

# HOUSE JOURNAL

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

**Fifty-second Legislative Day, Monday, May 5, 2008**

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

The roll was called with 100 Members present.

The following Member was excused: McDaniel (Jeannie).—1.

The Speaker Pro Tempore declared a quorum present.

Prayer was offered by Pastor Wade Markham, Cowboy Junction, Vinita. Pastor Markham was sponsored by Representative Hoskin.

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

The Journal for the last legislative day was approved.

### ENGROSSED AND ENROLLED MEASURES

**HCR 1080** was reported correctly engrossed, properly signed, in open session, and ordered transmitted to the Honorable Senate.

**HBs 1622, 2735** and **HJR 1105** were reported correctly enrolled and, after fourth reading, properly signed, in open session, and ordered transmitted to the Honorable Senate.

**HCR 1067** was reported correctly enrolled, properly signed, in open session, and ordered transmitted to the Honorable Senate.

**HR 1069** was reported correctly enrolled, properly signed, in open session, and ordered transmitted to the Secretary of State.

**MESSAGES FROM THE SENATE**

Announcing that Enrolled **HBs 1622, 2735** and **HJR 1105** 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.

Announcing that Enrolled **HCR 1067** 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 539, 1531** and **1612**.

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

**Transmitting engrossed measures**

Announcing the passage of **SCRs 70, 75, 76** and **88**.

The above measures were introduced and read.

**SCR 70** – By Johnson (Constance), Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (Mike), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick of the Senate and Shelton of the House.

A Concurrent Resolution congratulating the Star Spencer Lady Bobcats for winning the Class 4A State Basketball Championship; commending their record; and directing distribution.

**SCR 75** – By Johnson (Constance), Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (Mike), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick of the Senate and Shelton of the House.

A Concurrent Resolution congratulating and commending Star Spencer High School Bobcat senior Raymond Lane for his two consecutive Class 3A State Wrestling Championships and his commitment to his family; and directing distribution.

**SCR 76** – By Mazzei, Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (Constance), Johnson (Mike), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick of the Senate and Peterson (Ron) of the House.

A Concurrent Resolution recognizing Robert “Bob” Mulkey for his accomplishments as the Oklahoma and National Quality Dealer of the Year for 2007; and directing distribution

**SCR 88** – By Anderson, Adelson, Aldridge, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (Constance), Johnson (Mike), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick of the Senate and Enns of the House.

A Concurrent Resolution supporting the purposes of the Oklahoma AgrAbility Project; designating May 5, 2008, “AgrAbility Day” at the Oklahoma State Capitol; and directing distribution.

### **Representative Ingmire Presiding**

#### **RESOLUTION FOR CONSIDERATION**

**HR 1067** was called up for consideration.

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

Upon motion of Representative Luttrell, **HR 1067** was considered and adopted.

**HR 1067** was referred for enrollment.

#### **RESOLUTION FOR CONSIDERATION**

**SCR 76** was called up for consideration.

Upon unanimous consent request of Representative Peterson (Ron), all Members of the House were added as coauthors.

Upon motion of Representative Peterson (Ron), **SCR 76** was considered and adopted.

**SCR 76** was properly signed, in open session, by the Presiding Officer and ordered returned to the Honorable Senate.

**RESOLUTION FOR CONSIDERATION**

**HCR 1075** was called up for consideration.

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

Authored by Senator Brogdon (principal Senate author)

Upon motion of Representative Derby, **HCR 1075** was considered and adopted.

**HCR 1075** was referred for engrossment.

**Speaker Pro Tempore Blackwell Presiding****PENDING CONSIDERATION OF SAs**

**SAs to HB 1460** were called up for consideration.

Upon motion of Representative Kern, the House concurred in the **SAs to HB 1460**.

**HB 1460**, 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, BigHorse, Billy, Blackwell, Braddock, Brannon, Brown, Cannaday, Carey, Cargill, Collins, Cooksey, Covey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Duncan, Ellis, Enns, Faught, Gilbert, Glenn, Hamilton, Harrison, Hickman, Hilliard, Hoskin, Hyman, Ingmire, Inman, Jackson, Jett, Johnson (Dennis), Johnson (Rob), Jordan, Joyner, Kern, Key, Lamons, Liebmann, Lindley, Martin (Scott), Martin (Steve), McAffrey, McCarter, McCullough, McDaniel (Randy), McMullen, McNiel, McPeak, Miller, Morgan, Murphey, Nations, Peters, Peterson (Pam), Peterson (Ron), Piatt, Pittman, Proctor, Pruett, Renegar, Reynolds, Richardson, Roan, Rousselot, Schwartz, Sears, Shannon, Sherrer, Shoemake, Shumate, Smithson, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Turner, Walker, Watson, Wesselhoft, Worthen, Wright, Mr. Speaker.--92.

Nay: Kiesel, Morrissette, Shelton.--3.

Excused: Coody, Jones, Luttrell, McDaniel (Jeannie), Steele, Winchester.--6.

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 2822** were called up for consideration.

Upon motion of Representative Sullivan, the House concurred in the SAs to **HB 2822**.

**HB 2822**, 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, BigHorse, Billy, Blackwell, Braddock, Brannon, Brown, Cannaday, Carey, Cargill, Collins, Coody, Cooksey, Covey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Duncan, Ellis, Enns, Faught, Gilbert, Glenn, Hamilton, Harrison, Hickman, Hilliard, Hoskin, Hyman, Ingmire, Inman, Jackson, Jett, Johnson (Dennis), Jones, Jordan, Joyner, Kern, Key, Kiesel, Lamons, Liebmann, Lindley, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCarter, McCullough, McDaniel (Randy), McMullen, McNiell, McPeak, Miller, Morgan, Morrisette, 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.--98.

Nay: Reynolds.--1.

Excused: Johnson (Rob), McDaniel (Jeannie).--2.

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 2226** were called up for consideration.

Coauthored by Representative(s) Brannon

Upon motion of Representative Smithson, the House concurred in the SAs to **HB 2226**.

**HB 2226**, 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, BigHorse, Billy, Blackwell, Braddock, Brannon, Brown, Cannaday, Carey, Cargill, Collins, Coody, Cooksey, Covey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Duncan, Ellis, Enns, Faught, Gilbert, Glenn, Hamilton, Harrison, Hickman, Hilliard, Hoskin, Hyman, Ingmire, Inman, Jackson, Jett, Johnson (Dennis), Johnson (Rob), Jones, Jordan, Joyner, Kern, Key, Kiesel, Lamons, Lindley, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCarter, McCullough, McDaniel (Randy), McMullen,

McNiel, McPeak, Morgan, Morrissette, Murphey, Peters, Peterson (Pam), Peterson (Ron), Piatt, Pittman, Proctor, Pruet, Reynolds, Richardson, Roan, Rousselot, Schwartz, Sears, Shannon, Shelton, Sherrer, Shumate, Smithson, Steele, Thompson, Thomsen, Tibbs, Trebilcock, Turner, Walker, Watson, Wesselhoft, Winchester, Worthen, Wright, Mr. Speaker.--93.

Nay: Renegar.--1.

Excused: Liebmann, McDaniel (Jeannie), Miller, Nations, Shoemake, Sullivan, Terrill.--7.

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 2490** were called up for consideration.

Upon motion of Representative Hilliard, the House concurred in the **SAs to HB 2490**.

**HB 2490**, 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, BigHorse, Billy, Blackwell, Braddock, Brannon, Brown, Cannaday, Carey, Cargill, Collins, Coody, Cooksey, Covey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Ellis, Enns, Faught, Gilbert, Glenn, Hamilton, Harrison, Hickman, Hilliard, Hoskin, Hyman, Ingmire, Inman, Jackson, Jett, Johnson (Dennis), Johnson (Rob), Jones, Jordan, Joyner, Kern, Key, Kiesel, Lamons, Lindley, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCarter, McCullough, McDaniel (Randy), McMullen, McNiel, McPeak, Morgan, Morrissette, Murphey, Peters, Peterson (Pam), Peterson (Ron), Piatt, Pittman, Proctor, Pruet, Renegar, Richardson, Roan, Rousselot, Schwartz, Sears, Shannon, Shelton, Sherrer, Shumate, Smithson, Steele, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Turner, Walker, Watson, Wesselhoft, Winchester, Worthen, Mr. Speaker.--92.

Nay: Duncan, Reynolds, Wright.--3.

Excused: Liebmann, McDaniel (Jeannie), Miller, Nations, Shoemake, Sullivan.--6.

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 2882** were called up for consideration.

Coauthored by Representative(s) Pittman

Upon motion of Representative Shelton, the House concurred in the **SAs to HB 2882**.

**HB 2882**, 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, Banz, Billy, Blackwell, Braddock, Brannon, Brown, Cargill, Collins, Coody, Cooksey, Covey, Cox, Dank, Denney, DeWitt, Ellis, Enns, Faught, Gilbert, Hamilton, Hickman, Ingmire, Inman, Jackson, Jett, Johnson (Rob), Jones, Jordan, Joyner, Kern, Key, Kiesel, Lamons, Lindley, Luttrell, McAffrey, McCarter, McDaniel (Randy), McMullen, McNiel, McPeak, Miller, Morgan, Morrisette, Murphey, Peters, Peterson (Pam), Piatt, Pittman, Proctor, Richardson, Roan, Schwartz, Sears, Shannon, Shelton, Shumate, Smithson, Steele, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Turner, Walker, Watson, Winchester, Worthen, Wright, Mr. Speaker.--73.

Nay: Auffet, BigHorse, Cannaday, Carey, Derby, Dorman, Duncan, Glenn, Harrison, Hilliard, Hoskin, Hyman, Martin (Scott), Martin (Steve), McCullough, Peterson (Ron), Pruett, Renegar, Reynolds, Rousselot, Sherrer, Wesselhoft.--22.

Excused: Johnson (Dennis), Liebmann, McDaniel (Jeannie), Nations, Shoemake, Sullivan.--6.

The measure passed.

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

**RESOLUTION FOR CONSIDERATION**

**SCR 84** was called up for consideration.

Upon motion of Representative Peters, **SCR 84** was considered and adopted.

**SCR 84** was properly signed, in open session, by the Presiding Officer and ordered returned to the Honorable Senate.

**PENDING CONSIDERATION OF CCR**

The **2nd CCR** on **SB 811** was called up for consideration.

Coauthored by Representative(s) Kern, Tibbs

Upon motion of Representative Sullivan, the **2nd CCR** on **SB 811** was adopted.

**SB 811**, 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: Adkins, Armes, Auffet, Banz, BigHorse, Billy, Blackwell, Brannon, Brown, Cannaday, Collins, Coody, Cooksey, 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, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCarter, McCullough, McDaniel (Randy), McMullen, McNiel, McPeak, Miller, Morgan, Murphey, Peters, Peterson (Pam), Peterson (Ron), Piatt, Proctor, Pruett, Renegar, Reynolds, Richardson, Roan, Rousselot, Schwartz, Sears, Shannon, Sherrer, Shumate, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Turner, Walker, Watson, Wesselhoft, Winchester, Worthen, Wright, Mr. Speaker.--85.

Nay: Braddock, Carey, Covey, Cox, Gilbert, Hamilton, Lamons, Lindley, Morrisette, Pittman, Shelton.--11.

Excused: Cargill, Liebmann, McDaniel (Jeannie), Nations, Shoemake.--5.

The measure and emergency passed.

**SB 811**, together with the conference committee report, thereon, was ordered returned to the Honorable Senate.

**MOTION**

Representative Coody asked that the Journal reflect that had she been present in the Chamber, she would have voted aye on **HB 1460**, which was the order.

**MESSAGES FROM THE SENATE**

Returning **HB 1021** together with conference committee report thereon, advising adoption of conference committee report and passage of measure as amended.

The above-numbered measure, as amended by the conference committee report, was referred for enrollment.

### **Concurrence in HAs**

Announcing the concurrence of Senate in **HAs** to **SBs 958, 1525, 1578** and **2066** and the passage of said measures, as amended thereby.

### **Conferees named**

Advising the naming of Senate conferees as follows:

**SB 1069** – Gumm, Ivester, Sparks, Laughlin, Johnson (Mike), Coffee

**SB 1428** – Sparks, Laster, Corn, Laughlin, Brown, Mazzei

**SB 1479** – Ballenger, Rabon, Burrage, Laughlin, Jolley, Williamson

**SB 1547** – Lerblance, Corn, Crutchfield, Williamson, Laughlin, Lamb

**SB 2076** – Sparks, Burrage, Wilson, Coffee, Johnson (Mike), Laughlin

**SB 2119** – Sparks, Adelson, Eason McIntyre, Laughlin, Brown, Jolley

### **MESSAGE FROM THE GOVERNOR**

Advising of his approval of **HB 2462** on May 2, 2008.

Representative Piatt moved that when the clerk's desk is clear, the House stand adjourned to reconvene at 9:30 a.m., Tuesday, May 6, 2008, which was the order.

Pursuant to the motion of Representative Piatt, the House was adjourned at 3:10 p.m., to reconvene Tuesday, May 6, 2008, at 9:30 a.m.