

# HOUSE JOURNAL

**First Regular Session of the Fifty-first Legislature**

**of the State of Oklahoma**

**Fifty-first Legislative Day, Tuesday, May 1, 2007**

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

The roll was called with 99 Members present.

The following Members were excused: Gilbert, Trebilcock.—2.

The Speaker Pro Tempore declared a quorum present.

Prayer was offered by Dr. Randall Faulkner, Metropolitan Baptist Church, Oklahoma City. Dr. Faulkner was sponsored this legislative day by Representative Thompson.

Upon unanimous consent request of Representative Thompson, Dr. Faulkner was confirmed as Chaplain for this legislative day.

The Journal for the last legislative day was approved.

## **ENGROSSED AND ENROLLED MEASURES**

**HBs 1084, 1399, 1432, 1443, 1682, 1708 and 2064** were reported correctly enrolled and, after fourth reading, properly signed, in open session, and ordered transmitted to the Honorable Senate.

## **MESSAGES FROM THE SENATE**

Announcing that Enrolled **HBs 1084, 1399, 1432, 1443, 1682, 1708 and 2064** 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.

**Transmitting enrolled measures**

Advising the signing of and transmitting for signature Enrolled **SCR 32**.

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

Advising fourth reading of and transmitting for signature Enrolled **SBs 357, 470 and 712**.

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

**PENDING CONSIDERATION OF SAs**

**SAs to HB 1288** were called up for consideration.

Upon motion of Representative Glenn, the House concurred in the **SAs to HB 1288**.

**HB 1288**, as amended by the Honorable Senate, was read at length for the fourth time and the roll was called on the measure as follows:

Aye: Adkins, Armes, Auffet, Banz, Benge, BigHorse, Blackwell, Braddock, Brannon, Brown, Cannaday, Carey, Collins, Cooksey, Covey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Duncan, Ellis, Enns, Faught, Glenn, Hamilton, Hilliard, Hoskin, Hyman, Ingmire, Inman, Jackson, Jett, Johnson (Dennis), Johnson (Rob), Jones, Jordan, Joyner, Kiesel, Lamons, Liebmann, Lindley, Luttrell, Martin (Scott), Martin (Steve), McCarter, McCullough, McDaniel (Jeannie), McDaniel (Randy), McMullen, McNiel, McPeak, Morgan, Murphey, Nations, Peters, Peterson (Pam), Peterson (Ron), Piatt, Pittman, Proctor, Pruett, Renegar, Reynolds, Richardson, Roan, Rousselot, Schwartz, Sears, Shelton, Sherrer, Shoemake, Shumate, Smithson, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Turner, Walker, Watson, Wesselhoft, Winchester, Wright, Mr. Speaker.--87.

Excused: Billy, Coody, Gilbert, Harrison, Hickman, Kern, Key, McAffrey, Miller, Morrissette, Shannon, Steele, Trebilcock, Worthen.--14.

The measure passed.

Senate amendments were properly signed, in open session, and the above-numbered measure was referred for enrollment.

**PENDING CONSIDERATION OF SAs**

**SAs to HB 1297** were rejected upon motion of Representative Derby. Conferees to be named later.

**PENDING CONSIDERATION OF SAs**

**SAs to HB 1327** were rejected upon motion of Representative Martin (Steve). Conferees to be named later.

**RESOLUTION FOR CONSIDERATION**

**HR 1028** was called up for consideration.

Coauthored by Representative(s) Pittman

Upon motion of Representative Jackson, **HR 1028** was considered and adopted.

**HR 1028** was referred for enrollment.

**PENDING CONSIDERATION OF SAs**

**SAs to HB 1396** were called up for consideration.

Upon motion of Representative Adkins, the House concurred in the **SAs to HB 1396**.

**HB 1396**, as amended by the Honorable Senate, was read at length for the fourth time and the roll was called on the measure and emergency as follows:

Aye: Adkins, Armes, Auffet, Banz, Bengé, BigHorse, Billy, Blackwell, Braddock, Brannon, Brown, Cannaday, Carey, Collins, Coody, Cooksey, Covey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Duncan, Ellis, Enns, Faught, Glenn, Hamilton, Harrison, Hilliard, Hoskin, Hyman, Ingmire, Inman, Jackson, Jett, 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, 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, Turner, Walker, Watson, Wesselhoft, Winchester, Wright, Mr. Speaker.--95.

Excused: Gilbert, Hickman, Johnson (Dennis), Miller, Trebilcock, Worthen.--6.

The measure and emergency passed.

Senate amendments were properly signed, in open session, and the above-numbered measure was referred for enrollment.

**PENDING CONSIDERATION OF SAs**

**SAs to HB 1455** were rejected upon motion of Representative Johnson (Rob). Conferees to be named later.

**PENDING CONSIDERATION OF SAs**

**SAs to HB 1477** were called up for consideration.

Upon motion of Representative Coody, the House concurred in the **SAs to HB 1477**.

**HB 1477**, as amended by the Honorable Senate, was read at length for the fourth time and the roll was called on the measure and emergency as follows:

Aye: Adkins, Armes, Auffet, Banz, Bengé, BigHorse, Billy, Blackwell, Braddock, Brannon, Brown, Cannaday, Carey, Collins, Coody, Cooksey, Covey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Duncan, Ellis, Enns, Faught, Glenn, Harrison, 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), McNeil, McPeak, Miller, Morgan, 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, Turner, Walker, Watson, Wesselhoft, Winchester, Wright, Mr. Speaker.--95.

Nay: Hamilton, Morrissette.--2.

Excused: Gilbert, McMullen, Trebilcock, Worthen.--4.

The measure and emergency passed.

Senate amendments were properly signed, in open session, and the above-numbered measure was referred for enrollment.

**PENDING CONSIDERATION OF SAs**

**SAs to HB 1557** were called up for consideration.

Upon motion of Representative Denney, the House concurred in the **SAs to HB 1557**.

**HB 1557**, as amended by the Honorable Senate, was read at length for the fourth time and the roll was called on the measure and emergency as follows:

Aye: Adkins, Armes, Auffet, Banz, Bengé, BigHorse, Billy, Blackwell, Braddock, Brannon, Brown, Cannaday, Carey, Collins, Coody, Cooksey, Covey, Cox, Dank, Denney,

Derby, DeWitt, Dorman, Duncan, Ellis, Enns, Faught, Glenn, Hamilton, Harrison, 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), 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, Turner, Walker, Watson, Wesselhoft, Winchester, Worthen, Wright, Mr. Speaker.--98.

Excused: Gilbert, McAffrey, Trebilcock.--3.

The measure and emergency passed.

Senate amendments were properly signed, in open session, and the above-numbered measure was referred for enrollment.

#### **PENDING CONSIDERATION OF SAs**

**SAs to HB 1562** were rejected upon motion of Representative Denney. Conferees to be named later.

#### **PENDING CONSIDERATION OF SAs**

**SAs to HB 1589** were rejected upon motion of Representative Jones. Conferees to be named later.

#### **PENDING CONSIDERATION OF SAs**

**SAs to HB 1621** were rejected upon motion of Representative Derby. Conferees to be named later.

#### **PENDING CONSIDERATION OF SAs**

**SAs to HB 1649** were rejected upon motion of Representative Peterson (Pam). Conferees to be named later.

**PENDING CONSIDERATION OF SAs**

**SAs to HB 1804** were called up for consideration.

Coauthored by Representative(s) Reynolds, McMullen

Pursuant to House Rule 9.4(b), Representative Piatt moved to extend the debate time on the **SAs to HB 1804** to 30 minutes for each side, which motion prevailed upon a division of the question.

Representative Terrill moved that the House concur in the **SAs to HB 1804**, which motion prevailed upon roll call as follows:

Aye: Adkins, Armes, Auffet, Banz, Benge, Billy, Blackwell, Brannon, Coody, Cooksey, Covey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Duncan, Ellis, Enns, Faught, Glenn, Hamilton, Harrison, Hickman, Hilliard, Hoskin, Hyman, Ingmire, Inman, Jackson, Johnson (Dennis), Johnson (Rob), Jones, Jordan, Joyner, Kern, Key, Kiesel, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCarter, McCullough, McDaniel (Randy), McNiel, McPeak, Miller, Morgan, Morrissette, Murphey, Nations, Peters, Peterson (Pam), Peterson (Ron), Piatt, Proctor, Pruett, Reynolds, Richardson, Rousselot, Schwartz, Sears, Shannon, Sherrer, Shoemake, Shumate, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Turner, Walker, Watson, Wesselhoft, Winchester, Worthen, Wright, Mr. Speaker.--85.

Nay: BigHorse, Braddock, Brown, Cannaday, Carey, Collins, Lindley, McDaniel (Jeannie), McMullen, Pittman, Renegar, Roan, Shelton.--13.

Excused: Gilbert, Jett, Trebilcock.--3.

**HB 1804**, as amended by the Honorable Senate, was read at length for the fourth time and the roll was called on the measure as follows:

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

Nay: BigHorse, Braddock, Carey, Collins, Hamilton, Kiesel, Lindley, McAffrey, McCarter, McDaniel (Jeannie), Nations, Pittman, Roan, Shelton.--14.

Excused: Gilbert, Jett, Trebilcock.--3.

The measure passed.

Senate amendments were properly signed, in open session, and the above-numbered measure was referred for enrollment.

#### **PENDING CONSIDERATION OF SAs**

Representative Shelton moved to reject the **SAs** to **HB 2019**.

Representative Reynolds moved to table the Shelton motion, which tabling motion failed of adoption upon roll call as follows:

Aye: Banz, Billy, Blackwell, Coody, Cooksey, Denney, Derby, Duncan, Johnson (Dennis), Johnson (Rob), Joyner, Kern, Liebmann, Martin (Scott), Martin (Steve), McCullough, McDaniel (Randy), Murphey, Peterson (Pam), Reynolds, Richardson, Schwartz, Sears, Sullivan, Terrill, Tibbs, Wesselhoft, Worthen, Wright, Mr. Speaker.--30.

Nay: Armes, Auffet, Benge, BigHorse, Braddock, Brannon, Brown, Cannaday, Carey, Collins, Covey, Cox, Dank, DeWitt, Dorman, Ellis, Enns, Glenn, Hamilton, Harrison, Hickman, Hilliard, Hoskin, Hyman, Ingmire, Inman, Key, Kiesel, Lamons, Lindley, Luttrell, McAffrey, McCarter, McDaniel (Jeannie), McMullen, McPeak, Morgan, Morrissette, Nations, Peters, Piatt, Pittman, Proctor, Pruett, Renegar, Roan, Rousselot, Shelton, Sherrer, Shoemake, Shumate, Smithson, Turner, Walker.--54.

Excused: Adkins, Faught, Gilbert, Jackson, Jett, Jones, Jordan, McNiel, Miller, Peterson (Ron), Shannon, Steele, Thompson, Thomsen, Trebilcock, Watson, Winchester.--17.

Representative Shelton pressed his motion to reject the **SAs** to **HB 2019**, which motion prevailed upon roll call as follows:

Aye: Adkins, Armes, Auffet, Benge, BigHorse, Braddock, Brannon, Brown, Cannaday, Carey, Collins, Covey, Cox, Dank, DeWitt, Dorman, Ellis, Glenn, Hamilton, Harrison, Hickman, Hilliard, Hoskin, Hyman, Ingmire, Inman, Jett, Johnson (Rob), Jones, Key, Kiesel, Lamons, Lindley, Luttrell, McAffrey, McCarter, McDaniel (Jeannie), McMullen, McPeak, Morgan, Morrissette, Nations, Piatt, Pittman, Proctor, Pruett, Renegar, Roan, Rousselot, Shelton, Sherrer, Shoemake, Shumate, Smithson, Turner, Walker.--56.

Nay: Banz, Billy, Blackwell, Coody, Cooksey, Denney, Derby, Duncan, Enns, Faught, Jackson, Johnson (Dennis), Jordan, Joyner, Kern, Liebmann, Martin (Scott), Martin (Steve), McCullough, McDaniel (Randy), McNiel, Miller, Murphey, Peters, Peterson (Pam), Peterson (Ron), Reynolds, Richardson, Schwartz, Sears, Shannon, Sullivan, Thompson, Thomsen, Tibbs, Wesselhoft, Winchester, Worthen, Wright, Mr. Speaker.--40.

Excused: Gilbert, Steele, Terrill, Trebilcock, Watson.--5.

Conferees to be named later.

**PENDING CONSIDERATION OF SAs**

**SAs to HB 2071** were rejected upon motion of Representative Liebmann. Conferees to be named later.

**MOTION**

Representative Turner moved to suspend House Rule 4.4(d) in order to relax the dress code for Wednesday, May 2nd for "Bob Wills Day," which motion was declared adopted upon roll call as follows:

Aye: Adkins, Armes, Auffet, Banz, BigHorse, Billy, Blackwell, Brannon, Brown, Cannaday, Carey, Collins, Coody, Covey, Cox, Dank, Denney, DeWitt, Dorman, Duncan, Ellis, Enns, Glenn, Hamilton, Harrison, Hilliard, Hoskin, Hyman, Ingmire, Jett, Jones, Kern, Key, Kiesel, Lamons, Liebmann, Luttrell, McAffrey, McCarter, McMullen, McNiel, McPeak, Miller, Morgan, Morrisette, Murphey, Nations, Peterson (Pam), Peterson (Ron), Pittman, Pruett, Renegar, Richardson, Roan, Rousselot, Shannon, Shelton, Sherrer, Shoemake, Shumate, Smithson, Steele, Thompson, Thomsen, Tibbs, Turner, Walker, Mr. Speaker.--68.

Nay: Braddock, Cooksey, Derby, Johnson (Dennis), Johnson (Rob), Jordan, Joyner, Lindley, Martin (Scott), Martin (Steve), McCullough, McDaniel (Randy), Peters, Reynolds, Schwartz, Sears, Sullivan, Wesselhoft, Winchester, Wright.--20.

Excused: Benge, Faught, Gilbert, Hickman, Inman, Jackson, McDaniel (Jeannie), Piatt, Proctor, Terrill, Trebilcock, Watson, Worthen.--13.

**MESSAGES FROM THE GOVERNOR**

Advising of his approval of **HBs 1042, 1543, 1617 and 1646** on May 1, 2007.

**MESSAGES FROM THE SENATE**

Advising rejection of **HAs to SBs 368, 390, 424, 623, 626, 674, 725, 751, 780, 806, 820, 853, 909, 1014 and 1019** and requesting conference thereon, the Senate naming conferees later.

**Concurrence in HAs**

Announcing the concurrence of Senate in **HAs to SBs 378, 496, 639 and 1049** and the passage of said measures, as amended thereby.

## **RESOLUTIONS**

The following were introduced and read:

**HR 1030** – By Dank.

A Resolution calling for the State Auditor and Inspectors to temporarily relinquish duties of office; and directing distribution.

**HR 1031** – By Ellis.

A Resolution expressing confidence in the Oklahoma Attorney General; encouraging him to defend water resources; and directing distribution.

Representative Piatt moved that when the clerk's desk is clear, the House stand adjourned to reconvene at 1:30 p.m., Wednesday, May 2, 2007, which was the order.

Pursuant to the motion of Representative Piatt, the House was adjourned at 12:30 p.m., to reconvene Wednesday, May 2, 2007, at 1:30 p.m.