

# HOUSE JOURNAL

## First Regular Session of the Fifty-first Legislature of the State of Oklahoma

**Thirty-seventh Legislative Day, Monday, April 9, 2007**

The House was called to order by Speaker Cargill.

The roll was called with 101 Members present.

The Speaker declared a quorum present.

Prayer was offered by Pastor Joe Elam, First Baptist Church, Pauls Valley. Pastor Elam was sponsored this week by Representative Billy.

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

The Journal for the last legislative day was approved.

### ENGROSSED AND ENROLLED MEASURES

**HB 1038** was reported correctly enrolled and, after fourth reading, properly signed, in open session, and ordered transmitted to the Honorable Senate.

**HR 1020** was reported correctly enrolled, properly signed, in open session, and ordered transmitted to the Secretary of State.

### MESSAGE FROM THE SENATE

Announcing that Enrolled **HB 1038** 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.

**MEASURES REASSIGNED**

The following measures were reassigned:

**SB 345** –Withdrawn from Appropriations and Budget and referred Direct to Calendar.

**SB 990** –Withdrawn from Judiciary and Public Safety and referred to Rules.

**RESOLUTION FOR CONSIDERATION**

**HR 1016** was called up for consideration.

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

Upon motion of Representative Rousselot, **HR 1016** was considered and adopted.

**HR 1016** was referred for enrollment.

**GENERAL ORDER**

**SB 1054** by Williamson of the Senate and Peters of the House was read and considered.

Coauthored by Representative(s) McAffrey

Representative Peters moved that **SB 1054** be advanced from General Order, which motion was declared adopted.

**THIRD READING**

**SB 1054** was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Adkins, Armes, Auffet, Banz, Benge, BigHorse, Billy, Blackwell, Braddock, Brannon, Brown, Cannaday, Carey, Collins, Coody, Cooksey, Covey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Duncan, Ellis, Enns, Faught, Gilbert, Glenn, Hamilton, Hickman, Hilliard, Hoskin, Hyman, Ingmire, Inman, Jackson, Jett, Johnson (Dennis), Johnson (Rob), Jones, Jordan, Joyner, Kern, Key, Kiesel, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCarter, McCullough, McDaniel (Jeannie), McDaniel (Randy), McMullen, McNiel, McPeak, Miller, Morgan, Morrissette, Murphey, Nations, Peters, Peterson (Pam), Peterson (Ron), Piatt, Pittman, Proctor, Pruett, Renegar, Reynolds, Richardson, Roan, Rousselot, Schwartz, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Turner, Walker, Watson, Wesselhoft, Winchester, Worthen, Wright, Mr. Speaker.--99.

Excused: Harrison, Lindley.--2.

The measure passed.

**SB 1054** was referred for engrossment.

### **Speaker Pro Tempore Blackwell Presiding**

#### **GENERAL ORDER**

**SB 1091** by Adelson of the Senate and Cox of the House was read and considered.

Coauthored by Representative(s) McAffrey

Representative Cox moved that **SB 1091** be advanced from General Order, which motion was declared adopted.

#### **THIRD READING**

**SB 1091** was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Adkins, Armes, Auffet, Banz, Benge, BigHorse, Billy, Blackwell, Braddock, Brannon, Brown, Cannaday, Carey, Collins, Coody, Cooksey, Covey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Duncan, Ellis, Enns, Faught, Gilbert, Glenn, Hamilton, Hickman, Hilliard, Hoskin, Hyman, Ingmire, Inman, Jackson, Jett, Johnson (Dennis), Johnson (Rob), Jones, Jordan, Joyner, Kern, Key, Kiesel, Lamons, Liebmann, Lindley, Luttrell, Martin (Scott), McAffrey, McCarter, McCullough, McDaniel (Jeannie), McDaniel (Randy), McMullen, McNiel, McPeak, Miller, Morgan, Morrissette, Murphey, Nations, Peters, Peterson (Pam), Peterson (Ron), Piatt, Pittman, Proctor, Pruett, Renegar, Reynolds, Richardson, Roan, Rousselot, Schwartz, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Turner, Walker, Watson, Wesselhoft, Winchester, Worthen, Wright, Mr. Speaker.--99.

Excused: Harrison, Martin (Steve).--2.

The measure passed.

**SB 1091** was referred for engrossment.

**GENERAL ORDER**

**SB 399** by Adelson of the Senate and Cox of the House was read and considered.

Representative Cox moved that **SB 399** be advanced from General Order, which motion was declared adopted.

**THIRD READING**

**SB 399** was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Adkins, Armes, Auffet, Banz, Benge, BigHorse, Billy, Blackwell, Braddock, Brannon, Brown, Cannaday, Carey, Collins, Coody, Cooksey, Covey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Duncan, Ellis, Enns, Faught, Gilbert, Glenn, Hamilton, Hickman, Hilliard, Hoskin, Hyman, Ingmire, Inman, Jackson, Jett, Johnson (Dennis), Johnson (Rob), Jones, Jordan, Joyner, Kern, Key, Kiesel, Lamons, Liebmann, Lindley, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCarter, McCullough, McDaniel (Jeannie), McDaniel (Randy), McMullen, McNiel, McPeak, Miller, Morgan, Morrissette, Murphey, Nations, Peters, Peterson (Pam), Peterson (Ron), Piatt, Pittman, Proctor, Pruett, Renegar, Richardson, Roan, Rousselot, Schwartz, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Turner, Walker, Watson, Wesselhoft, Winchester, Worthen, Wright, Mr. Speaker.--99.

Nay: Reynolds.--1.

Excused: Harrison.--1.

The measure passed.

**SB 399** was referred for engrossment.

**GENERAL ORDER**

**SB 567** by Bass of the Senate and Ingmire of the House was read and considered.

Representative Ingmire moved that **SB 567** be advanced from General Order, which motion was declared adopted.

### THIRD READING

**SB 567** was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Adkins, Armes, Auffet, Banz, Bengé, BigHorse, Billy, Blackwell, Braddock, Brannon, Brown, Cannaday, Carey, Collins, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Duncan, Ellis, Enns, Faught, Gilbert, Glenn, Hamilton, Hickman, Hilliard, Hoskin, Hyman, Ingmire, Inman, Jackson, Jett, Johnson (Dennis), Johnson (Rob), Jones, Jordan, Joyner, Kern, Key, Kiesel, Lamons, Liebmann, Lindley, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCarter, McCullough, McDaniel (Jeannie), McDaniel (Randy), McMullen, McNiel, McPeak, Miller, Morgan, Morrisette, Murphey, Nations, Peters, Peterson (Pam), Peterson (Ron), Piatt, Pittman, Proctor, Pruett, Renegar, Reynolds, Richardson, Roan, Rousselot, Schwartz, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Turner, Walker, Watson, Wesselhoft, Winchester, Worthen, Wright, Mr. Speaker.--99.

Excused: Covey, Harrison.--2.

The measure passed.

The Presiding Officer signed, in open session, Engrossed **SB 567** and ordered same returned to the Honorable Senate.

### GENERAL ORDER

**SB 593** by Lamb of the Senate and Sullivan of the House was read and considered.

Representative Wright moved to amend **SB 593** by deleting Section 3, and renumbering subsequent sections.

Representative Roan moved to table the Wright amendment, which tabling motion failed of adoption upon a division of the question.

Representative Wright pressed adoption of his amendment, which amendment failed of adoption upon a division of the question.

Representative Sullivan moved that **SB 593** be advanced from General Order, which motion was declared adopted.

**THIRD READING**

**SB 593** was read at length for the third time. On passage of the measure and emergency, the roll call was as follows:

Aye: Adkins, Armes, Auffet, Banz, Bengé, Billy, Blackwell, Braddock, Brannon, Cannaday, Carey, Collins, Coody, Cooksey, Covey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Duncan, Ellis, Enns, Faught, Gilbert, Glenn, Hickman, Hilliard, Hoskin, Hyman, Ingmire, Inman, Jackson, Jett, Johnson (Dennis), Johnson (Rob), Jones, Jordan, Joyner, Kern, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCarter, McCullough, McDaniel (Jeannie), McDaniel (Randy), McMullen, McNiel, McPeak, Miller, Morgan, Murphey, Nations, Peters, Peterson (Pam), Peterson (Ron), Piatt, Proctor, Pruett, Renegar, Reynolds, Richardson, Roan, Rousselot, Schwartz, Sears, Shannon, Shoemake, Shumate, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Turner, Walker, Watson, Wesselhoft, Winchester, Worthen, Mr. Speaker.--89.

Nay: BigHorse, Brown, Hamilton, Key, Kiesel, Lindley, Morrissette, Pittman, Shelton, Sherrer, Wright.--11.

Excused: Harrison.--1.

The measure and emergency passed.

**SB 593** was referred for engrossment.

**GENERAL ORDER**

**SB 633** by Lamb of the Senate and Duncan of the House was read and considered.

Representative Duncan moved that **SB 633** be advanced from General Order, which motion was declared adopted.

Representative Morrissette raised a point of order that there was not a fiscal impact statement on **SB 633** and requested that the bill be laid over.

The Presiding Officer ruled the point not well taken and the bill in order.

**THIRD READING**

**SB 633** was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Adkins, Armes, Banz, Bengé, Billy, Blackwell, Braddock, Brannon, Collins, Coody, Cooksey, Covey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Duncan, Ellis, Enns, Faught, Hickman, Hilliard, Hyman, Ingmire, Inman, Jackson, Jett, Johnson (Dennis), Johnson (Rob), Jones, Jordan, Joyner, Kern, Key, Lamons, Liebmann, Luttrell, Martin

(Scott), Martin (Steve), McCarter, McCullough, McDaniel (Randy), McMullen, McNiel, Miller, Murphey, Peters, Peterson (Pam), Peterson (Ron), Proctor, Pruett, Reynolds, Richardson, Roan, Schwartz, Sears, Shannon, Shoemake, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Turner, Walker, Watson, Wesselhoft, Winchester, Worthen, Wright, Mr. Speaker.--76.

Nay: Auffet, BigHorse, Brown, Cannaday, Carey, Gilbert, Glenn, Hamilton, Hoskin, Kiesel, Lindley, McAffrey, McDaniel (Jeannie), McPeak, Morgan, Morrissette, Nations, Pittman, Renegar, Rousselot, Shelton, Sherrer, Shumate.--23.

Excused: Harrison, Piatt.--2.

The measure passed.

The Presiding Officer signed, in open session, Engrossed **SB 633** and ordered same returned to the Honorable Senate.

## GENERAL ORDER

**SB 634** by Lerblance of the Senate and Sullivan et al of the House was read and considered.

Representative Sullivan moved that **SB 634** be advanced from General Order, which motion was declared adopted.

## THIRD READING

**SB 634** was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Adkins, Armes, Auffet, Banz, Benge, BigHorse, Billy, Blackwell, Braddock, Brannon, Brown, Cannaday, Carey, Collins, Coody, Cooksey, Covey, Dank, Denney, Derby, DeWitt, Dorman, Duncan, Ellis, Enns, Faught, Glenn, Hamilton, Hickman, Hilliard, Hoskin, Hyman, Ingmire, Inman, Jackson, Jett, Johnson (Dennis), Johnson (Rob), Jones, Jordan, Joyner, Kern, Key, Kiesel, Lamons, Liebmann, Lindley, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCarter, McCullough, McDaniel (Jeannie), McDaniel (Randy), McMullen, McNiel, McPeak, Miller, Morgan, Morrissette, Murphey, Nations, Peters, Peterson (Pam), Peterson (Ron), Piatt, Pittman, Proctor, Pruett, Renegar, Reynolds, Richardson, Roan, Rousselot, Schwartz, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Turner, Walker, Watson, Wesselhoft, Winchester, Worthen, Wright, Mr. Speaker.--98.

Nay: Gilbert.--1.

Excused: Cox, Harrison.--2.

The measure passed.

The Presiding Officer signed, in open session, Engrossed **SB 634** and ordered same returned to the Honorable Senate.

## GENERAL ORDER

**SB 659** by Nichols of the Senate and Duncan et al of the House was read and considered.

Representative Morrisette moved to amend **SB 659** by deleting Section 1, and renumbering subsequent sections.

Representative Duncan moved to table the Morrisette amendment, which tabling motion was declared adopted upon roll call as follows:

Aye: Armes, Banz, Benge, Billy, Blackwell, Braddock, Coody, Cooksey, Dank, Denney, Derby, DeWitt, Duncan, Enns, Faught, Hickman, Hyman, Ingmire, Inman, Jackson, Jett, Johnson (Dennis), Jones, Jordan, Joyner, Kern, Key, Liebmann, Martin (Scott), Martin (Steve), McCarter, McCullough, McNiel, Peters, Peterson (Pam), Peterson (Ron), Piatt, Proctor, Renegar, Richardson, Roan, Schwartz, Sears, Shannon, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Walker, Watson, Wesselhoft, Winchester, Worthen, Wright, Mr. Speaker.--58.

Nay: Auffet, BigHorse, Brannon, Brown, Cannaday, Carey, Collins, Covey, Dorman, Gilbert, Glenn, Hamilton, Harrison, Hilliard, Hoskin, Kiesel, Lamons, Lindley, Luttrell, McAffrey, McDaniel (Jeannie), McMullen, McPeak, Morgan, Morrisette, Murphey, Nations, Pittman, Pruett, Rousselot, Shelton, Sherrer, Shoemake, Trebilcock, Turner.--35.

Excused: Adkins, Cox, Ellis, Johnson (Rob), McDaniel (Randy), Miller, Reynolds, Shumate.--8.

Representative Morrisette moved to amend **SB 659** by deleting Section 2, and renumbering subsequent sections, which amendment was withdrawn.

Representative Wright moved to amend **SB 659**, Page 24, Section 2, Lines 1-8 by striking the new language, which amendment was declared adopted upon roll call as follows:

Aye: Armes, Banz, Benge, BigHorse, Brown, Cannaday, Collins, Cooksey, Cox, Denney, Derby, Dorman, Ellis, Gilbert, Harrison, Hickman, Hilliard, Hoskin, Hyman, Inman, Jones, Jordan, Kern, Key, Kiesel, Lamons, Lindley, Luttrell, McAffrey, McDaniel (Jeannie), McDaniel (Randy), McMullen, McPeak, Morgan, Morrisette, Murphey, Nations, Peters, Peterson (Pam), Peterson (Ron), Pittman, Pruett, Renegar, Reynolds, Shannon, Shelton, Sherrer, Shoemake, Shumate, Terrill, Thomsen, Trebilcock, Wesselhoft, Winchester, Wright.--55.

Nay: Adkins, Billy, Blackwell, Braddock, Brannon, Carey, Coody, Covey, Dank, DeWitt, Duncan, Enns, Faught, Glenn, Hamilton, Ingmire, Jackson, Jett, Johnson (Dennis), Johnson (Rob), Joyner, Liebmann, Martin (Scott), Martin (Steve), McCarter, McCullough, McNiel, Miller, Piatt, Proctor, Richardson, Roan, Rousselot, Schwartz, Sears, Smithson, Steele, Sullivan, Thompson, Turner, Walker, Watson, Worthen, Mr. Speaker.--44.

Excused: Auffet, Tibbs.--2.

Representative Duncan moved that **SB 659** be advanced from General Order, which motion was declared adopted.

### **THIRD READING**

**SB 659** was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Adkins, Armes, Auffet, Banz, Benge, Billy, Blackwell, Braddock, Brannon, Brown, Carey, Collins, Coody, Cooksey, Covey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Duncan, Ellis, Enns, Faught, Glenn, Harrison, Hickman, Hilliard, Hyman, Ingmire, Inman, Jackson, Jett, Johnson (Dennis), Johnson (Rob), Jordan, Joyner, Kern, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McCarter, McCullough, McDaniel (Jeannie), McDaniel (Randy), McMullen, McNiel, Miller, Morgan, Nations, Peters, Peterson (Pam), Peterson (Ron), Piatt, Proctor, Pruett, Renegar, Reynolds, Richardson, Roan, Rousselot, Schwartz, Sears, Shannon, Sherrer, Shoemake, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Turner, Walker, Watson, Wesselhoft, Winchester, Worthen, Wright, Mr. Speaker.--84.

Nay: BigHorse, Cannaday, Gilbert, Hamilton, Hoskin, Key, Kiesel, Lindley, McAffrey, McPeak, Morrissette, Murphey, Pittman, Shelton, Shumate, Trebilcock.--16.

Excused: Jones.--1.

The measure passed.

**SB 659** was referred for engrossment.

### **MESSAGES FROM THE SENATE**

Announcing the passage of **HBs 1527, 1645 and 2078**.

The above-numbered measures were referred for enrollment.

### **Conference requested**

Advising rejection of **HAs** to **SB 224** and requesting conference thereon, the Senate naming conferees later.

**MESSAGE FROM THE GOVERNOR**

Advising of his approval of **HB 1914** on April 9, 2007.

**RESOLUTION**

The following was introduced and read:

**HCR 1026** – By Wesselhoft of the House and Eason McIntyre of the Senate.

A Concurrent Resolution declaring November 16, 2007, as Oklahoma's 100th birthday; celebrating the state's centennial; and directing distribution.

**COMMITTEE REPORTS**

The following were reported by the committees named, ordered printed and placed on the Calendar unless otherwise indicated:

DO PASS:

**SB 109** – Judiciary and Public Safety

**SB 129** – Economic Development and Financial Services

**SB 149** – Appropriations and Budget, Coauthored by Representative(s) Jett

**SB 158** – Judiciary and Public Safety, Coauthored by Representative(s) Roan

**SB 161** – Natural Resources

**SB 554** – Public Health

**SB 558** – Natural Resources

**SB 698** – Judiciary and Public Safety

**SB 709** – Natural Resources

**SB 890** – Public Health

**SB 944** – Judiciary and Public Safety

**SB 1006** – Economic Development and Financial Services

**SB 1028** – Economic Development and Financial Services

DO PASS, As Amended:

**CS for SB 63** – Economic Development and Financial Services

**CS for SB 69** – General Government and Transportation, Coauthored by Representative(s) Martin (Steve)

**SB 72** – Appropriations and Budget

**CS for SB 81** – Judiciary and Public Safety, Coauthored by Representative(s) Roan

**CS for SB 95** – Judiciary and Public Safety, Coauthored by Representative(s) Braddock, Adkins, Armes, Derby, DeWitt, Duncan, Enns, Hickman, Jackson, Joyner, Key, Liebmann, Martin (Scott), McMullen, McPeak, Miller, Peterson (Ron), Piatt, Schwartz, Shannon, Thompson, Worthen, and Coauthored by Senator(s) Justice, Schulz

- SB 138** – Judiciary and Public Safety
- SB 368** – Appropriations and Budget
- CS for SB 390** – Judiciary and Public Safety
- CS for SB 486** – Public Health
- CS for SB 509** – Natural Resources
- CS for SB 513** – Education, Coauthored by Representative(s) Nations, Hyman, Richardson, Brannon
- CS for SB 539** – Judiciary and Public Safety
- CS for SB 563** – General Government and Transportation
- CS for SB 577** – Economic Development and Financial Services
- CS for SB 607** – General Government and Transportation
- CS for SB 623** – Appropriations and Budget
- CS for SB 639** – General Government and Transportation
- CS for SB 665** – Judiciary and Public Safety
- CS for SB 677** – Judiciary and Public Safety
- CS for SB 678** – Judiciary and Public Safety
- CS for SB 704** – Natural Resources
- CS for SB 748** – General Government and Transportation, Coauthored by Representative(s) Martin (Steve)
- SB 798** – Appropriations and Budget
- CS for SB 811** – Judiciary and Public Safety
- CS for SB 814** – Appropriations and Budget, Coauthored by Representative(s) Sears
- CS for SB 833** – Public Health
- SB 848** – Judiciary and Public Safety
- CS for SB 854** – Appropriations and Budget
- CS for SB 861** – Appropriations and Budget, Remove Representative Blackwell as principal House author and substitute with Representative Terrill, Coauthored by Representative(s) Blackwell, Jones, Peters, Sears, Liebmann, and Remove as coauthor Senator(s) Corn
- CS for SB 909** – Judiciary and Public Safety
- CS for SB 922** – Education
- CS for SB 945** – Judiciary and Public Safety
- SB 1048** – Judiciary and Public Safety
- CS for SB 1049** – Judiciary and Public Safety
- CS for SB 1069** – General Government and Transportation
- SB 1092** – Economic Development and Financial Services
- CS for SB 1130** – Judiciary and Public Safety

Representative Piatt moved that when the clerk's desk is clear, the House stand adjourned to reconvene at 9:00 a.m., Tuesday, April 10, 2007, which was the order.

Pursuant to the motion of Representative Piatt, the House was adjourned at 3:50 p.m., to reconvene Tuesday, April 10, 2007, at 9:00 a.m.