

HOUSE JOURNAL

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

Fifty-eighth Legislative Day, Monday, May 14, 2007

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

The roll was called with 98 Members present.

The following Members were excused: Brannon, Gilbert, Smithson.—3.

The Speaker Pro Tempore declared a quorum present.

Prayer was offered by Reverend Bobbie Jean Merck, A Great Love Ministries, Toccoa, Georgia. Reverend Merck was sponsored this legislative day by Speaker Cargill.

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

The Journal for the last legislative day was approved.

ENGROSSED AND ENROLLED MEASURES

HCR 1033 was reported correctly engrossed, properly signed, in open session, and ordered transmitted to the Honorable Senate.

HRs 1029, 1035, 1036, 1037 and **1040** were reported correctly enrolled, properly signed, in open session, and ordered transmitted to the Secretary of State.

MESSAGE FROM THE SENATE

Advising the signing of and transmitting for signature Enrolled **SCR 17**.

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 533, 678, 695, 833, 990 and 1076.**

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

RESOLUTION FOR CONSIDERATION

HCR 1037 was called up for consideration.

Authored by Senator Bingman (principal Senate author)

Upon motion of Representative Jackson, **HCR 1037** was considered and adopted upon roll call as follows:

Aye: Adkins, Armes, Auffet, Benge, BigHorse, Billy, Blackwell, Braddock, Cannaday, Carey, Collins, Coody, Cooksey, Covey, Cox, Denney, Derby, DeWitt, Dorman, Duncan, Ellis, Enns, Faught, Hamilton, Harrison, 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), McNiel, McPeak, Morgan, Morrissette, Murphey, Nations, Peters, Peterson (Pam), Peterson (Ron), Piatt, Proctor, Pruett, Renegar, Richardson, Roan, Rousselot, Schwartz, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Watson, Wesselhoft, Winchester, Worthen, Wright, Mr. Speaker.--86.

Nay: Reynolds.--1.

Excused: Banz, Brannon, Brown, Dank, Gilbert, Glenn, Hickman, McAffrey, McMullen, Miller, Pittman, Smithson, Turner, Walker.--14.

HCR 1037 was referred for engrossment.

RESOLUTION FOR CONSIDERATION

HCR 1038 was called up for consideration.

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

Upon motion of Representative Wesselhoft, **HCR 1038** was considered and adopted.

HCR 1038 was referred for engrossment.

RESOLUTION FOR CONSIDERATION

HR 1033 was called up for consideration.

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

Upon motion of Representative Enns, **HR 1033** was considered and adopted.

HR 1033 was referred for enrollment.

MOTION

Pursuant to **HCR 1081**, (2006 Session) Section 7, governing the legislative procedure schedule for the First Regular Session of the 51st Oklahoma Legislature, Representative Piatt moved to exempt **SB 139** from the General Order deadline named in Section 5 of **HCR 1081**, which motion was declared adopted upon roll call as follows:

Aye: Adkins, Armes, Banz, Benge, Billy, Blackwell, Braddock, Coody, Cooksey, Dank, Denney, Derby, DeWitt, Duncan, Ellis, Enns, Faught, Glenn, Hamilton, Hickman, Hyman, Ingmire, Inman, Jackson, Jett, Johnson (Dennis), Johnson (Rob), Jones, Jordan, Joyner, Kern, Key, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McCullough, McDaniel (Randy), McNiell, Miller, Murphey, Peters, Peterson (Pam), Peterson (Ron), Piatt, Proctor, Pruett, Reynolds, Richardson, Schwartz, Sears, Shannon, Sherrer, Shumate, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Winchester, Worthen, Wright, Mr. Speaker.--68.

Nay: BigHorse, Cannaday, Carey, Collins, Covey, Cox, Hoskin, Kiesel, Lindley, McCarter, McDaniel (Jeannie), McPeak, Morgan, Nations, Pittman, Renegar, Rousselot, Shelton, Shoemake, Turner.--20.

Excused: Auffet, Brannon, Brown, Dorman, Gilbert, Harrison, Hilliard, McAffrey, McMullen, Morrisette, Roan, Smithson, Wesselhoft.--13.

GENERAL ORDER

SB 139 by Gumm et al of the Senate and Hamilton of the House was read and considered.

Coauthored by Representative(s) Billy, Cooksey, Dank, Enns, Faught, Kern, McDaniel (Randy), Peterson (Pam), Reynolds, Terrill, Tibbs, Wesselhoft

Remove Senator Gumm as principal Senate author and substitute with Senator Williamson

Coauthored by Senator(s) Gumm

Representative Hamilton moved to suspend House Rules 8.5(d) and 8.6 as they pertain to **SB 139**, which motion was declared adopted upon roll call as follows:

Aye: Adkins, Armes, Banz, Bengé, Billy, Blackwell, Braddock, Coody, Cooksey, Dank, Denney, Derby, DeWitt, Duncan, Ellis, Enns, Faught, Hamilton, Hickman, Hyman, Ingmire, Inman, Jackson, Jett, Johnson (Dennis), Johnson (Rob), Jones, Jordan, Joyner, Kern, Key, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McCullough, McDaniel (Randy), McNiel, Miller, Murphey, Peters, Peterson (Pam), Peterson (Ron), Piatt, Proctor, Pruett, Reynolds, Richardson, Schwartz, Sears, Shannon, Sherrer, Shumate, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wesselhoft, Winchester, Worthen, Wright, Mr. Speaker.--68.

Nay: Cannaday, Carey, Collins, Covey, Cox, Harrison, Hoskin, Kiesel, Lindley, McCarter, McDaniel (Jeannie), McPeak, Morgan, Nations, Pittman, Renegar, Rousselot, Shelton, Shoemake, Turner.--20.

Excused: Auffet, BigHorse, Brannon, Brown, Dorman, Gilbert, Glenn, Hilliard, McAffrey, McMullen, Morrisette, Roan, Smithson.--13.

Representative Hamilton moved to amend **SB 139** by striking the title, the enacting clause and the entire measure and inserting in lieu thereof a floor substitute, which amendment was declared adopted upon roll call as follows:

Aye: Adkins, Armes, Banz, Bengé, Billy, Blackwell, Braddock, Brown, Carey, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Duncan, Ellis, Enns, Faught, Hamilton, Harrison, Hickman, Hoskin, Hyman, Ingmire, Inman, Jackson, Jett, Johnson (Dennis), Johnson (Rob), Jones, Jordan, Joyner, Kern, Key, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McCullough, McDaniel (Randy), McMullen, McNiel, McPeak, Miller, Morgan, Morrisette, Murphey, Peters, Peterson (Pam), Peterson (Ron), Piatt, Proctor, Pruett, Reynolds, Richardson, Schwartz, Sears, Shannon, Sherrer, Shoemake, Shumate, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Turner, Walker, Watson, Wesselhoft, Winchester, Worthen, Wright, Mr. Speaker.--80.

Nay: Auffet, Cannaday, Collins, Covey, Kiesel, Lindley, McCarter, McDaniel (Jeannie), Nations, Pittman, Renegar, Rousselot, Shelton.--13.

Excused: BigHorse, Brannon, Gilbert, Glenn, Hilliard, McAffrey, Roan, Smithson.--8.

Representative Hamilton moved that **SB 139** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 139 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, Brown, Carey, Coody, Cooksey, Dank, Denney, Derby, DeWitt, Dorman, Duncan, Ellis, Enns, Faught, Hamilton, Hickman, Hilliard, Hyman, Ingmire, Inman, Jackson, Jett, Johnson (Dennis), Johnson (Rob), Jones, Jordan, Joyner, Kern, Key, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McCullough, McDaniel (Randy), McMullen, McNiel, Miller, Morgan, Morrissette, Murphey, Peters, Peterson (Pam), Peterson (Ron), Piatt, Proctor, Pruett, Reynolds, Richardson, Rousselot, Schwartz, Sears, Shannon, Sherrer, Shumate, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wesselhoft, Winchester, Worthen, Wright, Mr. Speaker.--77.

Nay: BigHorse, Cannaday, Collins, Covey, Cox, Glenn, Hoskin, Kiesel, Lindley, McAffrey, McCarter, McDaniel (Jeannie), McPeak, Nations, Pittman, Renegar, Shelton, Shoemake, Turner.--19.

Excused: Brannon, Gilbert, Harrison, Roan, Smithson.--5.

The measure passed.

SB 139 was referred for engrossment.

CONFERENCE GRANTED

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

SB 115 – Blackwell, Benge, Miller, Carey, Dorman

SB 138 – Joyner, Pruett, Benge, Miller

SB 447 – McNiel, DeWitt, Johnson (Rob), Adkins, Armes, Benge, Miller, McDaniel (Jeannie), Morrissette, Lamons

SB 546 – Rousselot, Benge, Cox, Piatt, Blackwell, Liebmann, Shumate, Shoemake, Terrill, Worthen, Peterson (Ron), Miller, Lindley, Brown, Schwartz, Dorman, Tibbs, Armes, Murphey, Duncan, Key, Wright, Braddock, Shannon, Hyman, Johnson (Rob)

SB 560 – Sullivan, Peterson (Ron), Nations, Hickman, Johnson (Rob), Brown, Braddock

SB 565 – Peterson (Ron), Hickman, Adkins, Faught, Shumate, Shoemake, Glenn

SB 610 – Dorman, Duncan, Shumate, Shannon, Shoemake, Johnson (Rob), Worthen, Sherrer, Peterson (Pam), Carey, Lindley, Piatt, Brown, Blackwell, Benge, Miller, Schwartz, Tibbs

SB 665 – Ingmire, Duncan, Shannon, Cooksey, Braddock, Kiesel, Johnson (Rob)

SB 677 – Duncan, McCullough, Roan, Smithson, Terrill, Blackwell

SB 736 – Terrill, Duncan, Wesselhoft, Worthen, Johnson (Rob), Glenn, Shoemake, Shumate

SB 920 – Duncan, Roan, Rousselot, Sullivan, Terrill, Johnson (Rob), Lamons

SB 943 – Duncan, Billy, Denney, Pruett, Renegar, Peterson (Ron), Blackwell

SB 993 – Cargill, Liebmann, Brown, Martin (Scott)

SB 1038 – Terrill, Jones, Wesselhoft, Ingmire, Nations

SB 1069 – Johnson (Rob), Adkins, Liebmann, Dorman, Rousselot

MESSAGES FROM THE SENATE

Announcing the concurrence of Senate in **HAs** to **SB 810** and the passage of said measure, as amended thereby.

Conferees changed

Advising changing Senate conferees as follows:

SB 486 – Conferees dismissed, GCCA named

SB 517 - Remove Ivester, Bingman, Branam and add Garrison, Justice, Schulz

Returning engrossed measure

Announcing the passage of **HCR 1027**, Coauthored by all members of the Senate.

The above-numbered measure was referred for enrollment.

Conferees named

Advising naming Senate conferees as follows:

SB 489 - Johnson (Constance), Rice, Leftwich, Lamb, Wilcoxson, Laughlin

SB 560 - Sparks, Riley, Adelson, Brown, Aldridge, Laughlin

SB 565 - Sparks, Laster, Corn, Brown, Jolley, Laughlin

SB 677 - Corn, Johnson (Constance), Easley, Sykes, Nichols, Laughlin

SB 848 - Johnson (Constance), Corn, Ivester, Sykes, Nichols, Laughlin

SB 993 - Morgan, GCCA

MESSAGE FROM THE GOVERNOR

Advising of his approval of **HB 1090** on May 11, 2007.

CCRs SUBMITTED

The conference committee reports were read on the following measures:

HB 1391

HB 1816

APPOINTMENTS

April 20, 2007 - The Speaker announced the following appointments as Members of the Standing Committees of the National Conference of State Legislatures (Pursuant to NCSL By-Laws):

Agriculture, Environment and Energy – Representatives Adkins, Armes, Cooksey, DeWitt, Ellis, Enns, Hickman, Johnson (Rob), Jordan, McNiel, Peters, Renegar, Richardson, Rousselot, Shoemake, Walker, Watson

Budgets and Revenue – Representatives Bengé, Miller, Sears, Shelton, Terrill, Thomsen

Communications, Financial Services and Interstate Commerce – Representatives Carey, Derby, Faight, Hickman Jett, Key, McDaniel (Randy), Peterson (Ron), Piatt, Schwartz, Walker, Wesselhoft, Winchester

Education - Representatives Brannon, Cannaday, Coody, Dank, Derby, Dorman, Hoskin, Hyman, Ingmire, Jones, Kern, McCarter, Nations, Peterson (Pam), Shumate, Thomsen, Turner

Health – Representatives Cox, Denney, McAffrey, McCullough, McDaniel (Jeannie), Nations, Schwartz, Steele

Human Services and Welfare – Representatives Billy, Johnson (Dennis), Kern, McCullough, Murphey, Peters, Peterson (Pam)

Labor and Economic Development – Representatives Billy, Brown, Dank, Enns, Faight, Liebmann, Martin (Scott), Pruett, Terrill, Wesselhoft

Law and Criminal Justice – Representatives BigHorse, Blackwell, Duncan, Glenn, Harrison, Jordan, Murphey, Roan, Shannon, Sherrer, Smithson, Sullivan, Tibbs, Trebilcock

Legislative Effectiveness – Representatives Banz, Blackwell, Braddock, Dank, Johnson (Rob), Joyner, Key, Morrissette, Pittman, Tibbs, Turner, Walker, Wesselhoft, Wright

Redistricting and Elections – Representatives Dorman, Jett, Johnson (Rob), Nations, Winchester, Worthen

Transportation – Representatives Jackson, Liebmann, Martin (Scott), Martin (Steve), Piatt, Thompson, Watson, Wesselhoft

April 20, 2007 - The Speaker announced the following appointments as Members of the Standing Committees of the Southern Legislative Conference of the Council of State Governments (Pursuant to SLC By-Laws):

Agriculture and Rural Development – Representatives Armes, DeWitt, McNiel, Richardson, Rousselot

Economic Development, Transportation and Cultural Affairs – Representatives Dank, Faught, McDaniel (Randy), Nations, Thompson
Education – Representatives Brannon, Coody, Jones, Kern, Thomsen
Energy and Environment – Representatives Hilliard, Jordan, Peters, Sears, Watson
Executive – Representative Winchester appointed as a Member and Representative Shannon appointed as an alternate Member
Fiscal Affairs and Government Operations – Representatives Carey, Johnson (Dennis), Joyner, Martin (Scott), Murphey, Pruett, Shumate
Human Services and Public Safety – Representatives Billy, Key, Peterson (Pam), Roan, Walker

April 20, 2007 - The Speaker announced the following appointments as Members of the Standing Committees of the Council of State Governments (Pursuant to CSG By-Laws):

Annual Meeting – Representative Winchester
CSG Associates Advisory – Representative Liebmann
Committee on Suggested State Legislation – Representative McCullough
Education Policy Task Force – Representative Jones
Energy and Environment Task Force – Representative Peters
Governing Board – Representative Cooksey
Health Policy Task Force – Representative Cox
Intergovernmental Affairs – Representative Schwartz
International – Representative Jett
Public Safety and Justice Task Force – Representative Duncan

Representative Piatt moved that when the clerk's desk is clear, the House stand adjourned to reconvene at 9:00 a.m., Tuesday, May 15, 2007, which was the order.

Pursuant to the motion of Representative Piatt, the House was adjourned at 3:15 p.m., to reconvene Tuesday, May 15, 2007, at 9:00 a.m.