percentage reduction to any court-ordered monetary obligation owed by the defendant including, but not limited to, fines, costs and costs of incarceration.”

Judges necessarily wield considerable discretion in modifying orders of restitution, because it is discretion that makes modifications fair. Statute is—by its very nature—incapable of considering and balancing the myriad factual scenarios and equitable considerations that inform a just modification, and that make any given modification different from the ten that preceded it, and the ten that are to follow. Moreover, there could be instances when an across-the-board reduction in restitution would be patently unfair to victims—for example, if unpaid victim restitution far outstrips fines or costs of incarceration. Accordingly, I cannot allow for artificial and inflexible constraints to tie the hands of judges, especially where the end result could be less equitable, not more.

Advising of her approval of **HBs 1053, 1067, 1078, 1083, 1120, 1122, 1123, 1263, 1353, 1584, 1728, 1734, 2168** and **2182** on April 27, 2015.

Representative Nelson moved that when the clerk’s desk is clear, the House stand adjourned to reconvene at 9:03 a.m., Tuesday, April 28, 2015, which was the order.

Pursuant to the motion of Representative Nelson, the House was adjourned at 2:50 p.m., to reconvene Tuesday, April 28, 2015, at 9:03 a.m.