

HOUSE JOURNAL

Second Regular Session of the Fiftieth Legislature

of the State of Oklahoma

Sixty-first Legislative Day, Friday, May 19, 2006

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

The roll was called with 101 Members present.

The Speaker Pro Tempore declared a quorum present.

Prayer was offered by Father Chris Daigle, Immaculate Conception Church, Pawhuska.

The Journal for the last legislative day was approved.

ENGROSSED AND ENROLLED MEASURES

HCR 1073 was reported correctly engrossed, properly signed, in open session, and ordered transmitted to the Honorable Senate.

HCR 1069 was reported correctly enrolled, properly signed, in open session, and ordered transmitted to the Honorable Senate.

HRs 1106, 1121, 1126 and 1128 were reported correctly enrolled, properly signed, in open session, and ordered transmitted to the Secretary of State.

MESSAGES FROM THE SENATE

Announcing that Enrolled **HCR 1069** has been signed by the Presiding Officer of Senate, in open session.

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

Transmitting enrolled measures

Advising fourth reading of and transmitting for signature Enrolled **SBs 1086, 1088** and **1742**.

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 the following engrossed measure.

The measure was introduced and read.

SCR 56 – By Coates of the Senate and Thompson of the House.

A Concurrent Resolution creating the Oklahoma Contractors Licensing Task Force; providing for purpose, composition, chair and vice-chair, meeting, report and staffing of task force.

Returning engrossed measure

Announcing the passage of **HCR 1072**, Coauthored by all members of the Senate except Rabon.

The above-numbered measure was referred for enrollment.

Concurrence in HAs

Announcing the concurrence of Senate in **HAs** to **SB 324** and the passage of said measure, as amended thereby.

Conference requested

Advising rejection of **HAs** to Engrossed **SB 1434** and requesting conference thereon, the Senate naming conferees later.

Conferees changed

Advising changing Senate conferees as follows:

HB 2812 - Remove from GCCA and name Johnson (Mike), Morgan, Crutchfield

CONFERENCE GRANTED

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

SB 1167 – Balkman, Cooksey, Brown, Cox, Eddins, Ellis, Tibbs, Newport

SB 1324 – Peters, Case, Liebmann, Liotta, Carey, Hilliard

SB 1397 – Sullivan, Armes, Covey, DeWitt, Roggow, Shoemake

SB 1675 – Armes, Roggow, Duncan, Adkins, Covey, DeWitt, Glenn, Morgan (Danny), Peterson (Ron), Shoemake, Walker, Wilt

SB 1752 – Liotta, Roggow, Duncan, Adkins, Covey, DeWitt, Glenn, Morgan (Danny), Peterson (Ron), Shoemake, Walker, Wilt

SB 1850 – Denney, Steele, Cox, Billy, Newport, Brown, Sherrer, Glenn

CONFEREES NAMED

The Speaker named the following conferees:

HB 2867 – Worthen, Smaligo, Martin, Auffet, Kiesel, Piatt, Staggs, Young

HB 2955 – Hickman, Roggow, Duncan, Adkins, Covey, DeWitt, Glenn, Morgan (Danny), Peterson (Ron), Shoemake, Walker, Wilt

HB 2999 – Winchester, Peters, Billy, Carey, Hamilton, Hilliard, Jackson, Steele

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 2929** was called up for consideration.

Coauthored by Representative(s) Braddock

Upon motion of Representative Richardson, the **CCR** on **HB 2929** was adopted.

HB 2929, as amended in conference, was read at length for the fourth time and the roll was called on the measure as follows:

Aye: Adkins, Armes, Askins, Auffet, Balkman, Banz, Billy, Bingman, Blackburn, Blackwell, Braddock, Brannon, Brown, Calvey, Carey, Cargill, Case, Coody, Cooksey, Covey, Cox, Dank, Denney, DePue, Deutschendorf, DeWitt, Dorman, Duncan, Ellis, Gilbert, Glenn, Hamilton, Harrison, Hastings, Hickman, Hilliard, Hyman, Ingmire, Jackson, Johnson, Jones, Kern, Kiesel, Lamons, Liebmann, Lindley, Liotta, Martin, Mass, McCarter, McDaniel, McPeak, Miller (Doug), Miller (Ken), Miller (Ray), Morgan (Danny), Morrisette, Nance, Nations, Newport, Perry, Peters, Peterson (Pam), Peterson (Ron), Piatt, Plunk, Pruett, Reynolds, Richardson, Roan, Roggow, Rousselot, Shelton, Sherrer, Shoemake, Shumate, Smaligo, Smithson, Staggs, Steele, Sullivan, Sweeden, Terrill,

Thompson, Tibbs, Toure, Trebilcock, Turner, Walker, Wesselhoft, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--96.

Excused: Benge, Eddins, Jett, McMullen, Morgan (Fred).--5.

The measure passed.

HB 2929, together with the conference committee report, thereon, was ordered transmitted to the Honorable Senate.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 2412** was called up for consideration.

Coauthored by Representative(s) Nance, Wright

Upon motion of Representative Jackson, the **CCR** on **HB 2412** was adopted.

HB 2412, as amended in conference, was read at length for the fourth time and the roll was called on the measure as follows:

Aye: Adkins, Armes, Askins, Auffet, Balkman, Banz, Benge, Billy, Bingman, Blackburn, Blackwell, Braddock, Brannon, Brown, Calvey, Carey, Cargill, Case, Coody, Cooksey, Covey, Cox, Dank, Denney, DePue, Deutschendorf, DeWitt, Dorman, Duncan, Ellis, Gilbert, Glenn, Hamilton, Harrison, Hastings, Hickman, Hilliard, Hyman, Ingmire, Jackson, Jett, Johnson, Jones, Kern, Kiesel, Lamons, Liebmann, Lindley, Liotta, Martin, Mass, McCarter, McDaniel, McPeak, Miller (Doug), Miller (Ken), Miller (Ray), Morgan (Danny), Morgan (Fred), Morrissette, Nance, Nations, Newport, Perry, Peters, Peterson (Pam), Peterson (Ron), Piatt, Plunk, Pruett, Reynolds, Richardson, Roan, Roggow, Rousselot, Shelton, Sherrer, Shoemake, Shumate, Smaligo, Smithson, Staggs, Steele, Sullivan, Sweeden, Terrill, Thompson, Tibbs, Toure, Trebilcock, Turner, Walker, Wesselhoft, Winchester, Worthen, Wright, Young, Mr. Speaker.--98.

Excused: Eddins, McMullen, Wilt.--3.

The measure passed.

HB 2412, together with the conference committee report, thereon, was ordered transmitted to the Honorable Senate.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 2490** was called up for consideration.

Coauthored by Representative(s) Billy

Upon motion of Representative Nance, the **CCR** on **HB 2490** was adopted.

HB 2490, as amended in conference, was read at length for the fourth time and the roll was called on the measure as follows:

Aye: Adkins, Armes, Askins, Balkman, Banz, Benge, Billy, Bingman, Blackwell, Braddock, Brannon, Brown, Cargill, Case, Coody, Cooksey, Covey, Cox, Dank, Denney, DePue, DeWitt, Dorman, Ellis, Glenn, Hastings, Hickman, Hyman, Ingmire, Jackson, Jett, Johnson, Jones, Kern, Kiesel, Liebmann, Martin, Miller (Doug), Miller (Ken), Morrisette, Nance, Nations, Perry, Peters, Peterson (Pam), Peterson (Ron), Piatt, Pruett, Richardson, Roan, Roggow, Rousselot, Shoemake, Shumate, Smaligo, Smithson, Staggs, Steele, Sullivan, Sweeden, Thompson, Tibbs, Trebilcock, Turner, Walker, Winchester, Wright, Young, Mr. Speaker.--69.

Nay: Auffet, Calvey, Carey, Deutschendorf, Duncan, Gilbert, Hamilton, Hilliard, Lamons, Lindley, Liotta, Mass, McCarter, McDaniel, McPeak, Morgan (Danny), Morgan (Fred), Newport, Plunk, Reynolds, Shelton, Sherrer, Terrill, Toure, Wesselhoft, Worthen.--26.

Excused: Blackburn, Eddins, Harrison, McMullen, Miller (Ray), Wilt.--6.

The measure passed.

HB 2490, together with the conference committee report, thereon, was ordered transmitted to the Honorable Senate.

MOTION

Representative Dank raised a point of order citing House Rule 9.6(a) that there were Members in the Chamber during the vote on **HB 2490** who did not vote and moved that the House Journal reflect the names of those in the Chamber who did not vote, to which objection was heard.

Representative Dank pressed her motion, which motion prevailed upon a division of the question.

Representative Askins raised a point of order that House Rule 9.6(a) does not contain enforcement authority against Members who were in the Chamber but not voting.

The Presiding Officer ruled that a Member may raise a point of order pursuant to House Rule 9.6(a) against a Member, by name, who was in the Chamber but not voting which motion may be subject to a vote of the body.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 2619** was called up for consideration.

Representative Walker moved adoption of the **CCR** on **HB 2619**, which motion prevailed upon roll call as follows:

Aye: Askins, Auffet, Balkman, Blackburn, Braddock, Brannon, Brown, Carey, Case, Covey, Cox, Deutschendorf, Dorman, Eddins, Ellis, Gilbert, Glenn, Hamilton, Hilliard, Hyman, Ingmire, Kiesel, Lamons, Liebmann, Lindley, Mass, McCarter, McDaniel, McMullen, McPeak, Miller (Doug), Miller (Ray), Morgan (Danny), Morrisette, Nance, Nations, Plunk, Pruett, Roan, Rousselot, Shelton, Sherrer, Shoemake, Shumate, Smithson, Staggs, Sweden, Terrill, Toure, Turner, Walker.--51.

Nay: Armes, Banz, Benge, Billy, Bingman, Blackwell, Calvey, Cargill, Coody, Cooksey, Dank, Denney, DePue, DeWitt, Duncan, Hickman, Jackson, Jett, Johnson, Jones, Kern, Liotta, Martin, Miller (Ken), Morgan (Fred), Newport, Perry, Peters, Peterson (Pam), Peterson (Ron), Piatt, Reynolds, Roggow, Smaligo, Steele, Sullivan, Thompson, Tibbs, Trebilcock, Wesselhoft, Winchester, Worthen, Wright, Young, Mr. Speaker.--45.

Excused: Adkins, Harrison, Hastings, Richardson, Wilt.--5.

HB 2619, as amended in conference, was read at length for the fourth time and the roll was called on the measure as follows:

Aye: Askins, Auffet, Balkman, Blackburn, Braddock, Brannon, Brown, Carey, Covey, Cox, Deutschendorf, Dorman, Eddins, Ellis, Gilbert, Glenn, Hamilton, Harrison, Hilliard, Hyman, Ingmire, Johnson, Kiesel, Lamons, Lindley, Mass, McCarter, McDaniel, McMullen, McPeak, Miller (Doug), Miller (Ray), Morgan (Danny), Morrisette, Nations, Plunk, Pruett, Roan, Rousselot, Shelton, Sherrer, Shoemake, Shumate, Smithson, Staggs, Sweden, Terrill, Toure, Turner, Walker.--50.

Nay: Armes, Banz, Benge, Billy, Bingman, Blackwell, Calvey, Cargill, Coody, Cooksey, Dank, Denney, DePue, DeWitt, Duncan, Hastings, Hickman, Jackson, Jett, Jones, Kern, Liebmann, Liotta, Martin, Miller (Ken), Morgan (Fred), Nance, Newport, Perry, Peters, Peterson (Pam), Peterson (Ron), Piatt, Reynolds, Roggow, Smaligo, Steele, Sullivan, Thompson, Tibbs, Trebilcock, Wesselhoft, Winchester, Worthen, Wright, Young, Mr. Speaker.--47.

Excused: Adkins, Case, Richardson, Wilt.--4.

The measure failed.

Representative Walker served notice to reconsider the vote whereby **HB 2619** failed.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 2749** was called up for consideration.

Upon motion of Representative Thompson, the **CCR** on **HB 2749** was adopted.

HB 2749, 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, Askins, Auffet, Balkman, Banz, Bengé, Billy, Bingman, Blackwell, Braddock, Brannon, Calvey, Carey, Cargill, Coody, Cooksey, Covey, Cox, Dank, Denney, DePue, DeWitt, Dorman, Duncan, Eddins, Ellis, Glenn, Hamilton, Harrison, Hastings, Hickman, Hilliard, Hyman, Ingmire, Jackson, Jett, Johnson, Jones, Kern, Kiesel, Lamons, Liebmann, Liotta, Martin, Mass, McCarter, McDaniel, McMullen, McPeak, Miller (Doug), Miller (Ken), Morgan (Danny), Morgan (Fred), Morrisette, Nance, Nations, Newport, Perry, Peters, Peterson (Pam), Peterson (Ron), Piatt, Plunk, Pruett, Reynolds, Roan, Roggow, Rousselot, Shelton, Sherrer, Shoemake, Shumate, Smaligo, Smithson, Staggs, Steele, Sullivan, Sweeden, Terrill, Thompson, Tibbs, Turner, Walker, Wesselhoft, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--90.

Nay: Brown, Deutschendorf, Lindley, Toure, Trebilcock.--5.

Excused: Adkins, Blackburn, Case, Gilbert, Miller (Ray), Richardson.--6.

The measure and emergency passed.

HB 2749, together with the conference committee report, thereon, was ordered transmitted to the Honorable Senate.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 2882** was called up for consideration.

Coauthored by Representative(s) Wesselhoft

Upon motion of Representative Steele, the **CCR** on **HB 2882** was adopted.

HB 2882, as amended in conference, was read at length for the fourth time and the roll was called on the measure as follows:

Aye: Armes, Askins, Auffet, Balkman, Banz, Bengé, Billy, Bingman, Blackwell, Braddock, Brannon, Brown, Calvey, Carey, Cargill, Coody, Cooksey, Covey, Cox, Dank, Denney, DePue, Deutschendorf, DeWitt, Duncan, Eddins, Ellis, Gilbert, Glenn, Hamilton, Harrison, Hickman, Hilliard, Hyman, Ingmire, Jackson, Jett, Johnson, Jones, Kern, Kiesel,

Lamons, Liebmann, Lindley, Liotta, Martin, McDaniel, McMullen, McPeak, Miller (Doug), Miller (Ken), Morgan (Danny), Morgan (Fred), Morrissette, Nance, Newport, Perry, Peters, Peterson (Pam), Peterson (Ron), Piatt, Plunk, Pruett, Reynolds, Roan, Roggow, Rousselot, Shelton, Sherrer, Shoemake, Shumate, Smaligo, Smithson, Staggs, Steele, Sullivan, Sweeden, Terrill, Thompson, Tibbs, Trebilcock, Turner, Walker, Wesselhoft, Winchester, Worthen, Wright, Young, Mr. Speaker.--89.

Nay: McCarter, Toure.--2.

Excused: Adkins, Blackburn, Case, Dorman, Hastings, Mass, Miller (Ray), Nations, Richardson, Wilt.--10.

The measure passed.

HB 2882, together with the conference committee report, thereon, was ordered transmitted to the Honorable Senate.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 1757** was called up for consideration.

Upon motion of Representative Miller (Doug), the **CCR** on **HB 1757** was adopted.

HB 1757, 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, Askins, Auffet, Balkman, Banz, Benge, Billy, Bingman, Blackburn, Blackwell, Braddock, Brannon, Brown, Calvey, Carey, Cargill, Coody, Cooksey, Covey, Cox, Dank, Denney, DePue, Deutschendorf, DeWitt, Dorman, Duncan, Eddins, Ellis, Gilbert, Glenn, Hamilton, Harrison, Hickman, Hilliard, Hyman, Ingmire, Jackson, Jett, Johnson, Jones, Kern, Kiesel, Lamons, Liebmann, Lindley, Liotta, Martin, McCarter, McDaniel, McMullen, McPeak, Miller (Doug), Miller (Ken), Morgan (Danny), Morgan (Fred), Morrissette, Nance, Newport, Perry, Peters, Peterson (Pam), Peterson (Ron), Piatt, Plunk, Pruett, Reynolds, Roan, Roggow, Rousselot, Shelton, Sherrer, Shoemake, Shumate, Smaligo, Smithson, Staggs, Steele, Sullivan, Sweeden, Terrill, Thompson, Tibbs, Toure, Trebilcock, Turner, Walker, Wesselhoft, Winchester, Wright, Young, Mr. Speaker.--92.

Nay: Worthen.--1.

Excused: Adkins, Case, Hastings, Mass, Miller (Ray), Nations, Richardson, Wilt.--8.

The measure and emergency passed.

HB 1757, together with the conference committee report, thereon, was ordered transmitted to the Honorable Senate.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 2585** was called up for consideration.

Coauthored by Representative(s) Nance

Upon motion of Representative Duncan, the **CCR** on **HB 2585** was adopted.

HB 2585, 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, Askins, Auffet, Balkman, Banz, Benge, Billy, Bingman, Blackburn, Blackwell, Braddock, Brannon, Brown, Calvey, Carey, Cargill, Coody, Cooksey, Covey, Cox, Dank, Denney, DePue, Deutschendorf, DeWitt, Dorman, Duncan, Eddins, Ellis, Gilbert, Glenn, Hamilton, Harrison, Hickman, Hilliard, Hyman, Ingmire, Jackson, Jett, Johnson, Jones, Kern, Kiesel, Lamons, Liebmann, Lindley, Liotta, Martin, McCarter, McDaniel, McMullen, McPeak, Miller (Doug), Miller (Ken), Miller (Ray), Morgan (Danny), Morgan (Fred), Morrissette, Nance, Newport, Perry, Peters, Peterson (Pam), Peterson (Ron), Piatt, Pruett, Reynolds, Roan, Roggow, Rousselot, Shelton, Sherrer, Shoemake, Shumate, Smaligo, Smithson, Staggs, Steele, Sullivan, Sweeden, Terrill, Thompson, Tibbs, Toure, Trebilcock, Turner, Walker, Wesselhoft, Winchester, Worthen, Wright, Young, Mr. Speaker.--93.

Excused: Adkins, Case, Hastings, Mass, Nations, Plunk, Richardson, Wilt.--8.

The measure and emergency passed.

HB 2585, together with the conference committee report, thereon, was ordered transmitted to the Honorable Senate.

RESOLUTION FOR CONSIDERATION

HR 1124 was called up for consideration.

Upon motion of Representative Shumate, **HR 1124** was considered and adopted.

HR 1124 was referred for enrollment.

PENDING CONSIDERATION OF CCR

Upon motion of Representative Ellis, the **CCR** on **HB 2077** was rejected and further conference requested. The Speaker named the same conferees:

HB 2077 – Ellis, Walker, Jackson, Liotta, Roggow, Thompson

PENDING CONSIDERATION OF CCR

Upon motion of Representative Coody, the **CCRs** on **HBs 2461** and **2462** were rejected and further conference requested. The Speaker named the same conferees:

HB 2461 – Coody, Calvey, Rousselot, Liotta, Dorman, Adkins

HB 2462 – Coody, Calvey, Rousselot, Carey, Armes, Liotta

PENDING CONSIDERATION OF CCR

Upon motion of Representative Calvey, the **CCRs** on **HBs 2845** and **2958** were rejected and further conference requested. The Speaker named the same conferees:

HB 2845 – Calvey, Rousselot, Terrill, Adkins, Liotta, Dorman

HB 2958 – Calvey, Rousselot, Terrill, Adkins, Liotta, Dorman

PENDING CONSIDERATION OF CCR

Upon motion of Representative Miller (Ken), the **CCR** on **SB 1495** was rejected and further conference requested. The Speaker named the same conferees:

SB 1495 – Miller (Ken), Steele, Cox, Liebmann, Shelton, Askins, Newport

MESSAGE FROM THE SENATE

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

SB 1076

SB 1597

SB 1614

SB 1686 - Coauthored by Senator Branan and Coauthored by Representative Smithson

SB 1701

SB 1793 - Coauthored by Senator Garrison

SB 1842

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

RESOLUTION

The following was introduced and read:

HR 1129 – By Calvey.

A Resolution honoring Dave Trent for his years of dedicated service to the Oklahoma House of Representatives; and directing distribution.

CCRs SUBMITTED

The conference committee reports were read on the following measures:

HB 2357

HB 2609

HB 2708

HB 2762

HB 2793

HB 2794, Coauthored by Representative(s) Martin

HB 2982

Representative Sullivan moved that when the clerk's desk is clear, the House stand adjourned to reconvene at 10:00 a.m., Monday, May 22, 2006, which was the order.

Pursuant to the motion of Representative Sullivan, the House was adjourned at 11:00 a.m., to reconvene Monday, May 22, 2006, at 10:00 a.m.